

MINUTES OF THE APRIL 14, 2016 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 LYMAN; COUNCIL MEMBERS: DANIEL PASCHKES  
BONNIE SCHWARTZ, JODY SULLIVAN AND DAVID DOW

**ALSO PRESENT:** DEPUTY TOWN ATTORNEY, JOHN LOVELESS, 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:**

**ANNOUNCEMENTS:**

- Supervisor Lyman mentioned that Marianne Vitelli, Assistant to Supervisor, has been receiving calls from residents stating that they are getting phone calls from energy suppliers indicating that they must make a decision on their supplier or they may be cut off altogether. This comes after many surrounding municipalities joined the Community Choice Aggregation (CCA) Program through Sustainable Westchester. Pound Ridge opted not to join in the first go around and would possibly revisit it in the future. The energy suppliers are not paying attention to who joined and did not join, thus threatening and intimidating Pound Ridge residents. Marianne asked the callers to try to get the names and phone numbers of the suppliers and she will contact them. Supervisor Lyman has notified Glen Weinberg of Sustainable Westchester and he will do whatever he can to deter the phone calls.

**MINUTES: Acknowledge/Correct/Accept Minutes of Town Board Meetings of April 7, 2016**

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

RESOLVED, that the Town Board hereby accepts the minutes, as corrected, of the Town Board Meeting of April 7, 2016.

**OLD BUSINESS:**

- **Discussion on amendments to Personnel Handbook**

Supervisor Lyman tabled this discussion until the next Town Board meeting because Town Attorney William Harrington was not present to give the Town Board his input.

**NEW BUSINESS:**

- **Appoint Committee for Town Codes**

The Town Board discussed appointing an ad-hoc Committee to look at our Town Codes to see about enforceability and relevance and Supervisor Lyman sent out a notice to all our Board and Commission members asking if they would like to join in this endeavor. Supervisor Lyman heard back from Bill Bedford, Chair of the Water Control Commission and Leah Bennicasa, member of Conservation Board. Town Board members David Dow and Bonnie Schwartz volunteered to join the Committee as did Jon Powers, Deputy Supervisor. Supervisor Lyman asked Councilman David Dow if he would like to chair the Committee and he agreed. Councilman Paschkes offered to help out as needed and asked to be part of any e-mails.

- **Resolution on Westchester County Airport**

There is Westchester County legislation proposed to modify the Westchester County Airport terminal use. Many surrounding communities are concerned about significant adverse impacts. The Town of Rye Town Council approved a resolution at their last meeting expressing concern with the proposed legislative modification of the TUA and asked that our Town Board review the resolution and make any concerns known to the County Executive and Board of Legislators.

Jon Powers suggests staying out of this because it really doesn't have any effect on Pound Ridge. It merely is looking to remove a policy of a half-hour passenger restriction and instead provide additional flexibility to the airlines increasing their ability to add daily flights and increase the number of passengers.

Another note is that there is an upcoming Airport Master Plan scheduled for mid-2016 and the Town of Rye is stating that they should wait until that is in effect before making these changes.

The other concern is that the County is suggesting that a short Environmental Assessment Form and Negative Declaration of significance is appropriate and we agree with Rye that requiring a full EAF and more comprehensive environmental review is necessary.

Supervisor Lyman will write a letter to Westchester County Legislature Chairman Michael Kaplowitz expressing that Pound Ridge feels strongly about requiring a full Environmental Assessment Form and that they should consider holding off on decisions on proposed changes until the Airport Master Plan is in effect.

**RESOLUTION #: 79-16**

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

RESOLVED, that the Town Board hereby authorizes Supervisor Lyman to write a letter to Westchester County Legislature Chairman Michael Kaplowitz expressing that Pound Ridge feels strongly about requiring a full Environmental Assessment Form and that they should consider holding off on changes until the Airport Master Plan is in effect.

- **Discussion of Landmarks Amendments**

Carol Cioppa, Chair of Landmarks and Historic District Commission and Deborah Sherman, member of the Landmarks and Historic District Commission attended the meeting to explain that the Commission is proposing a few amendments to Chapter 17 of the Town Code of the Town of Pound Ridge as follows:

Article 1. Purpose; Definitions

Under §17-1, an additional sentence is proposed at the end of the paragraph saying: *Specifically, without limitation, it is the intention of this chapter to protect and preserve the historical elements of Pound Ridge, including its architecturally appealing historic homes, public buildings, stone walls and cemeteries from inappropriate alterations or destruction.*

Under §17-2, Alteration, the existing paragraph would end with: *including the removal of or substantial change to stone walls.*

Under §17-2, Improvement, the paragraph would be amended to read: Any building, structure, *stone wall*, place, work of art or other object constituting a physical betterment of real property or any part of such betterment.

