

MINUTES OF THE AUGUST 11, 2011 MEETING OF THE TOWN BOARD OF THE TOWN OF POUND RIDGE AND PUBLIC HEARING HELD AT 179 WESTCHESTER AVENUE, POUND RIDGE, N.Y., COMMENCING AT 8:00 P.M.

PRESENT: SUPERVISOR GARY WARSHAUER; COUNCIL MEMBERS:
DANIEL PASCHKES, RICHARD LYMAN AND PAUL McCONVILLE

ALSO PRESENT: TOWN ATTORNEY, JAMES J. SULLIVAN, ESQ.
TOWN CLERK, JOANNE PACE

ABSENT: COUNCILMAN PETER FALCO

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 July 14, 2011 Executive Session and July 14, 2011 regular meeting of the Town Board.

RESOLUTION #: 115-11

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

RESOLVED, that the Town Board hereby acknowledge/correct/accept minutes of July 14, 2011 Executive Session and July 14, 2011 regular meeting of the Town Board.

PUBLIC HEARING: To consider the Special Event Permit request by the Pound Ridge Partnership for a Harvest Festival Block Party to be held in Scotts Corners on Saturday, October 15, 2011 from 2:00 p.m. until 7:00 p.m.

Board Action: Motion by Councilman Paschkes, seconded by Councilman Lyman, all voting aye to open the Public Hearing to consider the Special Event Permit request by the Pound Ridge Partnership for a Harvest Festival Block Party to be held in Scotts Corners on Saturday, October 15, 2011 from 2:00 p.m. until 7:00 p.m.

Pound Ridge Partnership is proposing a Harvest Festival block party on Saturday, October 15, 2011 from 2:00 p.m. to 7:00 p.m. Activities will include Fall-type activities for families, live band, food and beer and wine. They are requesting closure of Westchester Avenue from Blind Charlie's to Plum Plums from 1:00 p.m. to 8:00 p.m. to accommodate set up and clean up. The Pound Ridge Partnership has applied for a liquor license as the Town Board gave their approval. They will be selling tickets for food and drinks as a fundraiser for the Partnership Beautification of Scotts Corners Fund. They plan to have pumpkin painting, window painting, scarecrow making contests, bobbing for apples, etc. for the children. They will also have a band playing music throughout the

event. They plan to have food vendors and have local breweries and wineries sell at the event. The Partnership will get all the appropriate insurance documents needed for the event and Town Attorney Jim Sullivan will review them. Each vendor will be responsible for getting the appropriate health department permits needed to sell food and drink.

Richard Mendes had some concerns with business owners getting upset because of the lack of parking and Lara Keidel, representing Pound Ridge Partnership said that they have permission and support from the various business owners. Ruth Mendes, Business Association, said that Sunday would be a better day to avoid conflict with the businesses but again was told that the business owners like the idea.

Board Action: Motion by Councilman Lyman, seconded by Councilman Paschkes, all voting aye to close the Public Hearing.

RESOLUTION #: 116-11

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

RESOLVED, that the Town Board hereby approves the Special Event Permit application as requested by the Pound Ridge Partnership for a Harvest Festival Block Party to be held in Scotts Corners on Saturday, October 15, 2011 from 2:00 p.m. until 7:00 p.m. subject to the Town Attorney reviewing all the insurance certificates.

The Partnership is also looking for a letter of support for their liquor license.

RESOLUTION #: 117-11

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

RESOLVED, that the Town Board authorizes Supervisor Warshauer to sign the letter of support for the Pound Ridge Partnership's application for the required liquor license.

The Partnership is also requesting permission to hang a banner to promote the festival.

The Partnership is also requesting permission to hang a banner across Westchester Avenue on September 24, 2011 and remove it October 17, 2011.

The Pound Ridge Historical Society would like to install a banner across Westchester Avenue this fall to promote their Civil War exhibit at the Pound Ridge Museum. The banner would be installed September 26th and removed October 11th.

RESOLUTION #: 118 -11

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

RESOLVED, that the Town Board hereby authorizes the Pound Ridge Partnership to install a banner across Westchester Avenue on September 24th and removed by October 17th and authorizes the Pound Ridge Historical Society to install a banner across Westchester Avenue this fall to promote their Civil War exhibit at the Pound Ridge Museum. The banner would be installed September 26th and removed October 11th. They should both coordinate with Jim Perry, Building Inspector, for the locations of the banners.

NEW BUSINESS:

- **Auditors Report for year ending 2010**

Susan Barosi and Marc Traina, O'Connor Davies Munns & Dobbins, LLP, explained that these financial statements are the responsibility of the Town's management. Ms. Barosi said that the Town has five funds: General Fund, Highway Fund, Capitol Fund, Parking Fund and Special Purpose Fund or Trust and Agency Fund. Tonight they will focus on the General Fund which is the operational fund. The auditor's express no opinions on these basic financial statements based on the audit. They briefly went through stating that the financials contain reasonable estimates, no significant audit adjustments, no disagreements and no major accounting, auditing or reporting issues. The financial statements present fairly the respective financial position of the governmental activities with accounting principles generally accepted in the United States of America.

