

MINUTES OF THE NOVEMBER 18, 2010 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 7:00 P.M.

PRESENT: SUPERVISOR GARY WARSHAUER; COUNCIL MEMBERS:  
DANIEL PASCHKES, RICHARD LYMAN, PETER FALCO AND  
PAUL McCONVILLE

PLANNING BOARD Chairman Clay Fowler; PLANNING BOARD  
MEMBERS: John Bria, Andrew Brodnick, Judy Kennedy, Peter  
Efremenko, Sam Mlynar and Steven Kushner

ALSO PRESENT: TOWN CLERK JOANNE PACE  
TOWN ATTORNEY JAMES J. SULLIVAN, ESQ.  
DEPUTY SUPERVISOR JONATHAN POWERS

**CALL TO ORDER:** Supervisor Warshauer called the meeting to order at 7 p.m.

**PUBLIC HEARING: To consider and act upon the Special Permit Application of T-Mobile Northeast LLC, requesting approval of a wireless telecommunications service facility, proposed to be located at the Pound Ridge Lions Ambulance Corps building, 89 Westchester Avenue, Pound Ridge, N.Y.**

**Board Action:** Motion by Councilman Lyman, seconded by Councilman Falco, all voting aye, with Councilman Paschkes having recused himself from this matter because he is an Officer in the Ambulance Corps, to open the Public Hearing to consider and act upon the Special Permit Application of T-Mobile Northeast LLC, requesting approval of a wireless telecommunications service facility, proposed to be located at the Pound Ridge Lions Ambulance Corps building, 89 Westchester Avenue, Pound Ridge, N.Y.

This is a joint meeting of the Planning Board and the Town Board. Supervisor Warshauer introduced Douglas Fishman, the Town's wireless consultant with RCC Consultants, Inc. and he gave a PowerPoint presentation providing an overview of where we are with this cell tower application. He gave a brief summary of the Town's cell tower ordinance explaining that the cell tower applications must comply with the Town's Wireless Telecommunications Services Facility (WTSF) Ordinance (§113.58.1). The purpose of the ordinance is to:

- limit WTSFs to minimum number to provide adequate coverage and capacity
- provide avenues for upgrading Public Safety/Public Service Communications
- minimize impact on residential properties through maximum WTSF separation
- encourage siting on non-residential use properties
- protect the aesthetic qualities of the Town of Pound Ridge

Mr. Fishman explained location guidelines which include:

- 1000' setback from residential property boundaries and/or residences / 2,500' from Historic District
- Use existing facility and available site inventory
- Maximize collocation
- Minimize total wireless facilities in Town ("Master Plan")

- Monopoles only w/height limitation – 140 ft AGL

With reference to the application before the Town Board, Mr. Fishman said that the attorneys for T-Mobile Northeast LLC (T-Mobile) submitted a Special Use Permit application to locate a wireless telecommunications facility at Pound Ridge Lion's Ambulance Corps, 89 Westchester Ave., Pound Ridge, N.Y. Supervisor Warshauer and the Town Board and the Planning Board received a letter on November 5, 2010 from Mike Littman, RF Engineering Manager with PierCon Solutions. PierCon prepared radio frequency coverage maps for submission. The PowerPoint showed the comparison of the Ambulance site and the Hsu/Oceanus Navigation property site (alternative site being proposed). It is clear that there is better coverage on the Hsu property; however, in order to consider the Oceanus Property as an alternative, T-Mobile must determine whether it is feasible to obtain a lease agreement to locate a wireless telecommunication facility at that property.

The proposed cell tower would be a 130' monopole that meets the co-location requirements of the Town Ordinance. Public safety carriers would be at the top of the tower. A visual alternative to the 130' monopole would be the "low profile" sites or the DAS (Distributed Antenna System) alternative. The theory behind DAS is that you put multiple lower sites mounted on telephone poles. The telephone poles need to be connected back to a central location where the bulk of the electronic equipment is housed. There were some limitations regarding that alternative system. To cover the same area as the one monopole, you would need approximately 20 of these nodes. There would also be restrictive battery backup and E911 location requirements. It is really not a feasible alternative for this application. There were 24 locations originally looked at by the applicant. Of the 24 locations, there were approximately 16 of them that were in the area of Scotts Corners. The ones outside this area were not feasible. When focusing in on the 16 and look at the coverage, they were able to bring it down to 6 possible sites that would meet the coverage objectives:

