

MINUTES OF THE SEPTEMBER 3, 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 CLERK, JOANNE PACE
TOWN ATTORNEY, WILLIAM P. HARRINGTON, ESQ.

ABSENT: DEPUTY SUPERVISOR JONATHAN POWERS

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

EXECUTIVE SESSION:

Board Action: Motion by Councilwoman Boak, seconded by Councilwoman Schwartz, all voting aye to hold an Executive Session on Thursday, October 1, 2015 starting at 6:00 p.m. to interview candidates for a laborer in the Maintenance Department due to the resignation of employee Christopher Eidam who is becoming a full time Fire Fighter in Connecticut.

ANNOUNCEMENTS:

- Supervisor Lyman reminded everyone of the 911 memorial service at Sachs Park on Friday, September 11, 2015 at 10:00 a.m.
- Supervisor Lyman publicly thanked Councilwoman Schwartz for all her effort in getting extra lifeguard coverage the past two weeks for the Town Pool.
- Supervisor Lyman publicly thanked the Town of Bedford for their gracious offering of the use of their town pools for our residents who held a pool pass in the case that our pool was closed due to lack of sufficient lifeguard coverage.
- Councilman Paschkes requested a brief Executive Session following the Town Board meeting for a legal question.
- Supervisor Lyman mentioned that the Medal of Honor Society of Pound Ridge will have a ceremony at the Pound Ridge Cemetery on Sunday, September 13, 2015 at 11:00 a.m.

MINUTES: Acknowledge/correct/accept minutes of the Town Board meeting held on Thursday, August 6, 2015

Board Action: Motion by Councilwoman De Palma, seconded by Councilwoman Schwartz, all voting aye to accept the minutes of the Town Board meeting held on Thursday, August 6, 2015.

PUBLIC HEARING: Continuation of the Public Hearing on CCA

Board Action: Motion by Councilwoman Boak, seconded by Councilwoman Schwartz, all voting aye to re-open the Public Hearing on Community Choice Aggregation (CCA).

The Community Choice Aggregation or CCA allows towns to buy electricity and natural gas in bulk, which leads to lower energy bills and increase the supply of renewable energy. The New York State Public Service Commission has granted permission for Westchester municipalities to implement the program. The Town of Pound Ridge is seriously considering adopting a Local Law to establish a Community Choice Aggregation (Energy) Program. The potential benefits of CCA programs include price stability for affixed contract term, lower prices, more favorable contract terms and the ability to design a program that reflects local preferences and needs.

There are two issues that concern the Town Board before we can formally adopt the Local Law to Establish a Community Choice, Aggregation (Energy) Program in the Town of Pound Ridge and they are:

- Counsel Harrington has inserted language in §5. **Choice of Energy Supplier; Opt-Out Notice and Procedure** to include: *CCA Program Bundled Customers shall be permitted to cancel their enrollment at any time and for any reason at no cost to the Customers.*
- Counsel Harrington added §7. **Indemnification** as follows:
 - A. *Sustainable Westchester shall indemnify and defend the Town for any legal claims, lawsuits or damages arising from or related to the implementation and operation of the CCA Program including, without limitation Sustainable Westchester's obligation to protect all customer information as provided in §4(F). For the duration of the CCA Program, Sustainable Westchester shall maintain liability insurance naming the Town as an additional insured to cover all of the aforesaid legal claims in an amount to be approved by the Town Board which shall not be less than \$1 million.*

Scott Fernqvist, Pound Ridge Energy Action Committee Chairman and Glen Weinberg tried to assure the Town Board that there probably will never be a cost to opt out of the program but that there may be that possibility down the line. The Town Board wants the opt out to be of no cost to our residents. This will be discussed further with Mike Gordon Co-chair, Sustainable Westchester who feels that it can and should be delineated in the resolution but kept out of the Local Law because it may restrict the Town from creating longer term contracts for other purchasing options.

The other issue with indemnifying the Town has to be further discussed with Mr. Gordon and Sustainable Westchester because Mr. Gordon would like this to be mutual indemnification and the Town Attorney and Town Board do not agree with that. The Town's insurance company only covers what information is on our computers, not what information is forwarded to an outside computer. Our insurance company recommends

that Sustainable Westchester has cyber coverage and that the Town is named as an additional insured under their policy. Scott Fernqvist and Glen Weinberg said that the only information they need are the names and addresses of our residents and possibly the NYSEG account number and that cyber insurance is not necessary. They plan to use the information for mailings and not store the information, limiting potential risk for residents and businesses. Town Attorney Harrington feels differently about having personal data out there. He highly recommends that Sustainable Westchester get cyber insurance and that needs to be in the Local Law. There is always the possibility of exposing the Town to some legal risk if that information was hacked.

Scott Fernqvist and Glen Weinberg will go back to Mike Gordon and try to sort out the two issues presented tonight and hopefully, get back to us on Tuesday, September 8, 2015 for our continued discussion at the Town Board meeting.

Board Action: Motion by Councilman Paschkes, seconded by Councilwoman Schwartz, all voting aye to adjourn the Public Hearing on Community Choice Aggregation (CCA) to the Town Board meeting on Tuesday, September 8, 2015.

NEW BUSINESS:

- **Assessor-authorization to attend annual NYSAA Seminar**

RESOLUTION #: 151-15

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

RESOLVED, that the Town Board hereby authorizes Diane Briganti, Assessor, to attend the annual NYSAA Conference in Ellenville, NY, October 4th through October 7, 2015. Expenses for lodging, meals, tuition, registration and travel are not expected to exceed \$1,100.00.

- **Court Clerk- authorization to attend the annual conference**

RESOLUTION #: 512-15

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

RESOLVED, that the Town Board hereby authorizes Sonia Mercado-Jimenez, Court Clerk to attend the annual NYS Association of Magistrates Court Clerk conference in Niagara Falls, NY, September 27th through September 30, 2015.

Expenses for lodging, meals, transportation and registration are not expected to exceed \$1,067.00.

- **Town Clerk – requesting to advertise the bidding of 20115-2016 Fuel Oil and Service Contract**

RESOLUTION #: 153-15

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

RESOLVED, that the Town Board hereby authorizes the Town Clerk to go to bid for the 2015-2016 Fuel Oil and Service Contract.

- **Water Control Commission requesting \$5,000 Bond Release**

RESOLUTION #: 154 -15

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

RESOLVED, that the Town Board hereby authorizes the release of a \$5,000 Water Control Commission bond for Christine and Matthew Dalton, 71 Parkview Road, Block 10047, Lot 125 for a swimming pool.

FINANCIAL MATTERS

- **Recreation Department – requests authorization for refunds**

RESOLUTION #: 155-15

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

RESOLVED, that the Town Board hereby authorizes the refund of five (\$500) hundred dollars escrow for the rental of Conant Hall on August 8, 2015 to Peter Munsch, 225 Salem Road, Pound Ridge, NY, AND BE IT

FURTHER RESOLVED, that the Town Board hereby authorizes the refund of five (\$500) hundred dollars escrow for the rental of Conant Hall on August 8, 2015 to the Pound Ridge Fire Department, 80 Westchester Ave., Pound Ridge, NY for a party on July 25, 2015.

- **Receiver of Taxes – authorization to refund duplicate payment**

RESOLUTION #: 156-15

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

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

<u>NAME</u>	<u>PARCEL ID</u>	<u>ADDRESS</u>	<u>AMOUNT</u>	<u>REASON</u>
Alderman	10047-83	138 Park View Rd.	\$7,952.68	Duplicate payment Plus penalty

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

Joanne Pace
Dated at Pound Ridge, New York
September 4, 2015