

MINUTES OF THE NOVEMBER 10, 2011 MEETING OF THE TOWN BOARD OF THE TOWN OF POUND RIDGE AND PUBLIC HEARING HELD AT THE TOWN HOUSE, 179 WESTCHESTER AVENUE, POUND RIDGE, N.Y., COMMENCING AT 7:00 P.M.

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

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

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

ANNOUNCEMENTS:

- Supervisor's Forum on Water Quality and Sustainability will be held at 10:00 a.m. on Saturday, November 19, 2011, at the Town House.
- Supervisor Warshauer thanked all the volunteers and staff for all their hard work and efforts during the recent snow storm. The response of our OEM and our volunteers has been fantastic. We own them all our gratitude.
- Supervisor Warshauer announced the sad news of two deaths this week. Councilman Paschkes' father Alfred Paschkes passed away. He was a longtime resident and was one of our special speakers at a past Memorial Day commemoration. The other person was Vincent Duffield, Sr. who was a former employee with the Highway Department, Deputy Chief and former Chief of the Pound Ridge Fire Department and the father of our Highway Superintendent Vincent Duffield, Jr. Our sincere condolences go out to the families.

Councilman Paschkes commented on the understanding and support he and his family received during this time. He gave sincere and heartfelt thanks to all.

MINUTES: Acknowledge/correct/accept minutes of the Town Board Work Session held on October 26, 2011.

The minutes will be acknowledged at our next Town Board meeting.

Supervisor Warshauer moved a part of the New Business up in front of the Public Hearing.

Universal Pictures – requesting to amend their filming permit

The Town Board granted a filming permit to Universal Pictures and the producer is requesting an additional driving scene that would involve a driver in a car with a camera inside, two prop fire trucks and another pedestrian vehicle driving down a two way street. They listed a number of streets that they would like to consider:

Honey Hollow Rd. (between Stone Hill Rd. and Saddle Ridge)
East Woods Rd. (between Siscowit Rd. & Millhouse Way)
Upper Shad Rd. @ Bayberry Way
Old Corner Rd. (between Pine Brook Rd. & Pound Ridge Rd.)
Old Church Lane/Conant Valley Rd
Indian Hill Rd (between Landt Lane & Fox Run Rd)

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The location scouts decided that the best street for them would be East Woods Road between Siscowit Road and Millhouse Way. The Town Board discussed this area and felt it would be less intrusive than the others and would probably work out fine; however the final decision on this addition was left to the discretion of Chief Ryan.

RESOLUTION #: 158 -11

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

RESOLVED, that the Town Board hereby approves the amendment to the Filming Permit issued to Universal Pictures to include a driving scene on East Woods Road between Siscowit Road and Millhouse Way subject to Chief Ryan's approval of the street selection.

Another request is to use the Town Park parking lot on Monday, November 14, 2011 for their equipment. The Recreation Commission granted permission for them to use the parking lot.

Supervisor Warshauer moved another New Business item on the agenda ahead of the Public Hearing.

Pound Ridge Land Conservancy request for use of Open Space Funds

There was a reduction in the amount of the Town's contribution requested by the Pound Ridge Land Conservancy, which has been submitted to the Open Space Acquisitions Committee. The Town Board will wait to hear back from the Open Space Committee before they make a decision. This will be discussed at a future Town Board meeting.

PUBLIC HEARING: To consider and act upon adopting a local law allowing the Town Board to override the New York State imposed 2% Tax Cap, for the 2012 Town Budget.

Board Action: Motion by Councilman McConville, seconded by Councilman Lyman, all voting aye to open the Public Hearing to consider and act upon adopting a local law allowing the Town Board to override the New York State imposed 2% Tax Cap, for the 2012 Town Budget.

The Town Board has authorization to override the 2% tax cap for the Town of Pound Ridge and Parking District recently enacted by the State Legislature for the year 2012. A local law must be adopted for the fiscal year 2012 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c before adopting the Town Budget for 2012. The following is the proposed Local Law #3 of 2012.

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BE IT ENACTED by the Town Board of the Town of POUND RIDGE as follows: A

local law to override the tax levy limit established in General Municipal Law 3-c

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Pound Ridge and Pound Ridge Parking District #1 pursuant to General Municipal Law §3-c, and to allow the Town of Pound Ridge and Pound Ridge Parking District #1 to adopt budgets for the fiscal year 2012 that require a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

It is the determination of the Town Board of the Town of Pound Ridge that the property tax cap recently enacted by the State Legislature is unfair to the residents of the Town of Pound Ridge and Pound Ridge Parking District #1 and would severely curtail the ability of the Town of Pound Ridge and to provide necessary services to Town residents and businesses. Thus, it is in the best interests of the Town of Pound Ridge and its residents, that the within Local Law be enacted. It also is the determination of the Pound Ridge Town Board that to meet the dates by which the 2012 budget must by State law be adopted, the Town Board requires the flexibility which this local law would provide.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax cap for the Town of Pound Ridge and Special District located within the Town of Pound Ridge by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Pound Ridge, County of Westchester is hereby authorized to adopt a budget for the Town of Pound Ridge for the fiscal year 2012 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

The Town Board of the Town of Pound Ridge, County of Westchester is hereby authorized to adopt a budget for the Pound Ridge Parking District #1 for the fiscal year 2012 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

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If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudicated by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

There were no comments from the audience. Councilman Paschkes said that the Town Board has always been fiscally conservative and he finds it offensive that the State Legislature passed this 2% tax cap.

