

MINUTES OF THE JUNE 11, 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 8:00 P.M.

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

ALSO PRESENT: TOWN ATTORNEY WILLIAM P. HARRINGTON, ESQ.  
TOWN CLERK, JOANNE PACE  
DEPUTY SUPERVISOR JONATHAN POWERS

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

**CALL FOR EXECUTIVE SESSION:** None

**ANNOUNCEMENTS/REMINDERS:**

- The fireworks event will be held on Friday, July 3, 2015 at the Town Park.
- Supervisor Lyman reminded everyone of the Forum on Form-Based Code that will be held on Saturday, June 20, 2015 at 10:00 a.m. at the Town House.
- Supervisor Lyman announced that the Primary Election this year will be held on Thursday, September 10<sup>th</sup> which is the day of our Town Board meeting. Being the Town House will be used for voters 6:00 a.m. – 9:00 p.m., we will reschedule our second Town Board meeting of the month to Tuesday, September 8<sup>th</sup> at 8:00 p.m.

**MINUTES: Acknowledge/correct/accept minutes of the Town Board Work Session and Town Board Meeting held on Thursday, June 4, 2015.**

**Board Action:** Motion by Councilwoman Schwartz, seconded by Councilwoman De Palma, all voting aye to accept the minutes of the Town Board Meeting as amended held on Thursday, June 4, 2015.

Supervisor Lyman moved up the agenda item:

- **Proclamations to Fox Lane Students**

The Town has two proclamations to give to two outstanding Fox Lane students and Councilman Paschkes presented them to the Salutatorian Lauren Prisco and the Valedictorian Laura Quinn. He went on to present Lauren Prisco the proclamation and read an extraordinary list of all of her achievements. Later in the meeting, Councilman Paschkes presented Laura Quinn a proclamation reading the list of her extraordinary achievements. The audience as well as the Town Board exhibited their outstanding acknowledgement of such achievements.

**NEW BUSINESS:**

- **Harvest Festival – approval of banner and Town bus**

**RESOLUTION #: 119 -15**

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

RESOLVED, that the Town Board hereby authorizes the Pound Ridge Partnership to hang a banner across Westchester Avenue advertising the Pound Ridge Harvest Festival that will be held on Saturday, October 17, 2015 with a rain date of Sunday, October 18, 2015. It will be hung up no later than September 10, 2015 and taken down after the event, AND BE IT

FURTHER RESOLVED, that the Town Board hereby authorizes the Pound Ridge Harvest Festival Committee to use the Town bus to shuttle event vendors and volunteers to the Pound Ridge Harvest Festival that will be held on Saturday, October 17, 2015 with a rain date of Sunday, October 18, 2015.

- **Inn at Pound Ridge - amendment to original Special Use Permit**

Councilman Paschkes amended the language correcting a typo carrying over the 55 spaces in addition to the 20 that they are availing themselves of at the PRES. They are increasing their capacity on site at the Inn at Pound Ridge and Jim Perry, Building Inspector, submitted a memo to Supervisor Lyman regarding his field inspection of the parking project at the Inn at Pound Ridge. He saw that the project is 2/3 completed and there are no deviations from the approved site plan. In the already completed portions of the parking lot, an additional 30 spaces were gained with out compromise to the required Fire Lanes. Mr. Perry does not foresee any problems with the parking plan. Councilman Paschkes simply redacted the reference in the second paragraph to the 55 additional spaces so that it reads that they will come back to the Town Board in the event that they either change or lose their contract with BCSD for the additional off site parking. Supervisor Lyman stated that the Town Board can formally act on this when the parking project is completed and it can be put on the July 9, 2015 Town Board agenda.

**PUBLIC HEARING: 1. Community Choice Aggregation program**

Scott Fernqvist, Pound Ridge Energy Action Committee Chairman and Mike Gordon Co-chair—Sustainable Westchester gave a Power Point Presentation regarding Guiding Communities through Community Choice Aggregation and on its Potential Benefit in Enabling Efficiency, Local Renewable Power, and Micro-grids. Roughly 70% of U.S. electricity is supplied by vertically

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integrated investor-owned utilities (IOUs), with much of the balance coming from publicly-owned municipal utilities. Competitive “retail” markets are a hybrid where key energy functions are split between regulated and unregulated entities. CCA fits into the hybrid market & adds market clout (buying on behalf of all consumers who do not opt out of CCA) and potentially enriched services via Sustainable Westchester. In any market, there’s a default provider. CCA changes who that is: from IOU to CCA. CCA contracts with one competitive supplier & can add services. The cost savings must be guaranteed to give us the lower rates.

