

MINUTES OF THE MAY 10, 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, PETER FALCO, DANIEL PASCHKES AND
ALISON BOAK

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

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

CALL FOR EXECUTIVE SESSION: None

ANNOUNCEMENTS: None

MINUTES: Acknowledge/correct/accept minutes of the Town Board Work Session held on April 25, 2012

This will be acknowledged at the next meeting.

Supervisor Warshauer went out of agenda order and allowed the Sustainability Task Force chair John Maddocks to introduce and present the “Partnership Pact Resolution” first.

Sustainability Task Force-consider adoption of the “Partnership Pact Resolution” and institute the Energize Pound Ridge Program

The Sustainability Task Force is asking the Town Board to consider adopting the “Partnership Pact Resolution” and institute the Energize Pound Ridge Program. Tom Bergman, Director of Energize NY and Patrice Hauptman, Community Outreach Director of NY, gave a synopsis of what the Energize Pound Ridge Pact is all about. Some of the highlights of the program are that it won’t cost the Town anything for an energy assessment because it is a community-based energy efficiency program funded through the Department of Energy and New York State Energy Research and Development Authority (NYSERDA) grants. The program assists finding reputable contractors and financing improvements. This is actually going to be a part of a larger program called “Better Building” Program. The main goal is to work on energy efficiency and there are 15 municipalities in the consortium. There are currently 250,000 people and 60,000 homes involved. The program is not renewable energy or energy conservation. It is physics and building science making buildings more efficient and less wasteful. The main goal is to reduce energy waste and keep the building warmer in the winter and cooler in the summer. It is merely a tune up of the home. The program is meant to modify the behavior on how they use energy. If one in three homes gets with the program, there can be an overall savings of approximately \$50 million dollars. It can also increase the resale value of your home and is focused on health and safety. Once solutions are identified,

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there are low interest loans available at 2.99% through the program. It mainly aims at air sealing, insulation improvements and boiler replacements. It does not include window replacement. The first step is to promote the program through a trusted organization that backs it up. Elyse Arnov, Fancher Road, encourages the Town Board to take this first step in energy efficiency and announced that there will be an open house Saturday, May 12th at the Armstrong House which will demonstrate many ways to conserve energy.

Generic NWEAC Municipal Resolution for Energize Partnership Pact

RESOLUTION #: 106-12

Board Action: Motion by Councilman Lyman, seconded by Councilman Paschkes, the following resolution was adopted by the Town Board of the Town of Pound Ridge, New York:

WHEREAS, the Town of Bedford, as lead municipality, and the Northern Westchester Energy Action Consortium, as inter-municipal partner with Bedford, have been awarded significant funding by both NYSERDA and the US Department of Energy to build an effective residential energy efficiency program that uses the high quality standards of the state's Home Performance program combined with activation of local trusted sources for word-of-mouth outreach; and

WHEREAS, the Pound Ridge Town Board wishes to participate in the Energize Northern Westchester Program currently being piloted in the Town of Bedford, in order to extend the benefits of this residential energy efficiency program to the residents throughout the Town of Pound Ridge and

WHEREAS, the Energize Program requires local community participation in order to maximize the outreach in driving demand for energy upgrades of homes; and

WHEREAS, the Energize Program makes a robust toolkit of resources, including staff and print and online materials, available to Consortium member municipalities that agree to undertake the Energize Program; and

WHEREAS, eligibility for participation is predicated upon the Consortium member municipality's adoption of the Energize Partnership Pact;

NOW, THEREFORE BE IT RESOLVED: that the Town Board of the Town of Pound Ridge hereby adopts the Energize Partnership Pact, which states as follows:

Energize and the Town of Pound Ridge will work together to identify the key community resources, to wit, a Municipal Energize Liaison, Energize Champions, and Local Trusted

Sources, to support the short and long term success of the Energize Town of Pound Ridge Program.

BE IT FURTHER RESOLVED: The POUND RIDGE TOWN BOARD authorizes Gary Warshauer, Supervisor to appoint a Municipal Energize Liaison or Liaisons from among municipal staff or civic volunteers, with the understanding that the Liaison/s will serve as the chief point of contact between the Energize staff and the Town of Pound Ridge and its residents and civic associations and groups interesting in promoting residential energy efficiency; and

BE IT FURTHER RESOLVED: The Liaison will work with the Energize staff to identify Energize Champions, who typically will be homeowners in the community who have already undergone a Home Performance energy assessment and implemented energy upgrade to achieve savings, and whose role will be to assist the Liaison in identifying local civic groups, both formal and informal, also known as Local Trusted Sources, whose members may be interested in learning about residential energy efficiency; and

BE IT FURTHER RESOLVED: The Liaison and local Champions will collaborate with the Energize staff in opening doors with civic groups for presentations about the Energize Program information, and any other outreach methods that the Municipal Liaison, Champions, and Local Trusted Sources may find effective in tailoring the Energize Program to this municipality.

PUBLIC HEARINGS:

- **Peddlers and Solicitors Law – proposed amendment to add “No Knock Registry”**

Board Action: Motion by Councilman Paschkes, seconded by Councilwoman Boak, all voting aye to open a Public Hearing to amend the Peddlers and Solicitors Law adding a “No Knock Registry”.

The Town Board reviewed a proposed “No Knock Registry” amendment from Harrison and the city of Rye and tweaked it to suit our needs. The ordinance had language regarding the purchase of signs or stickers to put on resident’s property. Pound Ridge tries to reduce signage and the Town Board decided to do away with the sub-section referring to signage and a sub-chapter referring to “Unwanted Solicitations Prohibited” because that also referred to signage.

