

MINUTES OF THE MAY 12, 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:
RICHARD LYMAN, PETER FALCO, DANIEL PASCHKES AND
PAUL McCONVILLE

ALSO PRESENT: TOWN CLERK, JOANNE PACE

ABSENT: 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:

Board Action: Motion by Councilman Paschkes, seconded by Councilman Lyman, all voting aye to hold an Executive Session immediately following the Town Board meeting for a personnel matter.

MINUTES: Acknowledge/correct/accept minutes of Town Board Meeting of April 7, April 14, April 19 and Work Session of April 27, 2011.

RESOLUTION #: 90-11

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

RESOLVED, that the Town Board hereby accepts the minutes of Town Board Meeting of April 7, April 14 and Work Session of April 27, 2011 with the corrections noted.

Board Action: Motion by Councilman McConville, seconded by Councilman Paschkes, all voting aye with Councilman Lyman abstaining because he wasn't at the meeting on the following:

RESOLVED, that the Town Board hereby accept the minutes of the Special Town Board meeting held on April 19, 2011.

NEW BUSINESS:

- **Community Center-consider request of the Community Center Construction Committee and Recreation Commission to re-bid project**

The Pound Ridge Recreation Commission met on Monday, May 9, 2011, to review the Lothrop Associates Bid and Construction Administration Proposal for the Pound Ridge Community Center project. John Ritzcovan gave a brief synopsis of the recommendations of the Recreation Commission and the Construction Committee.

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 12, 2011

The proposal includes four (4) primary elements: 1) the revision of the existing contract bid documents for the building; 2) the re-write of the formal bid documents for both the building and the road & septic; 3) the advertisement and administration of the two bid processes; and , 4) the construction administration services. A summary of the fees for the services is: 1) \$25,800 for revision, rewrite and bid phase; and, 2) \$95,528 for construction administration services. The total fee for all components is \$121,328. It was unanimously agreed by the Pound Ridge Recreation Commission to recommend approval of the proposal and fee structure.

The bid documents for the Community Center Building will be based on a Project Labor Agreement (PLA) without a construction manager. The bid documents for the Site Work and Landscape, which work is detailed in construction documents by Woodard & Curran and DeLalla and Associates, LLC, will be bid under NYS Wick's Law which rules permit a single prime contract for projects under \$1.5m. The construction administration fee has been substantially reduced by \$50,000 from the previous bid proposal. A complete list of the Scope of Services is attached.

Councilman Lyman asked what level of plans they did for the proposed Elgin System. John Ritzcovan was able to get a copy of the plan survey and a footprint of where the Elgin System will fit into versus what their planning for under the standard septic system.

Supervisor Warshauer commended John and the Committee and Max Mosolino for all their work to get the project within the budget. It is put into two logical pieces. They both have to get bid and administered. Lothrop Associates proposal is very reasonable but their proposal includes the assembling and preparing of the bid documents for the road and septic but not administering that contract. It doesn't make sense not to have the engineers who designed it and who will administer it, also do the bidding of the road and septic. It should be kept as two separate projects. Supervisor Warshauer will talk with Jim at Lothrop Associates about pulling that part out of the proposal for Lothrop and Associates and then Supervisor Warshauer will speak with the engineers at Woodard & Curran.

Councilman Paschkes said that in doing this, we can have a little more certainty instead of an open-ended piece. In Lothrop Associates proposal, it says that Woodard & Curran will provide all technical documents and advice to LAA as required to support the bid process. By breaking that out, we can get a firm number.

Woodard & Curran apparently has agreed to keep their budget as previously discussed. We will re-visit this to make sure. The site engineer has to be involved and have complete control and responsibility.

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 12, 2011

Councilman Paschkes would like to explore the idea with Lothrop Associates to see if the fee schedule can be restructured to move part of their cost into Phase II instead of in the bid process.

RESOLUTION #: 91 -11

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

RESOLVED, that the Town Board hereby accepts the Recreation Commission's recommendation and the fees associated with that recommendation with the understanding that Supervisor Warshauer and Town Attorney Sullivan will review and negotiate the final contract based upon the discussion tonight regarding having Lothrop Associates pull the assembling and preparing of the bid documents for the road and septic from their proposal and putting it with Woodard & Curran (other engineering firm) who will be administering it.

Councilman McConville asked about a fall back plan in case the bids come in too high. He mentioned that the pool house and the locker rooms need renovation and was wondering if there is a Plan B for such work. The short answer is no, but we can always use the plans to move ahead with the project minus the gym or large use room. Councilman McConville urged the Town Board to focus on this and have a back up plan.