Under §17-2, Landmark Site, the paragraph would be amended to include *stone walls* after ancillary structures.

Under §17-3, Creation, the sentence reading: “The membership shall include the Town Historian, *the proposal would eliminate the next part including a member of the Planning Board.*

Carol Cioppa, Chair of Landmarks and Historic District Commission, wrote a letter to go to each Landmark property owner explaining the few amendments to Chapter 17. She explains that the primary goal is to clarify that the preservation and protection of our historic stone walls is an important component of the Historic Districts Code. Supervisor Lyman and the Town Board felt that the letter may be a little too long and the residents may not read it, so Supervisor Lyman and Carol Cioppa will work together to tweak it and then send it along with an attachment of the amendments to the Local Law Chapter 17 to the approximate 60 Pound Ridge residents who have landmarked homes.

- **Conservation Board-requesting funds to improve Town’s GIS Map**

Councilman Paschkes, Liaison to Conservation Board, explained that the Conservation Board was awarded a grant to enable the Conservation Board to upgrade the GIS and enhance the Natural Resources Inventory. They are now requesting additional money from the Town to support their work due to the fact that the GIS Map and Document Upload Tool can be used by many town officials, boards and commissions. Supervisor Lyman said that they have exhausted their budget that was meant for mailings and education and he feels that it is appropriate that the Town can add additional funds of \$1,500 to help with other costs and grant matching expenses.

**RESOLUTION #: 80-16**

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

RESOLVED, that the Town Board hereby agrees to transfer fifteen hundred (\$1,500) dollars from Contingency Fund to the Conservation Board fund to help with the additional costs.

- **Proclamation for Healthy Teen Brain Day for the Westchester Coalition for DAPC**

Patty Warble of the Drug Abuse Prevention Council (DAPC) wrote to Supervisor Lyman and Councilwoman Schwartz asking for the Town Board's support in issuing a proclamation declaring April 20 Healthy Teen Brain Day as part of an overall effort to prevent and reduce youth marijuana use and its impact on the teen brain. The proclamation is as follows:

**PROCLAMATION**  
**Healthy Teen Brain Day**

**Whereas:** Our youth are our greatest joy and our hope for the future so it is necessary for us to support them in making safe and healthy decisions, while creating a supportive environment that safeguards their future, and;

**Whereas:** Many of our youth are making very healthy and safe decisions to remain marijuana-free and providing leadership in their schools and communities to help other youth remain marijuana-free, and;

**Whereas:** There is strong objective evidence that marijuana is harmful to the adolescent brain, with the potential to cause distorted perceptions, difficulty with thinking and problem solving, disrupted learning and memory, and impaired reaction time, attention span, judgment, balance and coordination\*, and;

**Whereas:** It is with special pleasure that I join with the youth and adult leaders of [name of coalition] in celebrating the first "Healthy Teen Brain Day" to applaud and support our youth who are making healthy decisions, and;

**Whereas:** On behalf of the citizens of Town of Pound Ridge I am pleased and proud to join all associated with the inception of Healthy Teen Brain Day and urge all citizens to acknowledge this very important day.

**NOW, THEREFORE,** the Town Board of THE TOWN OF POUND RIDGE, Proclaims **Wednesday, April 20, 2016 to be Healthy Teen Brain Day in Pound Ridge, New York, Westchester County**

**AND** proudly joins our fellow residents in marking this very special occasion on this 20th day of April in the year of 2016.

A guest, Dr. Robert Laitman, representing NAMI (National Alliance on Mental Illness), spoke about May being Mental Health Awareness Month and how he would like to tie NAMI Westchester ribbons along main roads in Pound Ridge as well as surrounding communities from May 1<sup>st</sup> through May 31<sup>st</sup>. He explained how important it is to make the public aware of this disease.

**RESOLUTION #: 81-16**

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

RESOLVED, that the Town Board hereby authorizes Dr. Robert Laitman, representing NAMI (National Alliance on Mental Illness), to have volunteers hang white NAMI Westchester ribbons on light posts along Scotts Corner, trees on the walking path and on trees at the entrance to the Town Park fields.