The following is the proposed amendment:

Be it enacted by the Town Board of the Town of Pound Ridge that the following section be added to existing Peddlers and Solicitors Law:

§78-13 “Do Not Knock” Registry

- A. Any owner or occupant of property located in the Town who wishes to prohibit soliciting on the premises shall complete a form available in the Town Clerk’s office and on the Town’s website. The completion of the form will allow the owner/occupant’s premises to be included on a list of properties that do not permit solicitation (herein referred to as the “Do Not Knock Registry” or “Registry”).
- B. In order to be removed from the Registry, the owner and/or occupant must complete a form indicating that he/she does not want his/her property to be included on the Registry.
- C. All solicitors shall obtain the current Do Not Knock Registry at the time of issuance of a permit or at the time of registration to solicit pursuant to the provisions of this Chapter.
- D. Solicitors shall not solicit at any premises identified on the then current Do Not Knock Registry.
- E. It shall be the responsibility of the solicitor to check each residence for the presence of such signage and to obtain updated copies of the Registry.
- F. Activities related to a service requested by the owner or occupant of the property and undertaken in the ordinary course of business, including but not limited to deliveries of utility notices, telephone directory deliveries, regular newspaper deliveries, work order notices and service inquiries, are presumed to be requested or invited for the purpose of this Section.
- G. Nothing in this Section shall be construed to prohibit the distribution of leaflets, pamphlets or other literature such as commercial, political or religious material distributed in a lawful manner.

§78-14 Severability

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

Councilwoman Boak asked about fines for solicitors or peddlers if they violate the registry list and solicit to those residents that have signed on. Chief Ryan said that their permit would be revoked and there wouldn’t be a need for a fine. The Town Board discussed this and determined that there needed to be an amendment to the Local Law

stating that their permit would be revoked if they were in violation. It doesn't state that anywhere in the ordinance as written.

Board Action: Motion by Councilman Paschkes, seconded by Councilwoman Boak, all voting aye to close the Public Hearing to amend the Peddlers and Solicitors Law adding a "No Knock Registry".

RESOLUTION #: 107-12

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

RESOLVED, that the Town Board hereby adopts the amendment to Chapter 78, Peddlers and Solicitors law to include the "No Knock Registry" and to amend it to include that their permits would be revoked if they are in violation of the registry.

- **Tax Exemptions – proposed amendment to Cold War Veteran's exemption**

Board Action: Motion by Councilwoman Boak, seconded by Councilman Paschkes, all voting aye to open a Public Hearing amending the Tax Exemption Chapter 92 - Taxation, Article 1, Section 92-1.4 Cold War Veterans Exemption.

The following is the proposed amendment to the Cold War Veteran's Exemption Chapter:

Be it enacted by the Town Board of the Town of Pound Ridge that the following section of the Cold War Veterans Exemption be modified as outlined herein:

§92-1.4 Cold War Veterans exemption.

C. Exemption Granted; Limitations:

- (1) Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided however, that such exemption shall not exceed ~~\$12,000~~ **\$54,000** or the product of ~~\$12,000~~ **\$54,000** multiplied by the latest state equalization rate of the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.
- (2) In addition to the exemption provided by Subsection C(1) of this section, where the Cold War veteran received a compensation rating from the United States Veterans' Affairs or from the United States Department of Defense because of a service-related disability, qualifying residential real property shall be exempt from

taxation to the extent of the product of the assessed value of such property, multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed ~~\$40,000~~ **\$180,000** or the product of ~~\$40,000~~ **\$180,000** multiplied by the latest state equalization rate of the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

Board Action: Motion by Councilman Paschkes, seconded by Councilwoman Boak, all voting aye to close the Public Hearing to amend the Tax Exemption Chapter 92 - Taxation, Article 1, Section 92-1.4 Cold War Veterans Exemption.

RESOLUTION # 108-12

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

RESOLVED, that the Town Board hereby adopts the amendments as proposed above to Tax Exemption Chapter 92 - Taxation, Article 1, Section 92-1.4 Cold War Veterans Exemption.

- **Police Officer's Residency Law-proposed amendment to NYS Law Section 18, Chapter 104 regarding the residency requirement for a PT Patrolman**

Board Action: Motion by Councilman Paschkes, seconded by Councilman Falco, all voting aye to open the Public Hearing amending the Police Officer's Residency law.

The following is the proposed amendment to NYS Law Section 18, Chapter 104 regarding the residency requirement for a PT Patrolman:

Be it enacted by the Town Board of the Town of Pound Ridge that the residency requirements for part-time patrolmen be modified as outlined herein:

Section 1 - Purpose:

It is the purpose of this Local Law to modify the requirements of Section 18 of the Laws of New York (1936), Chapter 104 entitled An Act Providing for the Establishment, Organization and Operation of Police Departments in the Towns of Westchester County. Section 18 entitled Part-Time Patrolmen which provides in part that such part-time patrolmen at the time of appointment must be a resident of such Town.

Section 2 - Authority:

This Local Law is enacted pursuant to the provisions of Section 10 of the Municipal Home Rule Law.

Section 3 - Title:

A Local Law to repeal the residency requirements for part-time patrolmen in the Town of Pound Ridge.

Section 4 - Resident Restrictions for Part-Time Patrolmen:

In the Town of Pound Ridge, Westchester County, part-time patrolmen at the time of appointment need not be a resident of such Town.

Section 5 - Effective Date:

This Local Law shall take effect upon filing with the State of New York.

Board Action: Motion by Councilwoman Boak, seconded by Councilman Paschkes, all voting aye to close the Public Hearing to amend the Police Officer's Residency law.

RESOLUTION #: 109-12

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

RESOLVED, that the Town Board hereby accepts the amendment to Section 18 of the Laws of New York (1936), Chapter 104 entitled An Act Providing for the Establishment, Organization and Operation of Police Departments in the Towns of Westchester County to repeal the residency requirements for part-time patrolmen in the Town of Pound Ridge. Part-time patrolmen at the time of appointment need not be a resident of such Town.

