

MINUTES OF THE FEBRUARY 11, 2010 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 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

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

CALL FOR EXECUTIVE SESSION: None

ANNOUNCEMENTS:

Supervisor Warshauer extended, on behalf of the Town Board and all the residents of Pound Ridge, thanks to the Highway Department and the Maintenance Department for a job well done during the snow storm. He also thanked Dick Lyman, Highway Administrator, for doing a great job.

The next Supervisor's Forum will be held on Saturday, March 6, 2010 from 10:00 a.m. to 11:30 a.m. at the Town House and the focus will be on the Deer Management Plan. All the Supervisor's Forums for the year are on the website calendar.

MINUTES: Acknowledge/correct/accept minutes of Town Board Meetings on February 4, 2010

RESOLUTION #: 50-10

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

RESOLVED, that the Town Board hereby acknowledge/correct/accept minutes of Town Board Meetings on February 4, 2010.

NEW BUSINESS:

Pound Ridge Golf Club-Consider applicant's request for a new Engineer to take water samples, pursuant to the provisions of the existing Water Monitoring Plan-continued from 2/4/10

Councilman Lyman recused himself from the discussion. This has been discussed at length and doesn't warrant further discussion. Supervisor Warshauer entertained a motion authorizing the applicant to make the substitution requested pursuant to the recommendation of the Planning Board.

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
February 11, 2010

RESOLUTION #: 51 -10

Board Action: Motion by Councilman McConville, seconded by Councilman Falco, the Board polled: Councilman Falco, aye; Councilman Lyman, abstain, Councilman McConville, aye, Councilman Paschkes, nay and Supervisor Warshauer, aye, passing 3-1 on the following:

RESOLVED, that the Town Board hereby authorizes the applicant for the Pound Ridge Golf Club to substitute Leggette, Brashears & Graham, Inc. to conduct the water sampling required by the Special Permit for the Pound Ridge Golf Club pursuant to the recommendation of the Planning Board.

Comprehensive Plan-First Joint Town Board/Planning Board meeting to discuss the draft Comprehensive Plan for the Town-Community Character section

This is the first of many joint meetings of the Planning Board and the Town Board for discussion of the Comprehensive Plan. Supervisor Warshauer began by outlining the process that is anticipated for the Comprehensive Plan adoption process. The Plan has been in draft form for many years and tonight we will begin to discuss the current draft plan. It is on the Town's website. With each public meeting, we will take specific sections of the Plan and discuss them. Once all the sections have been discussed, we will put together a final draft of the Comprehensive Plan and incorporate all comments of the community and the Planning Board and then go through a Public Hearing Process. The schedule will go something like the following: Feb. 11th – Community Character Section; March 11th – the second and third sections B & C – Land Use and Natural Resource and Open Spaces; April 8th – Section E – Community Services and on May 8th there will be a Supervisor's Forum to discuss Traffic Safety that will tie in with the May 13th joint meeting focusing on Transportation Section. There will be a formal Public Hearing on June 10, 2010 to consider the adoption of the Comprehensive Plan and if necessary continue it on July 8, 2010.

Bill Harding, Chair of the Comprehensive Plan, led into the Community Character section which sets the stage of the Comprehensive Plan. It basically states this is the natural features management. It focuses on the Town's scenic and historic resources. Pound Ridge has been consistently recommended for low density residential development and open space preservation by County, State and Regional planning agencies. He explained that the Comprehensive Plan is broken down into five chapters and subsections of the chapters discuss items such as residential land use; non-residential land use; community services, facilities and recreation; natural resources; open space; transportation; community character and historic preservation. The five chapters are: Community Character, Land Use and Zoning, Natural Resources and Open Space, Transportation and Community Services and Facilities. In the summary of the Plan it expresses our goals. In each chapter of the Plan, there are some written descriptions of

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
February 11, 2010

some issues of past or present and future concerns. There is a recommendation section based on the issues raised in each chapter. Bill Harding addressed the seven recommendations in the Community Character Chapter. They are as follows:

1) Planning Board Review-the Town should consider empowering the Planning Board with the authority to review land use applications for the purpose of preserving community character. The Town should formally establish clear community impact review criteria through legislation for the Planning Board to utilize. Councilman Paschkes questioned whether or not the Town needed an Architectural Review Board in addition to the Planning Board. The Town Board can choose to have an ARB or not. They can regulate what the Planning Board has the authority to do. Supervisor Warshauer said that the Planning Board has the authority to review aesthetics under SEQRA. John Maddocks commented that looking at the text; the focus is on preserving environmental resources and says nothing about architectural aesthetics. The Planning Board can oversee the maintenance of the resources.