Supervisor Warshauer echoed Councilman Paschkes comments and together with Finance Director Steve Conti generally summarized the 2012 Tentative Budget by saying that it responsibly addresses the needs of our community and were it not for the increase in the Open Space Acquisition Fund, which was the subject of a town wide referendum, we would be within the 2% tax cap. The budget also includes a 2.5% increase in salaries and a reduction in the use of Fund Balance.

Board Action: Motion by Councilman Paschkes, seconded by Councilman Lyman, all voting aye to close the Public Hearing to consider and act upon adopting a local law allowing the Town Board to override the New York State imposed 2% Tax Cap, for the 2012 Town Budget.

RESOLUTION #: 159-11

Board Action: Motion by Councilman Lyman, seconded by Councilman Falco, the Board polled and motion passed 5-0, on the following:

RESOLVED, that the Town Board hereby adopts Local Law 3-2011 allowing the Town Board to override the New York State imposed 2% Tax Cap, for the 2012 Town Budget, prescribed in General Municipal Law §3-c.

NEW BUSINESS:

Schedule Public Hearing for December 1, 2011 to consider adoption of the 2012 Budget

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Supervisor Warshauer reported that the Tentative 2012 budget was filed with the Town Clerk on October 31, 2011. The tentative budget will be posted on the town website. The Supervisor asked for a motion to schedule the Public Hearing on the 2012 Budget for December 1, 2011.

RESOLUTION #: 160-11

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

RESOLVED, that the Town Board hereby authorizes the Town Clerk to call for a Public Hearing for Thursday, December 1, 2011 at 8:00 p.m. to consider adoption of the 2012 Budget.

Schedule Public Hearing to consider amendments to Chapter 39 of the Town Code-Animals: Control of Dogs

RESOLUTION #: 161-11

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

RESOLVED, that the Town Board hereby authorizes the Town Clerk to call for a Public Hearing for Thursday, December 8, 2011 to consider amendments to Chapter 39 of the Town Code-Animals: Control of Dogs incorporating fines for unlicensed dogs.

Inn at Pound Ridge Special Use Permit application

Lucia Chiochio, Cuddy & Feder, is representing KKPR, LLC in connection with its Special Use Permit to operate a restaurant at 258 Westchester Avenue, Pound Ridge, NY, formerly Inn at Pound Ridge. The current plans for the restaurant will comply with all of the conditions set forth in the Special Use Permit approval previously granted by the Town Board. The current plans also include enhancements to the premises that are mainly aesthetic in nature. Some of the enhancements include landscaping along the front of the premises and the northern and southern property boundaries; repairing and updating existing landscaped islands; installation of a wood privacy fence along the southern property boundary for additional screening; relocation of above ground propane tanks to an underground location; upgrading of existing water system to provide enhanced water treatment; a sprinkler system installation with underground sprinkler system storage tanks; modest architectural improvements that include the removal of the existing canopy and installation of a wood trellis; replacement of some existing windows and doors and small low wattage lighting fixtures for the parking areas.

Kenneth and Kathleen Tropin are the owners of the property and Mr. Tropin spoke briefly about the restaurant. He is bringing in a very famous chef, Jean Georges Vongerichten to launch a first class restaurant. He will fully comply with the Special Use Permit already granted. There will be some amendments to the permit because there is an operator other than the owner. Ms. Chiochio

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of Cuddy & Feder will make the necessary amendments and forward the Special Use Permit over to our Town Attorney for review. They will also go to the next Landmarks and Historical District meeting with their proposed landscaping plans and any renovation plans. Once the plans have been finalized, they will come back to the Town Board for continued review of the Special Use Permit application.

Oceanus Navigation - Planning Board recommendation for a conservation subdivision

Ruth Roth, an attorney with Cuddy & Feder, spoke representing the owner of the Oceanus Navigation property. She gave a brief description of the property and how it will be subdivided and explained that the density will not exceed the density of a conventional subdivision. James Ryan, engineer with John Meyer Consulting, showed a Power Point to the Town Board and explained that they initially submitted a conventional subdivision plan and ended up with a number of different cluster plans. Mr. Ryan stated that an adjoining property had been purchased during the review process to provide access that he believed was a major mitigation measure to avoid much of the wetlands disturbance on the property. Mr. Ryan said that the proposed subdivision was increased from 11 lots to 12 lots because of the addition of the Santa Maria property. The residence on that property will be removed.

