

MINUTES OF THE FEBRUARY 9, 2012 MEETING OF THE TOWN BOARD OF THE TOWN OF POUND RIDGE AND PUBLIC HEARING 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 J. SULLIVAN, ESQ.  
TOWN CLERK, JOANNE PACE  
DEPUTY SUPERVISOR, JONATHAN POWERS

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

**CALL FOR EXECUTIVE SESSION:** None

**ANNOUNCEMENTS:**

Supervisor Warshauer announced that he will have a Supervisor's Forum on Saturday, March 10, 2012 at 10:00 a.m. on the Deer Management Plan.

Maryann Koltin, Pound Ridge Theatre Group, gave an update on the Sunday readings and the Kid's Spring Musical. This Sunday, February 12, 2012 there will be a reading at 2:00 p.m. for new playwrights. The children's workshop will have a musical and 47 kids auditioned and will all be included in the play this spring. It is a very exciting program.

**MINUTES: Acknowledge/correct/accept minutes of Town Board Meetings on January 12, 2012 and Work Session held on January 25, 2012**

**RESOLUTION #: 48-12**

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

RESOLVED, that the Town Board hereby acknowledge/correct/accept minutes of Town Board Meetings on January 12, 2012 and Work Session held on January 25, 2012.

**PUBLIC HEARING:**

- **To consider and act upon an amendment to the Noise Ordinance**

**Board Action:** Motion by Councilman Paschkes, seconded by Councilwoman Boak, all voting aye to open the Public Hearing to consider and act upon an amendment to the Noise Ordinance.

MINUTES OF THE MEETING OF THE TOWN BOARD  
TOWN OF POUND RIDGE  
POUND RIDGE, NY  
February 9, 2012

The Town Board since October 2011 has been working on modifications to our Noise Ordinance. The amendments will make it easier for our Police Officers to enforce. Supervisor Warshauer went through the changes to the ordinance as follows:

**Section 5—Specific Limits; Responsibility of owner or lessee or possessor**

It shall additionally be unlawful for the owner, lessee or person having possession and control of any property to:

- A. Permit such noise activities as defined in Section 4 thereon.
- B. *Engage in or to conduct themselves in such a manner so as to disturb the peace of the neighborhood. A specific prohibition is continuous noise in excess of 45dbA at the property line for thirty minutes or more between the hours of 11:00 p.m. to 7:00 a.m.*
- C. *Engage in a continuous 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.*

**Section 6-Exemptions**

- A. 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 the cessation of a power outage, weather event or similar emergencies.*

**Section 9 – Penalties for Offenses**

- 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 not 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.*

**Board Action:** Motion by Councilman Lyman, seconded by Councilwoman Boak, all voting aye to close the Public Hearing to consider and act upon an amendment to the Noise Ordinance.

**RESOLUTION #: 49-12**

**Board Action:** Motion by Councilman Lyman, seconded by Councilwoman Boak, the Board polled and motion passing 4-0, with Councilman Falco absent from the Board, on the following:

RESOLVED, that the Town Board hereby adopts the amendments presented to the Pound Ridge Noise Ordinance. This will become Local Law 1 of 2012 and will be effective upon proper filing with the Secretary of State.

**NEW BUSINESS:**

- **Pool House Renovation-presentation of plans by architect**

Architect James Best presented the proposed sketches of the pool house renovation that the Town Board felt was the best scenario for the Town. It will include an entrance or doorway from the bathroom area into the dressing room area. Everything will be brought up to code including handicap accessibility. There will be a new kitchen with more features. Cleanliness will be the main priority of this renovation. A new hot water system will be put in for showers and the kitchen. The budget is for \$150,000 and the completion date is to strive for Memorial Day weekend. Skylights, roof and ceiling fans will also be replaced.

Supervisor Warshauer thanked Councilman Lyman for his lead on this project and thanked Ray Andretta and David Goldberg for their efforts. The Recreation Commission continues to participate in the process.

