

MINUTES OF THE JULY 12, 2012 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, DANIEL PASCHKES, PETER FALCO AND  
ALISON BOAK

ALSO PRESENT: TOWN CLERK, JOANNE PACE

ABSENT: TOWN ATTORNEY, JAMES SULLIVAN, ESQ.

**CALL FOR EXECUTIVE SESSION:** None

**ANNOUNCEMENTS:** None

**MINUTES: Acknowledge/correct/accept minutes of the Town Board meeting held on June 21, 2012, Town Board Work Session held on June 27<sup>th</sup> and Town Board Executive Session on June 27, 2012.**

**Board Action:** Motion by Councilman Paschkes, seconded by Councilman Lyman, all voting aye to accept the minutes of the Town Board meeting held on June 21, 2012, Town Board Work Session held on June 27<sup>th</sup> and Town Board Executive Session on June 27, 2012.

**NEW BUSINESS:**

- **State Assemblyman Bob Castelli – update and discussion of State Issues**

Assemblyman Robert Castelli gave a snapshot of the 2012 State Budget. He explained that there have been numerous significant accomplishments in 2012. Some of these accomplishments are: the Fair Tax Deal, a historic bipartisan agreement that cut taxes for everyone; the repeal of the MTA payroll tax for small businesses and non-profits; the Tier VI pension reform plan was put into place saving the state and local governments over \$80 billion over the next 30 years; a new teacher evaluation system promoting better achievement while preserving \$700 million in Federal funding; the “all crimes” DNA databank bill was instituted and a first step toward enacting a casino gaming amendment creating thousands of jobs was reached. There was also the second on-time budget in a row reducing state spending by \$135 million without raising taxes. There was a 4% increase in education spending; new spending for repair, replacement and improvement of roads and bridges; and NYS energy research and development and much more. Assemblyman Castelli answered a few questions from the Town Board. Councilman Lyman asked if he would be able to do more to eliminate the prevailing wage requirement and Assemblyman Castelli said we would probably be stuck with it. Supervisor Warshauer noted that the additional costs required by the WICKS Law resulted on our not being able to build the Community Center and suggested that elimination of those requirements for Municipalities, as was done for School Districts, would help reduce taxes and increase the number of construction projects and jobs. He also mentioned that unfunded mandates, established by State Administrative Staff, have result in increased costs for local governments. Councilwoman Boak mentioned that the public schools classrooms are getting overcrowded and residents are moving their

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children to private schools. She wondered if he could seriously address this issue and she also mentioned the well problems we have in Scotts Corners. Assemblyman Castelli said he didn't have an answer for either concern but agrees that there are problems and he will do his best to help find a solution. Councilman Paschkes brought up the point of public transportation and how it is getting more expensive to ride the trains than to drive and this should be addressed. Councilman Paschkes also questioned the numbers and percentages expressed in the 2012 budget saying they didn't look accurate. Assemblyman Castelli said that he did his best to summarize a very thick document for our meeting and may have been off a little with the figures. The Town Board thanked him for coming to give us the update.

- **Shelley Schultz – request to use Pound Ridge Deli for cooking when the Deli is closed**

Ms. Schultz would like to use The Deli's premises when The Deli is closed for production of raw granolas and crackers for her business Healing Home Foods. She has permission from the property owner and the business owner and will supply her own certificate of insurance as well as an Agriculture & Marketing permit. Jim Perry, Building Inspector recommends amending the Special Use Permit that The Deli currently has because of take out services to include the additional use and hours of operation. The Town Board feels that an amendment isn't necessary because Ms. Schultz will be working within the parameters of the Special Use Permit guidelines. In addition to the copy off her Agriculture & Marketing permit, she should get a Health Department letter of approval for any additional water usage generated by the proposed use.

**RESOLUTION #: 141-12**

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

RESOLVED, that the Town Board hereby supports Shelly Schultz using The Deli kitchen for production of raw granolas and crackers for her business Healing Home Foods during the hours when The Deli is closed subject to obtaining a letter of approval from the Department of Health, use within the parameters of the current Special Use Permit including the hours of operation and getting a permit from the Department of Agriculture and Markets.

- **Film Shoot Request**

An addition to the agenda is a request for a still film shoot at 12 Old Pound Road, Pound Ridge, NY on July 25<sup>th</sup> and July 26<sup>th</sup>. Tamara Gallegos of 2D Photo Productions in Brooklyn, NY explained the scope of work to the Town Board. There will be a crew of approximately 30 people and it will be filmed in the home. There will not be any exterior lights or props. One motor home, one cube truck, 1 cargo van, 3-15 passenger vans, 5

SUVs and 5 cars will be on the resident's property during the shoot. They will not need any street parking. The Town Board mandated that Tamara get sign-off letters from all the surrounding neighbors. They also said that hours will be between 8:00 a.m. and 7:00 p.m.

