

MINUTES OF THE DECEMBER 8, 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  
DEPUTY SUPERVISOR JONATHAN POWERS  
TOWN ATTORNEY, WILLIAM P. HARRINGTON, ESQ.

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

**CALL FOR EXECUTIVE SESSION:**

**Board Action:** Motion by Councilwoman Schwartz, seconded by Councilman Paschkes, all voting aye to hold and Executive Session immediately following the Town Board meeting for a series of legal matters.

**ANNOUCEMENTS/REMINDERS:** None

**MINUTES:** Acknowledge/correct/accept minutes of the Town Board meeting held on Thursday, December 1, 2016.

**Board Action:** Motion by Councilman Paschkes, seconded by Councilwoman Schwartz, all voting aye to accept the minutes of the Town Board meeting held on Thursday, December 1, 2016.

**PUBLIC HEARINGS:** To consider and act upon a local law

**1. Amending the Code of Notification process for Zoning Board, Planning Board and Water Control**

**Board Action:** Motion by Councilwoman Sullivan, seconded by Councilwoman Schwartz, all voting aye to open the Public Hearing to consider amending the Code of Notification process for Zoning Board, Planning Board and Water Control.

Under Zoning Board of Appeals; amend the number of days to publish a Notice of Hearing in the official newspaper prior to the date of such hearing from five days (5) to fourteen days (14). In addition, the Planning Board would like the wording in Chapter 113-61 C. Application Procedure, changed from “copy of the application” to “Notice of Application”. The application form contains personal contact information and the Notice of Application describes pertinent information relating to the details of the proposed application, excluding any private information.

**Board Action:** Motion by Councilman Paschkes, seconded by Councilwoman Schwartz, all voting aye to close the Public Hearing to consider amending the Code of Notification process for Zoning Board, Planning Board and Water Control.

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**RESOLUTION #: 165 -16**

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

RESOLVED, that the Town Board hereby adopts a new Local Law 2-2016 amending the Zoning Board of Appeals Ordinance in Chapter 113-86 changing the number of days to publish a Notice of Hearing in the official newspaper prior to the date of such a hearing from five (5) days to fourteen (14) days. Additionally, the Town Board approves of the amendment to Chapter 113-61 C. Application Procedure to replace “copy of the application” with “Notice of Application”.

**2. To establish a Solar Ordinance**

**Board Action:** Motion by Councilman Paschkes, seconded by Councilwoman Schwartz, all voting aye to open the Public Hearing to establish a Solar Ordinance.

Joseph Eriole, Counsel to the Planning Board, proposed new language for Chapter 113 Zoning Ordinance to include Solar Site Plan review:

**Article I. Purpose; Definitions**

113-2 Word Usage; Definitions

**STRUCTURE**

Anything constructed or erected, the "use" of which requires location on the ground or attachment to something having location on the ground, including but not limited to "buildings," "signs," swimming pools, tennis courts, "fences," "walls," "gates," "pillars," *ground mounted solar arrays*, and "berms."

Article IX. Site Plan Requirements.

113-60 General Standards

**D.**

Landscaping and buffering. All *ground mounted solar arrays*, parking, loading and service areas shall be screened in a reasonable manner at all seasons of the year from the view of adjacent residential "lots" and "streets." The general landscaping of the site shall be designed in an attractive manner and, wherever possible, desirable natural features existing on the site shall be protected and retained.

**Article III. General Regulations**

**113-25 Ground Mounted Solar Installations**

**A.**

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Site plan approval by the Planning Board is mandatory for the installation or modification of any ground mounted solar array.

B.

Where site plan approval is required, no permit or certificate shall be issued by the Building Inspector in connection therewith until and unless a plan shall have been reviewed and approved by the Planning Board. All site development and "use" of the property shall be fully in conformance with the approved site plan and such additional standards and safeguards as are imposed on such property as a condition of site plan approval. Continued conformance with the approved site development plan shall be required as a condition of the continuance of the certificate of conformance and certificate of occupancy. Failure to so maintain or continue conformance shall be cause for the revocation or removal of any such certificate of conformance and certificate of occupancy and the immediate discontinuance of the approved "use."

C.

Site plan review by the Planning Board shall be in accordance with the procedures, standards and requirements of Article IX of this chapter.

**Board Action:** Motion by Councilwoman Schwartz, seconded by Councilman Paschkes, all voting aye to close the Public Hearing to establish a Solar Ordinance.

### **RESOLUTION #: 166-16**

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

RESOLVED, that the Town Board hereby adopts Local Law 3-16 amending the language for Chapter 113, Article 1 Zoning Ordinance to include Solar Site Plan review as proposed above.

### **3. Amending the Landmarks and Historic District Ordinance Chapter 17**

**Board Action:** Motion by Councilwoman Schwartz, seconded by Councilman Paschkes, all voting aye to open the Public Hearing to amend the Landmarks and Historic District Ordinance Chapter 17.

The Landmarks and Historic District Commissions proposed an amendment to Chapter 17 to include reference to the preservation of stone walls and to eliminate the necessity of a Planning Board member to the membership of the Commission.