NEW BUSINESS:

Tree Ordinance – discuss proposed amendments recommended by the Conservation Board

The Conservation Board, with agreement from the Building Inspector, would like to see the Town Board adopt changes/additions to the original Tree Ordinance (Chapter 93 of the Town Code) as follows:

TREES

Chapter 93

TREES

ARTICLE 1
Tree Preservation

- § 93-1. Findings.
- § 93-2. Definitions.
- § 93-3. Administration and enforcement.
- § 93-4. Tree removal permit.
- § 93-5. Permit application.
- § 93-6. Conditions for granting permit.
- § 93-7. Fees.
- § 93-8. Penalties for offenses.
- § 93-9. Appeals.

Appendix A: Protected Trees

Appendix B: Invasive Tree Species

Appendix C: Tree Spacing Determination

ARTICLE 1
Tree Preservation
[Adopted 1-18-1990 as L.L. No. 1-1990]

§ 93-1. Findings. 1
§ 93-2

POUND RIDGE CODE

- A. The Town Board finds it has been established that trees stabilize the soil and control water pollution by preventing soil erosion and flooding, reduce air pollution, provide oxygen, yield

advantageous microclimatic effects, temper noise, provide a natural habitat for the wildlife of the Town and further, that unusual, large and old trees, especially protected, specimen and native species, have unique visual, aesthetic and historic values. Indiscriminate removal of trees causes deprivation of these benefits and disrupts the town's ecological systems. It is, therefore, the purpose of this chapter to prevent the indiscriminate or unnecessary destruction of trees within the Town of Pound Ridge.

B.

Since the Tree Code was adopted in 1990, environmental science has identified invasive tree species which are non-native to the local environment and dominate to the exclusion of native and naturalized trees. These invasive tree species have been identified by the New York State Office of Invasive Species (April 13, 2011.)

C.

The Town, furthermore, takes note of the findings of the New York State Environmental Quality Review Act, among them being the obligation of the Town to serve as a steward of air, water, land and living resources and the obligation to protect the environment for the use of this and further generations. It is the intent of the Town to recognize these responsibilities in part by providing these procedures as well as to preserve the public health and welfare and rural character of the community which is reflected in the woodlands of the Town of Pound Ridge.

§ 93-2. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

TREE

A living woody plant with an erect perennial trunk six (6) inches or more diameter at breast height (dbh) with a definitely formed crown of foliage.

CLEAR-CUTTING

The cutting of more than one half (1/2) of the existing trees in an area of one acre per parcel. ~~over the period of five (5) consecutive years.~~

DBH (DIAMETER AT BREAST HEIGHT)

The diameter of a tree measured at a point 4 1/2 feet above the ground measured in inches.

INVASIVE TREE SPECIES

A species of tree that is non native to New York State and whose introduction has been known to cause or is likely to cause economic or environmental harm or harm to human health.

PROTECTED TREE

Any living tree species designated by the New York State ~~Development~~ **Department** of Environmental Conservation as endangered, threatened, rare or vulnerable in the New York Natural Heritage Program: New York Rare Plant Status List or any living tree species designated by the Town because of its uniqueness or vulnerability in the wild as a result of environmental stress. A list of protected tree species appears in Appendix A.

SPECIMEN TREE

A living woody plant with an erect perennial trunk 24 inches or more dbh, and exclusive of invasive tree species. A list of invasive tree species appears in Appendix B.

SUBDIVIDABLE ACREAGE

Acreage that is two or more times the minimum lot size required within the applicable zoning district (i.e., two or more acres in a one-acre zone, four or more acres in a two-acre zone and six or more acres in a three-acre zone).

TREE CUTTING and TREE REMOVAL

Terms used throughout and interchangeably to mean the destruction of a living tree.

§ 93-3. Administration and Enforcement.

- A.
The Town Board designates the Building Inspector to administer and enforce this Tree Ordinance.
- B.
The Building Inspector shall perform the following duties:
- (1)
Receive and keep accurate records of tree removal permit applications.
 - (2)
Inspect the trees described in each application.
 - (3)
Determine the disposition of the application based on the standards for granting permits described in § 93-4C.
 - (4)
Carry out such other duties as pertains to this Tree Ordinance as may be assigned from time to time by the Town Board.

§ 93-4. Tree Removal permit

- A. **General regulations.** A tree removal permit will be required before:

§ 93-4. Tree Removal permit

A. General regulations. A tree removal permit will be required before:

- (1) Removing, cutting or causing injury to living trees 6" dbh or greater growing on slopes over ~~twenty five percent (25%)~~ fifteen percent (15%), including the ridgelines when two rising slopes meet forming a narrow hilltop.
- (2) Removing, cutting or causing injury to any specimen tree 24" dbh or greater or protected tree regardless of size anywhere on the property.
- (3) Removing, cutting or causing injury to any living trees 6" dbh or greater within 25 feet of any property line.
- (4) Removing, cutting or causing injury to living trees 6" dbh or greater growing on designated wetland setbacks (see §93- 4D (4).)
- (5) Clear-cutting.
- (6) On sub-dividable acreage, removing, cutting, or causing injury to living trees 12" dbh or greater anywhere on the property.

B. Exceptions. Regulated trees may be removed as may be necessary:

- (1) To maintain Town, County, state or utility right-of-way or to control forest fires by the public agency with appropriate jurisdiction. Two weeks' prior notification of tree removal and highway maintenance activities within the Town roads right-of-way should be given to the Conservation Board.
- (2) If the presence of the tree endangers the public, the person or the property of the owner or of an adjoining owner.
- (3) If the tree is dead.

C. Standards for the granting of permits. The granting of a tree removal permit by the Building Inspector shall be based on the following criteria:

- (1) The tree is diseased, is in poor physical condition or is an invasive tree species which threatens the health of other trees environment.

(2) The proximity of trees to existing or proposed improvements if located:

(a)

Within ~~15~~ feet "striking distance" of a foundation wall, ~~or~~ inground swimming pool, ~~or~~ tennis court.

(b)

Within ~~three~~ five feet of a sidewalk, ~~or~~ driveway, ~~or~~ driveway/roadway intersection.

(c)

Within 10 feet of leaching fields, other leaching devices, dry well, septic tank or other subsurface improvement.