**RESOLUTION #: 142-12**

**Board Action:** Motion by Councilman Paschkes, seconded by Councilwoman Boak, the Board polled and motion passing 4-1 (with Councilman Lyman voting nay) on the following:

RESOLVED, that the Town Board hereby approves the application from 2D Photo Production to film at 12 Old Pound Road, Pound Ridge, NY on July 25<sup>th</sup> and July 26<sup>th</sup> between the hours of 8:00 a.m. and 7:00 p.m. subject to coordinating with the Chief of Police, getting the Certificate of Insurance naming the Town as additional insured, contacting and getting a sign-off letter from the surrounding neighbors and if unable to get the sign-off letter, be aware that the Chief of Police will have the authority to make a determination of the situation and possibly shut down production.

- **Police Department – purchase of new computer server, as budgeted for 2012**

Chief David Ryan is requesting permission to purchase the replacement computer server and other hardware and software necessary to upgrade their current records management system. All items requested are on the New York State Office of General Services Contract and do not require bidding. The total cost for the hardware and software purchases is approximately \$9,764.37 and is budgeted in the 2012 Police budget.

**RESOLUTION #: 143 -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 David Ryan to purchase the replacement computer server and other hardware and software necessary to upgrade their current records management system. All items requested are on the New York State Office of General Services Contract and do not require bidding. The total cost for the hardware and software purchases is approximately \$9,764.37 and is budgeted in the 2012 Police budget.

- **Pool Consultant Agreement**

Supervisor Warshauer received a proposal for consulting services in connection with the planned replacement of the finish and related repairs at three pools (2 swimming pools, one wading pool) at the Pound Ridge Town Park. The following is his proposal:

Our services will include the following:

1. Review of existing conditions based on: a) Visual examination of the pools when filled and in operation, supported by review of pertinent record drawings on file in your office and data obtained in meetings with operating and maintenance staff and b) Follow-up observations of the pools emptied after the pool season including selected areas to be temporarily uncovered by Town staff for our viewing.
2. Preparation of preliminary project scope and budget for the proposed replacement and repair work limited to:
  - a) Replacement of existing white plaster finish with new, matching white piaster finish,
  - b) Repair/replacement of defective tile work with new matching tile work.
  - c) Possible repairs and restoration of selected pool joints.
3. Preparation of project manual/bid package for the above including drawings, technical specifications, general conditions, bid form, prevailing wage rates and other related contract documents. Contract documents will be written around standard ALA General Conditions of the Contract for Construction adapted to this project.
4. Assist your office in making notification to the Health Department. On the basis of the proposed project scope limited to repair/replacement, a simple letter notification requirement is anticipated.
5. Review bids received and information submitted with bids and report to you on results of said reviews.
6. Review and evaluation of material submitted by the contractor during construction, e.g. product literature, samples and shop drawings.
7. Make site visits and participate in project meetings during construction at specified progress milestones to review project status and establish, by visual observation, the Work's conformance with the contract requirements. A written record of such meetings/visits will be provided. Up to four such meetings/visits are included under Basic Services.
8. Assist the Town in the administration of the contract for construction by providing review and certification of construction contractor's progress and final pay requisitions, (Day-to-day construction contract administration to be done by Town staff).

II – Compensation:

We will provide the above services for the following compensation:

1. A) For Basic Services: A fixed fee plus reimbursable expenses. B) For Additional Services: Time charges plus reimbursable expenses.
2. *Basic Services* are as outlined under Items 1, 1. through I, 8. above and will be provided for a fixed fee of \$ 15,000 plus reimbursable expenses.
3. *Reimbursable Expenses* will be the costs of printing, delivery and transportation for such site visits as take place after bids have been received by the Town. On the basis of experience with similar projects we estimate that printing and deliveries (printing, binding and delivering the project manuals and distribution deliveries of shop drawings) will not exceed \$ 1,000. A 15% handling charge will be added to the costs of printing and deliveries. Transportation expenses for site visits will be charged at \$ 0.55/mile.
4. *Additional Services* will be provided only as specifically requested and authorized by the Town. The following services would constitute *Additional Services*: a) Project meetings/site visits in addition to those indicated under I, 7 above; b) services in connection with Health Department submittal requirements other than noted under I, 4. above; c) participation in presentations, public hearings or meetings (other than routine work sessions with you or members of your stall) and preparation of material, reports, impact statements or exhibits for such presentations; d) services connected with materials sampling and/or laboratory testing; e) review and evaluation of proposals for contract change orders; 1) revisions of portions of project manual due to project scope changes. Compensation for additional services is to be based on time charges (including specialty consultant charges if required and approved) plus reimbursable expenses. Principal's time to be charged at \$ 210.-/hour.

The Town Board would like the Recreation Commission to review the agreement and approve it before they approve it. This will be put on the Work Session agenda for July 25, 2012. Supervisor Warshauer feels there should be a little tweaking before the agreement is finalized, to include various bidding options to allow flexibility of construction and confirm the number of inspections is adequate.