Marc Traina summarized the General Fund Comparative Schedule of Revenues and Expenditures. At the end of the current year, unreserved fund balance for the General Fund was \$2,153,668, which equates to 43.9% of total General Fund expenditures of \$4,905,550. The General Fund reported an ending total fund balance of \$2,411,110 which represents a decrease of \$948,001 from 2009 ending fund balance of \$3,359,111. The Town has been consistent with keeping within the budget each year.

They prepared a Management Letter which discusses the strength and weaknesses in the internal control and suggestions for any operating deficiencies. At the end of the audit process, the Town of Pound Ridge received an unqualified opinion which is the best opinion that any municipality can get. The majority of the five funds is included in the

General Fund and is available for spending at the Town's discretion. Susan Barosi briefly went through the Summary of Communications of Internal Control Matters and there were no material errors, frauds or illegal acts or weakness identified. All accounting policies appeared appropriate. There was nothing to report.

Supervisor Warshauer thanked Steve Conti, Director of Finance along with ODMD, LLP for all their work for helping keeping Pound Ridge financially secure. The Financial Statements are available in the Town Clerk's office.

RESOLUTION #: 119-11

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

RESOLVED, that the Town Board hereby accepts the Auditors Financial Statements and Supplementary Information Report and the Report on Internal Controls and Operations for the fiscal year 2010.

- **Pound Ridge Business Association-requests authorization to purchase bike racks for Scotts Corners**

The Pound Ridge Business Association is requesting authorization to purchase bike racks for Scotts Corners. They would like to encourage cyclists who pass through Scotts Corners to stop and visit our shops and eating places. The Business Association, the Pound Ridge Partnership and the Parking District Commission are collaborating to install bicycle racks throughout the Scotts Corners business district. The first phase of this pilot project aims to bring 3 bicycle racks, each of which can hold 6 bicycles, to the business district this summer. The bicycle racks are moveable should there be a need to switch locations. The initial racks will be financed through contributions by the Pound Ridge Business Association, the Pound Ridge Partnership and the Parking District Commission, utilizing funds from the Parking District. The Parking District Commission will install and maintain the racks.

Their color choice is hunter green and the racks are priced at \$531.00 for a 6-bike rack consisting of 3 "swerves." Each swerve accommodates 2 bikes.

RESOLUTION #: 120-11

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

RESOLVED, that the Town Board hereby authorizes the purchase of the 6-bike rack consisting of 3 swerves in the amount of \$531.00 to be paid out of the

Parking District Fund subject to approval by the Business owners. The Town Board will order them and the Business Association and the Pound Ridge Partnership will contribute to the cost.

- **Discuss proposed amendment to the Dog Law regarding fines for unlicensed dog**

Section 39-4 of the Dog Law explains that every person owning or harboring a dog with the Town of Pound Ridge shall purchase a dog license and present a certificate of rabies. It does not address non-compliance. It was suggested that we amend the law to say “non-compliance of obtaining a dog license will result in a fine described in Section 39-11.” Section 39-11 should have a Violation of §39-4 added with a First Offense of \$50.00 and a Second or more offense within a Six Month Period of \$100.00 added to the Fines; penalties for offenses section. It will give the Police Officers, Dog Control Officer and the Judges the ability to issue a warning or fine when necessary.

RESOLUTION #: 121 -11

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

RESOLVED, that the Town Board hereby calls for a Public Hearing on September 15, 2011 to consider the amendment to the Dog Law to include the following: to say “non-compliance of obtaining a dog license will result in a fine described in Section 39-11.” Section 39-11 should have a Violation of §39-4 added with a First Offense of \$50.00 and a Second or more offense within a Six Month Period of \$100.00 added to the Fines; penalties for offenses section.

When posting for the Public Hearing, the Town Clerk will also post the amendment on the Town’s website.

- **Court Clerk-requests approval to attend the annual conference in September 2011**

The annual conference of the New York Association of Magistrates Court Clerks, Inc. will convene in Niagara Falls, September 24, 2011 through September 28, 2011 at the Holiday Inn Niagara Falls. The estimated costs for the conference will be approximately \$1,070.00 including hotel accommodation (with meals), transportation and pre-registration.

RESOLUTION #: 122-11

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 hereby authorizes Sonia Mercado-Jimenez, Court Clerk, to attend the annual conference of the New York Association of Magistrates Court Clerks, Inc. will convene in Niagara Falls, September 24, 2011 through September 28, 2011 at the Holiday Inn Niagara Falls. The estimated costs for the conference will be approximately \$1,070.00 including hotel accommodation (with meals), transportation and pre-registration.

- **Highway Department-requesting authorization to purchase a used dump truck**

The Highway Department is requesting authorization to purchase a used 2009 Chevrolet dump truck from Karl Chevrolet in the amount of \$32,000. This is in the Highway budget.