They explained the opt-out and opt-in policy. All residents currently having NYSEG as their default ESCO would be part of the CCA program unless they opt-out. The energy transmission, repair, delivery and billing of the energy will remain NYSEG. The most important part of this is educating the residents. A Local Law would not bind us to join this program but would authorize Pound Ridge to join. Ground rules would be outlined in a resolution allowing the Town to update with another resolution without adopting another ordinance. It would allow for flexibility.

Jody Sullivan, resident, asked if she could join if they have already signed up with another energy supplier. The answer was yes. They would simply opt-out of that vendor and opt-in the CCA program. Another question was how much savings could a resident expect over the year and it would be approximately 20% or approximately \$200.

Tara Packer asked why it had to be an opt-out instead of an opt-in process. The way it is, sounds like it is mandatory to join unless you opt-out. She felt that was asking a bit too much from the residents. Scott Fernqvist explained that they would only get a small percentage of residents interested if they offered the opt-in. This way, there is a better chance of getting lower prices with a greater percentage of residents and then give them the option to opt-out.

Other discussion took place and it was decided to keep the Public Hearing open until next month. The Town Attorney will review the resolution and local law and give his recommendations next month. Bedford, Lewisboro, North Salem, Somers Ossining, Greenburgh, Mamaroneck and Pleasantville are some of the surrounding municipalities that have already passed the local law and resolution.

**Board Action:** Motion by Councilwoman De Palma, seconded by Councilwoman Boak, all voting aye to keep the Public Hearing on the Community Choice Aggregation program open until the July 9, 2015 Town Board meeting.

A sample Local Law to consider adopting is as follows:

**A LOCAL LAW TO ESTABLISH A COMMUNITY CHOICE AGGREGATION  
(ENERGY) PROGRAM IN THE TOWN OF POUND RIDGE**

Be it enacted by the Town of Pound Ridge of the County of Westchester as follows:

**Section 1.** The Code of the Town of Pound Ridge is hereby amended by adding a new Chapter \_\_\_\_\_, entitled "COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM," to read as follows:

**ARTICLE I**

**§1. Legislative Findings; Intent and Purpose; Authority.**

- A. It is the policy of both the Town of Pound Ridge and the State of New York to reduce costs and provide cost certainty for the purpose of economic development, to promote deeper penetration of energy efficiency and renewable energy resources such as wind and solar, and wider deployment of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for residential and Small Commercial customers in those markets. Among the policies and models that may offer benefits in New York is community choice aggregation, which allows local governments to determine the default supplier of electricity and natural gas on behalf of its residential and Small Commercial customers.
- B. The purpose of this CCA Program is to allow participating local governments including the Town of Pound Ridge to procure energy supply service for their residential and Small Commercial customers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing Distribution Utility. This Chapter establishes a program that will allow the Town of Pound Ridge to put out for bid the total amount of natural gas and/or electricity being purchased by local residential and Small Commercial customers. Bundled Customers will have the opportunity to have more control to lower their overall energy costs, to spur clean energy innovation and investment, to improve customer choice and value, and to protect the environment; thereby, fulfilling the purposes of this Chapter and fulfilling an important public purpose.
- C. The Town of Pound Ridge is authorized to implement this COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0564, Petition of Sustainable Westchester for Expedited Approval for the Implementation of a Pilot Community Choice Aggregation Program within the County of Westchester, Order Granting Petition in Part (issued February 26, 2015) as may be amended, including subsequent orders of the Public Service Commission issued in connection with or related to Case No. 14-M-0564 (collectively, the "Order"). Order shall also mean orders of the Public Service Commission related to State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to

Enable Community Choice Aggregation Programs (issued December 15, 2104) to the extent that orders related to Case No. 14-M-0224 enable actions by the Town of Pound Ridge not otherwise permitted pursuant to orders related to Case 14-M-0564; provided, however, that in the event of any conflict between orders from Case No. 14-M-0564 and orders from Case No 14-M-0224, orders from Case No 14-M-0564 shall govern the CCA Program.

