

MINUTES OF THE DECEMBER 9, 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 8:00 P.M.

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

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

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

CALL FOR EXECUTIVE SESSION:

Board Action: Motion by Councilman Lyman, seconded by Councilman Falco, all voting aye to hold an Executive Session immediately following the Town Board meeting for a legal and personnel matter.

ANNOUNCEMENTS:

Supervisor Warshauer reminded everyone that the Town Board will hold the continuation of the Public Hearing on the T-Mobile Application for a Cell Tower at the Ambulance Corps property in Scotts Corners on Monday, December 13, 2010 at 7:00 p.m. at Conant Hall.

MINUTES: Acknowledge/correct/accept minutes of the Town Board's November 24, 2010 Work Session, November 24, 2010 Executive Session and December 2, 2010 Town Board Meeting.

All minutes will be acknowledged at the December 13, 2010 Special Town Board meeting.

PUBLIC HEARING: To consider amendments to Chapter 39 of the Town Code: Animals: Control of Dogs, and related fees.

Board Action: Motion by Councilman McConville, seconded by Councilman Lyman, all voting aye to open the continuation of the Public Hearing to consider amendments to Chapter 39 of the Town Code: Animals: Control of Dogs, and related fees.

Supervisor Warshauer announced that starting January 1, 2011, the local municipalities have been mandated by the State to take over the licensing of the dogs. Counsel Sullivan explained that this is another State imposed unfunded mandate. The Town Board has a draft Local Law with suggested amendments from the Town Clerk as well as the Dog Control Officer, Joan Dooley. Joan explained that most of the amendments suggested are based on issues that will come up and have come up. Joan suggested eliminating the

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“purebred” license category. These dogs should be licensed once they are over 4 months of age as individual dogs and there should not be in excess of the Town limit of 4 dogs. Counsel Sullivan suggested that the Town change the one year license requirement to a three year license requirement. This may be a problem with the Rabies certificate not being valid. The Rabies are sometimes a one year vaccination and sometimes a three year vaccination and it must be current to give the license. It is more manageable to keep it at a one year renewal. Joan then referred to Chapter 39-5B (1) the “voice control”. She suggested the following language: “It shall be unlawful for any owner or any person harboring any dog in the Town of Pound Ridge to allow such dog to be off premises owned or leased by the owner or harborer of said dog unless said dog is held on a physical leash-restraint and under control by a responsible person.” Discussion took place amongst the Town Board members. Councilman Paschkes said this is a procedural process and is not appropriate to change without the community input. The Board and the residents need an opportunity to discuss this. He doesn’t feel the leash law is necessary. Many dogs respond to voice control and are very well behaved. Joan Dooley commented that the Town doesn’t have a definition of voice control. She introduced Mr. Andrija Ilic and Mrs. Gail Wildman, of Beech Hill Lane, who has experienced harassment from a neighbor’s aggressive dog. They feel strongly that the Town should enforce a leash law. Mrs. Wildman gave an emotional encounter of her daily walks in her neighborhood and how she “fears” for her well being and the well being of her grandchildren when they visit. She said she feels like a prisoner in her own neighborhood. Joan said that most people don’t have control of their dogs.

Councilman McConville feels the leash law is a necessity speaking from experience of being bitten in the past. Voice control gives you no protection.

Councilman Paschkes said that he knows there are some problem dogs but everyone shouldn’t be punished for the few disobedient dogs. He is sympathetic to Mrs. Wildman and Councilman McConville and is not immune to what can happen, but doesn’t want to punish the good dogs.

Councilman Lyman said that it is the nature of writing laws that good people will be subjected to laws which are created for others who don’t obey the law.

Deputy Supervisor said that with the current Dog Law it is hard for the Judges to charge someone because the definitions are not clear. They would be able to make a clearer charge if there was a leash law because the dog is either on the leash or not.

Councilman Falco asked if the system says anywhere that if there is an incident with a dog that they must be on a leash. The answer was no. Joan said that it is something that we can think about, but why wait until something happens.

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The other section that needs attention is Chapter 39-5 B (2) regarding habitual barking. She suggests the definition of habitual barking be clarified. Suggested language is “Engage in habitual howling, barking or other vocalizations in excess of TWENTY-MINUTES so as to disturb the peace of the neighborhood.” Jim Sullivan asked what the procedure is now when there is a complaint about excessive barking. Joan would go to the premise and stay there clocking the barking time and then give a citation. Joan also said that sometimes it is the invisible fencing that causes the dogs to bark habitually because they are out there all day. It was not meant to be a “babysitter” or a containment system. Dogs will sometimes escape to chase something or bark because they see something. Councilman Paschkes remarked that Joan is somewhat opposed to the invisible fencing system and doesn’t believe it is a good thing. The reality is that many people in Town do have it with good effect. To have a barking ordinance with a short time of twenty minutes is unreasonable. Counsel Sullivan said that this may be a reasonable way for the Judges to see a clear way through this ordinance to enforce the penalty. It is to give some guidelines to the owners and is worth looking at.

The next area of the Local Law that needs attention and updating is the Fine section of Chapter 39-11. The following were the suggestions made:

- Failure to License: \$150 first offense, \$300 second, third \$1,000,***
- Run at large (including walking off leash) \$75 first, \$150 second, \$300 third,***
- “Habitual barking” \$75 first, \$150 second, third \$300,***
- Cause damage or destruction to property upon the premises of other than owner/harbinger \$200 first, \$400 second,***
- Chase/Harass to cause intimidation to put person in reasonable fear of harm or injury \$200 first, \$400 second, up to \$1,000,***
- Chase or bark at vehicles or run at large to cause unreasonable disturbance \$200 first, \$400 second, up to \$800,***
- Attack, molest, bite, maul person peacefully conducting himself where he may be \$200/\$400 up to \$800,***
- Failure to confine dog in heat \$100 first, \$200 second.***

Chapter 39-12 A (1) For dogs impounded at Pound Ridge Veterinary Hospital: *at prevailing daily rates* (instead of \$46.00). In Chapter 39-12 A (2) For dogs delivered to the SPCA: *at prevailing daily rates* (instead of \$50.00).

