

MINUTES OF THE JANUARY 12 2012 MEETING OF THE TOWN BOARD OF THE TOWN OF POUND RIDGE HELD AT TOWN HOUSE, 179 WESTCHESTER AVENUE, POUND RIDGE, N.Y., COMMENCING AT 8:00 P.M.

PRESENT: SUPERVISOR GARY WARSHAUER; COUNCIL MEMBERS:
DANIEL PASCHKES, RICHARD LYMAN, PETER FALCO AND
ALISON BOAK

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

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

CALL FOR EXECUTIVE SESSION: None

ANNOUNCEMENTS:

Supervisor Warshauer reminded everyone of his Supervisor's Forum on Emergency Preparedness this Saturday, January 14, 2012 at 10:00 a.m. at the Town House.

MINUTES: Acknowledge/correct/accept minutes of Town Board Meetings on January 5, 2012.

RESOLUTION #: 40-12

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

RESOLVED, that the Town Board hereby acknowledges, corrects and accepts the minutes of the Town Board Meeting held on January 5, 2012.

NEW BUSINESS:

- **Noise Ordinance Amendments-discussion and scheduling of Public Hearing**

Under Section 5-Specific Limits; Responsibility of owner or lessee or possessor, subsections B, C and D is proposed to be amended as follows:

- B. Engage in or conduct themselves in such a manner so as to disturb the peace of the neighborhood. A specific prohibition is continuous noise in excess of 45db at the property line for thirty minutes between the hours of 11:00 PM to 7:00 AM.*
- C. Engage in a continuing course of conduct that makes, causes to be made, or permits the making of any unnecessary or unreasonable noise or sound which*

annoys, injures or endangers the comfort, repose, health, safety or welfare of a reasonable person of normal sensitivities.

In Section 6-Exemptions, the sentence in subsection A is proposed to be changed to read:

Use of snow blowers, chain saws, generators and other domestic tools and equipment are exempted from the limits of this ordinance when they are being used to clear driveways, streets or walkways during and within twenty-four (24) hours after a *weather event, power outage* or similar emergencies.

Section 9-Penalties for Offenses is proposed to be changed as follows:

Any violation of any provisions of this chapter by any person, firm or corporation shall be an offense

A. First offense *-issuance of a warning citation*

B. For a second offense within one year of the issuance of a warning citation-a fine of no less than \$100 and not exceeding \$250.

C. For a third offense within one year of a prior conviction or any subsequent convictions within one year of a prior conviction-a fine of not less than \$250 and not exceeding \$1,000.

RESOLUTION #: 41-12

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

RESOLVED, that the Town Board hereby schedules a Public Hearing to consider the proposed amendments to the Noise Ordinance as discussed above on Thursday, February 9, 2012 at 8:00 p.m.

- **Oceanus Subdivision-Planning Board request to apply Conservation Development Standards for this project**

The Town Board received a request from the Planning Board for permission for them to apply conservation development standards for the Oceanus Navigation cluster subdivision. The law says that the Town Board has to grant that authority to the Planning Board. Previously, the Town Board asked the Planning Board to review the application and make a recommendation to the Town Board as to how they would apply this if it was granted to them. They have done this and presented a package to the Town Board. Once this authority is granted to the Planning Board, they will have full authority on this application consistent with our Town law and regulations.

Councilman Paschkes mentioned that at our December 28, 2011 Work Session, a request was made with regards to building lot #5 to have an additional conservation easement

strip along the back of the lot to provide a corridor connecting the two proposed conservation easements. It would promote environmental contiguity instead of fragmentation. The applicant agreed to extend the conservation easement to create a corridor connecting the two conservation parcels. It will be an open corridor in perpetuity.

RESOLUTION #: 42-12

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

RESOLVED, that the Town Board hereby grants the authority to the Planning Board to apply the conservation development standards to this project with the conditions that such plan will include building in a conservation easement on Lot #5 to create a biotic corridor linking the two conservation parcels and subject to the condition that the final conservation easement be subject to Town Board approval.

- **Kagan 3-Lot Subdivision Old Stone Hill Road-request for drainage easement encroachment in Right-of-Way**

The Kagan 3-lot subdivision drainage easements on Old Stone Hill Road were approved by the Planning Board at their December 22, 2011 meeting. The Town Board has approved these easements subject to review of the final language by our Town Attorney and there were a few modifications made. They are the Declaration of Access, Utility and Drainage Easement, Drainage Easement Agreement and Stormwater Control Facilities Maintenance and Easement Agreement. Councilman Paschkes noted two corrections that should be noted in the Drainage Easement Agreement. On page 2, in the third paragraph of Section 3, there is a missing word in the first sentence “Any such cost incurred by the Town shall be assessed interest at the rate of six (6%) percent per annum from the date such payment is made by the Town to the date on which payment is *made* by Kagan to the Town.” On page 3, in Section 6, Councilman Paschkes suggests putting in **to date** after “financial obligations due *to date* hereunder” because the obligations are on going and he wouldn’t want to potentially indicate that there is a termination of the obligation. The Town Attorney and the Town Board did not have a problem inserting the wording.

RESOLUTION #: 43-12

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

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RESOLVED, that the Town Board hereby approves the three (3) easements, Declaration of Access, Utility and Drainage Easement, Drainage Easement Agreement and Stormwater Control Facilities Maintenance and Easement Agreement for the Kagan 3-Lot subdivision as amended and authorizes the Supervisor to sign the easements.

- **US Summit Co/Eastwoods LLC-Planning Board request for bond reduction**
Councilman Lyman recused himself from this discussion.

At the December 22, 2011 Planning Board meeting, members voted to recommend that the Town Board release \$400,000 of the bond currently held by the Town in the amount of \$450,000 to US Summit Co./Eastwoods LLC. The Town would continue to hold a bond in the amount of \$50,000 until such time as a “sign-off” is received from the DOT.

RESOLUTION #: 44 -12

Board Action: Motion by Councilwoman Boak, seconded by Councilman Falco, 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 \$400,000 of the bond currently held by the Town in the amount of \$450,000 to US Summit Co./Eastwoods LLC. The Town would continue to hold a bond in the amount of \$50,000 until such time as a “sign-off” is received from the New York State Department of Transportation.

- **Maintenance Department-request to install grease tank**

RESOLUTION #: 45-12

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

RESOLVED, that the Town Board hereby approves the purchase of a concrete grease tank to be installed by the Maintenance Department for the pool house kitchen at a purchase under \$1,000.

FINANCIAL MATTERS:

- **Recreation Department-requesting authorization to refund deposit of Conant Hall**

RESOLUTION #: 46-12

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

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

Soren Gutierrez, 18 Carlin St., Norwalk, CT for use of Conant Hall on December 17, 2011 for a family funeral reception.

- **Monthly Reports**

Receipt of monthly Departmental reports

The monthly reports have been received for December 2012 and are available in the Town Clerk's office.

- **Pay Bills**

RESOLUTION #: 47-12

Board Action: Motion by Councilman Paschkes, seconded by Councilman Lyman, the Board polled and motion passing 4-0 with Councilwoman Boak abstaining to authorize payment of the 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:

GENERAL FUND	G		\$ 94,521.25
HIGHWAY FUND	D		\$ 38,491.74
PARKING DISTRICT	ST		\$
TRUST AND AGENCY	T		\$ 13,601.50
CAPITAL	H		\$

ADJOURNMENT: There being no further business to come before the Board, Supervisor Warshauer adjourned the regular meeting at 8:40 p.m.

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Joanne Pace

Dated at Pound Ridge, New York

January 13, 2012