- **Special Use Permit application for yogurt establishment in Scotts Corners**

Margaret Nader is applying for a Special Use Permit to open Maggie May's Frozen Yogurt and Ice Cream at 73 Westchester Avenue, Pound Ridge, N.Y. They are still working with the Department of Health. The store will be limited to a daily wastewater flow of 100 gallons per day. The Health department wants an evaluation of the water treatment system and they are in the process of getting that from their engineer. The Health Department is also saying that they want a chlorination system. They are looking into that at this point, but the applicant mentioned that they will not be serving drinking water, so it may be overkill. Supervisor Warshauer explained the process and the fact that the Town Board has to call for a Public Hearing. The Town Board will hopefully approve the Special Permit on June 2nd, subject to health department approval and the Planning Board's issuing a final site plan approval.

RESOLUTION #: 92-11

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 12, 2011

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

RESOLVED, that the Town Board hereby refers the applicant to the Planning Board for their recommendation and ask that the applicant be on the Planning Board agenda in May and also schedules a Public Hearing for Thursday, June 2, 2011 at 8:00 p.m. The Town Board would also request a report from the Planning Board in advance of the June 2, 2011 meeting.

- **Final Resolution of Approval for the co-location of AT&T on the T-Mobile cell tower at the Ambulance Corps property in Scotts Corners**

The Town Board is formally going to accept the resolution from AT&T as co-locator on the cell tower at the Ambulance Corps property in Scotts Corners. The final resolution dated April 19, 2011 did not include a couple of comments from the April 19, 2011 Town Board meeting. Councilman Paschkes recused himself from the discussion. The Attorney representing AT&T agreed to the amendment on page 7 “WHEREAS, AT&T.....on the condition that AT&T shall be reimbursed by such other co-locators.....” changing “on the condition” to *with the understanding*. This is also amended on page 22 with exactly the same wording. Another amendment is on page 18 adding the wording in paragraph number 4 “...approved 130-foot tall monopole as shown on detail 3/OP-1 of the site plan, “*acknowledging that the top 10 feet of the cell tower is reserved for Pound Ridge’s emergency services*”. In that same paragraph, the color was changed to be one color Umbra. On page 19, the bond amount was entered as \$15,000 in paragraph 2 and in paragraph 4, the additional insured was entered not less than \$5 million.

RESOLUTION #: 93-11

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

RESOLVED, that the Town Board formally accepts the resolution from New Cingular Wireless PCS, LLC (AT&T) as co-applicant with T-Mobile Northeast LLC at the Pound Ridge Lions Ambulance Corps, 89 Westchester Avenue, Section 15, Block 8454, Lot 36, Pound Ridge, N.Y. 10576 incorporating the comments discussed.

- **Final Resolution of Approval for the T-Mobile cell tower at the Ambulance Corps property in Scotts Corners**

RESOLUTION #: 94-11

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

RESOLVED, that the Town Board hereby formally accepts the resolution from T-Mobile Northeast, LLC for a cell tower at the Pound Ridge Lions Ambulance Corps, 89 Westchester Avenue, Section 15, Block 9454, Lot 36, Pound Ridge, N.Y. with the one change of the color to Umbra.

- **Sustainability Task Force-request for support of new grant**

John Maddocks, Chair of Sustainability Task Force, is requesting approval from the Town Board to participate in a grant proposal being initiated by the Town of Bedford. The purpose of the grant is to obtain additional funds to expand the “Energize Bedford” program to other communities such as Pound Ridge. It would require completing Attachment E in the NYSERDA form. The new grant addresses financing the energy project and 10% would go towards administrative costs and 90% would be held for a loan fund to those interested to borrow from for energy efficiency improvement to their homes. By completing Attachment E, it would identify Pound Ridge as a partner in the grant agreeing to the reporting and requirements. Bedford would be responsible for all the reporting. There is no Pound Ridge project that we would be responsible for. If we decide to sign the Attachment and do nothing or we fail to comply, we wouldn’t put other Towns in jeopardy. Pound Ridge would probably just lose their funding. Question came up regarding the Buy American and Federal Davis-Bacon prevailing wage requirements and it was thought that we would just have to certify that prevailing wages have been paid and make sure all requirements were followed. The certification that the Town would sign says “to the best of my knowledge”. It doesn’t look like the Town would have any financial obligation if there was default on the part of the borrower. The purpose of signing the Attachment E is to support the grant. Councilman McConville has many concerns with the Town’s exposure. He questions the possibility and legality of the loans being secured by tax liens.

