

MINUTES OF THE JULY 13, 2017 MEETING OF THE TOWN BOARD OF THE TOWN OF POUND RIDGE AND PUBLIC HEARING 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 FOR EXECUTIVE SESSION:**

**Board Action:** Motion by Councilwoman Sullivan, seconded by Councilwoman Schwartz, all voting aye to hold an Executive Session on Thursday, August 10, 2017 at 6:15 p.m. for personnel matters.

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

**ANNOUNCEMENTS:**

- Supervisor Lyman announced that there will be a Work Session on Thursday, August 10, 2017 at 7:00 p.m. to discuss the Management Letter from the Auditors for the 2016 Financial Report.

**MINUTES: Acknowledge/correct/accept minutes of the Town Board Meeting held on June 8, 2017**

**Board Action:** Motion by Councilwoman Schwartz, seconded by Councilwoman Sullivan, to accept the minutes of the Town Board Meeting held on June 8, 2017.

**PUBLIC HEARING: None**

**OLD BUSINESS:**

- **B and B Law with revision**

Town Counsel Harrington drafted a B and B Law with revision to be considered as a new Local Law of the Town of Pound Ridge as follows:

WHEREAS, the Town Board recognizes the national trend for property owners to create Bed and Breakfasts by renting out, on a short-term basis, rooms within their homes to

visitors to generate supplementary income and other purposes that serve the public good through the promotion of tourism and local commerce; and

WHEREAS, New York State has enacted extensive regulations governing the operation and maintenance of Bed and Breakfasts throughout the State, including the Town of Pound Ridge; and

WHEREAS, in order to protect the health, safety and welfare of the public, Bed and Breakfast owners and their tenants, the Town Board believes the owners of Bed and Breakfasts should register with the Town and certify compliance with all applicable laws; and

WHEREAS, adoption of the proposed local law is an “Action” under SEQRA since adoption may result in the change to a structure; and

WHEREAS, adoption of the proposed local law is a Type II action under SEQRA pursuant to 6 N.Y.C.R.R. Part 617.5(c)(24) and (26) since the proposed local law involves the adoption of a local law establishing registration and licensing requirements relating to the qualification of individuals to engage in a business or profession;

NOW, THEREFORE, the Town Board enacts Local Law \_\_\_ which provides as follows:

1. Residents of the Town who desire to operate Bed and Breakfast facilities within the Town, as defined and regulated by New York State, must file with the Town Clerk and Town Police Department, in a form approved by the Town Board, a certification which (i) identifies the title owner and address of the Bed and Breakfast facility and (ii) certifies the owner’s compliance with all New York laws applicable to the operation of Bed and Breakfast facilities.

2. Failure to file such biannual registration shall subject the owner of the premises to a daily fine of \$250, commencing from the date the Property is used as a Bed and Breakfast without the proper registration.

Councilman Paschkes mentioned that the sentence in number 2. Regarding the fine should read “*not to exceed*” \$250. The Town Board agreed and Counsel Harrington will make the amendment. The Code Enforcement Officer would enforce and collect the fine.

**RESOLUTION #: 100-17**

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

RESOLVED, that the Town Board hereby authorizes the Town Clerk to advertise for a Public Hearing on Thursday, September 14, 2017 at 8:00 p.m. to consider adoption of Local Law # 2 of 2017, Bed and Breakfast Registration with the corrected language that Councilman Paschkes suggested.

- **Letter from Cuddy & Feder withdrawing Text Amendment**

The Town Board received a letter dated July 7, 2017 from Christopher Fisher, Cuddy & Feder LLP, regarding the petition previously brought before the Town Board on behalf of Roe Scotts Corner LLC withdrawing its pending petition for a Zoning Text Amendment without prejudice so as to leave the option open to refile at a later date.

**NEW BUSINESS:**

- **Auditors Report for year ending 2016**

Susan Barosi of O’Connor Davies, LLP and Steve Conti, Director of Finance, explained the financial statements of the 2016 audit. Ms. Barosi said that the Town has five funds: General Fund, Highway Fund, Capitol Fund, Parking Fund and Special Purpose Fund or Trust and Agency Fund. Susan Barosi along with Steve Conti, Director of Finance, focused on the General Fund which is the operational fund. The auditor’s express no opinions on these basic financial statements based on the audit. They briefly went through stating that the financials contain reasonable estimates, no significant audit adjustments, no disagreements and no major accounting, auditing or reporting issues. The financial statements present fairly the respective financial position of the governmental activities with accounting principles generally accepted in the United States of America.

Susan Barosi went through the General Fund and mentioned that the actual balance for the revenue side was a negative \$150,935 mostly due to real property taxes which was reduced to reserve for unpaid property taxes and less money in state aid and a positive balance of \$116,073 on the expenditure side. The fund balance showed a positive

balance of \$3,319,919. A copy of the draft financials are in the Town Clerk's office for anyone who wishes to review it.

They will prepare a Management Letter which will discuss the strength and weaknesses in the internal control and suggestions for any operating deficiencies. At the end of the audit process, the Town of Pound Ridge received an unmodified opinion which is the best opinion that any municipality can get. Susan Barosi briefly went through the Summary of Communications of Internal Control Matters and there were no material errors, frauds or illegal acts or weakness identified. All accounting policies appeared appropriate. There was nothing to report.

