

MINUTES OF THE MARCH 12, 2015 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 6:00 P.M.

PRESENT: SUPERVISOR RICHARD LYMAN; COUNCIL MEMBERS: DANIEL PASCHKES, ALISON BOAK, BONNIE SCHWARTZ AND SHERENE DE PALMA

ALSO PRESENT: JOANNE PACE, TOWN CLERK
JOHN LOVELESS, DEPUTY TOWN ATTORNEY
JONATHAN POWERS, DEPUTY SUPERVISOR

ABSENT: WILLIAM P.HARRINGTON, TOWN ATTORNEY

CALL TO ORDER: Supervisor Lyman called the meeting to order at 6:00 p.m.

CALL FOR EXECUTIVE SESSION:

Board Action: Motion by Councilwoman Boak, seconded by Councilwoman Schwartz, all voting aye to hold an Executive Session meeting immediately following the Town Board meeting for legal matters.

ANNOUNCEMENTS/REMINDERS:

Supervisor Lyman announced that there was a Special Town Board meeting called on Tuesday, March 10, 2015 at 9:30 a.m. to accept the resignation of a Water Control Commission member and to appoint the new member of the Water Control Commission.

MINUTES: Acknowledge/correct/accept minutes of Town Board Work Session, Town Board Meeting held on February 12, 2015 and the Special Town Board meeting minutes of Tuesday, March 10, 2015.

Board Action: Motion by Councilwoman Schwartz, seconded by Councilwoman De Palma, all voting aye on the following:

RESOLVED, that the Town Board hereby accepts the minutes of Town Board Work Session, Town Board meeting held on February 12, 2015 and the Special Town Board meeting held on Tuesday, March 10, 2015.

NEW BUSINESS:

- **PR Partnership – approval of Special Event Permit application for Pride Day Festival**
-approval to display a banner on Westchester Ave. for the annual Pride Day Festival on May 31, 2015

RESOLUTION #: 60-15

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

RESOLVED, that the Town Board hereby approves the Special Event Permit Application from the Pound Ridge Partnership for the annual Pound Ridge Pride Day Event on Sunday, May 31, 2015 from 2:00 – 6:00 p.m. as presented with the submission of a financial report and coordinating with Chief of Police for beer distribution, AND BE IT

FURTHER RESOLVED, that the Town Board hereby grants permission to erect a banner across Westchester Avenue for their annual Pound Ridge Pride Festival on May 31, 2015 subject to the examination by Building Inspector. They will erect the banner on May 13, 2015 and take it down on or before June 1, 2015.

- **Boy Scout Troop-requesting permission to put a Flag Collection Box at Town House**

Jack Ferguson of Boy Scout Troop 1 Pound Ridge presented his plan to build and maintain a wooden flag collection box to be placed somewhere in the Town House. He will maintain the box and properly dispose the collected flags with a ceremony and proper burning at the Town Park until he reaches 18 years old. He would then hope that this would be continued by either the Boy Scouts or the Girl Scouts. He is working closely with the Conservation Board and will have notice of this collection box put on the Town's website. He was advised to get permission from the Recreation Commission to use the Town Park for the ceremony for disposal of the flags and get clearance from the Building/Fire Inspector.

RESOLUTION #: 61-15

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

RESOLVED, that the Town Board hereby grants permission to Jack Ferguson, Boy Scout Troop 1 Pound Ridge to put a Flag Collection Box in the Town House. He will build the collection box and perform a retirement ceremony each year as part of his Eagle Scout Project with the conditional approval by the Building/Fire Inspector and Recreation Commission.

- **Recreation Department- approval of Pool and Day Camp staff new pay rates**

This was tabled until the April 9, 2015 Town Board meeting.

- **Recreation Department -approval to attend NYS Recreation annual conference**

RESOLUTION #: 62-15

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

RESOLVED, that the Town Board hereby authorizes David Goldberg, Recreation Supervisor, to attend the annual NYS Recreation & Park Society conference in Saratoga Springs, NY April 26th -28th. The total cost including room cost, program cost and miscellaneous costs will not exceed \$750.00.

- **Adopt Resolution to authorize Supervisor to sign application to participate in County's Shared Services**

Under the New York State Property Tax Freeze Law, local government needs to implement a Government Efficiency Plan. Westchester County has elected to serve as a Lead Local Government Unit in the submission of a consolidated plan for the municipalities. In order to participate with the County, each municipality must adopt a resolution to do so.