~~(d)~~

~~Within five feet of a driveway/roadway intersection.~~

~~(e)~~

~~Within related residential improvements such as lawns and tennis courts.~~

(3)

The effect of the removal on the ecological systems, including the erosion potential of the property.

(4)

The effect of removal on the area as determined by accepted tree management practices, such as appropriate thinning to promote proper crown development (see Appendix C), the removal of invasive tree species, and the maintenance or improvement in the mix of age and species of tree.

(5)

The effect of the removal on the property values and aesthetics of the neighborhood.

(6)

The effect of the removal on the solar access of existing or proposed structures on the property.

~~(7)~~

~~The presence of the tree causes hardship~~

D. Other permits deemed tree removal permits.

(1)

Where tree removal is proposed in connection with any site plan or subdivision application submitted or to be submitted to the Planning Board for approval, trees shall be removed from the affected property only in conjunction with the final field inspection of the proposed subdivision and right-of-way as stipulated in § A117-33 of the Land Subdivision Regulations.

The Planning Board shall apply the same criteria and procedures set forth herein for tree permits granted by the Building Inspector.

- (2)
Commercial District site plans approved by the Planning Board showing trees to be removed and trees to be preserved shall be deemed a tree removal permit for the removal of trees so designated.
- (3)
Administrative permit granted under the freshwater wetlands activity permit issued by the Building Inspector shall be deemed a tree removal permit for the removal of trees so designated.
- (4) Wetlands activity permit issued by the Water Control Commission shall be deemed a tree removal permit for the removal of trees explicitly designated to be removed on plans approved by the Water Control Commission for which a wetlands activity permit has been issued.
- (5)
Logging operations permits granted by the Town Board shall be deemed a tree removal permit.

§ 93-5. Permit Application

- A. The applicant shall file three copies of the tree removal permit application with the Building Inspector. The application shall include the following information:
 - (1)
Name and address of applicant
 - (2)
Address and Town Tax Map designation of the property on which the tree(s) is/are located.
 - (3)
Total land area of the parcel and total land area involved in cutting operations.
 - (4)
The number, size and species of trees to be removed.
 - (5)
The purpose of the tree removal.
 - (6)
In the case of site plans and subdivisions, the tree survey shall be submitted to the Planning Board as a part of the site plan or subdivision construction plans. A survey of that section to be disturbed and the adjacent twenty-five-foot perimeter not to be disturbed showing the location of all trees regulated herein to an accuracy of one foot, indicating those trees **to be cut and those** to be preserved, their species and their diameter.
 - (7)
Where no subdivision or site plan is involved, the survey requirement may be eliminated and a simple sketch drawn by the applicant may be substituted for Subsection **A6** above. This sketch

should include the location of the trees requested for removal in relation to the property's benchmarks and other information as may be necessary.

(8)

Any additional information as may be required by the approving agency.

B.

A permit shall be granted or denied within 15 business days after the receipt of all required information.

§ 93-6. Conditions for granting a permit

The Building Inspector may, as a condition of granting a permit:

A.

Require the reasonable relocation of proposed foundation walls, driveways, surface and subsurface improvements or drainage systems to preserve specific trees.

B.

Regulate the days and hours of operation.

C.

Require a performance bond to ensure compliance with this Article.

D.

Require that each tree **approved** to be cut or removed has been marked.

E.

Require such safeguards and guidelines as appropriate to minimize the environmental impact of such removal operations. When appropriate, requirements may include safeguards and guidelines as recommended in Standard 12 of the Westchester County: Best Management Practices for Construction Activities and/or as recommended by the New York State Department of Environmental Conservation State Forester, environmental consultant, arborist or landscape architect.

§ 93-7. Fees.

A tree removal permit application for tree removal shall be accompanied by a fee to be determined by the Town Board and set in the fee schedule, except when the applicant is the Town of Pound Ridge.

§ 93-8. Penalties for offenses

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of an offense, which shall be punishable by a fine of not more than ~~two hundred fifty dollars (\$250)~~ **five hundred dollars (\$500)** for each and every regulated tree

removed, cut down or damaged, by a direction of the Building Inspector, directing a violator to replace any trees removed or damaged with native and/or non invasive nursery stock trees, as specified by the Building Inspector in consultation with the Conservation Board and planted within a specified time and with a guarantee that said trees shall be maintained in a healthy living condition for a minimum of two years, or by all of the above. Where such a direction is made, no building permit, certificate of occupancy or certificate of compliance shall be issued until such replacement has been completed.

§ 93-9. Appeals.

Any applicant aggrieved or affected by the determination of the Building Inspector shall have the right, within 10 days from the date of action by the Building Inspector to appeal to the Zoning Board of Appeals and shall state the reason for the appeal. The Zoning Board of Appeals shall render a decision on the appeal within 60 days following the close of a public hearing.

**TREES
APPENDIX A**

PROTECTED TREES

Protected trees identified as endangered (E), threatened (T), rare (R), or vulnerable in the New York Natural Heritage Programs: New York Rare Plant Status List, February 1989, defined in regulation 6 NYCRR 193.3, New York State Environmental Conservation Law ~ 9-1503 (amended 5-22-1989):

Scientific Name	Common Name
Chamaecyparis thyoides	Atlantic White Cedar (R)
Diospyro virginiana	Persimmon (R)
Gymnocladus dioicus	Kentucky Coffee Tree (R)
Malus glaucesen	American Crab (R)
Pinus enchinata	Shortleaf Pine
Pinus virginiana	Virginia Pine (E)
Populas heterophylla	Swamp Cottonwood (T)
Quercus marilandica	Blackjack Oak (R)

Quercus phellos

Willow Oak (E)

Locally designated protected trees:

Scientific Name	Common Name
Castanea dentata	American Chestnut (6 or more inches dbh)
Juglans nigra	Black Walnut (6 or more inches dbh)
Ulmus americana	American Elm (6 or more inches dbh)

