

MINUTES OF THE JUNE 01, 2017 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, BONNIE SCHWARTZ AND JODY SULLIVAN

ALSO PRESENT: TOWN CLERK, JOANNE PACE
DEPUTY SUPERVISOR JONATHAN POWERS
DEPUTY TOWN ATTORNEY JOHN LOVELESS, ESQ.

ABSENT: COUNCILMEMBER DAVID DOW

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

ANNOUNCEMENTS/REMINDERS:

- Supervisor's Forum will be held on Saturday, June 10, 2017 at 10:00 a.m. at the Town House

CALL FOR EXECUTIVE SESSION:

Board Action: Motion by Councilwoman Schwartz, seconded by Councilman Paschkes, all voting aye to hold an Executive Session immediately following the Town Board meeting for a legal matter.

CALL FOR WORK SESSION: Supervisor Lyman called for a Work Session on Thursday, June 8, 2017 at 7:00 p.m. There will be a Power Point presentation by Beta Research who conducted the survey for Scotts Corner.

MINUTES: Acknowledge/correct/accept minutes of the Town Board Meeting held on Thursday, May 11, 2017

Board Action: Motion by Councilwoman Schwartz, seconded by Councilwoman Sullivan, all voting aye to accept the minutes of the Town Board Meeting held on Thursday, May 11, 2017.

OLD BUSINESS: Continued discussion on the G.O.A.T. project

The Town has been asked to enter into a Contract with Lawrence Cihanek, Green Goats (Consultant) who will indemnify and hold G.O.A.T., Bedford Central School District and the Town of Pound Ridge and Conservation Board harmless from and against any and all actual losses, claims, damages, liabilities, costs and expenses. The consultant shall provide a certificate of general liability insurance in the amount of \$3,000,000 for bodily injury or death with an aggregate limit of \$2,000,000, and \$1,000,000 for property damage with an aggregate limit of \$1,000,000. The certificates should be made out to the Town of Pound Ridge and the Town should be included as an additional insured. The Town must also enter into a License Agreement with the Bedford Central School District in case the goat project crosses onto BCSD Property.

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The Consultant is requesting to receive \$6,500 of the \$7,000 contract that runs from June through October on the signing of the contract. The Town got involved because the outside group that is funding this project wants to make sure the moneys are used appropriately for this project. The Town does not intend to pay this or any other contract up front and Carrie Sears, Conservation Board chair, explained that this may be a deal breaker. If paid up front, the herder has nothing to compel him to keep up his end of the contract. Counsel Loveless agreed that the Town Board should not authorize payment up front. The Town Board offered to pay half down, \$3,500 and \$1,000 on July 31, 2017; \$1,000 on August 31, 2017; \$1,000 on September 30, 2017 and the final \$500 upon completion of the project. Carries Sears called the Consultant (herder) and he agreed to the arrangements. Counsel Loveless will draft a new agreement and add the amended payment schedule.

Angelo Rubbo, Assistant Superintendent of Bedford Central School District (licensor) sent a draft License Agreement to Supervisor Lyman which would allow the Town of Pound Ridge to construct a fence on school property to support the G.O.A.T. project. There was some question about the wording in paragraph 2 stating that the licensor grants permission to the licensee to “install, construct, reconstruct, relocate, replace, remove, operate, repair and maintain fencing upon, over and along the subject property.” The Town Board members wanted clarification from the Conservation Board that Town employees are not responsible for the building of the fence or the maintenance of the fence. Carrie Sears assured them that the Consultant will be in charge of this with a little help from the Conservation Board.

Counsel John Loveless will draft up the license agreement with the appropriate changes to make sure the two agreements mimic each other. There should be no disconnect between the two agreements.

The school is looking for the Town insurance agent to provide the types and amounts of insurance set forth in Schedule B that are acceptable to the licensor, naming the licensor as an additional insured. The Consultant (goat herder) is exempt from Worker’s Compensation because it is a family owned business.

RESOLUTION #: 88-17

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

RESOLVED, that the Town Board hereby approves the G.O.A.T. project and the signing of the service agreement and the license agreement pursuant to or subject to the revised payment schedule as was discussed and subject to receipt of the insurance certificate to the satisfaction of Counsel, that it covers all the bases that we were concerned with subject to the license agreement with the School District and payments are pre-authorized and that the Supervisor is authorized to sign the checks according to the schedule without having the Conservation Board come back to the Town Board, assuming the work is being done

satisfactorily and assuming Counsel can make the two agreements coincide to cover all the bases mentioned in both the licenses and services.

NEW BUSINESS:

- **Discuss: Resident Film Project**

Town Resident Kris Isacson wrote to Supervisor Lyman regarding a personal short film he plans on making in June. It would be a low budget film and he is requesting a waiver of the daily fee. It will be a small production, roughly 40 minutes long, small crew, one larger truck and possible a van and a few lights that will be used inside only. He will film in three homes, Avant Garden, The Kitchen Table and possibly the Town Park Tennis Courts. He would have to request permission from the Recreation Commission to use the tennis courts. Discussion took place trying to see if this is a commercial endeavor or an artistic creation. After going back and forth, the Town Board determined that it is really an artistic creation.

RESOLUTION #: 89-17

Board Action: Motion by Councilman Paschkes, seconded by Councilwoman Sullivan, the Board polled and the motion passing 3-1 with Supervisor Lyman voting nay on the following:

RESOLVED, that the Town Board hereby deems that the filming described is an artistic endeavor versus a commercial endeavor and therefore does not require the payment of the fees associated with filming. Approval is given to use Sachs Park if the Recreation Commission rejects the request to use the Town Park Tennis Courts.

