

MINUTES OF THE DECEMBER 1, 2016 MEETING OF THE TOWN BOARD OF THE TOWN OF POUND RIDGE AND PUBLIC HEARINGS 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, BONNIE SCHWARTZ, JODY SULLIVAN AND DAVID DOW

ALSO PRESENT: TOWN CLERK, JOANNE PACE
TOWN ATTORNEY, WILLIAM P. HARRINGTON
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:

The Town Board received a packet from Ted L'Estrange, representing the Hudson Valley Region, asking the Town to pass a Resolution calling for action to stop the persecution of a group in a foreign land. Supervisor Lyman did not permit discussion, opting to allow Town Board members the opportunity to review the information provided and decide whether they wished to discuss it at the Dec. 8 meeting.

MINUTES: Acknowledge/correct/accept minutes of the Town Board meeting held on November 10, 2016

Board Action: Motion by Councilwoman Schwartz, seconded by Councilwoman Sullivan, all voting aye to accept the minutes of the Town Board meeting held on November 10, 2016.

PUBLIC HEARINGS:

- **To consider overriding the Tax Cap on 2017 Town Budget**

Board Action: Motion by Councilwoman Schwartz, seconded by Councilwoman Sullivan, all voting aye to open the Public Hearing to consider overriding the Tax Cap on the 2017 Town Budget.

The 2016 Tax Levy Amount was \$5,407,058; Growth Factor 0.68% was \$5,448,826; Inflation Factor 0.68% was \$5,480,878. The increase allowed for 2017 Tax Levy is \$73,820; the 2017 Tax Levy Amount is \$5,574,163; Amount over Tax Cap is \$93,285. The Town Board has decided it is necessary to override the Tax Cap. In order to override it, the Town Board must adopt a Local Law. Steve Conti, Director of Finance, did

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mention that without the Open Space Referendum, we would have been able to stay under the Tax Cap.

BE IT ENACTED by the Town Board of the Town of POUND RIDGE as follows: A local law to override the tax levy limit established in General Municipal Law 3-c

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Pound Ridge and Pound Ridge Parking District #1 pursuant to General Municipal Law §3-c, and to allow the Town of Pound Ridge and Pound Ridge Parking District #1 to adopt budgets for the fiscal year 2017 that require a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

It is the determination of the Town Board of the Town of Pound Ridge that the property tax cap enacted in 2011 by the State Legislature is unfair to the residents of the Town of Pound Ridge and Pound Ridge Parking District #1 and would severely curtail the ability of the Town of Pound Ridge to provide necessary services to Town residents and businesses. Thus, it is in the best interests of the Town of Pound Ridge and its residents, that the within Local Law be enacted. It also is the determination of the Pound Ridge Town Board that to meet the dates by which the 2017 budget must by State law be adopted, the Town Board requires the flexibility which this local law would provide.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax cap for the Town of Pound Ridge and Special District located within the Town of Pound Ridge by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Pound Ridge, County of Westchester is hereby authorized to adopt a budget for the Town of Pound Ridge for the fiscal year 2017 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

The Town Board of the Town of Pound Ridge, County of Westchester is hereby authorized to adopt a budget for the Pound Ridge Parking District #1 for the fiscal year 2017 that requires a real property tax levy in excess of the amount

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otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudicated by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Board Action: Motion by Councilwoman Sullivan, seconded by Councilwoman Schwartz, all voting aye to close the Public Hearing to consider overriding the Tax Cap on the 2017 Town Budget.

RESOLUTION #: 157-16

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

RESOLVED, that the Town Board is hereby authorized to adopt Local Law #1-2016 as described above to override the Tax Cap on the 2017 Town Budget.

- **To consider adoption of the 2017 Town Budget & Parking District Budget**

Board Action: Motion by Councilman Paschkes, seconded by Councilwoman Schwartz, all voting aye to open the Public Hearing to consider adoption of the 2017 Town Budget & Parking District Budget.

Steve Conti, Director of Finance, reviewed the highlights of the 2017 Town Budget & Parking District Budget as follows:

General Fund appropriations - \$5,834,191
Highway Fund appropriations - \$2,137,370
Land Reserve - \$373,675

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Total Town Budget: \$8,345,236

Total Proposed Town Budget \$8,329,236 of which we have revenues of \$2,276,000 and Fund Balance of \$480,000; which leaves the Town \$5,573,236 to be raised by taxes. The tax rate for 2016 was 13.7081 and is 14.0195 for 2017.

The 2017 Budget Highlights are as follows:

GENERAL & HIGHWAY FUNDS COMBINED:

Appropriations Increase = 4.05% (\$310,430)

Revenues Decrease = -4.16% (-\$101,300)

Appropriated Fund Balance from Reserves = \$480,000

Tax Increase from Gen/Hwy = 1.00%

Tax Increase including Land Reserve = 2.68%

APPROPRIATIONS:

Repayment of Bonds = \$131,429

Repayment of BAN's = \$290,000

Health Insurance = \$1,091,000

NYS Retirement = \$598,500

Road Maintenance - \$375,000

TEP Project = \$320,000

Councilman Paschkes said that is it worth noting that the Town Board has gone through every line of the budget to make sure every expenditure is necessary with no waste. The Town Board has been fiscally responsible of our taxpayer's dollar. Supervisor Lyman said that he agrees as does the rest of the Town Board.