RESOLUTION #: 95-11

Board Action: Motion by Councilman Paschkes, seconded by Councilman Lyman, the Board polled passing 4-1 with Councilman McConville voting nay, on the following:

RESOLVED, that the Town Board hereby agrees to authorize the Supervisor to sign the Attachment E in the NYSERDA form in support of the grant to obtain additional funds to expand the “Energize Bedford” program to other communities such as Pound Ridge.

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 12, 2011

- **Sale of cemetery plot**

RESOLUTION #: 96 -11

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

RESOLVED, that the Supervisor be and is hereby authorized to sell Town Cemetery Plot #40 Section 3 (1 gravesite) to Elizabeth Petrone, P.O. Box 454, Pound Ridge, N.Y. 10576 at a cost of \$1000.

- **Police Department-requests authorization to accept a college intern for summer**

Chief Ryan received a request from Traci Rawson, a student at Southern Vermont University, to participate in our police internship program. He has received all relevant information and necessary documentation from Southern Vermont University. She is currently majoring in Criminal Justice.

RESOLUTION #: 97 -11

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

RESOLVED, that the Town Board hereby authorizes Traci Rawson, a student at Southern Vermont University, to participate in our police internship program. Chief Ryan has received all relevant information and necessary documentation from Southern Vermont University.

FINANCIAL MATTERS:

- **Tax Receiver-requesting authorization to issue refunds for overpayments and an "Order of Judgment"**

RESOLUTION #: 98-11

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

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 12, 2011

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

Durica, 23 Blacksmith Lane, Pound Ridge, N.Y. in the amount of \$292.51,
AND, BE IT

FURTHER RESOLVED, that the Town Board hereby authorizes the refund of the following overpayment of the 2011 Town/County Taxes:

Kany, 112 Horseshoe Hill Road, Pound Ridge, N.Y., in the amount of
\$19.89, AND, BE IT

FURTHER RESOLVED, that the Town Board hereby authorizes the refund of the following duplicate payment of the 2011 Town/County Taxes:

First American Tax Service (Haase), P.O. Box 961250, Fort Worth, TX
76161 in the amount of \$5,921.84, AND, BE IT,

FURTHER RESOLVED, that the Town Board hereby authorizes the refund of the following overpayment of the 2011 Town/County Taxes:

Godfrey, 46 Ridgefield Ave., So. Salem, N.Y. 10590 in the amount of
\$2.60, AND, BE IT,

FURTHER RESOLVED, that the Town Board hereby authorizes the refund of the following overpayment of the 2011 Town/County Taxes, AND, BE IT

Mendell, 95 Cross Pond Road, Pound Ridge, N.Y., in the amount of
\$29.70.

FURTHER RESOLVED, that the Town Board hereby authorizes the "Order of Judgement" for Jonathan and Claudine Childs, 202 Stone Hill Rd., Pound Ridge, NY, Section 21, Block 9816, Lot 53 for the following tax/assessment years:

<u>Reduced</u>						
<u>Assessment Year</u>	<u>Tax Year</u>	<u>Rate</u>	<u>Assessment</u>	<u>To</u>	<u>Reduction</u>	<u>Refund</u>
2008	2009	12.1196	450,000	357,500	92,500	\$1,121.06
2009	2010	12.4212	450,000	357,000	92,500	\$1,148.96

- **Water Control Commission-requesting authorization to release a construction bond for satisfactorily completed work**

RESOLUTION #: 99-11

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

RESOLVED, that the Town Board hereby authorizes the release of the following Water Control bond as all of the work has been satisfactorily completed:

Gideon Yoeli, 26 Kinnicutt Road, Pound Ridge, N.Y., Block 9458 Lot 24.9, \$1,000 cash bond for construction of an addition pursuant to resolution dated October 27, 2010 (#10-18).

Pay Bills

RESOLUTION #: 100-11

Board Action: Motion by Councilman Paschkes, seconded by Councilman McConville, motion carried 4-0 with Councilman Falco abstaining on the following:

WHEREAS, Councilman Falco has audited claims for payment and have reported the 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		\$58,751.71
HIGHWAY FUND	D		\$56,191.51
PARKING DISTRICT	ST		\$268.35
TRUST AND AGENCY	T		\$170,982.98
CAPITAL	H		\$

Receipt of monthly Departmental reports

The monthly reports have been received for April 2011 and are available in the Town Clerk's office.

ADJOURNMENT: There being no further business to come before the Board Supervisor Warshauer adjourned the regular meeting at 9:35 p.m.

Joanne Pace
Dated at Pound Ridge, New York
May 13, 2011