- **Discuss: Section 2019-a of the Uniform Justice Court Act**

Supervisor Lyman received a letter dated May 12, 2017 informing the Town that Section 2019-a of the Uniform Justice Court Act requires that town justices annually provide their court records and dockets to their respective town auditing boards, and that such records then be examined or audited and that fact be entered into the minutes of the board's proceedings. The intention is to improve accountability and controls over Justice Court finances and records. The NYS Unified Court System is requesting a copy of our most recent audit of our court's records and a copy of the Town Board resolution acknowledging that the audit was conducted. This will be done at the July 13, 2017 Town Board meeting.

- **Library – hanging banner to promote upcoming events**

The Pound Ridge Library is requesting permission to hand a banner over Westchester Avenue from June 1st-June 30th promoting their Kick-Off Event that will be held on June 17, 2017 for residents and guests and promote their new programs.

RESOLUTION #: 90-17

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

RESOLVED, that the Town Board hereby authorizes the hanging of a banner for the Pound Ridge Library to promote their Kick-Off Event that will be held on June 17, 2017 for residents and guests and promote their new programs. The banner will be held June 1st – June 30th over Westchester Avenue in Scotts Corner.

• **MS4- Report**

Deputy Supervisor Jon Powers said that the Town has an obligation to report to the DEC activities undertaken to improve or maintain the quality of storm water. The MS4 report is done annually and is from March to March. Beth Evans, our Storm Water Management Officer has prepared this report for us the past three years. We have done everything that the DEC has asked. They are adamant about having the residents informed of what should and what should not be done regarding storm water. Pound Ridge has gotten very high remarks with this. The Conservation Board has gotten out information and the Garden Club and Land Conservancy has helped outreach residents as well.

The report is the same for Pound Ridge as well as the city of Yonkers, so a lot of the information is not applicable to us. There is mapping of all out flows and Pound Ridge did not have the proper mapping on paper. Our Highway employees know where all outflows are and monitor them but we don't get points for that. Our yield of phosphorous in the water is so minimal that we barely make the cut. We may have two projects next year; however, the East of Hudson Corporation generally gives the money to the place that best meets the phosphorus reduction goals.

• **Proposal of a Town weekly e-mail new policy**

Councilwoman Sullivan has sent a memo to Supervisor Lyman proposing putting a clause at the bottom of the weekly e-mail news that the Recreation Department sends out to the residents. She drafted the following to be considered: *The town-wide weekly e-mail news shall be for the purpose to inform the community at large of events and activities offered by local organizations that are open to all who wish to participate. The publishing of these activities and events shall not be an endorsement of any specific religious or political affiliation.*

Councilman Paschkes had concerns about commercial advertising and being careful not to have anyone piggyback on our e-mail blasts. It was decided to just add "not of commercial nature" to the paragraph. Another amendment was to change the first line after the word purpose of *informing* instead of *to inform*.

RESOLUTION #: 91 -17

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

RESOLVED, that the Town Board hereby adopts this policy and authorizes the Superintendent of Recreation to put the additional clause with the amendments discussed at the end of their weekly e-mail as follows: *The town-wide weekly e-mail news shall be for the purpose of informing the community at large of non-commercial events and activities offered by local organizations that are open to all who wish to participate. The publishing of these activities and events shall not be an endorsement of any specific religious or political affiliation.*

- **Pound Ridge Historical Society – rental of Town bus and driver for event**

*This was taken off the agenda as the event has been cancelled.

- **Princeton Elm Tree- discuss replacement**

Supervisor Lyman informed the Town Board that the Princeton Elm Tree that was planted by the Garden Club and had a plaque put in memory of Harmon Newell has split in half and has been removed. He has asked the Pound Ridge Nursery to give us a quote for a replacement tree.

FINANCIAL MATTERS:

Add-On: Finance Department- Additional Budget Transfers for 2016:

Department	Account	Transfer To	Transfer From
001-1670.401	Central Print	Shared Services	\$1,806.00
001-9015-801	Retirement	Police	\$9,762.00
015-5112-232	CHIPS		\$27,805.73
015-015-3501	State Aid	CHIPS	\$27,805.73
001-8560-406	Shade Trees		\$7,000.00
001-8810-406	Cemeteries		\$4,000.00
001-7520-400	Landmarks		\$568.00

RESOLUTION #: 92-17

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

RESOLVED, that the Town Board hereby authorizes Steve Conti, Director of Finance, to make the 2016 Budget Transfers as noted above.

- **Recreation Department-authorization refund for Conant Hall and Camp Fees**

RESOLUTION #: 93-17

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

RESOLVED, that the Town Board hereby refunds the fee of five hundred (\$500) dollars to Marylou Rothfuss, 774 Oenoke Ridge, New Canaan, CT 06840 for the use of Conant Hall as she has canceled her event, AND BE IT

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

Tara Radin	A2001	\$620.00	camp fee refund
35 Hack Green			
Pound Ridge, NY 10576			

- **Tax Receiver – refund for overpayments**

RESOLUTION #: 94 -17

Board Action: Motion by Councilwoman Sullivan, 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 ID</u>	<u>Amount</u>	<u>Reason</u>
Harvey	9318-1.38	\$ 86.20	overpayment
May	9820-98	\$154.15	overpayment
Hahn	10263-11.6	\$16,769.63	Duplicate payment

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ADJOURNMENT: There being no further business to come before the Board Supervisor Lyman adjourned the regular meeting at 9:35 p.m.

RECONVENE: The Town Board reconvened at 9:35 p.m. to ratify a decision that was made in Executive Session.

RESOLUTION #: 95-17

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

RESOLVED, that the Town Board hereby ratifies the appointment of Matthew Polinsky as member of the Recreation Commission effective immediately.

ADJOURNEMENT: There being no further business to come before the Board Supervisor Lyman adjourned the regular meeting at 9:40 p.m.