TREES

APPENDIX B

INVASIVE TREE SPECIES

Invasive tree species are non-native to New York State and whose introduction causes or is likely to cause economic or environmental harm or harm to human health. The following invasive tree species are identified by the New York Office of Invasive Species (April 13, 2010)

<u>Scientific Name</u>	<u>Common Name</u>
Acer Platanoides	Norway Maple
Acer pseudoplatanus	Sycamore Maple
Ailanthus altissima	Tree of Heaven
Aralia elata	Japanese Angelica Tree
Paulownia tomentosa	Princess Tree
Phellodendron amurense, P. Japonicum	Amur Cork Tree
Robinia pseudoacacia	Black Locust
Vitex rotundiflora	Beech vitex, Roundleaf, Chastetree

APPENDIX C

TREE SPACING DETERMINATION

Space between dominant trees can be determined by averaging their dbh and adding six, the resultant being the advisable space in feet. For example, a twelve-inch dbh tree and a twenty-two-inch dbh tree should be 23 feet apart.

Tree A:	12dbh
Tree B:	22dbh
Sum:	34
Average:	$34/2 = 17$
Add	+ 6
Distance Apart:	23 feet

Highlights of the Tree Code

The purpose of the Tree Code is to preserve the historic character and the present environment of Pound Ridge by protecting the tree cover from indiscriminate destruction. The Code requires a permit for the removal of *certain size* trees on *certain areas* of a homeowner's property. A permit is also required for the removal of *certain species* of trees, and there is a blanket prohibition against clear cutting of any kind without a permit.

The Code requires a homeowner to obtain a permit from the Building Department if considering the removal of a tree or trees as follows:

TREES 6 INCHES IN DIAMETER OR LARGER:

1. within 25 feet of the property line
2. slopes greater than 15 percent
3. in designated wetland setbacks

TREES 12 INCHES IN DIAMETER OR LARGER:

1. if they are anywhere on a property that can be subdivided

TREES 24 INCHES IN DIAMETER OR LARGER:

1. are designated “specimen trees” because of their size, anywhere on the property

PROTECTED TREES: There is a list of 8 endangered, rare, or threatened trees in the Code’s Appendix. A permit is required to remove them regardless of size or location on the property.

INVASIVE TREE SPECIES: There is a list of 11 invasive trees in the Code’s Appendix. Such trees **may** be removed with a permit regardless of size or location on the property, unless serving in the control of erosion, because they are non-native and quickly supplant all other tree species.

EXCEPTIONS TO THE CODE: A tree can be removed without a permit if it:

1. endangers utility lines
2. presents a dangerous condition
3. is a dead or dying tree

STANDARDS FOR GRANTING PERMITS:

1. tree in poor physical condition
2. proximity of tree to existing or proposed improvements
3. the effect on the ecology
4. proper tree management practices
5. effect on property values or aesthetics
6. effect on solar access
7. ~~hardship~~

Several other Town Codes include restrictions on tree removal and are cross-referenced in the Tree Code.

Instructions are included in the Code for: a) applying for a permit; b) conditions for removal of a tree after a permit is granted; c) fees charged if any; d) penalties for the unauthorized removal of a tree; and e) the appeals process.

Gail Jankus, Chair of Conservation Board, said that the main changes are the raising of fines for non-compliance and the addition of permission to take down invasive species trees. Councilman Lyman pointed out that on page 4, Sub C, 1st paragraph, it should read “The tree is diseased, is in poor physical condition or is an invasive tree species which threatens the health of other trees *in the environment*. Councilman Paschkes has a problem with §93-4 A, (6) stating that “On a sub-dividable acreage, removing, cutting or causing injury to living trees 12” dbh or greater anywhere on the property. He doesn’t think that is the way it was meant to read. He would like to have the Conservation Board review this section before a Public Hearing is called for by the Town Board. It will be discussed at our next Work Session.

Recreation Department – approval of summer staff’s pay rates

RESOLUTION #: 110-12

Board Action: Motion by Councilwoman Boak, seconded by Councilman Lyman, the Board polled and motion passing 4-0 with Councilman Paschkes abstaining on the following:

RESOLVED, that the Town Board hereby agrees to the salaries for the summer Pool and Day Camp staff and Day Camp and Pool Director salaries and are hereby adopted and the Supervisor be and is hereby authorized to pay same as recommended by the Recreation Commission as follows:

A7140.103 2012 Day Camp Pre-Season Office Assistance

\$15.00 per hour \$3,875.00 budgeted)

A7140.102 2012 Day Camp Staff Salary Ranges

Day Camp Directors	\$32,855.00**
Teen Travel Camp Staff	\$28,000.00***
Arts/Crafts Directors	\$2,900 - \$3,500
Medical Director	\$3,590.00*
Head Counselors	\$1,000 - \$1,800
Counselors	\$700 - \$1,000
Jr. Counselors	\$500 - \$700
Musical Entertainers	\$300 - \$900
Specialists	\$40 - \$50 per hour

2012

Day Camp Director	Joe Klausz	\$11,685.00**
Day Camp Co-Director	Stephen Muller	\$ 3,590.00**
Day Camp Co-Director	Thomas Jordan	\$ 3,590.00**
Medical Director	Hayes Sgaglio	\$ 3,590.00*
Teen Travel Co-Dir	Jill Tatarzewski	\$ 5,200.00**
Teen Travel Co-Dir	Chris Vazzano	\$ 5,200.00**

A7180.102 2012 Salaried Pool Staff

Pool Director	\$9,000.00 - \$12,000.00
Assistant Pool Director	\$5,000.00
Head Swim/Dive Coach	\$4,500.00 - \$7,600.00

Asst. Coaches \$2,500.00 - \$3,500.00

A7180.103 **2012 Pool Staff Hourly Rates**

Head Lifeguard	\$13.00 - \$15.00
WSI and 3 yrs experience	\$12.00 - \$13.00
Lifeguards and Instructors	\$8.50 - \$16.00
Gate Attendants	\$7.50 - \$8.50

Police Department-request to purchase a copier and accept a grant to cover the full cost and maintenance for 3 years

RESOLUTION #: 111 -12

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

RESOLVED, that the Town Board hereby authorizes Chief David Ryan to accept a donation of \$5,900.00 for the purchase of a copier for the Police Department.

