

MINUTES OF THE SEPTEMBER 8, 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: PETER FALCO, RICHARD LYMAN AND DANIEL PASCHKES

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

ABSENT: COUNCILMAN PAUL McCONVILLE

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

ANNOUNCEMENTS:

Supervisor Warshauer gave thanks and gratitude to all our employees and volunteers during Hurricane Irene. Chief Ryan and the Police Department, Vinnie Duffield and the Highway Department and Ray Andretta and the Maintenance Department, Jon Powers, Jim Perry and our OEM, the Fire Department and the Ambulance Corps all did an exceptional job getting us through this storm.

Supervisor Warshauer announced that there will be a 9/11 Memorial Program on Sunday, September 11th at 10:00 a.m. at Sachs Park.

MINUTES: Acknowledge/correct/accept minutes of Town Board Meeting on August 11, 2011, and minutes of the Special Town Board Meeting on Saturday, August 13, 2011 and Work Session of August 24, 2011.

This will be done at the next Town Board meeting.

NEW BUSINESS:

Assemblyman Bob Castelli to address the Board to report on NYS issues

Assemblyman Bob Castelli addressed the Town Board by first saying what an exceptional job Pound Ridge employees, especially Supervisor Warshauer and Chief Ryan for an outstanding response during Hurricane Irene. Bob Castelli already issued a request to the Governor for a task force to examine the utilities' emergency responses to that particular emergency. He felt that NYSEG was not adequately prepared for this situation, their protocols and procedures and resources were not available in a timely fashion to restore their transmission and distribution lines following the storm.

Bob Castelli reported a brief summary of major actions by the 2011 Legislature. He mentioned that there were a number of notable accomplishments this year in Albany. The adopted budget eliminated a \$10 billion budget gap with no new taxes and no borrowing and cut the projected

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four-year deficits by 84 percent. The projected 2012-2013 budget reduces the deficit from \$15 billion to about \$2 billion. All funds spending will total approximately \$131.7 billion, a decrease of \$3.1 billion (2.3%) from the previous year.

The State spends approximately \$53 billion per year on Medicaid. It represents the largest and fastest growing components of State spending and the Governor's Medicaid Redesign Task Force will revise the program to eliminate abuse and fraud.

Bob Castelli reported on jobs and economic development and said they are taking important steps in revitalizing New York and to allow the private sector to begin creating jobs. One of the first bills he authored dealt with Ethics Reform which is much needed. One of the most obvious ways we can reform Albany is by convening a Constitutional Convention. Every 20 years the question of whether New York State should convene a Constitutional Convention is placed before the voters. He renewed his call for a People's Constitutional Convention to reform Albany.

Bob Castelli briefly talked about the Tax Cap being a solution but certainly not a panacea. It represents the first step toward delivering lasting relief from some of the highest property taxes in the Nation. The lawmakers can focus their energy on providing local governments and school districts with relief from the unfunded mandates that cause our region's skyrocketing property taxes. This bill limits tax levy growth to the lesser of 2% or the annual increase in the CPI. Local governments that do not levy an amount up to the cap in one year can rollover that amount up to 1.5% in the following year. Local Boards can exceed the cap with a 60% vote of the governing body.

A brief summary of Mandate Relief was discussed along with Pension Reform. By creating a new Tier VI, the projected savings to the State, over the next thirty years, will be in excess of \$93 billion dollars and may increase that savings to over \$120 billion dollars over 30 years.

As part of the historic tax cap agreement, the Assembly passed important rent-stabilization legislation which would cap the amount tenants pay for their apartments, shielding them from the rising cost of living in one of the most expensive regions in America.

Bob Castelli was pleased to report that no funding was cut this year from the State's Environmental Protection Fund. He also spoke about hyrofracking, a mining technique that is used to drill for natural gas. He is for this provided they make sure it can be done safely and not contaminate the downstate water supply.

In 2011, Bob Castelli cosponsored 201 pieces of legislation, of which 20 passed the State Assembly, and five have been signed into law thus far. A question and answer session followed his presentation.

Mariella's Wine Bar – Outdoor Seating

The applicant for Mariella's Wine and Espresso Bar submitted a Special Use Permit application asking for outdoor seating.

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RESOLUTION #: 131-11

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

RESOLVED, that the Town Board hereby approves the Special Use Permit application from Mariella's Wine & Espresso Bar for outdoor seating for the remainder of the year, subject to approval and recommendations from Building Inspector Jim Perry in regard to appropriate barriers being put in between the parking space and the seating area.

Lions Club-requests permission for a shed at Lion's Park

Councilman Paschkes recused himself from the discussion about the shed at Lion's Park because of his affiliation with the Lions Club.

RESOLUTION #: 132-11

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

RESOLVED, that the Town Board hereby authorizes the Lions Club to purchase a shed not to exceed 6 feet by 8 feet to be placed in Lions Park to hold the tools and hoses necessary to maintain the park and the pumpkin patch. The shed will be put in the back right section of the park and will not impact the wetland area. The color will be an earthy brown to blend with nature.