**RESOLUTION #: 50-12**

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

RESOLVED, that the Town Board hereby accepts the design as proposed by Architect James Best and authorizes him to complete the drawings and move forward with the project.

Councilman Lyman has been working on updating the site immediately adjacent to the pool house area, namely the gravel area around the pool house with pavers made out of recycled tires. He was able to get a good price at \$6.92 a square foot and we would need approximately 2,400 sq. ft. to complete the project. This will be an additional expense of approximately \$17,000 above the \$150,000 budgeted for this renovation project.

**RESOLUTION #: 51-12**

MINUTES OF THE MEETING OF THE TOWN BOARD  
TOWN OF POUND RIDGE  
POUND RIDGE, NY  
February 9, 2012

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

RESOLVED, that the Town Board hereby authorizes Councilman Lyman to purchase the paving bricks for the site immediately adjacent to the pool house area. There should be some savings left over in the bond that was budgeted for the pool house renovation project and the pool resurfacing to cover the cost of the paving material.

- **Special Permit Request by “Pound Ridge Deli” to replace Panella’s Deli in Scotts Corners**

Toni and Michael Cummaro have submitted a Special Use Permit application to open a deli business at 78 Westchester Avenue in Scotts Corners named “Pound Ridge Deli”. The hours of operation will be Monday - Friday from 6:00 a.m. to 4:00 p.m. and Saturday from 7:00 a.m. to 4:00 p.m. They are pretty much leaving everything the way it was except for cosmetic touches. There will be no renovations. They have all their Health Department permits. They are also requesting seasonal outdoor seating with three small tables. The Town Board is referring the application to the Planning Board with a request that their recommendation on the site plan application and the sign be provided before the March 8<sup>th</sup> Town Board meeting. They are also calling for a Public Hearing for the Special Use Permit. The applicants did mention that they would like to have a 15 minutes parking restriction in front of the deli. The Town Board members agreed that this would have to be a separate discussion and it was recommended that the applicants contact the business association to discuss this with them first.

**RESOLUTION #: 52 -12**

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

RESOLVED, that the Town Board hereby receives the application for a Special Use permit to open a Deli in Scotts Corners and refers the applicant to the Planning Board for their site plan review and special recommendation on the permit and schedules a Public Hearing on Thursday, March 8, 2012 at 8:00 p.m. on the Special Use Permit application.

The Town Board’s referral to the Planning Board should require that they get back to the Town Board by the March 8, 2012 Town Board meeting.

- **Pound Ridge Business Association-requesting approval for 2012 “Special Event Permit”**

**RESOLUTION #: 53 -12**

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

RESOLVED, that the Town Board hereby accepts the Special Event Permit application from the Pound Ridge Business Association for their annual Antiques & Farmer’s Market event. The Holiday Antiques and Farmer’s Market will be from 9:00 a.m. to 5:00 p.m. on Monday, May 28, 2012, Wednesday, July 4, 2012 and Monday, September 3, 2012. The Arts and Crafts Show will be approved at a later date when the date of the show is announced.

- **Police Department-requesting authorization for Chief to attend 2-day workshop on Human Trafficking**

**RESOLUTION #: 54 -12**

**Board Action:** Motion by Councilman Lyman, seconded by Councilman Paschkes, Board polled with Councilwoman Boak abstaining on the vote, motion passing 4-0 on the following:

RESOLVED, that the Town Board hereby authorizes Chief David Ryan to attend the Freedom Network Conference on March 21 and March 22 in New York City. The training is dedicated to the topic of Human Trafficking. There is no cost for hotel and the cost for the conference is \$179.00 and is in the 2012 budget.

**Sale of Cemetery Plot-Dellorusso**

**RESOLUTION #: 55 -12**

**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 #378 Section 3 to Lorenzo and Dawn Dellorusso, 16 Shad Road West, Pound Ridge, N.Y. 10576, in the amount of \$2,000 for two gravesites.

**Water Control Commission – release of bonds**

**RESOLUTION #: 56-12**

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

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

Andrew Whitelaw, Block 9318, Lot 7, \$5,000 cash bond for construction of an addition (#10-13);  
Kathleen Hyer, Block 9031, Lot 166.1, \$15,000 cash bond to replace swimming pool and for dining room addition (#11-04).