RESOLUTION #: 112-12

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

RESOLVED, that the Town Board hereby authorizes Chief Ryan to purchase a copier for the Police Department. This will be paid with the grant and will cover the full cost of the equipment as well as the maintenance agreement for 3 years.

Highway Department – request adoption of an Intermunicipal Agreement with the Town of Lewisboro for a Shared Highway vehicle

Pound Ridge Highway has a vacuum truck with a rusted body but a good engine. Lewisboro Highway has a vacuum truck with a good body and a bad engine. Pound Ridge and Lewisboro would like to combine the two vehicles, keep it at Pound Ridge Highway and let Lewisboro use it as needed. They have put together an Intermunicipal Agreement as follows:

**INTERMUNICIPAL AGREEMENT
SHARED SERVICES
FOR VACUUM TRUCK**

THIS AGREEMENT (the “Agreement”) dated the ___ day of _____, 2012, is entered into by and between the TOWN OF LEWISBORO (“Lewisboro”), a Municipality duly organized and validly existing under the laws of the State of New York (the “State”) with offices at 11 Main Street, South Salem, New York 10590 and the TOWN OF POUND RIDGE (“Pound Ridge”) a Municipal Corporation duly organized and validly existing under the laws of the State, with offices located at 179 Westchester Avenue, Pound Ridge, New York 10576 (Lewisboro and Pound Ridge are hereinafter referred to, jointly, as the “Parties” and individually as a “Party”).

W I T N E S S E T H:

WHEREAS, pursuant to Article 8, Sections 1 and 2-a of the New York State Constitution, as effectuated by General Municipal Law, Article 5, §119-o, municipal corporations and districts of the State are empowered to enter into agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis; and

WHEREAS, by Resolution duly adopted at its meeting held on _____, 2012, the Lewisboro Town Board authorized the Town to enter into this Agreement with Pound Ridge, and by Resolution duly adopted at its meeting held on _____, 2012, the Pound Ridge Town Board authorized the Town to enter into this Agreement with Lewisboro, to provide for the exchange of equipment and services to each other (the “Services”) all as the same may be agreed to by the parties; and

WHEREAS, the Parties each require the use of a vacuum truck within their respective municipalities; and

WHEREAS, Lewisboro owns a vacuum truck that is not operational due to the fact that it requires extensive repairs, and Pound Ridge owns a vacuum truck that is not operational as it also requires repairs; and

WHEREAS, the Parties desire to combine their respective resources to obtain the use of one operational vacuum truck, which would be shared by the Parties; and

WHEREAS, the Parties desire to enter into an agreement whereby the Parties will combine their resources, as provided herein, to restore one vacuum truck to operational condition, which would then be shared by the Parties; and

WHEREAS, the Parties have determined that it is in their best interest to enter into this Agreement setting forth the terms, provisions, covenants and conditions with respect to the Services.

NOW, THEREFORE, in consideration of the terms, provisions, covenants and conditions more

fully set forth below, the Parties agree as follows:

1. **The Services.**

Subject to the terms of this Agreement, the Parties shall provide the Services to each other as follows:

- (a) Lewisboro shall provide to Pound Ridge title to its vacuum truck, and hereby

authorizes Pound Ridge to use the parts from Lewisboro's vacuum truck to repair Pound Ridge's vacuum truck.

- (b) Pound Ridge shall use any and all parts necessary from Lewisboro's vacuum truck

to restore Pound Ridge's vacuum truck to operational condition.

- (c) Once Pound Ridge's vacuum truck is repaired and fully operational, it shall be made

available for use by each Party hereto to perform work within each respective Party's municipality.

- (d) Pound Ridge shall store the operational vacuum truck in its garage, and shall perform

routine maintenance and repair at its sole cost and expense. For purposes of this Section, routine maintenance and repairs shall include fluid changes, brake repairs, tire rotation and replacement, belt replacement, and the replacement of any other parts that require regular replacement in the normal course of operation.

- (e) The Highway Superintendent of each Party shall develop a mutually agreed upon

schedule for the use of the operational vacuum truck. Each Party shall be entitled to equal use of the operational vacuum truck.

- (f) If any major repairs are necessary, such as transmission or engine repairs
or

replacement, then the Parties shall share equally in the cost thereof. No such major repairs shall be performed unless expressly agreed to by the Parties in writing. If one party does not agree to make the repairs, the other party shall be entitled to retain the vehicle. If both parties agree that repairs are no longer feasible and that the vehicle is no longer viable, the parties shall sell the vehicle at auction and split equally the proceeds.

- (g) If after Pound Ridge utilizes parts from the Lewisboro vacuum truck, the Pound Ridge vacuum truck remains non-operational, Pound Ridge shall pay to the Town of Lewisboro the scrap bid price of Four Thousand Dollars \$4,000.00.

2. Term of Agreement.

- (a) The term of this Agreement shall commence on the date hereof and shall expire upon December 31, 2015, unless otherwise mutually agreed.

- (b) Each Party has the absolute right to terminate this Agreement at any time by written notice to the other sent no fewer than thirty (30) days in advance of the termination date identified in a notice set forth pursuant to Section 6 thereof. However, once Pound Ridge's vacuum truck is restored to operational condition utilizing the parts from Lewisboro's vacuum truck, Pound Ridge may not unilaterally terminate this

Agreement without the express written consent of the Town of Lewisboro, unless the vacuum truck needs major repairs and Pound Ridge determines that such repairs are not economic in which case Lewisboro shall have the right to take possession of the vehicle.

