

MINUTES OF THE DECEMBER 6, 2012 MEETING OF THE TOWN BOARD OF
THE TOWN OF POUND RIDGE AND PUBLIC HEARINGS HELD AT THE TOWN
HOUSE, 179 WESTCHESTER AVENUE, POUND RIDGE, N.Y., COMMENCING AT
8:00 P.M.

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

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

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

ANNOUNCEMENTS:

The Town Board Work Session is to be rescheduled from 12/26/12 to 12/19/12 at 8:00 a.m.

Supervisor Warshauer announced that the Town Board received a request for a letter in support of the Pound Ridge Land Conservancy Grant Application 2012/2013 for the land steward/educator at the Armstrong Education Center. The Town Board did this last year.

Board Action: Motion by Councilwoman Boak, seconded by Councilman Paschkas, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes Supervisor Warshauer to sign the support letter for the Pound Ridge Land Conservancy Grant Application 2012/2013 for the land steward/educator at the Armstrong Education Center.

Supervisor Warshauer extended thanks again to everyone that helped and volunteered their services during the storm. There was a recognition dinner given in support of the volunteers and that was all donated by the Lions, Bedford Post, Scotts Corners Market and the Pound Ridge PBA. Supervisor Warshauer thanked them for their support.

Lisl Steiner-Monchek is going to put together a documentary of pictures from Storm Sandy.

Supervisor Warshauer announced that in the aftermath of the storm, the Town has lost an icon, Carl Breuninger, our Cemetery Commissioner. We all reflected our thoughts about Carl and the Town Board asked for a moment of silence. He will certainly be missed.

MINUTES: Acknowledge/correct/accept minutes of the Town Board Executive Session held on September 19, 2012, Town Board Meeting held on October 4, 2012, Town Board Executive Session held on October 12, 2012 and October 26, 2012, Town Board Meeting held on November 8, 2012 and Town Board Work Session

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held on November 28, 2012 and Town Board Executive Session held on November 28, 2012.

RESOLUTION #: 200 -12

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

RESOLVED, that the Town Board hereby accepts the minutes of the Town Board Executive Session with spelling correction held on September 19, 2012, Town Board Meeting held on October 4, 2012, Town Board Executive Session held on October 12, 2012 and October 26, 2012, Town Board Meeting held on November 8, 2012 and Town Board Work Session held on November 28, 2012 and Town Board Executive Session held on November 28, 2012.

PUBLIC HEARING: To consider and act upon the override of the New York State imposed 2% Tax Cap, for the 2013 Town Budget.

Board Action: Motion by Councilman Falco, seconded by Councilwoman Boak, all voting aye to open the Public Hearing to consider and act upon the override of the New York State imposed 2% Tax Cap, for the 2013 Town Budget.

Notice of Public Hearing appeared in the November 23, 2012 issue of the Record Review, the Town's official newspaper. 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 in 2011. In order to increase taxes beyond the 2% there is a requirement of a vote of 60% of the Town Board. The one thing that the State overlooked in adopting this legislation is the local issues and unfunded mandates that the State has imposed upon us. Pension fund contributions and unfunded MS4 requirements are among the mandates that push us over the 2% tax cap. In order to put forward a responsible budget, Supervisor Warshauer is asking the Town Board to consider adopting the following Local Law:

The Draft Local Law 6 of 2012 is as follows:

PROPOSED LOCAL LAW 6- 2012
TOWN OF POUND RIDGE

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 2013 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 enacted in 2011 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 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 2013 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 2013 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 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

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Section 4. Severability

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.

Board Action: Motion by Councilman Lyman, seconded by Councilman Falco, all voting aye to close the Public Hearing to consider and act upon the override of the New York State imposed 2% Tax Cap, for the 2013 Town Budget.

RESOLUTION #: 201-12

Board Action: Motion by Councilman Lyman, seconded by Councilwoman Boak, all voting aye and motion passing 5-0, on the following:

RESOLVED, that the Town Board hereby adopts Local Law 6-2012 which overrides the New York State imposed 2% Tax Cap, for the 2013 Town Budget, prescribed in General Municipal Law §3-c.

PUBLIC HEARING: To consider and act upon the adoption of the 2013 Budget

Board Action: Motion by Councilman Paschkes, seconded by Councilman Falco, all voting aye to open the Public Hearing to consider and act upon the adoption of the 2013 Budget.

Notice of Public Hearing appeared in the November 23, 2012 issue of the Record Review, the Town's official newspaper. Supervisor Warshauer said that the Town Board together with Steve Conti, as well as the entire Town staff, has worked very hard to make the 2013 budget as efficient as possible providing the services necessary to meet needs of our residents. It is a balanced budget. Steve Conti, Director of Finance, presented a power point presentation of the 2013 Budget. The budget shows the appropriations are approximately \$7.0 million and revenues of \$2.23 million. Tax Levy equals \$4,922,336.

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The Tax Levy increased by \$190,225 resulting in a 3.7% tax increase. The Town decreased the appropriated Fund Balance by \$330,000 to make it \$0. Steve continued to read the Highlights of the 2013 Budget which is detailed below:

General Fund appropriations - \$5,314,633

Highway Fund appropriations - \$1,840,702

Land Reserve appropriations - \$ 0

Total Proposed Town Budget \$7,155,336, of which we have revenues of \$2,233,000 and Fund Balance of \$0; which leaves the Town \$4,922,336 to be raised by taxes. The tax rate for 2012 was 12.1055 and is 13.3459 for 2013. The Land Reserve Fund is \$0 per \$1,000 assessed value for 2013.