RESOLUTION 63-15

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

RESOLVED, that the Town Board does hereby authorize the Town of Pound Ridge to file a Joint Government Efficiency Plan with Westchester County for the purpose of submitting the plan to New York State to conform with the Tax Freeze Guidelines. This will be subject to the review of and approval by our Town Attorney and Town Board upon submission of the proposed document from Westchester County.

- **Arbor Day proclamation approval**

The following Arbor Day Proclamation proclaims April 24, 2015 as Arbor Day:

Whereas, In 1872, J. Sterling Morton proposed t the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, the holiday called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

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Whereas, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our town increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal,

Now, Therefore, we, the Town Board of Pound Ridge, NY, do hereby proclaim April 24, 2015 ARBOR DAY in the Town of Pound Ridge, NY and we urge all citizens to celebrate Arbor Day, and to support efforts to protect our trees and woodlands, and *Further*, We urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

Gail Jankus, Conservation Board Chair, spoke briefly about the aforementioned resolution and explained that declaring Arbor Day is necessary in order for Pound Ridge to be a Tree City. The Land Conservancy is doing a number of events including a Forestry Regeneration Workshop on April 18th; a Toddler Hike in Carolin's Grove on April 22nd and Restoration of Forest Edge habitats on May 2nd. That would cover requirements for Arbor Day. The Invasives Project-Pound Ridge, with funds from Henry Morgenthau Preserve has ordered native dogwood trees and small shrubs to be planted at the Town Park and Slade Preserve.

RESOLUTION #: 64-15

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

RESOLVED, that the Town Board hereby approves the Arbor Day proclamation as presented to the Town Board.

- **Conservation Board- discussion becoming a Tree City**

Supervisor Lyman, Councilman Paschkes and Councilwoman Schwartz joined the Conservation Board meeting with George Profous, Senior Forester with New York State DEC held on March 4, 2015. The Conservation Board feels that becoming a Tree City helps with educational purposes. Pound Ridge already has a Tree Ordinance which is one of the requirements and the Arbor Day Proclamation is another requirement. The Town would have to have an annual forestry program budget which is covered work by our Maintenance and Highway Departments. It has to be \$2.00 per capita and we are covered. Becoming a Tree City would possibly also give us an advantage on getting grants for a forestry management plan. The Town Park would be a wonderful place to

start. Gail suggested that the Conservation Board be named as Tree Board and the Town Board agrees.

Gail Jankus officially invited the Town Board members to attend the March 22, 2015 Forum at the Pound Ridge Library at 7:00 p.m. celebrating Pound Ridge becoming a Certified Community Habitat with the National Wildlife Federation.

Supervisor Lyman suggested that Gail complete the application for becoming a Tree City and the Town Board can then consider adopting the application.

On another note, Supervisor Lyman suggested that the Pound Ridge Land Conservancy be added to the list of approved non-for-profit vendors who can use Conant Hall free of charge.

RESOLUTION #: 65-15

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

RESOLVED, that the Town Board hereby approves the addition of the Pound Ridge Land Conservancy to the list of approved non-for-profit vendors who can use Conant Hall free of charge.

• **Adopt Resolution regarding the removal of PCBs from the Hudson River**

Supervisor Lyman explained that the group representing Riverkeeper presented the Resolution Regarding the Removal of PCBs from the Hudson River to the Association of Towns monthly Supervisor's meeting. The group passed a resolution asking the Supervisor's to bring the Resolution back to their Town Board members for acceptance or rejection. The Resolution gives Riverkeeper's views but does not give General Electric Corporation's views. Riverkeeper is trying to put some light on this public resource saying the Hudson River communities deserve a PCB cleanup that will remove enough pollution from river sediments to allow the river to recover damaged natural resources and wildlife populations quickly and restore commercial and recreational activities. Supervisor Lyman asked the Board if they wished to adopt this Resolution in any form or not. The Town Board feels that Riverkeeper should provide more information and possibly make a presentation to the Town Board and possibly get a representative from GE to present their opinion as well for another viewpoint.

Councilman Paschkes said that he will try to contact Paul Jallay, President and Hudson Riverkeeper, to come and make a presentation and then extend an invitation to GE to come in as well. This can be scheduled for May.