- D. This Chapter shall be known and may be cited as the “COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM Law of the Town of Pound Ridge”.

## §2. Definitions.

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission’s Uniform Business Practices or, if not so defined there, as indicated below:

**Bundled Customers** – Residential and Small Commercial customers of electricity or natural gas (“fuels”) who are purchasing the fuels from the Distribution Utility.

**Small Commercial** - Non-residential customers as permitted by the Order.

**Community Choice Aggregation Program or CCA Program**– A municipal energy procurement program, which replaces the incumbent utility as the default Supplier for all Bundled Customers within the Town of Pound Rdige.

**Distribution Utility** – Owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission.

**Public Service Commission** – New York State Public Service Commission.

**Suppliers** – Energy service companies (ESCOs) that procure electric power and natural gas for Bundled Customers in connection with this Chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

**Sustainable Westchester** – A not-for-profit organization comprised of member municipalities in Westchester County, New York.

## §3. Establishment of a COMMUNITY CHOICE AGGREGATION (ENERGY) Program.

- A. A COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM is hereby established by the Town of Pound Ridge, whereby the Town of Pound Ridge shall work together with Sustainable Westchester to implement the CCA Program to the full extent permitted by the Order, as set forth more fully herein. The Town of Pound Ridge’s role under the CCA Program involves the aggregating of the electric and/or natural gas supply of its residents and the entering into a contract with one or more Suppliers for supply and

services. Under the CCA Program, the operation and ownership of the utility service shall remain with the Distribution Utility.

- B. The Town of Pound Ridge's purchase of energy supply through a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Town of Pound Ridge will not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with Suppliers on behalf of participating residential and Small Commercial customers.
- C. In order to implement the CCA Program, Town of Pound Ridge will adopt one or more resolutions that outline the process of and conditions for participation in the CCA Program, including but not limited to signing a contract for a compliant bid with one or more Suppliers, all as consistent with the Local Law and the Order.
- D. The Public Service Commission supervises retail markets and participants in these markets through legislative and regulatory authority and the Uniform Business Practices, which includes rules relating to the eligibility of participating ESCOs, the operation by which ESCOs provide energy services, and the terms on which customers may be enrolled with ESCOs.

**§4. Procedures for Eligibility; Customer Data Sharing.**

- A. As permitted by the Order, the Town of Pound Ridge may request from the Distribution Utilities aggregated customer information by fuel type and service classification on a rolling basis.
- B. Sustainable Westchester, on behalf of the Town of Pound Ridge, shall issue one or more requests for proposals to Suppliers to provide energy to participants and may then award a contract in accordance with the CCA Program.
- C. Sustainable Westchester or the Town of Pound Ridge if the Town of Pound Ridge so chooses, will then request individual customer data from the Distribution Utility in accordance with the CCA Program.
- D. Sustainable Westchester or the Town of Pound Ridge if the Town of Pound Ridge so chooses, and the selected Supplier will then notify Bundled Customers of the contract terms and their opportunity to opt out of the CCA Program.
- E. In accordance with and for purposes of the Order, the existing Distribution Utility, New York State Electric & Gas Corporation will provide to Sustainable Westchester aggregate and customer-specific data (including usage data, capacity tag obligations, account numbers, and service addresses) of all Bundled Customers in the Town of Pound Ridge not currently enrolled with an ESCO.
- F. Sustainable Westchester and the Town of Pound Ridge, will protect customer information as required by law, subject to the Order and the limitations of the New York State Freedom of Information Law.

**§5. Choice of Energy Supplier; Opt-Out Notice and Procedure.**

- A. The Town of Pound Ridge or in conjunction with the ESCO will notify its residential and Small Commercial customers, by letter notice, of the Town of Pound Ridge's decision to establish the CCA Program, of the contract terms with an ESCO, and of the opportunity to opt out of the CCA Program.
- B. The letter notice will be sent to each customer at the address provided by the Distribution Utility and explain the CCA Program and the material provisions of the ESCO contract, identify the methods by which the customer can opt out of the CCA Program, and provide information on how the customer can access additional information about the CCA Program.
- C. The opt-out period shall be twenty (20) days.
- D. CCA Program Bundled Customers, upon enrollment, will receive a welcome letter that will explain the customers' options for canceling the enrollment if they believe they were enrolled incorrectly or otherwise decide to withdraw from the CCA Program in favor of another Supplier. The welcome letter also will explain that residential customers are entitled to the added protection of the mandated Three (3) Day rescission period as detailed in Section 5(B)(3) of the Uniform Business Practices.