The 2013 Budget Highlights are as follows:

GENERAL & HIGHWAY FUNDS COMBINED:

Appropriations Increased = 2.27% (\$158,746)

Estimated Revenues Increase = 2.04% (\$44,600)

Appropriated Fund Balance Decrease = 100% (-\$330,000)

Taxable Value Decrease (Town-Wide Assessments) = -.30% (-\$13,326)

Taxable Increase over 2012 Adopted Budget = 3.40% (\$167,020)

Tax Increase from Operations after change in Taxable Value = 3.70%

APPROPRIATIONS:

Repayment of Bonds = \$153,050

Repayment of Installment Debt = \$44,178

Salary Increases for Town Employees = \$11,500

COMMUNITY SERVICES:

Advanced Life Support Ambulance - \$108,550

Senior Support Programs & Van Service - \$33,102

Recycling Program - \$16,000

Department of Environmental Protection - \$30,000

Additional Overnight Shifts for Police Department - \$35,000

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CAPITAL IMPROVEMENTS:

Road Maintenance and Pool Improvements - \$300,000

New Truck for Building Department - \$40,000

Supervisor Warshauer asked if there were any comments from the audience on the 2013 budget.

Josina vander Maas, resident, commended the entire Town government for being very frugal and wise with the use of our money.

Councilwoman Boak wanted to urge the Town Board that they move on a formal employee appraisal process for the Town. They should provide recognition for their accomplishments and encourages responsibility taking for performance in progress and provides opportunity for career development and improvement. She feels that there should be a formal committee with some Town employees on it to work to develop some sort of process. She would like to maintain the character and feel of the Town but doesn't feel comfortable in the way the raises are administered currently.

Councilman Lyman thanked Steve Conti for his input.

Councilman Falco said that on the fund balance issue, for many years the Town had built up a good reserve and was able to manage and save for the downturn of the magnitude we have currently. He also mentioned that the employees work very hard and appreciates all the work.

Councilman Paschkes said the most important thing is that the appropriations that are below from what we spent in 2007, 2008 and 2009. We are running very close and it is the best possible budget given the circumstances.

Supervisor Warshauer also mentioned that the residents helped in the budget by passing the referendum to defer the Open Space contribution.

Board Action: Motion by Councilman Falco, seconded by Councilman Lyman, all voting aye to close the Public Hearing to consider and act upon the adoption of the 2013 Budget.

RESOLUTION #: 202 -12

Board Action: Motion by Councilman Lyman, seconded by Councilman Falco, the Board polled with Councilman Falco, aye, Councilman Lyman, aye, Councilwoman Boak, aye, Councilman Paschkes, aye and Supervisor Warshauer, aye motion passing 5-0 on the following:

RESOLVED, that the Town Board hereby adopts the 2013 Budget as presented.

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Supervisor Warshauer thanked Finance Director Steve Conti, all Department Heads and employees and the Town Board for all their input and help in preparing the 2013 budget.

NEW BUSINESS:

- **Town Clerk – Sale of Cemetery Plots**

RESOLUTION #: 203-12

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

RESOLVED, that the Supervisor be and is hereby authorized to sell Town Cemetery Plots #105 and 106, Section 3 (4 gravesites) to John and Julie Tsai, 9 Morgan Place, Avon, CT 06001 in the amount of four thousand dollars (\$4000.00).

FINANCIAL MATTERS:

- **Recreation Department – requests authorization for refund deposit on duplicate payments**

RESOLUTION #: 204-12

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

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

Jocelyn Gruber	\$95.00 from A2001	Duplication of payment
270 Trinity Pass		flag football program
Pound Ridge, NY 10576		

- **Receiver of Taxes – requesting refund for school tax duplicate payment**

RESOLUTION #: 205-12

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

RESOLVED, that the Town Board hereby authorizes the following refunds for duplicate payments and overpayments of the 2012/2013 school tax:

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<u>NAME</u>	<u>PARCEL</u>	<u>AMOUNT PAID</u>	<u>REFUND DUE</u>	<u>REASON</u>
Vaccaro	9317-88	\$ 6,605.27	\$ 6,605.27	Duplicate pmt.
Maller	9317-89	\$ 2,719.86	\$ 2,719.86	Duplicate pmt.
Kent	9456-3.2	\$ 3,558.29	\$ 3,558.29	Duplicate pmt.
Schneider	9450-12	\$ 4,701.47	\$ 4,701.47	Duplicate pmt.
Washburn	9031-20	\$ 396.31	\$ 132.11	overpayment
O'Neil	9031-165	\$28,752.78	\$14,476.39	Duplicate pmt.
Shearer	9816-27	\$ 2,405.29	\$ 147.60	overpayment
Barber	9821-3	\$18,884.73	\$ 40.00	overpayment

ADJOURNMENT: There being no further business to come before the Board,
Supervisor Warshauer adjourned the regular meeting at 8:30 p.m.

Joanne Pace
Dated at Pound Ridge, New York
December 7, 2012

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