RESOLUTION #: 123 -11

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

RESOLVED, that the Town Board hereby authorizes the purchase of a used 2009 Chevrolet dump truck from Karl Chevrolet in the amount of \$32,000. This is in the Highway budget.

- **Highway Department-appointment of Vincent Duffield to position of Highway Superintendent**

RESOLUTION #: 124-11

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

RESOLVED, that the Town Board hereby appoints Vincent Duffield to position of Highway Superintendent subject to calling for the list and other finalizing paperwork from Civil Service. The salary will be adjusted accordingly. The effective date will be when the Town Board receives the Highway Superintendent list.

- **Highway Department-appointment of James Hunter to position of Highway Assistant General Foreman**

RESOLUTION #: 125-11

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

RESOLVED, that the Town Board hereby appoints James Hunter as Assistant General Foreman once the appointment of Vincent Duffield as Superintendent of Highways is formally official. The salary will be adjusted accordingly.

- **Highway Department-accept resignation of Richard Lyman from position of Highway Administrator**

Board Action: Motion by Councilman McConville, seconded by Councilman Paschkes, all voting aye to accept the resignation of Richard Lyman as Highway Administrator. Special thanks were given to Dick for all his work and effort. This will also be effective when the position of Superintendent of Highways is official.

- **Ambulance Corps request for change in color of the Cell Tower**

Supervisor Warshauer received a phone call and an e-mail from Marty Kremer, Pound Ridge Ambulance Corps, regarding the color of the cell tower that will be erected on their property. It was the unanimous position of the Amubulance Corps that the color be changed from the original color “umbra” to “blue horizon”.

*Councilman Paschkes who recused himself from the discussion because of his position on the Ambulance Corps, confirmed that they want the color changed.

Since Blue Horizon was one of the colors discussed at length during the numerous Public Hearings on the Cell Tower, and was the color selected when a two-color tower was discussed, and when changing from the two-color tower to a single-color tower there was much debate about which of the two to select. The Town Board did not have any problem changing the color to blue horizon, as requested by the Ambulance Corps.

Board Action: Motion by Councilman McConville, seconded by Councilman Lyman, all voting aye to authorize Counsel Sullivan to contact the cell tower company to discuss the change of the color of the cell tower from umbra to blue horizon.

FINANCIAL MATTERS:

Recreation Department – request authorization for refunds

RESOLUTION #: 126-11

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

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

Svetlana Shmulyian 26 Winterbottom Rd. Pound Ridge, NY 10576	\$200.00 from A2025	Refund of Little Dolphin's swim program
Malyn Sheridan 49 Indian Hill Rd. Pound Ridge, NY 10576	\$50.00 from A2002	Withdrawal of child from 2 specialty camps.
Lisa Abbondola 92 Salem Rd. Pound Ridge, NY 10576	\$180.00 from A2025	Cancellation of child's pool membership
Marcy Van Tilburg 211 Salem Road Pound Ridge, NY 10576	\$180.00 from A2025	Cancellation of child's pool membership
Jennifer Loria 50 High Ridge Rd. Pound Ridge, NY 10576	\$80.00 from A2002	Withdrawal of children from day camp trip
Christina Egan 9 High Cliff Terrace Pound Ridge, NY 10576	\$40.00 from A2002	Withdrawal of child from day camp trip
Maritza Dancsecs 74 Scofield Rd. Pound Ridge, NY 10576	\$65.00 from A2002	Withdrawal of child from specialty camp
Jessica Genova Miller 53 Fox Run Road Pound Ridge, NY 10576	\$40.00 from A2025	Withdrawal of child from Little Dolphin's session

Water Control Commission-requesting authorization to release a performance bond

RESOLUTION #: 127 -11

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

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

Paul Richmond, 31 Trinity Pass, Block 9456, Lot 50.9, \$1,000 cash bond for dredging (#10-07).

Tax Receiver-requesting authorization to make correction on the tax roll and issue a refund

RESOLUTION #: 128 -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 following refund due to correction of 2010 tax roll:

Jacob Margulis, 28 Hack Green Road, Pound Ridge, NY 10576, Block 9830-12, refund in amount of \$146.22.

Receipt of Monthly Departmental Reports

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

Pay Bills

Supervisor Warshauer mentioned that Councilman Falco is on vacation and wasn't able to audit the accounts payable. Considering the circumstances, Deputy Supervisor Jon Powers will audit the bills and will not sign any checks this month. Supervisor Warshauer will call for a Special Town Board meeting on Saturday, August 13, 2011 at 10:00 a.m. to approve the bills for payment.

Board Action: Motion by Councilman Lyman, seconded by Councilman McConville, all voting aye to hold a Special Town Board meeting on Saturday, August 13, 2011 to approve the payment of the bills.

ADJOURNMENT: There being no further business to come before the Board, Supervisor Warshauer adjourned the regular meeting at 9:30 p.m.

Joanne Pace
Dated at Pound Ridge, New York

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TOWN OF POUND RIDGE
POUND RIDGE, NY
August 11, 2011

August 12, 2011