### **Article I. Purpose; Definitions**

MINUTES OF THE DECEMBER 8, 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.

§ 17-1. Purpose.

It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation and use of improvements and districts of special character or special historical or aesthetic interest or value is a public necessity and is required in the interest of the prosperity and welfare of the people. The purpose of this chapter is to effect and accomplish the protection, enhancement and perpetuation of such improvements and districts which represent or reflect elements of the Town's cultural, social, economic, political and architectural history; safeguard the Town's historic, aesthetic and cultural heritage, as embodied and reflected in such improvements and districts; stabilize and improve property values in such districts and the Town as a whole; foster civic pride in the beauty and noble accomplishments of the past; strengthen the economy of the Town; and encourage the designation of landmarks, landmark sites and historic districts for the education, pleasure and welfare of the people of the Town. 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.

§ 17-2. Definitions.

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

ALTERATION

Any act or process that changes one or more of the exterior architectural features of a structure designated for preservation or any structure in a district designated for preservation, including the removal of or substantial change to stone walls.

COMMISSION

The Landmarks and Historic District Commission.

EXTERIOR ARCHITECTURAL FEATURE

The architectural style, design, general arrangement and components of all of the outer surfaces of an improvement, as distinguished from the interior surfaces enclosed by said exterior surfaces, including but not limited to the kind and texture of the building materials and the type and style of all windows, doors, siding, **roof material**, trim, masonry, lights, signs and other fixtures appurtenant to such improvements; in addition, the design, arrangement and components of all fences or stone walls on any landmark site or within any historic district. The foregoing shall specifically not be construed to extend to the color of paint used on the exterior of any improvement.

HISTORIC DISTRICT

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Any area which contains improvements which have a special character or special historical or aesthetic interest or value or which represent one or more periods or styles of architecture reflecting the history of the Town or which cause such area, by reason of such factors, to constitute a distinct section of the Town, and which area has been designated as an "historic district" pursuant to the provisions of this chapter.

#### IMPROVEMENT

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.

#### IMPROVEMENT PARCEL

That portion of real property which includes a physical betterment constituting an improvement and that portion of the land embracing the site thereof as may be deemed appropriate for preservation by the Commission, or an unimproved ~~unit~~ area of real landmarked property that may be deemed appropriate for preservation.

#### LANDMARK

Any improvement which has a special character or special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the Town, state or nation and which has been designated as a "landmark" pursuant to the provisions of this chapter.

#### LANDMARK SITE

Any improvement parcel which has a special characteristic, including but not limited to barns or ancillary structures, [stone walls](#), or special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the Town, state or nation and which has been designated as a "landmark site" pursuant to the provisions of this chapter.

#### ORDINARY REPAIRS AND MAINTENANCE

Any work done on any improvement or replacement of any part of an improvement for which a permit issued by the Building Inspector is not required by law, where the purpose and effect of such work or replacement is to prevent or correct any deterioration or decay of or damage to such improvement or any part thereof and to restore the same, particularly as to appearance, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage.

§ 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.*

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**Board Action:** Motion by Councilwoman Sullivan, seconded by Councilwoman Schwartz, all voting aye to close the Public Hearing to amend the Landmarks and Historic District Ordinance Chapter 17.

**RESOLUTION #: 167-16**

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

RESOLVED, that the Town Board hereby adopts Local Law 4-16 amending Chapter 17 to include reference to the preservation of stone walls and to eliminate the necessity of a Planning Board member to the membership of the Commission as proposed above.

**NEW BUSINESS:**

- **Accept Insurance Renewal**

A proposal for the Insurance Renewal package for 2017 was received by Brian Miles, Vice President Spain Agency and Kieran Boyle, Risk Manager Spain Agency. The quotes for 2017-2018 are as follows: NYMIR (Spain Agency) came in with a 2% decrease from \$103,484 to \$101,516.

**RESOLUTION #: 168 -16**

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

RESOLVED, that the Town Board hereby accepts the Town Insurance Renewal Package for the year 2017-2018 from NYMIR (Spain Agency) in the amount of \$101,516 as proposed.

- **Landmarks & Historic District-Discussion for landmarks certification on building permit applications.**

Carol Cioppa, Landmarks Chair, is requesting an attachment to the Building permit applications to determine if the property is landmarked or not. It would simply mean adding a box to be checked off if the property is Landmarked.

**RESOLUTION #: 169-16**

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

RESOLVED, that the Town Board hereby accepts the proposal from the Landmarks and Historic District Commission to put a box on the Building Department application to be checked off if the property is a Landmarked home or not.

- **Conservation Board – Letter of support for the use of goats for invasive species removal**

The Conservation Board came before the Town Board at the November 3, 2016 meeting to discuss the feasibility of using goats to manage stands of Japanese Knotweed and other invasive plant species. Carrie Sears, Chair of Conservation Board, and members met with a specialist in this field and they discussed the possibility of a grant from the Land Trust Alliance in Saratoga Springs, NY to fund this proposal. This method of controlling the invasive plants would be an alternative method rather than the traditional method of using chemical pesticides. There was a glitch when the Conservation Board started the application process for the grant, so this will be tabled and revisited at a later date.