- **Discuss changes to Personnel Policy Handbook**

There were three (3) proposed changes to the Personnel Policy Handbook as follows:

1) Accident, Injury and Illness Reporting Procedures:

Word change, first paragraph:

In the event an accident, injury or illness occurs in the workplace which results in the summoning of Emergency Medical Services, the employee may not refuse medical attention. In the event any accident occurs in the workplace or during the course of employment which results in injury to a Town employee, damage to Town property, injury to a third party on Town property or damage to third party property, the following procedures will apply:

The Town Board discussed the legality of forcing or compelling an employee to receive medical attention. Councilman Paschkes is strongly opposed to this because there is no telling who calls 911 and why. There can be cases where someone overacts and call 911 and if we mandate this policy, any time 911 is called it mandates transport. It may have ramifications for the employee. They may be covering under a health insurance policy or may not be. Deputy Town Attorney John Loveless said that as written, you cannot legally force anyone to receive medical attention. The Town Board could; however, put a procedure in place and note the refusal. Everything that happens and all phone calls made must be well documented to cover the Town. We need to have a process in place to document everything as it happens.

2) Delete PERMA QUIK Report and add “the appropriate accident reporting form”.

Board Action: Motion by Councilman Paschkes, seconded by Councilwoman Boak, all voting aye to accept the proposed word change in the second paragraph on page 25 under heading: Accident, Injury and Illness Reporting Procedures in the Personnel Policy Handbook deleting PERMA QUIK Report and adding “the appropriate accident reporting form”.

3) page 37 B. sub-paragraph d.

Change last sentence to read: **The schedule of the Administrative Assistant to the Chief of Police will be set at the discretion of the Chief of Police, but shall not be in excess of forty (40) hours per week except in times of emergency.**

This was discussed and needed further explanation of what was to come of this. We need to have clarification of the wording and the Town Clerk will ask Chief Ryan. We will find out if she is hourly or salaried. We will revisit this at the April Town Board meeting.

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- **Discuss adoption of Complete Streets Programs for Town of Pound Ridge**

John Maddocks spoke about the Complete Streets Programs for the Town of Pound Ridge. He introduced us to the idea of Complete Streets are defined as safe, comfortable and convenient for travel for everyone, regardless of age or ability-motorists, pedestrians, bicyclists and public transportation riders. Complete Streets is a national idea, not a grant or program obligating the town to spend any money for initiating projects. It establishes an atmosphere to start thinking about future projects from a complete streets point of view. It only requires a resolution that we are a Complete Streets Town. Dr. Maddocks said that Pound Ridge is already a Complete Streets community because we have the walkway from A-Home to Town center and all the way down to the Town House and we also have the Transportation Enhancement Project (TEP) which will further demonstrate our interest in the Town. He would like us to formalize this in a resolution that we are a Complete Streets community indicating the Town's intention to follow Complete Street policies in all transportation projects.

Councilman Paschkes asked that Dr. Maddocks draw up a proposed resolution for the Town Board to review for adoption. Councilman Paschkes said that the operative language for us would be "encourages incorporating complete streets design practices to the extent feasible". He also suggested putting into the resolution that with regard to our Planning or Zoning Boards, they should take Complete Streets design into consideration when crafting their resolutions of approval. That would be the caveat for us. It can be used as a "guiding principle".

- **Add-on: Energy Action Committee recognition ceremony**

To date more than 40 homes have participated in the Energize Pound Ridge Program and in order to try to engage the community in the project, the Energy Action Committee is requesting a recognition ceremony at a Town Board meeting giving those 40 people that have participated a proclamation and brief reception.

RESOLUTION #: 66-15

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

RESOLVED, that the Town Board hereby approves the request of the Energy Action Committee to hold a recognition ceremony for the 40 residents who have participated in the Energize Pound Ridge program giving them a proclamation and brief reception. Supervisor Lyman asked that they suggest an appropriate date to hold the ceremony.

- **Discuss proposed legislation on vacant buildings in the commercial district**

Councilwoman De Palma continued the discussion on the proposed legislation on vacant buildings in the commercial district and restated the intent is to have owner contact information available to the Town and the second piece is to encourage occupancy of the buildings. Since the last meeting, Councilwoman De Palma has met with the Business Association and got positive feedback and met with Pound Ridge Partnership who also gave positive feedback. She took all comments and concerns and made a few revisions to the proposed ordinance as follows:

1. under Vacant Commercial Property: initially that if a property were vacant for more than 90 days, the owner would be required to register the property with the Town. The revision is to increase that time frame to more than 120 days.