Board Action: Motion by Councilwoman Schwartz, seconded by Councilman Paschkes, all voting aye to close the Public Hearing to consider adoption of the 2017 Town Budget & Parking District Budget.

RESOLUTION #: 158-16

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

RESOLVED, that the Town Board hereby adopts the 2017 Town Budget and Parking District Budget as presented.

Steve Conti, Director of Finance, was thanked by Councilman Paschkes and the rest of the Town Board members for a great job with the 2017 budget. The entire staff was also thanked for being fiscally responsible.

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NEW BUSINESS:

- **Bedford Central School District-keeping residents informed**

Pam Harney, Chair of the Bedford School District BOE Subcommittee on Communications, sent a memo to Supervisor Lyman to help keep residents informed of BCSD issues. They would like to be able to reach out to the residents who do not have children in the school district and would like to have the link to Dr. Manno's e-newsletter subscription page included in the Town's newsletter and website.

Board Action: Motion by Councilwoman Sullivan, seconded by Councilwoman Schwartz, all voting aye to allow the Bedford Central School District to keep the residents informed of school district issues via the Town's newsletter and website.

- **Conservation Board- to discuss Arbor Day**

Carrie Sears, Chair of the Conservation Board, brought to the attention of the Town Board the fact that a new proclamation must be made annually in order to be part of that specific Arbor Day celebration. A proposed proclamation is as follows:

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

Whereas, this 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

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving 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.

Therefore, I do hereby proclaim April 29 and 30 of 2016 as a highly successful ARBOR DAY celebration

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In the Town of Pound Ridge, and I urge all citizens to celebrate Arbor Day in the future and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this First day of December 2016.

Supervisor Lyman said that going forward, the Town Board will include this on the Organizational Meeting Agenda in January of each year.

RESOLUTION #: 159-16

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

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the proposed Proclamation to celebrate Arbor Day on April 29, 2016 and April 30, 2016.

- **Town Clerk – authorization to sell cemetery plot**

RESOLUTION #: 160-16

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

RESOLVED, that the Supervisor be and is hereby authorized to sell Town cemetery Plot # 176, Section 3 to Patrick and Joann Palmieri, 144 Brigantine Blvd., Waretown, N.J. 08768 in the amount of two thousand dollars (\$2,000) for two gravesites.

- **Tax Assessor-authorization to hire appraisal to defend Town Assessment**

RESOLUTION#: 161-16

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

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RESOLVED, that the Town Board hereby authorizes the expenditure of \$1,050 for the hiring of appraiser Bryan Parkhurst, Certified NYS Residential Real Estate Appraiser, to defend the Town assessment of property at 210 Trinity Pass Road in January 2017. The cost includes the appraisals and the court appearance. This would come out of line A1420.418 (legal support service line).

FINANCIAL MATTERS:

- **Water Control Commission – Bond Release**

RESOLUTION #: 162-16

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

RESOLVED, that the Town Board hereby authorizes the release of the following Water Control Commission bond as the work has been satisfactorily completed: Bond #2015-18 to Paul DeBartolo, 3 Adams Lane, Pound Ridge, NY, in the amount of \$5,000 for pool construction within the wetlands regulated area.

- **Recreation Department – authorization to refund deposits**

RESOLUTION #: 163-16

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

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

Peter Giner PO Box 88 260 Waccabuc Rd. Goldens Bridge, NY 10528	A2001	\$120.00	Due to non-participation
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Sarah Kass 22 Twin Fawn Lane Pound Ridge, NY 10576, AND BE IT	A2001	\$95.00	Due to non-participation
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FURTHER RESOLVED, that the Town Board hereby authorizes the refund of five hundred (\$500) dollars to the Pound Ridge Community Church, 3 Pound Ridge Road, Pound Ridge, NY 10576 for the use of Conant Hall on November 13, 2016 for “Project Christmas Child”.

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- **Receiver of Taxes – authorization to refund overpayment & duplicate payments**

RESOLUTION #: 164-16

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>ADDRESS</u>	<u>AMT</u>	<u>REASON</u>
Manos	9031-89	11 Pheasant Rd.	\$1,552.66	Penalty error
Greenberg	9822-59	36 Bender Way	\$7,337.09	Dup. paymt
Gamarnik	9031-131	49 Pheasant Rd.	\$5,756.77	Dup. paymt
Wright	9453-22	116 Westchester Ave	\$270.00	Overpaymt

ADJOURNMENT: There being no further business to come before the Board, the meeting was adjourned at 8:40 p.m.

Joanne Pace
Dated at Pound Ridge, New York
December 2, 2016