- Oceanus Navigation (Hsu) property (Lower Trinity Pass)
- CH State Holdings Property (Pine Drive/Hemlock Hill Road)
- 30 Trinity Pass Road (Fire Dept. property)
- Clemens Property (Westchester Avenue)
- Two Tower Solution (Scotts Corners Market and Town Park)
- Lions Ambulance Corps (Original Site)

From a coverage standpoint, the Oceanus Navigation property is the best property. It covers quite a lot of area versus the Ambulance Corps. Doug showed us the Master Plan Considerations for the future and they consisted of:

- East of Old Post Road in NW corner of Town
- Eastwood Road in SE corner of Town
- Long Ridge Road in SW corner of Town

When comparing the Lions Ambulance Corps and the Oceanus Navigation properties, the following was determined:

<u>Considerations:</u>	<u>Lions Ambulance</u>	<u>Oceanus Navigation</u>
Better Coverage		X
Reduced Need for Future Sites		X
Proximity to Residences	60 properties within 1000'	74 properties within 1000'
Visual Impact	Scott's Corners visibility	Visible from several Residences on Hemlock Hill and Rolling Meadow

It is important to note that the "proximity to residences" merely demonstrates that a 1,000 foot circle drawn around the proposed tower site would cross a property line and not necessarily be seen by anyone. Supervisor Warshauer asked the applicant to address the Town Board and then he would open up the meeting for public comments and discussion. In terms of the process, the Town Board and the Planning Board will determine what additional information is required for the application to be complete, including an evaluation of the impediments of the various sites. We will also need to decide when the next meeting will be because the Town Board is not going to make a decision tonight. The process will include the review of the application and all alternatives by both Boards, then the Planning Board will make a recommendation to the Town Board and the Town Board will ultimately make the final decision.

Robert Gaudio, attorney with Snyder & Snyder representing the applicant, said that on 9/14/2007 T-Mobile filed a joint application with AT&T. That was over three years and since that time, the FCC has said that these types of applications should be processed in approximately 150 days. T-Mobile has gone above and beyond to review alternative sites. At the direction of the Town Board, in May, 2009, T-Mobile was asked to pursue an alternative property, being the Hsu/Oceanus Navigation property. T-Mobile contacted Peichen Sgro, one of the owners of the Oceanus property, to negotiate a lease agreement. They have spent more than a year negotiating with Mr. Sgro. They negotiated terms and at the end of the process, Mr. Sgro indicated that his family intended to do a sub-division on the property and was no longer interested. T-Mobile returned with the Ambulance Corps application. In August 2010, T-Mobile was notified that there was another owner of the property interested in having the cell tower put up on the Hsu property. On August 6, 2010, T-Mobile drafted a lease agreement and asked for comment on the agreement in 30 days and never heard back. This went on again and again and didn't hear back. They finally received comment on November 9, 2010 and it was so unreasonable, that T-Mobile or any carrier would find it impossible to enter into the lease agreement with them. One of the important comments in that lease agreement was if the Town Board or any governmental agency imposed a condition of approval that the Oceanus Navigation

property owner was not in favor of, T-Mobile would be required to use all means necessary including litigation to have that condition removed. That is in direct contravention of the Zoning Code. Mr. Gaudioso believes that the Ambulance Corps site meet the Ordinance requirements and is on the inventory of preferred sites in Town and have done an exhaustible alternatives analysis and feels the application is complete and would ask the Town Board this evening to grant approval of the Ambulance Corps Special Use Permit.

Supervisor Warshauer asked if he would address the package the Town Board received from the applicant today and go over the Oceanus Navigation property in a little more detail. Mr. Gaudioso did explain that there was a balloon test done to review the aesthetic impact. They did provide the balloon test and it showed that the adjacent properties had significant visual impacts. There were areas in Town that didn't have the visual impacts. Supervisor Warshauer asked him to explain the correspondence from PierCon requesting a study of 150' tower on the Oceanus Navigation property. Mr. Gaudioso explained that they did a propagation modeling. It is impossible to do a dry test of signals at the Oceanus Navigation property because one of the issues is that there is no access to the property. An access road would have to be installed to do that and they can't without a lease. Supervisor Warshauer asked what the purpose was of the request to study the impact of 150' cell tower on the property if it couldn't be done. Mr. Gaudioso said that it was just an acknowledgment that there was propagation modeling only and if they were able to get a lease, they would do the actual study or test nearby.