The Town Board decided to keep the Public Hearing open and continue to discuss the amended proposed ordinance in January.

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RESOLUTION #: 213 -10

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

RESOLVED, that the Town Board hereby agrees to continue the Public Hearing on the amended proposed Dog Control Ordinance to incorporate suggested language and fine changes to the January 6, 2011 Town Board meeting.

RESOLUTION #: 214-10

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

RESOLVED, that the Town Board hereby agrees to amend the current fees for dog licensing for spayed/neutered dogs from \$7.50 to \$11.00 and unsprayed/unneutered dogs from \$15.50 to \$23.00 effective January 1, 2011.

NEW BUSINESS:

Special Use Permit Application- new Deli in Scotts Corners, Panella's Inc.

Vito DiPaola has submitted a Special Use Permit application to open a deli business in Scotts Corners in the old "The Deli" store. The hours of operation will be seven days a week from 7:00 a.m. to 7:00 p.m. and are requesting seasonal outdoor seating. The Planning Board did approve the application tonight except for the sign.

RESOLUTION #: 215 -10

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

RESOLVED, that the Town Board hereby agrees to waive the need for a Public Hearing for the Special Use Permit application from Vito DiPaola to open Panella's Arthur Aveune Deli in Scotts Corners because it is a continuation of the same use. The Town Board hereby accepts the Special Use Permit application from Vito DiPaola to open Panella's Arthur Aveune Deli in Scotts Corners with the hours of operation being seven days a week from 7:00 a.m. to 7:00 p.m.

Maintenance Department – request to purchase and install Panic Bars and Door Closers to the new front doors at Conant Hall

The Maintenance Department is requesting authorization to purchase and install panic bars and door closers on the new front doors recently installed on Conant Hall. The new doors are Fire Egress Doors and require special hardware which allows them to be opened at the same time with no obstruction. Ray Andretta, Maintenance Foreman along with Chief Ryan are recommending using Cross County Lock since they have set up and maintained the locking and security system for all our buildings. The cost for the supply and installation of this hardware is as follows:

Panic Bars installed:	\$1925.00
Door Closers installed (2 @ \$225):	450.00
Total:	\$2375.00

There were three other vendor quotes as follows:

Tremont Locksmith with a phone estimate of \$2,600

Westchester Locksmith with a phone estimate of \$2,725

All City Locksmith with an actual estimate of \$6,000.

RESOLUTION #: 216 -10

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

RESOLVED, that the Town Board hereby authorizes Ray Andretta, Maintenance Foreman to purchase the panic door and door closer system described above for Conant Hall from Cross County Lock for the total amount of \$2,375. This is not a budgeted item and will come out of the Capital Project Fund.

Pound Ridge Land Conservancy – request for letter supporting their NYS Conservation Partnership Grant application

The Pound Ridge Land Conservatory, Inc. seeks funding for a 1-year contract position, a Land Stewart/Community Educator, to strengthen suburban land conservation and natural resource protection for Bedford, Pound Ridge and Lewisboro and implement best business practices as defined by the Land Trust Standards and Practices for the organization. The PRLC will be making a 1-year contract position available for a professionally-trained land steward and educator starting June 1, 2011. The Armstrong House subsidizes and leverages the requested \$15,000 2011 NYS Conservation Partnership funds and supplements the 1:1 PRLC matching funds. It is proposed that \$10,000 of the matching funds go towards the \$25,000 1-year contract and \$5,000 be allocated for project materials, supplies and components for the educational and outreach programs.

RESOLUTION #: 217 -10

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

RESOLVED, that the Town Board hereby authorizes Supervisor Warshauer to sign and execute a letter in support of the Grant application by the Pound Ridge Land Conservatory, Inc. Capacity Grant Application and the Armstrong Preserve Project-Land Steward/Community Educator Project.

FINANCIAL MATTERS:

Recreation Department – refund deposit for Conant Hall

RESOLUTION #: 218 -10

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

RESOLVED, that the Town Board hereby authorizes the refund of the four hundred dollars (\$400) deposit fee paid by Chabad of Bedford and Pound Ridge, 133 Railroad Ave., Bedford Hills, N.Y. for use of Conant Hall on December 5, 2010.

Water Control Commission – request release of bond

RESOLUTION #: 219 -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 Water Control Commission to release the following bond as all of the work has been satisfactorily completed:

Baybrook Remodelers on behalf of the owner Marc Schmidt, 20 Laurel Rd., Block 9822, Lot 17, \$5,000 cash bond for construction of addition and driveway renovation (#09-09).

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 #: 220 -10

Board Action: Motion by Councilman McConville, seconded by Councilman Paschkes, 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:

GENERAL FUND	G		\$ 54,928.81
HIGHWAY FUND	D		\$ 12,316.05
PARKING DISTRICT	ST		\$ 70.00
TRUST AND AGENCY	T		\$128,447.32
CAPITAL	H		\$

ADJOURNMENT: There being no further business to come before the Board, Supervisor Warshauer adjourned the regular meeting at 10:20 p.m.

Joanne Pace
Dated at Pound Ridge, New York
December 10, 2010