

MINUTES OF THE OCTOBER 13, 2011 MEETING OF THE TOWN BOARD OF  
THE TOWN OF POUND RIDGE HELD AT THE TOWN HOUSE, 179  
WESTCHESTER AVENUE, POUND RIDGE, N.Y., COMMENCING AT 8:00 P.M.

PRESENT: SUPERVISOR GARY WARSHAUER; COUNCIL MEMBERS:  
DANIEL PASCHKES, RICHARD LYMAN AND PAUL McCONVILLE

ALSO PRESENT: TOWN ATTORNEY, JAMES J. SULLIVAN, ESQ.  
TOWN CLERK, JOANNE PACE  
DEPUTY SUPERVISOR, JONATHAN POWERS

ABSENT: COUNCILMAN PETER FALCO

**CALL TO ORDER:** Supervisor Warshauer called the meeting to order at 8:00 p.m.

**CALL FOR EXECUTIVE SESSION:**

**Board Action:** :Motion by Councilman Paschkes, seconded by Councilman Lyman, all voting aye to hold an Executive Session on Friday, October 14, 2011 at 9:00 a.m. for personnel matters.

**ANNOUNCEMENTS:**

Supervisor Warshauer reminded everyone that the next Supervisor's Forum will be held on Saturday, November 19, 2011 from 10:00 a.m. – 11:30 a.m. at the Town House and will focus on Water Quality and Sustainability.

**MINUTES: Acknowledge/Correct/Accept Minutes of Town Board Meeting of Work Session September 28, 2011 and Town Board meeting October 6, 2011.**

**Board Action:** Motion by Councilman McConville, seconded by Councilman Lyman, all voting aye to acknowledge/correct/accept minutes of Work Session September 28, 2011 and Town Board meeting October 6, 2011.

**NEW BUSINESS:**

- **2% Tax Cap-Discuss scheduling Public Hearing for the November 10, 2011 Town Board meeting to consider a draft local law to allow the Town Board to override the tax cap, if determined to be necessary**

The Town of Pound Ridge is required by a recently adopted New York State Law to a maximum increase in property taxes of 2%, including State Unfunded Mandates of Pension Contributions, unless a Local Law to override the tax levy limit established in General Municipal Law 3-C is adopted. This would be done annually. In order to adopt a Local Law to override the tax levy limit of 2%, there has to be a Public Hearing.

MINUTES OF THE OCTOBER 13, 2011 MEETING OF THE TOWN BOARD OF  
THE TOWN OF POUND RIDGE HELD AT THE TOWN HOUSE, 179  
WESTCHESTER AVENUE, POUND RIDGE, N.Y., COMMENCING AT 8:00 P.M.

**RESOLUTION #: 151-11**

**Board Action:** Motion by Councilman McConville, seconded by Councilman Lyman, all voting aye on the following:

RESOLVED, that the Town Board hereby calls for a Public Hearing to be scheduled on Thursday, November 10, 2011 at 8:00 p.m. to consider adopting a Local Law to override the tax levy limit of 2%.

- **Pound Ridge Land Conservancy – request for use of Open Space Funds and discussion of Conservation initiatives**

The Pound Ridge Open Space Advisory Committee met on September 28, 2011 to consider a contribution by the Town from its open space fund to assist in the purchase of 16 acres on Honey Hollow Road. The property is owned by Bedford Associates. Two neighbors came to an agreement with Bedford Associates to purchase the property for preservation in the amount of \$825,000. They, along with the Westchester Land Trust, agreed to contribute approximately 70 percent of the total cost and would like the Town to contribute the rest out of the open space fund. The committee concluded that the preservation of the property would not have a significant enough benefit to Town residents to warrant the use of Town open space funds. Therefore, the committee recommends that the Town not contribute to its purchase.

Elyse Arnow, President of the Pound Ridge Land Conservancy, addressed the Town Board with a positive look at the 16 acres on Honey Hollow Road and is recommending that the Town Board consider buying 18% with the rest being leveraged by private owners because the property has notable conservation attributes. She said that this property has been identified as a priority parcel by the Land Conservancy Committee and went on to explain the attributes. It would be a protection of water quality as it is part of the drinking water supply system for New York City; it provides a diverse wildlife habitat and the electric transmission line right of way provides habitat diversity and a linear corridor for wildlife; it has scenic value and contributes to the rural aesthetic of the roadside and it is within the Eastern Westchester Biotic Corridor. According to the value rating system utilized by the Westchester Land Trust, the WLT has assigned a Conservation Value totaling 26/40; Open Space totaling 18/30 and Education, Recreation/Community Land Preservation totaling 18/30, giving a Conservation merit total of 62/100. The Land Conservancy would like the Town of Pound Ridge to contribute \$156,236 out of the Open Space Funds.