- **Home Heating Oil Program – consider establishing a program similar to Cortlandt**

Councilman Paschkes has been encouraging the Town Board to adopt a Home Heating Oil Program along the lines of what has been running very successfully in the Town of Cortlandt. It would be at a minimal cost to the Town to do this because basically we are simply acting as an intermediary between the numerous companies that would sign on to the program and providing a list of participants to residents that join the program so that they would know that they would be

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getting the lowest cost of heating oil from those participating in the plan. The price would be set by the participants and it would potentially save homeowners money and the uncertainty of trying to figure out who they could get a good price from. The modest cost would be for the initial start up expenditure to do a town-wide mailing of a brochure informing them of the program and the vendors on the approved list. We can basically copy the Memorandum of Understanding from Cortlandt and use their brochure explaining the Plan requirements and frequently asked questions. He would like to get this adopted before the fall heating season. Councilman Paschkes spoke with David Doyle, Administrator of the Program in Cortlandt and Councilman Richard Becker and they had positive feedback about the program in Cortlandt. They have had virtually no complaints from the participants in the program and their concerns are few and far between. The Town does not participate in the service contracts outside the program. Participants must sign for the service contracts separately. The program has also been successful in Peekskill and Yorktown as well.

Jon Powers, Deputy Supervisor, is very concerned and does not feel we should be getting into the oil business. As a Town, we would also be determining the profit market for the oil companies involved. Councilman Falco is also very concerned about the idea of colluding to price fix and the idea of multiple vendors getting together to agree on a targeted price is just wrong. Councilman Lyman worries about service and the cost of emergency calls because they may increase their service contract costs to cover for the lower fuel cost offered. Supervisor Warshauer said that he was not convinced that doing this would insure the best price for residents, that there would be initial and ongoing costs to set up and administer the program and someone would have to be assigned the responsibility of doing it. There was a lot of discussion about instituting this program in Pound Ridge. It was observed that the Town is quite different from the towns and cities that have this instituted.

**RESOLUTION #: 144-12**

**Board Action:** Motion by Councilman Paschkes, seconded by Councilwoman Boak, the Board polled with Councilman Falco, nay; Councilman Lyman, nay; Councilwoman Boak, aye; Councilman Paschkes, aye and Supervisor Warshauer, nay, motion denied 3-2 on the following:

RESOLVED, that the Town Board hereby denies the institution of a Home Heating Oil Program for the Town of Pound Ridge similar to the program run in the Town of Cortlandt as discussed above.

**FINANCIAL MATTERS:**

**Recreation Department – requesting authorization for various refunds**

**RESOLUTION #: 145-12**



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- **Medco Health Plan**

Steve Conti, Director of Finance, is requesting approval to transfer \$64,180 from Contingency –A1990.400 into the Medical Insurance line – A9060.801 to cover the additional billing by POMCO to reduce the deficit balance.

- **Department of Environmental Protection**

Steve Conti, Director of Finance, is requesting approval to transfer \$18,110 from Contingency A1990.400 to the environmental consultants line A8030.410 to cover the amount over budget.

**RESOLUTION #: 148 -12**

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

RESOLVED, that the Town Board hereby authorizes Steven Conti, Director of Finance, to transfer \$64,180 from Contingency –A1990.400 into the Medical Insurance line – A9060.801 to cover the additional billing by POMCO to reduce the deficit balance, AND BE IT

FURTHER RESOLVED, that the Town Board hereby authorizes Steven Conti, Director of Finance, to transfer \$18,110 from Contingency A1990.400 to the environmental consultants line A8030.410 to cover the amount over budget.

**Assessor – requesting transfer of funds to purchase a new file cabinet**

Carole Long, Assessor, is requesting authorization to purchase a five-drawer letter-size file cabinet for much needed vault storage of assessment inventory records. The cost of the cabinet is \$414.19 and was not budgeted. The money would have to be transferred from Contingency A1990.400 to her equipment line A1355.400.

Councilwoman Boak said she has a file cabinet that she would donate to the Town for use in the Assessor's office if it fits. The Town Board will hold back on authorizing the ordering of a file cabinet at this time.

**Court Clerk – requesting authorization to attend Conference**

**RESOLUTION #: 149-12**

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

RESOLVED, that the Town Board hereby authorizes Sonia Mercado-Jimenez, Court Clerk to attend the annual conference of the New York Association of Magistrates Court Clerks in Albany, September 30-October 3, 2012.

**Monthly Reports**

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

**Pay Bills**

**RESOLUTION #: 150-12**

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

WHEREAS, Councilwoman Boak 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:

<b>GENERAL FUND</b>	<b>G</b>		<b>\$313,843.61</b>
<b>HIGHWAY FUND</b>	<b>D</b>		<b>\$ 27,293.26</b>
<b>PARKING DISTRICT</b>	<b>ST</b>		<b>\$ 252.07</b>
<b>TRUST AND AGENCY</b>	<b>T</b>		<b>\$ 103,595.31</b>
<b>CAPITAL</b>	<b>H</b>		<b>\$ 36,073.72</b>

**ADJOURNMENT**

Supervisor Warshauer adjourned the regular meeting at 10:50 p.m.

Joanne Pace, Town Clerk  
Dated at Pound Ridge, New York  
July 13, 2012