**§6. Verification and Reporting.**

- A. Sustainable Westchester shall be responsible for filing an annual report with the Public Service Commission, which identifies the number of customers enrolled in the CCA Program by municipality and customer class, the number of customers who returned to utility service or service with another Supplier during the reporting period, and the average cost of commodity supply by month for the reporting period.

**Section 2.** This local law shall take effect upon filing with the Secretary of State.

**PUBLIC HEARING: 2. Property Value Protection Ordinance for PB-A, PB-B and PB-C**

**Board Action:** Motion by Councilman Paschkes, seconded by Councilwoman Schwartz, all voting aye to open the Public Hearing on Property Value Protection Ordinance for PB-A, PB-B and PB-C.

Councilwoman De Palma gave a Power Point presentation on the proposed Property Value Protection Ordinance for PB-A, PB-B AND PB-C. She explained that it was not her intention to penalize the property owners but to encourage a thriving business district. The idea is to have the property owners register with the Town whenever the building is vacant for more than six months. There wouldn't be a fee associated with the registration unless they were late to register. At the same time, the Town would have pertinent information regarding the name and address and contact number for the property owner. There would be a brief statement of the owner's plan going

forward for the property. They would also be asked to put a sign up in their window with that information.

Councilwoman De Palma read a few e-mails she received from various residents who were in favor of this ordinance. One business owner wrote her in favor of the ordinance. Business District property owners, Donna Simons, Dale Meltzer and Kelly Hayes expressed their negative views. There are letters to the Editor in the Record Review that Councilwoman De Palma will have available but did not read them. They did not feel it necessary to register and divulge their personal contact information. Some residents mentioned that they just don't see how registering the property information is going to help rent the property and how is having a law on this going to help the situation. There are many deeper problems in Scotts Corner that need to be addressed to help revitalize the area, namely the waste water problems.

Councilwoman De Palma is looking to have more transparency in the Town and registering with the Town will give us the contact information we need to get in touch with the owners. It would bridge the gap to have contact with the owners.

Tom Ferraro, business property owner, said he put a lot of money into his property and finds it offensive to be required to register with the Town when it is vacant for more than six months. He doesn't feel it is the best spirit for the Town and finds it counterproductive. He feels some of the problems may be alleviated when the TEP project is finished.

Tara Packer, resident, said that registering may be an opportunity for the property owner to have a conversation about why their property is not being rented. We can then try to address some deeper issues to draw people to Scotts Corner.

Donna Simon, property owner, spoke about her mixed use property and how discouraging it is for someone to rent when they have to get approval from so many Boards and Commissions. She explained that there is a big difference between the PB-A, PB-B and PB-C and the ordinance looks intimidating. She mentioned that the Town already has the information on the property owners in the Office of Emergency Management. There is no reason to pass a law to require the registration.

Santo Borsellino, resident, stated that the biggest issue in all of Scotts Corner is Trinity Corners and once that is rented out or taken over by a corporation, most of the problems may be solved. He asked what dialogue has been spoken between the owner and the Town Board regarding someone taking that property over. Supervisor Lyman mentioned that as far as he knows, that complex is currently under contract and there are plans in place to develop that site.

James Best, resident, said that it would be helpful for Councilwoman De Palma to explain what would be accomplished if this ordinance were to be adopted. Councilwoman De Palma said that this would be the beginning step to open up a dialogue between the Town and the property owners. We would know that they are actively trying to rent their property. It doesn't force them to do anything but it does open up a dialogue.

Diane Malicchio, resident, mentioned that the assumption is that the property owner would give great contact information but that may not be the case. They may fail to give their personal contact numbers. She doesn't see the point of the registration and doesn't feel that doing this will increase the rental market.

Dennis Mele, resident, is in favor of this ordinance and it is not punitive. He would love to have the contact information to possibly use to start dialogue with the owners. He is a member of the Pound Ridge Partnership and at times would love to suggest an idea to the property owner.