Mr. Andrew Campanelli, Campanelli & Associates, P.C., attorney for 29 Acres Preservation Association, spoke on their behalf. He submitted to the Town Board a memorandum in opposition to the application of T-Mobile. Supervisor Warshauer asked attorney Campanelli to clarify that his client is opposed to the application for the cell tower at the Ambulance Corps property, which he confirmed. He pointed out if the application is not filed by the property owner, they must establish some kind of basis to have it there. Both under the New York State Town Law section 267 and our Town Ordinance §113-58, it says "In the case of an application for approval of a "wireless telecommunication services facility" to be located on lands owned by a party other than the applicant or the Town, a copy of the lease agreement with the property owner, together with any subsequent modifications thereof, shall be provided to the Town Board and a copy shall be files with the Town Clerk. The Town Board shall not approve the special permit application unless it finds that the lease agreement is in conformance with and properly reflects the purposes and requirements of this section and the conditions of special permit and site plan approval." Despite the passage of three years, this applicant has never filed a lease showing they have any right to put any tower on the ambulance corps property. Supervisor Warshauer corrected him and said he is wrong and that a copy of the lease is included in the application. Attorney Campanelli continued saying secondly, he did not see a resolution or bylaws for the corporate entity who is owner of the property. He is told that lease must be signed by someone. The property is owned by a Not-for-Profit Corporation entity. The Town Board has no legal authority to bind a

Not-for-Profit Corporation to a lease of its property without a resolution of the Board of Directors or unless they are granted that power by the bylaws. He went on to mention how unsafe cell towers are. He provided exhibits of comparisons of telephone poles and cell towers. Telephone poles won't fall when hit because they are connected by wires with all the other telephone poles and that holds them up. Cell Tower monopoles do not have anything to hold them up once they are damaged or collapse. He concluded by saying that the site plan submitted by the applicant does not meet the setback requirements and requires a zoning variance.

Peter Clough, 9 Light Horse Lane, asked if Mr. Campanelli is against this application or against cell towers altogether. Mr. Campanelli replied that his client is not against cell towers or cell phones. They are here to stay. They are in favor of responsible placement of the cell towers. If it were to collapse, it would fall across Westchester Avenue.

Bob Warshaw, Beech Hill Lane, asked about the time frame for the process. Supervisor Warshauer said that we would hope that over the next several months, the Town Board would have enough information to make a decision on this application. He will ask the Town Board to pick a date for a continued hearing in December. He will also have Doug Fishman's PowerPoint presentation put on the Town's website.

Marty Kraemer, 32 Pine Drive, spoke on behalf of the Ambulance Corps saying that we basically have two sites for the cell tower and one is not feasible. The Ambulance Corps is the site to consider. The tower would be behind the building and nobody will see it. The Ambulance Corps would benefit greatly from the revenue. He urges the Town Board to act on this application in a positive manner.

Discussion took place regarding the Adams Lane Cell Tower coverage. We know that we need another tower to be a backup for Adams Lane for emergency services and to provide cell service to areas that are in a dead zone. The Town Board and the Planning Board are evaluating all the potential options to come up with the best solution for the whole Town.

Another resident of Trinity Pass asked if there are other cell towers around the surrounding areas, why aren't all the carriers on them? Supervisor Warshauer said that our ordinance in Pound Ridge requires that all the providers be accommodated on each tower, but towers in other communities may not have the same requirements. Before an applicant can consider an additional tower, they have to show that they have done everything to co-locate on an existing tower. The Adams Lane tower has all the providers on it as will the second tower. The resident wanted to know if it is imperative that every area in Town be covered or should we concentrate in the Business area where it is needed. He suggested doing the DAS alternative in areas where it is really needed and not concentrate on having the entire Town covered.

Rachel Weissman, 39 Rolling Meadow Lane, said that the PowerPoint presentation did not accurately show the coverage. She suggested having an overlay to show actual roads

and what areas are being covered. There is a lot of open land, Hsu property and Reservation, and it is not fair to show a greater coverage area without it meaning anything. Supervisor Warshauer said that although it may be difficult to see on the PowerPoint slides, the propagation studies are overlaid on a map showing Town roads, they are accurate, clear and confirmed by our consultant, Doug Fishman. He added that the FCC law requires that the Town provide adequate coverage and adequate capacity, both terms are clearly defined in our ordinance and that 100% coverage is not required. The Ambulance Corps site clearly doesn't provide as good coverage as the Hsu property does.