2) Preservation of Viewsheds and Roadways- the goal of ensuring their protection should be defined, inventoried, mapped and possibly designated. The Town should continue to support the efforts of local land trusts, the Pound Ridge Land Conservancy, the Town Open Space Acquisition Committee and the other Town conservation organizations and volunteer committees in working with property owners. This section also mentions compiling an inventory of Town-owned and privately-owned meadow restoration opportunities and that started a discussion. It is a very difficult issue for municipalities to interface. Achieving consistency between the building environment and the natural environment is what the Plan is trying to do. Councilman Paschkes asked what was meant by meadow restoration opportunities. Are they talking about clear-cutting what is now land filled with trees to bring back the original meadows? Bill Harding said it is meant to bring back meadows where they were let go. Supervisor Warshauer said that maybe the word should be *preservation* instead of *restoration*. Bill Harding said that sometimes it just needs a mowing and a clearing; it is a matter of knowing where maintenance is important and where disturbance is important. This is one paragraph that will be worked on to clarify what a meadow actually is and what the maintenance of it should be. Roadside character is an issue for the Town Board to guide. Steve Kushner of the Planning Board said that the Comprehensive Plan has to be adopted in order to determine what is acceptable and what is not. He made mention of a resident who cleared his land without the proper permit to do so. The adoption of this plan would prevent something like that happening. Counsel Sullivan said that the Town has a tree ordinance. The Comprehensive Plan is a blueprint for the Town. It is a guidance document and not a statutory thing. With a guidance document, you have accommodations for exceptions.

Supervisor Warshauer said that the Plan gives a basic overview of the defining characteristics of the Town with recommendations that the Town Board should consider. With this recommendation, I presume that the Town Board would ask the Conservation Board, in conjunction with the Pound Ridge Land Conservancy and other land preservation groups in Town, to compile an inventory of meadow restoration

opportunities. We would then decide if any specific restoration suggestions should be done. Peter Avellino, Pine Drive, suggested keeping the Plan more general and not specific. It could become more convoluted if written in long documentation. Councilman Paschkes has concern about the last sentence in C. "Simultaneously, the Town **should** implement a program of meadow restoration for Town-owned lands." He feels it should say should *consider*. The Town Board agreed with that. Again, everyone was reminded that the Plan is guidance, not Local Law. Councilman Paschkes said it really is more than guidance. It has to be more definitive should something lead to litigation. Counsel Sullivan said that the Plan should include *should consider* anywhere it says should.

Another part of this section states that Local Code controls the placement of signage, including temporary signs. Councilman Falco commented that it should allow the Town Board to make decisions as appropriate.

3) Hilltop and Ridgeline Preservation-The Town recently amended its steep slope protection regulations. The Town should not use up hilltops and ridgelines with structures. Regulations should control the placement and height of structures relative to hilltop and ridgeline elevations.

4) Protection of Historic Resources-To protect against the loss of important historic structures, the Town should explore the adoption of expanded local laws to protect and preserve historic structures and create a strong system of incentives to encourage the designation and protection of historic landmarks. The Town should:

- 1) Consider offering property tax incentives
- 2) Consider enacting a Historic Preservation Law
- 3) Consider establishment of Community Character Overlay Districts

The Town House should remain as its government and administrative center.

The Pound Ridge Hamlet should remain a community focal point with a scale and character consistent with its Historic District designation.

5) Tree Protection- enforcement mechanisms are very important to protect specimen trees. Restriction should be enacted pertaining to the clearing of vegetation within setbacks and buffers and also there should be publicity to increase awareness of the Tree Protection Law.

6) Stone Wall Preservation conferring Landmark status to historic stone walls on private properties-penalties for removal of Landmarked stone walls-regulations regarding size, height, location, materials and construction methods for new and renovated stone walls.

7) Night Sky Protection-lighting regulations free of excessive light intrusion. This is hard to regulate.

James O'Donoghue, Major Lockwood Lane, asked if this will be before the public again before it is adopted. Supervisor Warshauer said that there will be a formal Public Hearing process to consider the adoption of the plan. If the schedule he outlined in the beginning of the meeting is followed, the first Public Hearing would be held on June 10, 2010. In conclusion of tonight's discussion, Supervisor Warshauer asked that anyone

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
February 11, 2010

who has comments or additional recommendations should please submit them to him in writing and the Board would consider them when preparing the final draft plan.

Sustainability Task Force-request support for two Northern Westchester Energy Action Coalition Grant applications

Discussion continued from the February 4, 2010 Town Board meeting regarding the request to support the two Northern Westchester Energy Action Coalition Grant applications. John Maddocks, Chair of Sustainability Task Force, explained that last year Pound Ridge formed the Sustainability Task Force. At that time, John Maddocks brought to the Town Board a proposal to join the ICLEI Organization and the Town Board approved that giving them the tools to do greenhouse gas inventory and climate action plan. They also recommended that the Town Board consider participating with Bedford in their home retrofit energy improvement program. The Town Board agreed to consider that. The third thing was to consider having a consultant come in and improve the lighting for the Town buildings. The Town Board agreed to that. What the Task Force has realized, except for the municipal lighting which is done by the consultants, they have all the tools to implement the program but don't have the staff to move ahead with those programs. Tonight he is coming to the Town Board to get the staff to get that done with no cost to Pound Ridge. Bedford is the applicant for the grant proposal to NYSERDA for two years. The first year, will give them \$100,000 to hire a project manager who will work exclusively in Bedford developing programs for their home energy retrofit program. In the second year, under Bedford's grant, they get a second person who will take what they have developed in the first year and share that with the communities who agree to participate in their grant proposal. Croton has done a similar proposal. Their focus is for a project manager who will be completely shared by the participating communities with a focus of helping all of us to develop a greenhouse gas inventory and a climate action plan following the ICLEI formula. This solves the staffing problems and helps them get moving on the initiatives that the Town Board has already agreed to.