Joan Keating and Melinda Avellino, both members of the Land Conservancy, also gave their opinion as to why it would be a positive purchase for the Town. The Pound Ridge Land Conservancy would own it with an easement for the Town. There could be public access; however, parking is a problem.

MINUTES OF THE OCTOBER 13, 2011 MEETING OF THE TOWN BOARD OF THE TOWN OF POUND RIDGE HELD AT THE TOWN HOUSE, 179 WESTCHESTER AVENUE, POUND RIDGE, N.Y., COMMENCING AT 8:00 P.M. Gail Jankus, Open Space Committee, mentioned that the Committee is more interested in future purchases that may have more of a benefit for the Town. They are looking at a bigger picture.

Supervisor Warshauer said that he would like to meet with the Open Space Committee to fully understand their reasoning and then would like to reconvene the Town Board to make a decision. Elyse Arnow mentioned that time is an important factor and the decision must be made before the end of the year per the private contributors.

Elyse Arnow also mentioned that the trails around Town need maintenance. The Aquarion Trail has silt and waterflow up to the bridge and the pipes are blocked. The trail doesn't even exist at the Lawther property. The Land Conservancy will provide the labor but needs to know their limitations. They would also request help from our Highway Department. Assistance is needed.

Elyse Arnow would like to have a committee to implement the suggestions in the Comprehensive Plan. It would be wonderful to have a strong partnership with the Conservation Board and have a priority list from each of the Boards and Commissions. Supervisor Warshauer said that he has met with Board and Commission Chairpersons requesting their list of priorities and has received some responses, including those from the Housing Board which are currently being worked on. He will do his best to urge all Boards to respond.

- **Town Clerk-recommendation to accept bids for 2011-2012 Fuel Oil and Service Contract**

#### **RESOLUTION #: 152-11**

**Board Action:** Motion by Councilman Paschkes, seconded by Councilman McConville, all voting aye on the following:

WHEREAS, the Town Clerk's office received two bid packages for #2 heating oil and/or diesel fuel product and service contracts which were opened on Thursday, September 29, 2011 by Town Clerk Joanne Pace and Deputy Town Clerk Carole Wollenweber, And,

WHEREAS, Burke Heat will deliver Product for all facilities at eleven (+11) cents per gallon above the low New York Harbor Barge Reseller's price, and Marshall Oil Company will deliver Product for all facilities at twelve (+12) cents per gallon above the low New York Harbor Barge Reseller's price And,

WHEREAS, Marshall Oil Company will provide a service contract for one hundred twenty (\$120) dollars per unit and seventy (\$70.00) dollars per oil fired water heater as well as they enclosed a bidder's non-collusion statement as requested, and Burke Heat will provide a service contract, for two hundred fifty

MINUTES OF THE OCTOBER 13, 2011 MEETING OF THE TOWN BOARD OF  
THE TOWN OF POUND RIDGE HELD AT THE TOWN HOUSE, 179  
WESTCHESTER AVENUE, POUND RIDGE, N.Y., COMMENCING AT 8:00 P.M.

dollars (\$250) per service & oil burner parts agreement as well as they enclosed a bidder's non-collusion statement as requested, AND

WHEREAS, Finance Director Steve Conti prepared an analysis of the bids which included both the Product and Service Contracts and determined that the bid from Marshall Oil Company is the low bid, Now, Therefore, Be It

RESOLVED, that the Town Board hereby awards the bid to Marshall Oil Company to supply the Town with No.2 Fuel Oil and the service contract because overall, they are the lowest bidder.

- **Court Clerk- requesting authorization for Lavina Paschkes to attend the annual conference**

Councilman Paschkes recused himself from this discussion. Court Clerk is requesting permission to send Lavina Paschkes to the Association of Magistrates Court Clerks annual conference on February 19-21, 2012 at the Sheraton NY Hotel in NYC. The conference will cost approximately \$725.00 including hotel, pre-registration and meals.