Alison Boak, Board member of Pound Ridge Partnership, stated that one of their major concerns is that the lack of cell service threatens the health and vitality of the Business District. They feel that it is so important that they formed a "Cell Phone and Wi-Fi Committee" that is chaired by Michael Juchem, a telecommunications engineer. The Partnership feels that this issue is very complex and will be an on-going concern to the community. They are recommending that the Town Board consider the creation of an official town committee, commission or task force to address in a collaborative, transparent and systematic fashion the on-going issues related to expanding cell phone service in Pound Ridge. Michael Juchem suggested exploring technology and the implementation of extenders. He feels that placement of antennas; fiber optics and batteries should be placed at road signs and road fixtures that are already in place. He will do some research on this and he feels that this can be accomplished. Supervisor Warshauer said that the Planning Board and the Town's consultant had considered alternate technologies but that we would consider anything new that they could suggest. He then asked if the Partnership has a position on the application for the cell tower at the Ambulance Corps site. Alison said that they don't have a formal decision. They are not supportive of the tree style but wouldn't mind the brown pole style. As soon as they have a decision, they will present it formally.

Richard Mendes, Peters Lane, had general questions regarding the FCC regulations. They did not say we need 100% coverage in Town. They used the words adequate coverage and there is a lot of flexibility with that coverage. He asked if the DAS towers can be raised up a little to require less towers to be used. He hopes that if a committee or task force is formed, they will try to work with getting adequate coverage with the least amount of towers. Supervisor Warshauer said that adequate coverage and adequate capacity are specific terms defined in our Town ordinance. That language was specifically modeled around the law at that time. It was interpreted to be negative 90 DBL which is not 100% coverage. This provides adequate coverage for the Town.

Santo Borsellino, 33 Rolling Meadow Lane, wanted to clarify that the 29 Acres Association is not against cell coverage and they are not against helping the Ambulance Corps. They are in favor of a task force to work together with Town leadership and industry experts to do what is best for the Town. He suggested a shorter cell tower coupled with DAS technology. He would like to explore this with industry experts.

Peter Clough, 9 Light Horse Lane, said that we have been talking about cell tower coverage for about 10 years and it is time to do something to cover the dead zones. The Ambulance Corps site brings in the coverage needed for the Business District and the surrounding residents.

Larry Frankel, 17 Rolling Meadow Lane, is concerned about the way the cell tower information is being presented. He would like a good solid plan that we can understand exactly what we should expect from the cell tower coverage. He doesn't like being told by lawyers that this is what we need. He suggests a positive approach and a good solid plan. Supervisor Warshauer said that the application was prepared by a technical consultant and the lawyers are presenting it. The Town then hired our own expert, Doug Fishman, to represent the Town and review everything that has been submitted and look at the big picture.

Melinda Avellino, Pine Drive, wanted to clarify some concerns that the 29 Acres Association wants to slow down technology in Town. They don't want to slow down technology but do feel that by forming the task force that the Pound Ridge Partnership mentioned would actually speed up the process of getting cell phone service to Pound Ridge. They do not want to hurt the Ambulance Corps in any way but feel that the site is not a responsible location. The 29 Acres Association wants the Town Board to seriously consider the task force so that they can immediately review other capabilities there are. There are other Towns that put together cellular service overlays with no surprises. She is urging the Town Board to consider the Task Force Committee.

Clay Fowler, Planning Board Chairman, said that they have been wrestling with this for years. He said that although he encourages help, the idea of the Task Force Committee will only go over everything that has been before the Planning Board already. The Planning Board and the Town Board weigh in for the needs of the residents with regard to the balance of aesthetics, technology and needs for better service.

Jim Giordano, Trinity Pass, asked if and when T-Mobile gets the application approved, would he have to change his coverage to T-Mobile? The answer was no. It is a joint application with AT&T and the site will be built to have all the other carriers on the tower. They must prove that they were not able to co-locate on the tower before they would be considered to install another tower.

A Stamford Connecticut resident shared a cell tower story with the audience and his experience with the building of the tower. They put it there with the right of eminent domain. Supervisor Warshauer said that use of condemnation or eminent domain must be done by a government entity for the purpose of public good. We are not considering such action here.