- **Maintenance Department- requesting authorization to purchase a new truck with ladder rack and plow as approved in 2012 budget**

**RESOLUTION #: 57 -12**

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

RESOLVED, that the Town Board hereby authorizes the Maintenance Department to purchase a 2012 4 x 4 HD 3500 truck with a ladder rack, plow and extras from Hoselton Chevrolet, Rochester, NY. Three quotes were received as follows: Karl Chevrolet-\$36,593.95, Arroway Chevrolet-\$33,780.00 and Hoselton Chevrolet-\$31,929.01.

**-requesting authorization to advertise for annual Plumbing and Electrical bids**

The Maintenance Department is requesting to bid out plumbing and electrical services for 2012 to retain a plumber and electrician to do all the work on all the Town's properties. Requirements should include a valid Westchester County license related to the field and liability insurance. Bids should be awarded based on hourly rates.

**RESOLUTION #: 58 -12**

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

MINUTES OF THE MEETING OF THE TOWN BOARD  
TOWN OF POUND RIDGE  
POUND RIDGE, NY  
February 9, 2012

RESOLVED, that the Town Board hereby authorizes the Town Clerk to go to bid for plumbing and electrical work for the Town in 2012. This is subject to Councilman Lyman and Ray Andretta drawing up the appropriate specifications and subject to Counsel Sullivan's review of specifications before putting it out to bid.

Counsel Sullivan suggested qualifying this on a time and material basis. The Town Board agreed.

- **Appointment of Mike Juchem-special advisor to Supervisor and Town Board on Wireless Telecommunications**

**RESOLUTION #: 59-12**

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

RESOLVED, that the Town Board hereby appoints Michael Juchem as Special Advisor to the Supervisor and the Town Board on Wireless Telecommunications.

Discussion took place between the Town Board and Peter Avellino and Santo Borsellino regarding the duties of the Special Advisor and whether or not a committee should be formed. Supervisor Warshauer said that Mr. Juchem has been very informative over the years and will recommend to the Town Board what changes need to be made to the current wireless telecommunications ordinance and whether or not in his opinion a new committee is necessary. Mr. Avellino also requested that a Master Plan be put together. Supervisor Warshauer explained that there is a lot of thought and planning that goes into the process of where a cell tower should be put. There is a problem with pre-planning where a cell tower should go because until the currently approved tower is up, you really don't know where the gaps are. Our ordinance states that we have to demonstrate adequate coverage and adequate capacity. Our ordinance clearly says that we want to limit the number of towers in Town.

- **Town Clerk- requesting authorization to advertise for the annual Highway Road Material/Services bids**

**RESOLUTION #: 60 -12**

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

RESOLVED, that the Town Board hereby authorizes the Town Clerk to advertise for Highway Road Material/Services bids.

**-request to accept the bid on a 1996 Chevrolet dump truck**

The Town Clerk opened a Highway Bid for a 1996 Chevrolet dump truck that was bid for parts only on Monday, January 30, 2012 at 2:00 p.m. The only bid that came in was from Liberty Motors Inc., Jersey City, NJ in the amount of \$738.99.

**RESOLUTION #: 61-12**

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

RESOLVED, that the Town Board hereby accepts the bid from Liberty Motors, Jersey City, New Jersey in the amount of \$738.99 for the 1996 Chevrolet dump truck that was bid for parts only.

Councilman Paschkes suggested putting excess inventory on the on-line auction instead of advertising the way we currently do in the papers. The Town Board agreed and suggested going forward, that we use this on-line auction which is free of charge. Vinnie Duffield and Ray Andretta will be informed about this for future use.