**RESOLUTION #: 153-11**

**Board Action:** Motion by Councilman Lyman, seconded by Councilman McConville, the Board polled and motion passed 3-0 on the following:

RESOLVED, that the Town Board hereby authorizes Lavina Paschkes, Assistant Court Clerk, to attend the annual conference of the Association of Magistrates on February 19-21, 2011 at the Sheraton NY Hotel in NYC. The conference will cost approximately \$725.00 including hotel, pre-registration and meals.

- **Planning Board – requesting release of bond to Vibar Construction, associated with White Birch Lane**

At the regular meeting of the Planning Board on September 22, 2011, members voted unanimously to approve release of the \$28,600 (plus interest) currently held by the Town in an account for George Vignogna. Mr. Vignogna does not want dedication of the road. Woodard & Curran sent a memo to the Planning Board dated 9/20/11 stating that the bond held can be released and Vinnie Duffield, Highway Superintendent authorized the release of the construction performance bond to Vibar Construction.

**RESOLUTION #: 154 -11**

**Board Action:** Motion by Councilman Lyman, seconded by Councilman McConville, all voting aye on the following:

RESOLVED, that the Town Board hereby agrees to release the Construction/Performance bond put in place for the White Birch Lane

MINUTES OF THE OCTOBER 13, 2011 MEETING OF THE TOWN BOARD OF  
THE TOWN OF POUND RIDGE HELD AT THE TOWN HOUSE, 179  
WESTCHESTER AVENUE, POUND RIDGE, N.Y., COMMENCING AT 8:00 P.M.

improvements, it being specifically acknowledged that White Birch Lane, as improved, has not and will not be offered to the Town of Pound Ridge for dedication, in the amount of twenty-eight thousand six hundred dollars (\$28,600) to Vibar Construction.

**FINANCIAL MATTERS**

- **Recreation Department- requesting refund**

**RESOLUTION #: 155-11**

**Board Action:** Motion by Councilman McConville, seconded by Councilman Lyman, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes the following refund:

Barbara Earle                      \$25.00 from A7620                      Refund for trip to Stone Barns  
24 Sherwood Rd.  
Pound Ridge, NY 10576

- **Tax Receiver – requesting authorization to refund overpayment**

**RESOLUTION #: 156 -11**

**Board Action:** Motion by Councilman Lyman, seconded by Councilman McConville, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes the refund of over payments of the 2011/2012 School Tax to:

Filizzola, 11 Old Pound Road, Pound Ridge, NY in the amount of \$80.35 due to overpayment. Refund to be sent to: Titleworks Abstract, Inc., 18 Fairview Street, Huntington, NY 11743.

**Pay Bills**

**RESOLUTION # 157-11**

**Board Action:** Motion by Councilman McConville, seconded by Councilman Lyman, Board polled, Councilman Lyman, aye, Councilman McConville, aye, Councilman Paschkes, nay due to the fact that Councilman Falco was not present at the meeting and Supervisor Warshauer, aye, motion carried 3-1 on the following:

MINUTES OF THE OCTOBER 13, 2011 MEETING OF THE TOWN BOARD OF  
THE TOWN OF POUND RIDGE HELD AT THE TOWN HOUSE, 179  
WESTCHESTER AVENUE, POUND RIDGE, N.Y., COMMENCING AT 8:00 P.M.

WHEREAS, Councilman Falco has audited claims for payment, that  
unanticipated circumstances resulted in his being absent from tonight's meeting,  
that he notified the Town Clerk and Town Supervisor that he has reviewed,  
audited and approved the bills for payment, that said fully executed claim forms  
were in the possession of the Town Clerk, and has reported that same could be  
paid, Now, Therefore, Be It

RESOLVED, that the Supervisor be and is hereby authorized to pay the following  
claims for payment provided there are sufficient funds in the account to which a  
claim may be charged:

<b>GENERAL FUND</b>	<b>G</b>		<b>\$75,237.17</b>
<b>HIGHWAY FUND</b>	<b>D</b>		<b>\$ 40,684.59</b>
<b>PARKING DISTRICT</b>	<b>ST</b>		<b>\$1,256.00</b>
<b>TRUST &amp; AGENCY</b>	<b>T</b>		<b>\$88,175.34</b>
<b>CAPITAL</b>	<b>H</b>		<b>\$ 0</b>

- **Acknowledge receipt of monthly reports**

Monthly reports have been received for September 2011 from the various departments  
and are on file with the Town Clerk's office.

**ADJOURNMENT:** There being no further business to come before the Board, the  
meeting was adjourned at 9:15 p.m.

Joanne Pace  
Dated at Pound Ridge, New York  
October 14, 2011