Katherine Nathan, 155 Upper Shad Road, wanted to know what the impact would be to get another cell tower application approved if the Town Board granted this application

giving the 90 % variance set back. Once given the 90% variance, don't you open the flood gates? Supervisor Warshauer said that each application is evaluated on its own merits and that the cell tower law is written to minimize the total number of towers in Town by requiring co-location and encouraging placing towers where there is good coverage.

Rachel Weissman, Rolling Meadow Lane, said that the Town should look at other technology to do this. This is the one opportunity to do something and it should be at the Ambulance Corps with possibly a smaller tower. Supervisor Warshauer said that the ordinance encourages the placement of towers on non-residential use property, for example the Adams Lane cell tower is on a residential zoned property but not on a residential use property. Use is a key in our priority for the review. He doesn't disagree that we should consider every viable technology available to us, he welcomes that, but his concern about the committee is the efficiency and expertise that would be on that committee that we don't already have. We are happy to have our consultant review alternate technologies that you submit but would also ask that you first review the technologies already considered by the Planning Board, which are posted on the Town website.

Kris Isacson, 22 Hemlock Hill Road, brought a visual aid showing what the tower would look like on the Hsu property. He is very much against the tower on the Hsu property because it will obstruct his view and his surrounding neighbor's view and is also concerned about the health issues.

Denise Fraioli, CH State Holdings, said that the applicant initially showed interest in the CH State Holding property which is next to the Hsu property, but has since showed no interest. She was asking why.

Robert Gaudio, attorney with Snyder & Snyder representing the applicant, responded by saying they were interested but that pursued the Hsu property because both sites provided equally good coverage and the CH State Holding property is closer to a resident's home, so aesthetically, it was better to pursue the Hsu property. Supervisor Warshauer needed clarification regarding this because it seems like the applicant was pursuing a property that they couldn't get a lease on as opposed to a site that they could get a lease on. Mr. Gaudio said that wasn't fair because going back, CH State Holding was going back and forth regarding the lease. There are also significant access issues on the CH State Holding property.

John Nathan, 155 Upper Shad Road, is in favor of the Ambulance Corps site and feels that something should be done now because the need is there. He is interested in seeing the letter of November 19, 2010 that was referred to by the applicant's lawyer. There are lease issues and he would like to know what those issues are. Mr. Gaudio briefly mentioned the lease process. This is a very difficult position to try to negotiate with a party that may or may not understand that the Town is pushing towards that property. He

is still not willing to share the applicant's letter with the Town Board. Councilman Falco said that the applicant should share the letter or refrain from making any comment that the negotiation is unacceptable. They can't have it both ways. Mr. Gaudioso said he would read one section of the letter that is so intertwined with the code in that the Town code requires the submission of a lease that's consistent with the requirements of the code. Supervisor Warshauer said that he would prefer that he send the letter or excerpts of it that he wants to share, to the Town Board instead of reading it.

Melvin Aminoff, Rolling Meadow Lane, said that the best alternative to the aesthetics would be no cell tower at all. He doesn't agree that the Ambulance Corps site is the worst possible for the cell tower. He feels that the Hsu property is worse because many more residents would be affected if it went up on the Hsu property. As an architect, he felt the rendering of the Ambulance site was horrendous. He felt that an alternative would be to put the cell tower at the Ambulance Corps with a lower height.

Rachel Weissman, Rolling Meadow Lane, said that she finds it very offensive that the Planning Board has worked so hard and met behind the scenes to discuss moving this application from a business use area to a residential area. There are other places in Town to put the cell tower and she cannot understand why they are working so hard to put it in a residential area. There can be a combination of things including putting antennas on roof tops. Steve Kushner, Planning Board member, was offended by her remarks and said that she could have attended Planning Board meetings all along on this issue. Clay Fowler, Chair of Planning Board, is also offended because she is implying that the Planning Board has not done enough on researching the cell tower issues and held closed meetings. He corrected her by saying they have worked very hard for years and all their meetings are public. John Bria, Planning Board member, said they have worked on this for 20 years and actually looked at the Ambulance Corps site in 1985. They tried to come up with a Master Plan for the Town. The Ambulance Corps was not the appropriate site back then for obvious reasons and it still isn't the perfect site. Supervisor Warshauer also mentioned that all the Planning Board meetings are public. Rachel Weissman clarified that the closed meeting she is referring to is the meeting with the Hsu property owners and a Town Board member and Planning Board member and CH State Holding property owners. Supervisor Warshauer said that the meeting was scheduled at a public Town Board meeting to advance the opportunity for this property because the applicant said that the property owners were not willing to sign a lease and the Town Board was told different. It was suggested to get everyone in the same room to see if there was an opportunity to put a cell tower on the Hsu property. Rachel Weissman asked if there was any discussion in any shape or form the Hsu informal presentation of a sub-division in correlation with the cell tower. Supervisor Warshauer said that the purpose of the meeting was to discuss whether or not there was an opportunity for a lease between the applicant and the Oceanus Navigation property owner. Since the cell tower could potentially impact their proposed development as it could adjacent residences, it was presented in that context, but there was no specific discussion of the details of their proposed subdivision. Councilman McConville further clarified that there was no