**FINANCIAL MATTERS:**

**Recreation Department-requesting authorization for refunds**

**RESOLUTION #: 62 -12**

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

RESOLVED, that the Town Board hereby authorizes the refund of four hundred dollars (\$400) to James Quinn, 31 Pheasant Rd., Pound Ridge, N.Y. for use of Conant Hall on January 21, 2012 for a baseball fundraiser, AND, BE IT

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

Donald Check 15 Indian Hill Rd. Bedford, NY 10506	\$120.00 from A2001	Withdrawal of child from basketball program
Phyllis Casarella 64 Holmes Lane	\$90.00 from A2001	Withdrawal of child from basketball program

MINUTES OF THE MEETING OF THE TOWN BOARD  
TOWN OF POUND RIDGE  
POUND RIDGE, NY  
February 9, 2012

Bedford, NY 10506

Elizabeth Ades 31 Old Stone Hill Rd. Pound Ridge, NY 10576	\$75.00 from A2001	Withdrawal of child from basketball program
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Pauline Daglia 45 Deerfield Rd. Pound Ridge, NY 10576	\$75.00 from A2001	Withdrawal of child from basketball program
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**- authorizing to pay Northeast Westchester Special  
Recreation**

At the Organizational Meeting on January 5, 2012, a motion was passed (Resolution 35-12) authorizing Supervisor Warshauer to sign and execute the North East Westchester Special Recreation Agreement in the amount of \$5,971.00. The Interagency Agreement came to us with additional residents involved in the disabled program and that increased our contribution to \$6,263.11.

**RESOLUTION #: 63 -12**

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

RESOLVED, that the Town Board hereby authorizes Supervisor Warshauer to sign the amended North East Westchester Interagency Agreement for 2012 in the amount of \$6,263.11. This includes an increase of \$292.11 over the authorized approval at the Organizational Meeting on January 5, 2012.

**- requesting authorization to purchase a used Jacobsen for  
field maintenance**

**RESOLUTION #: 64 -12**

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

RESOLVED, that the Town Board hereby authorizes the Maintenance Department Foreman to purchase a 2005 Jacobsen Groom Master for the maintenance of the ball fields at a cost not to exceed \$2,500. The machine will cost \$5,000.00 and the Little League will pay \$2,500.00 or 50% of cost. This was

not budgeted; however, the \$2,500.00 will be able to come out of recreation and maintenance budget lines.

**Assessor Department-requesting authorization to make refund pursuant to Certiorari Settlement**

The Assessor received a final order and judgment regarding a certiorari settlement for the Leidel residence, Block 9821-21. In order for this to be finalized, it requires Town Board approval.

**RESOLUTION #: 65 -12**

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

RESOLVED, that the Town Board hereby authorizes the Assessor to make payment pursuant to a final order and judgment on consent for Block 9821-21 in the amount of:

2005	\$419.53
2006	\$333.36
2007	\$285.79
2008	\$290.87
2009	\$236.00
2010	\$138.49

The total payment will be in the amount of \$1,704.04.

**Finance Department – requesting approval for Sullivan Data Management to install a wireless network in the Town House**

Steve Conti, Director of Finance, is requesting permission to approve a proposal from Sullivan Data Management for the installation of a wireless network in the Town House. The total cost is \$1,847.94 and is in the budget in A1680.410.

**RESOLUTION #: 66 -12**

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

RESOLVED, that the Town Board hereby authorizes Steve Conti, Director of Finance, to purchase a wireless network for the Town House through Sullivan Data Management in the amount of \$1,847.94 out of A1680.410. This is a budgeted item for 2012.

**Pay Bills**

**RESOLUTION #: 67-12**

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

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>\$140,483.02</b>
<b>HIGHWAY FUND</b>	<b>D</b>		<b>\$21,314.14</b>
<b>PARKING DISTRICT</b>	<b>ST</b>		<b>\$515.83</b>
<b>TRUST AND AGENCY</b>	<b>T</b>		<b>\$151,605.96</b>
<b>CAPITAL</b>	<b>H</b>		<b>\$</b>

**Receipt of monthly Departmental reports**

The monthly reports have been received for January 2012 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 9:40 p.m.

Joanne Pace  
Dated at Pound Ridge, New York  
February 10, 2012