Supervisor Lyman thanked Steve Conti, Director of Finance, along with O'Connor Davies, LLP for all their work for helping keep Pound Ridge financially secure.

- **Discuss Pound Ridge Law on Collection**

Counsel Harrington drew up the following draft regarding a local law on collection of delinquent taxes.

## **POUND RIDGE LOCAL LAW ON COLLECTION OF DELIQUENT TAXES**

### **Chapter 92, Taxation**

#### **Article III, §92-8. Installment Payment for Delinquent Taxes**

##### **§ 1. Purpose.**

It is the purpose of this article to adopt the provisions of Real Property Tax Law § 1184, entitled "Payment of delinquent taxes in installments."

##### **§ 2. Definitions.**

Definitions shall be those set forth in Real Property Tax Law § 1184.

##### **§ 3. Term.**

The maximum term of installment agreement shall be 24 months.

##### **§ 4. Payment Schedule.**

The Payment Schedule shall be agreed upon by the parties.

##### **§ 5. Payment Terms.**

Initial payment is not to exceed 25% of the total sum due and the remaining payments are to be divided as equally as possible over the course of the Payment schedule.

##### **§ 6. Applicability.**

The properties to which this article shall apply shall be all properties.

**RESOLUTION #: 101-17**

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

RESOLVED, that the Town Board hereby authorizes the Town Clerk to advertise for a Public Hearing on Thursday, September 14, 2017 to consider adoption of a local law on collection of delinquent taxes.

- **Discuss Assessment responsibility Take-Over of Utility Properties by NYS**

Diane Briganti, Assessor, gave a memo to the Town Board regarding Assessment responsibility take-over of utility properties by New York State. There is current legislation, approved by NYS, to institute a central assessment body, as a pilot project, for all utility related property. They will take over the assessment of all utility properties including NYSEG for five years. Supervisor Lyman said it is for informational purpose only.

- **Finance Department-request to purchase a new copier**

**RESOLUTION #: 102 -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 Director of Finance, Steve Conti, to purchase a new copy/scan/fax machine for the Town House in the amount of \$3,182.86 under State Contract. The copier purchase is included in the 2017 budget and replaces the old machine.

- **Accept resignation of a Police Officer**

**RESOLUTION #: 103 -17**

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

RESOLVED, that the Town Board hereby accepts the resignation of Police Officer Gary Olivier effective July 15, 2017 with gratitude for his years of service.

He will be missed and Supervisor Lyman will write him a letter of thanks for his service to the Town.

- **Accept resignation of a Conservation Board member**

**RESOLUTION #: 104-17**

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

RESOLVED, that the Town Board hereby accepts the resignation of Norman Tunnell as member of the Conservation Board effective December 31, 2016.

**FINANCIAL MATTERS:**

- **Recreation Department – refund of deposit fees**

**RESOLUTION #: 105-17**

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

RESOLVED, that the Town Board hereby authorizes the refund of five hundred (\$500) dollars deposit fee to Valerie Nelson, 50 Doe View Lane, Pound Ridge, NY for the use of Conant Hall on June 3, 2017 for a birthday party. The premises were inspected and found to be in acceptable condition.

- **Receiver of Taxes-authorization to refund overpayments**

**RESOLUTION #: 106 -17**

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

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

<u>Name</u>	<u>Parcel ID</u>	<u>Amt.</u>	<u>Reason</u>
Szapary	9818-2	\$197.24	Overpayment
Szapary	9818-4	\$1,202.98	Overpayment
Zafonte	9824-23.3	\$144.90	Overpayment

Greenstein	9830-3	\$2,206.52	Dupl. Pmt
Errickson	10047-37 & 36	\$266.52	Overpayment

- **Water Control Commission – bond release**

**RESOLUTION #: 107-17**

**Board Action:** Motion by Councilwoman Schwartz, seconded by Councilman Dow, 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 #2016-11 to Peter Cole, 116 Eastwoods Road Pound Ridge, NY, in the amount of \$5,000 for renovations within the wetlands regulated area.

- **Monthly Reports**

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

- **Pay Bills**

**RESOLUTION #: 108-17**

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

WHEREAS, Councilman Dow has audited claims for payment and has reported that same could be paid subject to obtaining additional documents or department head signatures to approve them, 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>\$ 161,664.80</b>
<b>HIGHWAY FUND</b>	<b>D</b>		<b>\$ 35,422.86</b>
<b>TRUST AND AGENCY</b>	<b>T</b>		<b>\$ 120,004.71</b>
<b>CAPITAL</b>	<b>H</b>		<b>\$ 0</b>

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MINUTES OF THE MEETING OF THE TOWN BOARD  
TOWN OF POUND RIDGE  
POUND RIDGE, NY  
July 13, 2017

**ADJOURNMENT:** There being no further business to come before the Board Supervisor Lyman adjourned the regular meeting at 8:49 p.m.

**RECONVENE AS THE PARKING DISTRICT COMMISSION**

- **Pay Bills**