discussion of connecting the cell tower to the subdivision in any way. Supervisor Warshauer also mentioned that it is unfair to expect that every meeting he has with a resident should be a public meeting. What should be expected, which is the case, is that any decision made as a result of any such meetings is made in public. That is basically what was done.

Dan Rainford, Ambulance Corps member and Fire Department member, said the Ambulance Corps and the Fire Department would love to have the cell tower at the Ambulance Corps site and would welcome the service. He doesn't like the rendering of the cell tower at the site. It will be blocked partially by the building and partially by the trees. He feels we need to get on with this.

Amiel Peretz, Ambulance Corps member asked what happens if the Ambulance Corps site and the Hsu property site don't fly. Supervisor Warshauer said that is exactly what the Town Board and Planning Board have to decide.

Richard Mendes said that the point of all of this is someone is going to have the cell tower in their backyard. We have to have cell service and decide where we can put it to be the most effective and minimize the number of cell towers in Town. He also wanted to say that he has been to many meeting with the Planning Board and the Town Board and they wouldn't work to strike deals behind closed doors.

Melinda Avellino, Rolling Meadow Lane and representing 29 Acres Association, wanted to bring some clarity to some of the issues. She said we have an inventory list of non-residential use locations for the cell towers but it doesn't mean it is not on residential property. The problem is how to put equipment in a 98% residential community. The Town Board is indicating that larger towers are better for more coverage, but it doesn't necessarily mean that bigger is better. There have been many other options being used all over the Country. She feels the Planning Board and the Town Board are not using the most up to date technology. Anything over 100' are monstrous poles with a huge amount of emissions coming off of them. Supervisor Warshauer said that any technologies that they think the Town Board should consider he would welcome. Our charge to our consultant is to study every viable alternative. If they haven't, he welcomes other thoughts. He also mentioned that in response to the emission of electronic fields, and the health concerns, the Federal Government has said by decree that they are safe and a municipality cannot consider that. Melinda said that there are FCC regulations that the applicant is held to with the installation of the towers following certain criteria. Mr. Gaudioso has shown compliance within the FCC requirements. Supervisor Warshauer said that the reason that the ordinance has a goal of trying to maintain 1000' separation from a resident is one of the things they consider for aesthetics in their overall point of view. They are trying to minimize impact for all locations in Town.

Santo Borsellino said that the reason they need a Task Force Committee is not in spite of the Planning Board working hard but because they are working hard. Things need to be

monitored as equipment is changed. The Task Force would be formed to assist Town leadership. Mr. Borsellino mentioned that with all the documents they have requested regarding the Ambulance Corps site, they do not have a copy of the lease and is requesting a copy.

The applicant was asked to review the photo simulation of the Ambulance Corps site because it seems that the one presented wasn't accurate.

**RESOLUTION #: 200 -10**

**Board Action:** Motion by Councilman Lyman, seconded by Councilman McConville, with Councilman Paschkes having recused himself because he is an Officer of the Ambulance Corps, all others present voting aye on the following:

RESOLVED, that the Town Board and Planning Board hereby continues the Public Hearing to consider and act upon the Special Permit Application of T-Mobile Northeast LLC, requesting approval of a wireless telecommunications service facility, proposed to be located at the Pound Ridge Lions Ambulance Corps building, 89 Westchester Avenue, Pound Ridge, N.Y. to Monday, December 13, 2010 at a different location to be announced.

After adjourning the public hearing, Councilman Paschkes rejoined the other Town Board members who then continued with the other items on their meeting agenda.

**MINUTES:** Acknowledge/correct/accept minutes of the Town Board meetings on November 4, 2010 and Executive Session on November 4, 2010.