Resident Peter Avellino couldn't understand why the Town wouldn't want to know that information or require the registration immediately instead of waiting 120 days. He feels her idea is a good one; however, he doesn't understand the waiting period. The trigger should happen immediately when a building is vacated. There should be a "responsible person" to notify as soon as there is a vacancy. There needs to be other ways to encourage renters; possibly staging the property.

2. under Owner: there was the omission of the requirement of a management person that would have to be separately funded and replacing it with a natural person designated by such entity to speak and act on behalf of the entity. It is very important to determine who this natural person is identified and have their address.
3. Added in the definition of "Actively Offered (for Rent or Sale).

In order to have the fee waived, sections A. Registration, B. Sign Posting and C. Fees must be followed. The steps have been clarified. Supervisor Lyman noted that in following the steps as proposed, the owner does not have the right to advertise on their own. This will be modified to allow the owner to list or advertise their properties on their own.

Councilwoman Schwartz had a problem with Section C. Fees (2) D. and E. where it states the Property is being actively offered for rent or sale at or below market rate. How can you stop someone from listing their property for more than market rate? This will also be looked into further and possibly revised.

Supervisor Lyman said that if a property is in danger to the community, then they should have to follow the certain steps but if the owner is taking proper care of the property, he doesn't see a compelling government interest in enacting this kind of

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law. There could be a vacant property registration form so the Town has the proper contact information, but he doesn't feel we have the legal right to impose a penalty on someone who has not rented their building.

There seems to be a dispute of the fee amount as well. What one owner can afford, another may find it to be a hardship.

Councilwoman De Palma will incorporate the comments made tonight and amend the proposed ordinance for further discussion.

- **Town Clerk – authorization to go to bid on Electrical, Plumbing and Well Work for 2015**

RESOLUTION #: 67 -15

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

RESOLVED, that the Town Board hereby authorizes the Town Clerk to go to bid on the electrical, plumbing and well work repairs, maintenance and services for April 2015 through December 2016.

- **Liaison Reports**

Councilwoman Boak reported that the Business Association has made a request for the Town of Pound Ridge to pay for the electricity cost of the standing clock in Scotts Corners. The annual cost is approximately \$300.00.

FINANCIAL MATTERS:

- **Tax Receiver- Authorization for refunds**

RESOLUTION #: 68-15

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

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

<u>Name</u>	<u>Parcel</u>	<u>Amount</u>	<u>Reason</u>
Kolin	10280-2	\$209.58	paid in Sept.
Talai	9453-28	\$3,271.82	duplicate paymt.

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Heyward	9450-3	\$3,981.98	1 st ½ unpaid-cannot Accept 2 nd ½.
O'Brien	9824-23.2-1	\$7,421.47	duplicate paymt.
Margulis	9830-15	\$3,097.21	duplicate paymt.
Drazin	9031-49	\$6,706.50	duplicate paymt.
Gottlieb	9817-16.4	\$4,906.53	duplicate paymt.

Monthly Reports

The monthly reports have been received for February 2015 and are available in the Town Clerk's office.

Pay Bills

RESOLUTION #: 69-15

Board Action: Motion by Councilwoman Boak, seconded by Councilwoman Boak, motion carried 4-0 with Councilwoman De Palma abstaining on the following:

WHEREAS, Councilwoman De Palma 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		\$97,649.18
HIGHWAY FUND	D		\$126,040.23
TRUST AND AGENCY	T		\$95,372.94
CAPITAL	H		\$0

ADJOURNMENT: There being no further business to come before the Board, Supervisor Lyman adjourned the regular meeting 8:50 p.m. and reconvened to pay the Parking District bills.

RESOLUTION #: 70-15

Board Action: Motion by Councilman Paschkes, seconded by Councilwoman Schwartz, motion carried 4-0 with Councilwoman De Palma abstaining on the following:

WHEREAS, Councilwoman De Palma 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:

PARKING DISTRICT	ST		\$325.60
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ADJOURNMENT: There being no further business to come before the Board, Supervisor Lyman adjourned the regular meeting 9:00 p.m.

Joanne Pace
Dated at Pound Ridge, New York
March 12, 2015