**Add-On:** Town Pool repair

Supervisor Lyman received two (2) proposals for the labor and materials needed for the concrete and patchwork to finish the work done on the Competition Pool and the Kiddie Pool. The estimates are as follows:

C. B.I. Concrete, Inc. with a proposal of \$4,945.00  
Mangione Inc. with a proposal of \$6,225.00

The Town Board is trying to get another proposal; however, in the event that they don't receive another proposal, Supervisor Lyman is asking the Town Board to allow the award to go to the lowest bidder.

**RESOLUTION #: 82-16**

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

RESOLVED, that the Town Board hereby authorizes the Recreation Commission to award the bid to do the concrete work at the pool to C.B.I., Inc. if they don't receive a third bid, as they are the lowest bidder.

**Ad-On:** Maintenance Department-hiring of summer help

**RESOLUTION #: 83-16**

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

RESOLVED, that the Town Board hereby authorizes Jonah Maddock, Maintenance Foreman, to hire two (2) summer help employees, John Pasalic and Steven Anuszkiewicz at the rate of \$13.00 per hour to work mid-April through mid-September.

- **Dan Paschkes to report on Association of Towns**

Councilman Paschkes gave the Town Board a brief report on his Association of Towns seminar in New York City in February 2016. One of the highlights was his class on body cameras for Police Officers. There are pros and cons with the use of the body cameras. A couple of pros are that it can increase trust for the community, accountability and back up documents. One caveat is that before going out and buying body cameras, it is recommended that the Town has to have a written policy and procedures system in place. One of the main issues is recordkeeping-what do you keep, what do you discard, how long do you keep it for. There are also issues of access-who gets access and who doesn't. Some access to tapes would fall under FOIL and there are privacy concerns. There could be private home tapping with sensitive subjects. When does it become public record? The press will be trying to obtain the tapes.

A recommendation from the seminar was to start as a pilot program. Have one or two officers wired at first and see how it runs. There is funding for this nationally through grants. There are also limited views from the camera, not capturing everything the officer is seeing by turning his head. There are currently some guidelines existing and the communities can adapt the part that works best for each community.

The other subject that was of interest was the sale of Town Property. Once the Town acquires property what do we do now? There is a much specified statutory framework that we need to keep in mind as we move forward with disposition of real property by a Town. It is governed by section 64 of Town Law and some of the highlights are that we have to pass a resolution that we deem it surplus in order to move forward with the process of selling it or otherwise disposing of it. You cannot give it away. You need to have appraisals done and fair market value of the property determined so that we are assured we are getting good value of what we are selling. The resolution is subject to a permissive referendum allowing the public to weigh in. Another point worth noting, is that the sale/process is subject to SEQRA. The good news is that it is considered an unlisted action so you don't have to go through a full EAF as long as the property is under 100 acres.

- **Liaison's report**

The Town Board members each gave a brief update on the Boards and Commissions meetings for the past month.

**FINANCIAL MATTERS:**

- **Tax Receiver-authorization to refund overpayment**

**RESOLUTION #:**

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

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

<b><u>NAME</u></b>	<b><u>PARCEL</u></b>	<b><u>AMOUNT</u></b>	<b><u>REASON</u></b>
Cutler	9458-6	\$15.48	overpayment
Parmet	9458-43.9	\$335.22	overpayment

- **Monthly Reports**

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

- **Pay Bills**

**RESOLUTION #: 84-16**

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

WHEREAS, Councilwoman Sullivan 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>\$156,968.59</b>
<b>HIGHWAY FUND</b>	<b>D</b>		<b>\$225,930.55</b>

<b>TRUST AND AGENCY</b>	<b>T</b>		<b>\$113,604.47</b>
<b>CAPITAL</b>	<b>H</b>		<b>\$ 0</b>

**Board Action:** Motion by Councilwoman Sullivan, seconded by Councilwoman Schwartz, all voting aye to adjourn the regular meeting 9:15 p.m. and reconvene to pay the Parking District bills.

**RESOLUTION #: 85-16**

**Board Action:** Motion by Councilman Dow, seconded by Councilwoman Schwartz, motion carried 4-0 with Councilwoman Sullivan abstaining on the following:

WHEREAS, Councilwoman Sullivan 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>\$212.63</b>
-------------------------	-----------	--	-----------------

**ADJOURNMENT:** There being no further business to come before the Board, Supervisor Lyman adjourned the regular meeting at 9:20 p.m.

Joanne Pace  
Dated at Pound Ridge, New York  
April 15, 2016