Councilman Paschkes read an e-mail from Jon Posner, real estate broker and resident, stating that as a homeowner he is very interested in the vacant commercial property in Scotts Corner. He said it is a long, arduous process to track down owners. The largest and questionable issue is the property owner's rights. Initially, he did not like to idea of the government tampering with his property rights. Given some thought, he would not be opposed to the registration process proposed. As far as his intention with the property, he may not wish to divulge his intentions, so he may just answer that he has not yet decided his intent for the property. There cannot be teeth in the ordinance for honesty. The ordinance, in his opinion, might contribute to the revitalization of the Pound Ridge business properties.

Peter and Melinda Avellino, residents, both agree with the ordinance and feel it is one facet to a bigger problem.

**Board Action:** Motion by Councilwoman Boak, seconded by Councilwoman Schwartz, all voting aye to close the Public Hearing on Property Value Protection Ordinance for PB-A, PB-B and PB-C.

**RESOLUTION #: 120 -15**

**Board Action:** Motion by Councilwoman De Palma, seconded by Councilwoman Boak, the Board polled with Councilwoman De Palma, aye, Councilwoman Schwartz, nay, Councilwoman Boak, aye, Councilman Paschkes, aye and Supervisor Lyman, nay, motion passing 3-2 on the following:

RESOLVED, that the Town Board hereby adopts the Property Value Protection Ordinance for PB-A, PB-B AND PB-C as proposed below:

**LONG-TERM VACANT COMMERCIAL PROPERTY REGISTRATION**  
**[DRAFT PROPOSAL]**

**Legislative intent and findings.**

A. Intent. It is the intention of this Ordinance to promote the health, safety, and welfare of the residents of the Town of Pound Ridge (the "Town"), including but not limited to the value of residents' property and the viability of local businesses, by encouraging transparency about property ownership and management of vacant commercial properties, and the maintenance,

security, rehabilitation and occupancy of vacant commercial property for commercial purposes.

B. Findings. The Town makes the following findings:

WHEREAS, the Town currently has vacant commercial properties within its jurisdiction; and WHEREAS, vacant commercial properties can lead to decline in property and business values, draining of municipal coffers, and may discourage buyers from purchasing property within the Town; and

WHEREAS, vacant commercial properties can diminish public health, safety and welfare; and WHEREAS, establishing a registration process and assessing a late registration fee for long term vacant commercial properties will assist the Town in offsetting the cost of inspections and enforcement related to long term vacant commercial properties and will encourage the transparency about and maintenance and occupancy of such property; and

WHEREAS, requiring commercial property owners to register their long term vacant properties and to provide direct contact information for an individual responsible party for the property and a description of the owner's intention for use of the property, will encourage transparency, maintenance and occupancy of the property.

**I. Applicability.**

This chapter shall apply to all vacant commercial properties located in the Town as those properties are defined herein.

**II. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**Long Term Vacant Commercial Property**

Any commercial or commercial portion of a mixed-use building, or portion of such building, in districts PBA, B or C, as defined in the Town of Pound Ridge Building Code, which is not occupied or put to commercial use for more than one hundred eighty (180) days, except in the case of a building which is unoccupied or unused due to damage caused by an act of God in which case such building shall become a Vacant Commercial Property if unoccupied or unused by an active business for more than two hundred seventy (270) days.

If a commercial property is divided or separated by walls or other means for use by different businesses or for different purposes, each separate division, as of the time of the property's most recent occupancy, shall be counted as a separate commercial property for purposes of this Ordinance.

Long Term Vacant Commercial Property may be referred to herein as "Vacant Commercial Property" or "Vacant Property" or "Property."

**Owner.**

An Owner shall be any natural person or entity that has an ownership interest in the Property. If the Owner is an entity of any kind, the Owner for purposes of this Ordinance shall designate a representative or agent to act on behalf of the entity as it relates to this Ordinance and upon whom process may be served on behalf of the Owner for purposes of enforcement of this Ordinance.