**RESOLUTION #: 201-10**

**Board Action:** Motion by Councilman Lyman, seconded by Councilman McConville, all voting aye on the following:

RESOLVED, that the Town Board hereby acknowledge/correct/accept minutes of the Town Board meetings on November 4, 2010 as amended. The Executive Session minutes will be acknowledged at the December 2, 2010 meeting.

**NEW BUSINESS:**

**Town Clerk – requesting authorization for Sale of Cemetery Plot**

**RESOLUTION #: 202-10**

**Board Action:** Motion by Councilman Falco, seconded by Councilman Lyman, all voting aye on the following:

RESOLVED, that the Supervisor be and is hereby authorized to sell Town Cemetery Plot #379-1 & 2, Section 3 to James and Allyne Brumbaugh, 96 Trinity Pass, Pound Ridge, N.Y. 10576, in the amount of \$2,000 for two gravesites.

**Community Church – erection of banner in Scotts Corners**

**RESOLUTION #: 203 -10**

**Board Action:** Motion by Councilman Lyman, seconded by Councilman McConville, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes the Pound Ridge Community Church to erect a banner across Westchester Avenue in Scotts Corners to advertise their Holiday Fair and Cookie Walk. It will go up on November 22, 2010 and come down on December 12, 2010.

**Planning Board – Resolution re: Kensho and Tushita Trust**

With regard to a Planning Board application for residential site plan approval involving the construction of shed, new fencing and the planting and removal of trees at 126-128 Old Stone Hill Road, the applicant has adhered to the Town's requirements, and shall make a \$25,000 payment to the Town, to be used for purposes deemed suitable by the Town Board.

**RESOLUTION #: 204-10**

**Board Action:** Motion by Councilman McConville, seconded by Councilman Lyman, the Board polled and motion passing 4-0 with Councilman Paschkes abstaining, on the following:

RESOLVED, that the Town Board hereby accepts the \$25,000 check from Kensho and Tushita Trust and The Gere Foundation account distributed as follows: \$2,500 to the Town of Pound Ridge, \$11,250 to the Pound Ridge Fire Department and \$11,250 to the Pound Ridge Ambulance Corps.

**Croton Watershed – authorize payment for regional Legal Defense Fund**

Jon Powers explained that the Town of Pound Ridge is located in the Croton Watershed and as such is subject to heightened phosphorous removal requirements in its MS4 permit. This places a severe financial burden on the taxpayers of the communities. These requirements benefit New York City water and the Croton Kensico Watershed Inter-municipal Coalition (CKWIC) feels that the City should pay the whole thing. NYC plans to pay only a small amount of the cost. The CKWIC group wants to hire a lawyer to

help deal with the response to the requirements. The cost for the legal advice will be spread among the communities and Pound Ridge's portion should be around \$2,000.

**RESOLUTION #: 205-10**

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

RESOLVED, that the Town Board hereby authorizes the Town of Pound Ridge, as part of the Croton Kensico Watershed Inter-municipal Coalition (CKWIC), to join the CKWIC in retaining an attorney to try to argue on behalf of our getting remuneration from New York City for the heightened phosphorous removal requirements in its MS4 permit. The payment from Pound Ridge will be a not-to-exceed amount of \$2,000 for the regional Legal Defense Fund.

**FINANCIAL MATTERS:**

**Receipt of monthly reports**

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

**Pay Bills**

**RESOLUTION #: 206-10**

**Board Action:** Motion by Councilman McConville, seconded by Councilman Lyman, Board polled, motion passing 4-0 with Councilman Falco abstaining, to authorize payment of bills:

WHEREAS, Councilman Falco 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>\$114,195.44</b>
<b>HIGHWAY FUND</b>	<b>D</b>		<b>\$ 17,386.52</b>
<b>PARKING DISTRICT</b>	<b>ST</b>		<b>\$ 277.07</b>
<b>TRUST AND AGENCY</b>	<b>T</b>		<b>\$ 71,967.94</b>
<b>CAPITAL</b>	<b>H</b>		<b>\$ 2,377.68</b>

Page No. 14  
MINUTES OF THE MEETING OF THE TOWN BOARD  
TOWN OF POUND RIDGE  
POUND RIDGE, NY  
November 18, 2010

**ADJOURNMENT:** There being no further business to come before the Board,  
Supervisor Warshauer adjourned the regular meeting at 10:30 p.m.

Joanne Pace  
Dated at Pound Ridge, New York  
November 29, 2010