Croton Kensico Watershed Intermunicipal (CKWIC) Agreement with Westchester County

Councilman Paschkes returned to the Town Board for the rest of the Town Board meeting. Deputy Supervisor Jon Powers briefly explained that the Towns in Northern Westchester have a goal of phosphorus reduction. They have banded together and created a list of projects that would create the most reduction. The total reduction is 256 kilograms of phosphorus and Pound Ridge's share of that is 9 kilograms. At the moment, Pound Ridge does not have any qualified projects. The Town Board can either accept this IMA as proposed or reject it. Counsel Sullivan asked if there is room for tweaking, example with the indemnification of Westchester County and the DEC issues, and the answer is basically no. The IMA would allow \$10M to be transferred from the County to the Towns for Phosphorous reduction projects. The term of the IMA is 5 years commencing 1/1/2011 and terminating 12/31/2011. A copy of the IMA is in the Town Clerk's office.

RESOLUTION #: 133-11

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

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RESOLVED, that the Town Board hereby authorizes Supervisor Warshauer to sign the Croton Kensico Watershed Intermunicipal Agreement with Westchester County to disburse ten million (\$10,000,000) dollars in order to fund eligible costs incurred by each Municipality in connection with the goal of phosphorus reduction.

Town Clerk- request permission to advertise the bidding of the 2010-2011 Fuel Oil and Service Contracts

RESOLUTION #: 134-11

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

RESOLVED, that the Town Board hereby authorizes the Town Clerk to go to bid for the 2011-2012 Fuel Oil and Service Contract.

Sale of Cemetery Plots

RESOLUTION #: 135 -11

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

RESOLVED, that the Supervisor be and is hereby authorized to sell Town Cemetery Plot #20-1, Section 3 (1 gravesite) to Steven Ash, 48 Old Oaken Bucket Rd., Norwell, MA 02061 in the amount of \$1,000.

RESOLUTION #: 136-11

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

RESOLVED, that the Supervisor be and is hereby authorized to sell Town Cemetery Plot # 91-1, Section 3 (1 gravesite) to Ernest L. Stern, 293 Upper Shad Rd., Pound Ridge, NY 10576.

Town Assessor – requesting authorization to attend training program

Carole Long, Assessor, is requesting permission to send Michel Jordan to the Institute of Assessing Officer “Valuation Course 2, Application of the Three Approaches to Value,” to be

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held at the Montgomery, NY Town Hall, October 17-21, 2011. Total expenses for the week are anticipated to be approximately \$500: \$350 tuition and \$150 gas and lunches.

RESOLUTION #: 137-11

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

RESOLVED, that the Town Board hereby authorizes Michel Jordan to attend the Institute of Assessing Officer "Valuation Course 2, Application of the Three Approaches to Value," to be held at the Montgomery, NY Town Hall, October 17-21, 2011. Total expenses for the week are anticipated to be approximately \$500: \$350 tuition and \$150 gas and lunches.

FINANCIAL MATTERS

Recreation Department – refund deposit on Conant Hall and recreation refunds

RESOLUTION #: 138-11

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

RESOLVED, that the Town Board hereby authorizes the refund of four hundred dollars (\$400) to Carole Moundas, 17 Patterson Rd., Pound Ridge, N.Y. for use of Conant Hall on August 13, 2011 for a family party, AND, BE IT

FURTHER RESOLVED, that the Town Board hereby authorizes the following refunds:

Anne Corless 97 Upper Shad Rd. Pound Ridge, NY 10576	\$160.00 from A2025	Cancellation of child's (4) private swim lessons
Grace Dow 18 Peters Lane Pound Ridge, NY 10576	\$65.00 from A2002	Refund of overpayment
Dawn Dellorusso 16 Shad Rd. West Pound Ridge, NY 10576	\$65.00 from A2002	Refund of overpayment
Ted Wekstein 48 Horseshoe Hill Rd. Pound Ridge, NY 10576	\$40.00 from A2025	Withdrawal of child from Little Dolphins swim series
Ted Wekstein 48 Horseshoe Hill Rd. Pound Ridge, NY 10576	\$15.00 from A2001	Refund of overpayment

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Paul Munsch
259 Bridge St.
Stamford, Ct 06905

\$160.00 from A2025

Withdrawal of (2) toddlers
from private swim lessons

Planning Board – Pace Land Use In-House Training

Planning Board Administrator Karen Taft is requesting authorization to pay \$2,000 to John Nolon, Pace University School of Law, to provide a training session at the Town House on Wednesday, September 28, 2011.

RESOLUTION #: 139-11

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

RESOLVED, that the Town Board hereby authorizes the payment of two thousand (\$2,000) dollars as payment to John Nolon, Pace University School of Law, to provide a training session at the Town House on Wednesday, September 28, 2011. This was a budgeted item that will be disbursed to the various Boards.

ADJOURNMENT: There being no further business to come before the Board, Supervisor Warshauer adjourned the regular meeting at 9:40 p.m.

Joanne Pace
Dated at Pound Ridge, New York
September 9, 2011

7MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, N.Y.
September 10, 2009