**III. Registration.** The owner of a Vacant Commercial Property shall register the Property with the Building Department of the Town within one hundred eighty (180) days of the effective date of this chapter and thereafter upon a property becoming a Vacant Commercial Property as defined above, on a form provided by the Building Department of the Town (the "Registration). The Registration shall be renewed at the end of each six-month period following the initial Registration (the "Renewal Period") if the Property remains a Vacant Commercial Property (each such renewal a "Registration Renewal"). The Registration form shall be known as the "Vacant Property Registration Statement," which shall be signed by the owner under oath and shall be submitted with the requisite fee as set forth herein and shall contain the following information:

(1) Description. A description of the Vacant Commercial Property by street number or block and lot number, including tax identification number;

(2) Contact Information. The Owner's name, mailing address, e-mail address, and telephone numbers, and if there is a change in Owner or the contact information for the Owner, the Owner shall update such information by amending the Vacant Property Registration Statement within 15 days from the date of any such change; and

(3) Statement of Intent. A statement of the Owner's intent for the proposed future use of the Property and efforts being made to have the Property occupied or improved.

**IV. Sign Posting.** Upon Registration of the Property, and until such time as the Property is no longer a Vacant Commercial Property, the Owner shall post and maintain a sign in a location clearly visible from the street containing: the name and contact information of the person responsible for the maintenance of the Property; the square footage of the Property; and if the Property is for rent or for sale a notification that it is for rent or for sale. Such signs shall comply with all existing Town law regarding signage.

**V. Late Registration Fees.**

(1) Amount of Fees. The fees associated with the initial Registration and any Registration Renewal of Vacant Commercial Properties (collectively, the "Fees") shall be those set forth below and as shall be modified from time to time at the discretion of the Pound Ridge Town Board. If an Owner fails to register the Property within the 15 days of becoming a Long Term Vacant Commercial Property, as defined above, a fee of \$100 shall be assessed for the first violation.

If an Owner fails to renew the registration of the Long Term Vacant Commercial Property within 15 days of each such Renewal Period as defined above, a fee of \$250 per Renewal Period shall be assessed for the second violation and each violation thereafter. For purposes of this subsection, a failure to file the initial registration timely will be counted as a first violation and the time for the Renewal Period shall run from the date on which the initial Registration should have been filed.

(2) Failure to Pay Fees. In the event the Owner fails to register a Vacant Commercial Property as required herein or fails to renew the Registration for a Property that remains a Vacant Commercial Property as required herein, as determined by the Building Inspector of the Town, the Building Inspector of the Town shall notify the Owner in writing, via first class and certified mail, return receipt requested, that the Fees relating to the initial Registration and/or Registration

Renewal Fees, as applicable, must be paid or the total amount of such fees due and owing will become a lien upon the Property. If said Fees for the initial Registration and/or Registration Renewal are not paid within 30 days after the date of such notice, then the Fees shall become and be a lien upon the Property. The Fees eligible to become and be a lien upon the Property shall include, as applicable, those for the initial Registration and each Registration Renewal covering a six-month period in which the Property remains a Vacant Commercial Property, as determined by the Town Building Inspector. At its discretion, the Town Board may enforce and foreclose on such liens consistent with the Town's policy and procedures and applicable law.

**VI. Inspections.** The Building Inspector of the Town shall conduct an exterior inspection of each Vacant Commercial Property at least once during each six month period covering a Registration and any Registration Renewal to monitor for illegal activities or unsafe conditions or other issues which may contribute to or pose a threat to the safety, health and welfare of the Town and its residents. The Building Inspector shall promptly notify the Owner in writing upon the finding of any such activities, conditions, or issues. The Owner shall secure the building and remedy any unsafe condition within ten (10) days of the receipt of the Notice of Remedy thereof, or if such remedy cannot reasonably be achieved within such ten (10) day period, Owner shall notify the Building Inspector within the ten (10) day period that it has commenced such actions necessary to cure such condition.

**VII. General Maintenance Requirements.**

(1) Prevention of ingress and egress. All Vacant Commercial Property, regardless of uses or height, shall be maintained by the Owner so as to prevent unauthorized ingress into or egress from the Property. All doors, windows and other means of ingress or egress shall be kept operable and locked or secured.

(2) Removal of Garbage and Hazardous Materials. All garbage, debris and other combustible or flammable material shall be removed from the Property at the Owner's sole expense.

**VIII. Enforcement.** The Building Inspector shall have the authority to ascertain, and order the remediation by the Owner, any and all violations on the Vacant Commercial Property that may endanger the public health, safety and welfare.

Civil Fines for Violations.