There is an existing house on the Oceanus property owned by C. C. Hsu. A major stream corridor runs through the middle of the property. There are State regulated wetlands on the property with a 100' regulated area requirement. The Oceanus Navigation Corporation (the "Applicant") proposal is for a 15-lot cluster subdivision (including 3 open space/conservation parcels) equaling 105.68 acres in area. The Planning Board forwarded a positive recommendation to the Town Board for approval of the proposed subdivision. The proposal that was presented to the Town Board was for a conceptual conservation/cluster subdivision that would allow the Planning Board some flexibility in the overall bulk requirements of the individual lots to make the plan more workable within the property and to preserve some environmental features that could have been disturbed by the conventional plan.

Mr. Ryan said that, on the conservation plan, they have created two major parcels for open space and one lot for storm water. He explained that out of approximately 1600 linear feet of stone walls, they have been able to save the vast majority of them. The plan includes significant storm water management efforts for both quantity and quality.

The Town Board members will consider the information submitted by the Planning Board and presented by the applicant and put the matter on a future agenda for a decision on granting the Planning Board the power to apply Conservation Development standards to this property.

Assessor – request approval of 2012 Tax Mapping Agreement
- **request authorization to attend one-day seminar**

Carole Long, Assessor, gave a memo to the Town Board for their approval for the 2012 Tax Map maintenance contract. There is an increase of \$15.00 per month, from an annual fee of \$4,620 to \$4,800.

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RESOLUTION #: 162-11

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

RESOLVED, that the Town Board hereby authorizes Supervisor Warshauer to sign the 2012 Tax Map maintenance contract with MRB, Engineering, Architecture, Surveying, P.C. in Rochester, NY with an annual fee of \$4,800.

Carole Long, Assessor is also requesting permission to go with Michele Jordan to a 6 credit one-day seminar, "What is Income?" on December 2, 2011 at the Holiday Inn in Fishkill, NY for a cost of \$195.

RESOLUTION #: 163-11

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

RESOLVED, that the Town Board hereby authorizes Carole Long and Michele Jordan to attend a 6 credit one-day seminar, "What is Income?" on December 2, 2011 at the Holiday Inn in Fishkill, NY for a cost of \$195.

Accept resignation of a police officer

On September 12, 2011, Police Officer John Caoili announced his resignation as a Police Officer with the Town of Pound Ridge. The Town Board did not officially accept the resignation at that time.

RESOLUTION #: 164 -11

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

RESOLVED, that the Town Board hereby accepts the resignation of Police Officer John Caioli effective September 30, 2011. The Town Board thanked him for his service with Pound Ridge and wishes him well in his new endeavor.

Police Department – request to accept DWI Grant for 2011-2015

On September 23, 2011, Supervisor Warshauer signed the 2011-2015 STOP DWI Agreement with Westchester County, pursuant to discussions with the Town Board during the 2011 budget

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process. The grant to be received by the Town is an amount not to exceed \$8,400 per year. A resolution authorizing Supervisor Warshauer to sign the agreement was not included with the agreement and the County is requesting such a resolution.

RESOLUTION #: 165 -11

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

RESOLVED, that the Town Board hereby confirms the authorization of Supervisor Warshauer to sign the 2011-2015 STOP DWI Agreement with Westchester County in an amount not to exceed \$8,400 per year.

Sale of Cemetery Plot-Duffield

RESOLUTION #: 166-11

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

RESOLVED, that the Supervisor be and is hereby authorized to sell Town Cemetery Plot #183A Section 2 to Nancy Duffield, 126 Lake Kitchawan Drive, South Salem, N.Y. 10590, in the amount of \$2,000 for two gravesites.

FINANCIAL MATTERS:

Recreation Department – requesting authorization to refund

RESOLUTION #: 167 -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 following refunds:

Charles Wade 25 Trinity Lane Pound Ridge, NY 10576	\$60.00 from A7620	Cancelled trip
Gigi Rowe 365 Salem Rd. Pound Ridge, NY 10576	\$25.00 from A2001	Overpayment of group tennis lessons

Receipt of monthly reports

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The monthly reports have been received from the various departments and are on file in the Town Clerk's office.

Pay Bills

RESOLUTION #: 168-11

Board Action: Motion by Councilman Paschkes, seconded by Councilman Lyman, Board polled, motion passing 4-0 with Councilman Falco abstaining, to authorize payment of bills:

WHEREAS, Councilman Falco has audited claims for payment 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:

GENERAL FUND	G		\$141,219.50
HIGHWAY FUND	D		\$ 66,206.43
PARKING DISTRICT	ST		\$ 483.30
TRUST AND AGENCY	T		\$ 90,149.49
CAPITAL	H		\$ 0

ADJOURNMENT: There being no further business to come before the Board, Supervisor Warshauer adjourned the regular meeting at 10:10 p.m.

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

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