**-Proclamation on Climate Smart Community**

The Conservation Board, with the support of the Energy Action Committee, respectfully requests the Pound Ridge Town Board adopt the Climate Smart Communities Pledge which will be the first step toward becoming a NYS DEC recognized Climate Smart Community.

*A Resolution to adopt New York State Climate Smart Communities Pledge*

*WHEREAS, the Town of Pound Ridge believes that climate change poses a real and increasing threat to our local and global environments; and*

*WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, build livable, energy-independent and secure communities, promote vibrant innovative economies, healthy and safe schools, resilient infrastructures, and safeguard natural habitats and wildlife; and*

*WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,*

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*IT IS HEREBY RESOLVED that the Town of Pound Ridge, in order to reduce greenhouse gas emissions and adapt to a changing climate, adopts the New York State Climate Smart Communities Pledge, which comprises the following ten elements:*

1. Pledge to be a Climate Smart Community.
2. Set goals, inventory emissions, plan for climate action.
3. Decrease community energy use.
4. Increase community use of renewable energy.
5. Realize benefits of recycling and other climate-smart solid waste management practices.
6. Reduce greenhouse gas emissions through use of climate-smart land-use tools.
7. Enhance community resilience and prepare for the effects of climate change.
8. Support development of a green innovation economy.
9. Inform and inspire the public.
10. Commit to an evolving process of climate action.

The Town Board thanked Carrie Sears and Scott Fernqvist for a great job.

**RESOLUTION #: 170-16**

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

RESOLVED, that the Town Board hereby officially adopts the Climate Smart Communities Pledge as presented above allowing the Town enhanced eligibility for funding and becoming a Climate Smart Community.

**Add-on: Town Clerk- accept bids for Electrical, Plumbing and Well Work for 2017 and 2018**

On Tuesday, December 6, 2016 at 10:00 a.m. at the Town House, there was a bid opening for electrical, plumbing and well work bids by Town Clerk Joanne Pace and Deputy Town Clerk Lynn Princisvalle. The following are the results of the bid opening:



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PLUMBING BIDS – Only 1 received

Hassett Plumbing & Heating

Journeyman per hour \$138.00

Journeyman outside business hours \$207.00 per hour

Helper per hour \$62.00

Helper outside business hours \$93.00 per hour

\*Mark up on material is 10% above cost

ELECTRICAL BIDS – 1 received

MIKRO ELECTRIC CO., INC.

Mechanic per hour \$97.75

Mechanic and 1 helper \$132.25

\*Mark up on material is 15% above cost

WELL WORK BIDS – 1 received

AMERICAN PUMP SERVICE

Service mechanic - \$95.00 per hour

Service mechanic with helper - \$135.00 per hour

Pump hoist - \$75.00 per hour

\*\*\*20% WHOLESALE MARKUP

\*Discussion took place and it was suggested that this be re-bid in order to try to get a few more eligible bidders for plumbing, electrical and well works. This will be tabled until January 2017.

- **Liaison Reports**

The Town Board reported on their Boards and Commissions.

## **FINANCIAL MATTERS**

- **Recreation Department -authorize refund**

**RESOLUTION #: 171 -16**

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

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RESOLVED, that the Town Board hereby authorizes the refund of five hundred (\$500) dollars to Alexis Moynes, 24 Fancher Road, Pound Ridge, NY for the use of Conant Hall on December 3, 2016 for a party.

- **Monthly Reports**

The monthly reports have been received from the various departments and are on file with the Town Clerk's office.

- **Pay Bills**

**RESOLUTION #: 172-16**

**Board Action:** Motion by Councilman Paschkes, seconded by Councilwoman Schwartz, Board polled, motion passing 4-0 with Councilwoman Sullivan abstaining, to authorize payment of bills:

WHEREAS, Councilwoman Sullivan have audited claims for payment and have 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>\$ 114,812.42</b>
<b>HIGHWAY FUND</b>	<b>D</b>		<b>\$ 9,856.95</b>
<b>TRUST AND AGENCY</b>	<b>T</b>		<b>\$ 11,321.95</b>
<b>CAPITAL</b>	<b>H</b>		<b>\$ 0</b>

**Board Action:** Motion by Councilwoman Schwartz, seconded by Councilman Dow, all voting aye to adjourn the Town Board meeting to reconvene as Parking District Commissioners.

**RECONVENE AS THE PARKING DISTRICT COMMISSION**

- **Pay Bills**

**RESOLUTION #: 173-16**

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

WHEREAS, Councilwoman Sullivan have audited claims for payment and have reported that same could be paid, Now, Therefore, Be It

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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>\$444.00</b>
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**ADJOURNMENT:** There being no further business to come before the Board, the meeting was adjourned at 9:00 p.m.

Joanne Pace  
Dated at Pound Ridge, New York  
December 12, 2016