Any person who violates this Ordinance, except those violations of sections III or V herein, shall be liable for an administrative civil penalty of up to \$100 per day per violation for each day's violation beginning the 31<sup>st</sup> day after service of a Notice to Remedy from the Building Inspector. The amount(s) of such fines assessed shall become and be a lien upon the Property. All fees and fines hereunder shall be paid to the Office of the Town Clerk.

Severability.

If any clause, sentence, paragraph, section or part of any section of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraphs, section or part thereof directly involved in the controversy and as to which such judgment shall have been rendered.

- **Don Heppner to address the Town Board**

Don Heppner, Record Review reporter, just wanted the Town Board to understand that he received and e-mail from Councilwoman Ali Boak and incorporated it into a brief article and did not do anything wrong. Councilwoman Boak had commented at a previous Town Board meeting that she wasn't sure what he did was right or wrong. It was right. Councilwoman Boak commented that she cannot control what goes into the newspaper and Don Heppner said she can if she sends him an e-mail and it is a good one, it will be published. He just wanted to make sure everyone understood he didn't do anything wrong in publishing her e-mail.

- **Finance-request for the Director of Finance to attend KVS/Springbrook Conference**

Steve Conti, Director of Finance, is requesting permission to attend the 2015 KVS Training School and User Conference in Amherst, New York from July 20-22, 2015. The only costs will be for travel costs.

**RESOLUTION #: 121-15**

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

RESOLVED, that the Town Board hereby authorizes Steve Conti, Director of Finance, to attend the 2015 KVS Training School and User Conference in Amherst, New York from July 20-22, 2015. The only costs will be for travel costs.

- **Medal of Honor proposal**

Mr. Chester S. Day, Chairman of the Board of Kensico Cemetery, wrote to Supervisor Lyman regarding 11 Medal of Honor recipients who are buried in 7 cemeteries in Westchester County. One of the recipients is Thomas Murphy who is buried in the Pound Ridge Cemetery. To make the public aware of this great honor, he is requesting authorization to raise the Medal of Honor flag below the American flag in the Pound Ridge Cemetery. There will be a joint ceremony, one with the Honor Guard honoring Mr. Day's long distant relative and Mr. Murphy's family will have their own Honor Guard along with a piper to honor Thomas Murphy. It will be on Sunday, September 13, 2015.

**RESOLUTION #: 122-15**

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

RESOLVED, that the Town Board hereby authorizes Supervisor Lyman to work with Chester S. Day, Chairman of the Board of Kensico Cemetery, and the Medal of Honor

Society to raise the Medal of Honor flag below the American flag in the Pound Ridge Cemetery in honor of Thomas Murphy who is buried in the Pound Ridge Cemetery.

- **Liaison Reports**

Due to the long meeting, this was tabled to the July 9, 2015 agenda. Councilwoman Boak just wanted to share that the Pound Ridge Business Association will have Dog Day Afternoon in the business district with activities and special sales going on. This will be on Saturday, June 20, 2015 from 1:00 p.m. – 4:00 p.m.

Supervisor Lyman also added that there is now a vacancy on the Planning Board with Judy Kennedy retiring. The Town Board will be seeking interested parties to fill that position. We also have vacancies on the Drug Abuse Council.

**FINANCIAL MATTERS:**

- **Tax Receiver – refund for court order tax reduction**

**RESOLUTION #: 123 -15**

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

RESOLVED, that the Town Board hereby authorizes the following court ordered tax reduction:

| <u>Name</u> | <u>Parcel ID</u> | <u>Assessment</u> | <u>Reduction</u> | <u>Tax Year</u> |
|-------------|------------------|-------------------|------------------|-----------------|
| Cohen       | 9317-21.9-4      | \$243,000         | \$170,000        | 2012            |

- **Finance – close Capital Projects on Financials**

Steve Conti, Director of Finance, is requesting approval to close the financials on the Community Center Project due to the fact that there has been no activity in the project since 2011. The auditors have requested and advised that we have a Town Board resolution to close the project and recognize these costs on our financial statements.

**RESOLUTION #: 124-15**

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

RESOLVED, that the Town Board hereby authorize Steve Conti, Director of Finance, to close the financials on the Community Center Project effective immediately and recognize these costs on the financial statements.