3. Compensation.

The Parties acknowledge that the consideration for this Agreement is in the form of an exchange of services and equipment, as specified in Section "1" hereof, and that there shall be no further monetary compensation paid by one party to the other with respect to this Agreement, unless expressly agreed to by the Parties in writing.

4. Status of Employees.

The Parties shall use their own respective employees to operate the vacuum truck within each municipality and to transport the vacuum truck to each municipality.

5. Obligation to Insure Employees.

In all cases, the Parties shall ensure that their respective employees are covered by workers' compensation insurance for all activities to be performed pursuant to this Agreement.

6. Right to Terminate by Notice.

Notice of termination of this Agreement must be sent by certified mail, return receipt requested, as follows:

If mailed to Lewisboro:

Hon. Peter H. Parsons, Supervisor
Town of Lewisboro
11 Main Street, P.O. Box 500
South Salem, New York 10590

If mailed to Pound Ridge:

Hon. Gary David Warshauer, Supervisor
Town of Pound Ridge
179 Westchester Avenue
Pound Ridge, New York 10576

7. No Duty to Inspect.

The Parties agree there is no duty on behalf of the other to oversee the work of the other Party while utilizing the vacuum truck, and the Town which is performing the work is entirely responsible for any oversight regarding the work performed by the employees on behalf of said Town.

8. Obligation to Indemnify, Hold Harmless, Defend and Cooperate.

- (a) To the fullest extent permitted by law, each Party shall:
 - (i) be solely responsible for and shall indemnify and hold harmless the other Party, and its officers, employees, agents and servants (collectively, the "Indemnitees"), from and against any and all liabilities, losses, costs, expenses (including, without limitation, attorney's fees and disbursements), and damages (collectively, "Losses") arising out of or in connection with this Agreement, provided, however, that nothing hereunder shall obligate any Party to indemnify or hold harmless any other party from and against any losses arising from the negligence of such other party.

(ii) cause any of its employees, servants, agents, or independent contractors to cooperate with the other Party in connection with the investigation, defense, or prosecution of any action, suit, or proceeding arising out of or in connection with this Agreement.

(b) The obligations pursuant to Section 8 (a) hereof shall not be limited by reason of enumeration of any insurance coverage provided under this Agreement.

9. Insurance.

Each Party agrees to procure and maintain and furnish certificates of insurance evidencing commercial general liability insurance with a State admitted carrier holding an "A" rating from AM Best Company or equivalent covering the liability of such Party and indemnifying, defending and holding harmless the other Party, its agents, employees and representatives from any and all loss and/or damage arising out of the performance of this Agreement with a combined single limit (bodily injury/property damage) of Two Million Dollars (\$2,000,000). The Parties, and their agents, employees, and representatives shall be named as additional insureds on said policy, and entitled to thirty (30) days advance notice of any cancellation, termination or non-renewal thereof.

10. Governing Law; Severability

This Agreement shall be governed by the laws of the State of New York. The provisions of this Agreement are intended to be severable. If, for any reason, any provision of this Agreement shall be held invalid or unenforceable in whole or in part,

such provision shall be ineffective to the extent of such invalidity or unenforceability without any manner affecting the validity or enforceability of the remaining provisions hereof.

For the record, Town Attorney James J. Sullivan has reviewed the IMA and feels it covers all pertinent areas including areas of liability.

RESOLUTION # 113 -12

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

RESOLVED, that the Town Board hereby authorizes Supervisor Warshauer to execute and enter into the Intermunicipal Agreement with the Town of Lewisboro as proposed above to combine two vacuum trucks to make one usable truck for both Town's to share.

Town Clerk – award refuse bid

RESOLUTION # 114 -12

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

RESOLVED, that the Town Board hereby awards the refuse bid to Suburban Carting for the 2012-2013 Town pick up as they were the one and only vendor who bid.

Resolution of Standard Work Day for Elected and Appointed Officials

Recent amendments to the Regulations of the New York State Comptroller require the adoption of a “standard work day” by each municipality and imposes additional reporting requirements for elected and appointed officials for membership and service credit in the New York State and Local Retirement System. This resolution needs to be passed each time local officials are elected or appointed. It must be submitted to the New York State Retirement System and posted at least 30 days on the Town's website and kiosk. There was a motion to amend the January 5, 2012 Organizational Minutes to reflect the re-appointment of the Town Attorney and the Deputy Town Attorney, however, after looking over the minutes, it was already done. There was no need for the amendment.

RESOLUTION #: 115 -12

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

BE IT RESOLVED, that the Town of Pound Ridge /Location code 30004 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Nam	Standard Work Day (Hrs/day)	Term Begins/Ends	Participate S in Employers Time Keeping System	Days/Month (based on Record of Activities)
Elected Officials					
Supervisor	Gary Warshauer	6	01/01/12-12/31/13	N	20
Town Clerk	Joanne Pace	7	01/01/12-12/31/15	Y	20
Town Justice	Regina Kelly	6	01/01/12-12/31/15	N	
Board Member	Richard Lyman	6	01/01/12-12/31/15	N	7.81
Appointed Officials:					
Deputy Supervisor	Jonathan Powers	6	01/01/12-12/31/12	N	10
Confidential Secretary	Marianne Vitelli	7	01/01/12-12/31/12	Y	20
Director of Finance	Steven Conti	7	01/01/12-12/31/12	Y	20
<u>Additional Elected Official</u>					
Board Member	Alison Boak	6	01/01/2012-12/31/2015		
<u>Additional Appointed Officials:</u>					
Town Attorney	James J. Sullivan	6	01/01/2012-12/31/2012		
Deputy Town Attorney	William Harrington	6	01/01/2012-12/31/2012		

Planning Board – recommendation to release \$25,000 of the construction bond for US Summit/Eastwoods, LLC

At a regular meeting, the Planning Board members voted to recommend to the Town Board that they release \$25,000 of the construction bond currently held by the Town in the amount of \$50,000 for US Summit/Eastwoods LLC. The NYSDOT has also recommended that the present bond of \$50,000 be reduced to \$25,000 for the completion of work within the State Right of Way.

RESOLUTION #: 116 -12

Board Action: Motion by Councilman Falco, seconded by Councilwoman Boak, the Board polled and motion passing 4-0 with Councilman Lyman abstaining on the following:

RESOLVED, that the Town Board hereby authorizes the release of \$25,000 of the construction bond currently held by the Town in the amount of \$50,000 for US Summit/Eastwoods LLC.

Pool House Renovations –discussion

The Recreation Commission is supportive of shade structures for the pool house area/renovation and have researched and gotten a quote from American Recreational Products consisting of two (2) shade structures and includes installation. The quote is estimated to be \$35,483.00. The funding would be from the Builder's Fund which has a balance of \$210,000.

RESOLUTION #: 117 -12

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

RESOLVED, that the Town Board hereby authorizes the Recreation Commission to put together a bid package for the purchase of two (2) shade structures for the pool house dining area and a custom triangular structure for the front. The bid package would be subject to review by the Town Board and Town Attorney before going out to bid. The funding would be from the Builder's Fund.

**Maggie May's Yogurt establishment – requesting approval of outdoor seating
Special Use Permit**

RESOLUTION #: 118 -12

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

RESOLVED, that the Town Board hereby waives the Public Hearing requirement and authorizes a Special Seasonal Use Permit for Maggie May's Yogurt establishment for outdoor seating during the months of May through October between the hours of 11:00 a.m. and 10 p.m. subject to filling out the

proper Seasonal Special Use Permit application and specifying the number of seating not to exceed eight (8).

Lions Club- requesting authorization to erect a banner for the 50th Anniversary celebration

The Lions Club will be celebrating its 50th Anniversary this coming year and will have several community service events. The Club will be designing two identical street banners to be placed in front of Blind Charlie's and the Bank of America. The banners would be raised at three different times. The first may be around April/May 2013, the second around July 4, 2013 and the third would be around September/October 2013. Banners would be removed at the end of the day of the designated activity and would be raised approximately one month prior to the activity.

RESOLUTION #: 119-12

Board Action: Motion by Councilwoman Boak, seconded by Councilman Lyman, the Board polled and motion passing 4-0 with Councilman Paschkes abstaining on the following:

RESOLVED, that the Town Board hereby authorizes the Lions Club to erect two (2) banners across Westchester Avenue in recognition of their 50th Anniversary celebration subject to Building Department approval.

Review 2011 MS-4 Report

Jon Powers gave a summary of the annual MS-4 Report which consists of 38 pages. The Town has done well with Public Education and Outreach with mailings from the Conservation Board and web site information on preserving wetlands, septic management, storm water runoff, illicit discharge and many other water protection items. Supervisor Warshauer has an annual Forum devoted to water quality. Water quality legislation, land use decisions and other water quality subjects are discussed at public meetings with the Planning Board and the Town Board. There is also a strong recycling program in Town and a soon to be E-waste program.

Pound Ridge is also part of the Northern Westchester Watershed Committee, the Croton Kensico Watershed Intermunicipal Coalition and the East of Hudson Watershed Corporation. All outflows are mapped in GIS provided by Westchester County and will be the basis for future tracking.

All outflows are mapped in GIS provided by Westchester County and the Conservation Board will do dry weather screening of the outflows. A process for identifying and eliminating illicit discharge exists and is effective. A septic management plan is in place.

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 10, 2012

All land development projects are required to submit Storm Water Pollution Protection Plans. Road salt usage has been reduced by over 50%, streets and parking lots are regularly swept, catch basins are inspected and cleaned as necessary and no pesticides or herbicides are used.

Supervisor Warshauer thanked Deputy Supervisor Jon Powers for all his involvement with the MS-4 report.

Meeting Date Modifications – June 8, 2012 at 9:30 a.m. –Special Town Board meeting added to pay bills and approve 2012 Insurance Policy
- June 14 Town Board meeting moved to June 21.

Board Action: Motion by Councilwoman Boak, seconded by Councilman Paschkes, all voting aye to set up a special Town Board meeting on Thursday, June 7, 9:00 a.m. to pay bills and approve the 2012 insurance policies.

Board Action: Motion by Councilman Paschkes, seconded by Councilwoman Boak, all voting aye to cancel the June 14, 2012 Town Board meeting and reschedule it for Thursday, June 21, 2012 at 8:00 p.m. at the Armstrong House.

****Add On:**

Ambulance Corps. – request to modify landscaping plan for cell tower

The Ambulance Corps is requesting approval from the Town Board to modify the original landscaping plan in the T-Mobile resolution for the cell tower. They want the ability to relocate approved plantings differently than how it is shown in the original plan.

RESOLUTION #: 120-12

Board Action: Motion by Councilman Lyman, seconded by Councilwoman Boak, Board polled with Councilman Paschkes abstaining on the following:

RESOLVED, that the Town Board hereby authorizes the Pound Ridge Ambulance Corps to modify the landscaping plan and amend the T-Mobile, LLC resolution subject to approval by the applicant T-Mobile, LLC and subject to proper screening of the cell tower facility.

FINANCIAL MATTERS:

Receipt of monthly Departmental reports

The monthly reports have been received for April 2012 and are available in the

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MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 10, 2012

Town Clerk's office.

Pay Bills:

RESOLUTION #: 121 -12

Board Action: Motion by Councilman Paschkes, seconded by Councilman Falco, Board polled and motion passing 4-0 with Councilwoman Boak abstaining on the following:

WHEREAS, Councilwoman Boak has audited the 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		\$76,002.47
HIGHWAY FUND	D		\$35,896.27
PARKING DISTRICT	ST		\$70.00
TRUST AND AGENCY	T		\$94,464.68
CAPITAL	H		\$58,119.41

ADJOURNMENT: There being no further business to come before the Board Supervisor Warshauer adjourned the regular meeting at 10:25 p.m.

Joanne Pace
Dated at Pound Ridge, New York
May 11, 2012