**Budget transfers – 2014**

The following are the budget transfers for year-end 2014:

| Transfer      | Transfer                 | To                  | From                |
|---------------|--------------------------|---------------------|---------------------|
| 015-5110-404  | Fuel                     | \$14,600.00         |                     |
| 015-5130-400  | Insurance                | \$5,800.00          |                     |
| 015-5140-103  | Brush - Wages - Salaries | \$19,800.00         |                     |
| 015-5140-107  | Brush - Wages - Overtime | \$7,600.00          |                     |
| 015-5140-400  | Brush - Wages - Supplies | \$500.00            |                     |
| 015-9030-801  | Social Security          | \$3,300.00          |                     |
| 015-9035-804  | MTA Commuter             | \$2,700.00          |                     |
| 015-9710-701  | Bond - Interest          | \$100.00            |                     |
| 015-9730-701  | BAN-Interest             | \$2,600.00          |                     |
| 015-5142-103  | Snow - Wages             |                     | \$8,500.00          |
| 015-5142-107  | Snow - Overtime          |                     | \$2,200.00          |
| 015-5110-103  | Road Maintenance - Wages |                     | \$9,800.00          |
| 015-5142-400  | Snow Removal - Supplies  |                     | \$3,700.00          |
| 015-5130-107  | Overtime                 |                     | \$2,000.00          |
| 015-9010-801  | Retirement               |                     | \$11,500.00         |
| 015-9040-801  | Workers Compensation     |                     | \$14,500.00         |
| 015-9060-801  | Medical                  |                     | \$4,800.00          |
| 001-9035-804  | MTA Commuter             | \$7,600.00          |                     |
| 001-9010-801  | Retirement               | \$50,000.00         |                     |
| 001-9015-801  | Police Retirement        | \$11,000.00         |                     |
| 001-9060-801  | Medical                  | \$21,400.00         |                     |
| 001-9730-701  | BAN Interest             | \$3,000.00          |                     |
| 001-1910-400  | Insurance                |                     | \$18,000.00         |
| 001-1930-400  | Judgments                |                     | \$15,000.00         |
| 001-1990-400  | Contingency              |                     | \$53,000.00         |
| 001-9040-801  | Workers Compensation     |                     | \$7,000.00          |
| <b>Totals</b> |                          | <b>\$150,000.00</b> | <b>\$150,000.00</b> |

**RESOLUTION #: 125-15**

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

RESOLVED, that the Town Board hereby authorizes Steve Conti, Director of Finance, to do the year-end transfers for 2014 as shown above.

- **Recreation Dept. – refund for Conant Hall Deposit**

**RESOLUTION #: 126 -15**

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

RESOLVED, that the Town Board hereby authorizes the refund of five hundred (\$500) dollars to Jennifer Coulter, 44 Indian Hill Road, Pound Ridge, NY 10576, for use of Conant Hall on June 6, 2015, for a family celebration. The premises were inspected and found to be in acceptable condition.

**Monthly Reports**

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

- **Pay Bills**

**RESOLUTION #: 127-15**

**Board Action:** Motion by Councilwoman Schwartz, seconded by Councilman Paschkes, 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 subject to obtaining additional documents or department head signatures to approve them, 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>\$88,911.02</b> |
| <b>HIGHWAY FUND</b>     | <b>D</b> |  | <b>\$36,928.94</b> |
| <b>TRUST AND AGENCY</b> | <b>T</b> |  | <b>\$18,246.33</b> |
| <b>CAPITAL</b>          | <b>H</b> |  | <b>\$ 780.90</b>   |

**ADJOURNMENT:** There being no further business to come before the Board  
Supervisor Lyman adjourned the regular meeting at 10:15 p.m.

Supervisor Lyman reopened the Town Board meeting as Parking District Commissioners to pay the  
Parking District claims.

**RESOLUTION #: 128-15**

**Board Action:** Motion by Councilwoman Schwartz, 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:

|                         |           |  |                   |
|-------------------------|-----------|--|-------------------|
| <b>PARKING DISTRICT</b> | <b>ST</b> |  | <b>\$1,909.10</b> |
|-------------------------|-----------|--|-------------------|

**ADJOURNMENT:** There being no further business to come before the Board  
Supervisor Lyman adjourned the regular meeting at 10:18 p.m.

Joanne Pace  
Dated at Pound Ridge, New York  
June 15, 2015