Councilman Lyman said that we tend to buy into things that we don't truly understand or aren't detailed. He is all for saving energy, but now he is looking at a proposal using economic stimulus funds that was passed by Congress that now is trickling down to this level. Supervisor Warshauer said that if we go back to the specifics of what it is that Bedford is trying to accomplish, they basically are trying to self-administer within their community, the ability of residents to get low interest loans in order to convert their homes to be more energy efficient. Councilman Lyman said that they are going to spend taxpayer's dollars to do what utility companies were doing for free. Residents know how to cut back on their energy usage. Councilman McConville questions the role that the Town of Bedford and the Town of Pound Ridge ought to be involved in. He has two problems. The Croton greenhouse gas inventory and climate action is unsettled science. If it is energy conservation, he is all for that, except there are two things that concern him, the fact that it is "cost-free" and the second is the expansion of government into areas where the resulting good is not necessarily justifying the intrusion.

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
February 11, 2010

John Maddocks heard the concerns about Federal Government actions and using taxpayer's money and large Government, and he can't do anything about that, but what he does see here is an opportunity for Pound Ridge to benefit and forward the programs that we have already approved. Right now we are at a stalemate. One of the concerns at last week's meeting was whether or not Bedford would indemnify Pound Ridge and the answer is no. There was also a suggestion to put our own language into the resolution and modify Appendix N. Counsel Sullivan suggested passing a resolution and not signing the Appendix N at all. When dealing with a grant, it is hard to change the language. The Town Board could try, but most likely it will be rejected. Councilman Falco stated that in its pure form it is very hard to argue and the Town Board is very much for energy conservation and energy efficiency. This is an application for a grant and if we don't participate, it doesn't mean the money won't be spent. Bedford has spent about three years of volunteer time and paid consultants out of their own budget to set this program up. It does have potential liabilities. Any Government funding has all these strings attached to it and requirements. Appendix N says that the receiver of the grants will comply with caveats that include adherence to the Davis Bacon Act, a federal law that requires workers on municipal projects to get paid at the prevailing rate per hour. John Maddocks reassured the Town Board that prevailing wages don't apply to this application. The grant application would fund the hiring of a person who would not fall under the provisions of Davis Bacon. The requirements of the Act do not apply in the case of energy conservation programs. They would be hiring a person to help organize the community retrofit program. Supervisor Warshauer said that if any of the regulations in Appendix N are attached to the program itself, they would not support the program and would pull out. The Town Board does not want to burden our residents with the costs.

David Quinn, 2 Pheasant Road West, said that he is all for energy conservation but has concern about the credit risk if there is a default. Supervisor Warshauer explained that the Town would be lending the low interest loans to the residents in need and they would pay back the Town. There would have to be a tax lien on the property until the loan is paid back. Councilman McConville still has a concern with us being the lenders. Why should Pound Ridge be in the lending business?

Peter Avellino questioned how many residents in Pound Ridge potentially would borrow this money to convert their homes to the energy upgrades? John Maddocks did do a survey of the ages of the houses and was surprised at the amount of older homes that would benefit from the energy retrofit program.

James O'Donoghue remarked that we still don't have anything in writing that would show a plan. It's hard to sign up with something that we know so little about. He feels that we know how to conserve and don't need to participate in this application.

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
February 11, 2010

Councilman Paschkes said that we are a small Town with limited resources and unless we can leverage our ability to do things by joining with other Towns, we are not going to be able to do much at all with energy conservation.

Supervisor Warshauer said that the concept being proposed by the other communities in the consortium is a good thing and we should promote awareness of the opportunity for energy savings measures and encourage residents to make those improvements to their homes. The concern is that the program as proposed, with the conditions of Appendix N, subjects us to a potential future liability that we cannot control. Councilman Paschkes said that with the Bedford application, Pound Ridge has the option to accept or decline the use of the individual services if we are uncomfortable with the way things are administered. We have a year to look into the way things are administered in Bedford and avail ourselves of the services if we are satisfied. Counsel Sullivan asked where is the plan and how would we go about watching what happens in Bedford and how the program is implemented. John Maddocks said that part of our participation for the first year is to share in the information and procedures that the consultant develops.

RESOLUTION: #: 52-10

Board Action: Motion by Councilman Falco, seconded by Councilman Paschkes, the Board polled: Councilman Falco, aye, Councilman Lyman, nay, Councilman McConville, nay, Councilman Paschkes, aye and Supervisor Warshauer, aye, motion passing 3-2 on the following:

RESOVLED, that the Town Board hereby supports the grant requests and authorizes Supervisor Warshauer to sign Appendix N for each of the three grant requests, AND BE IT

FURTHER RESOLVED, that although the Town Board supports the concepts of the programs that Bedford and Croton-on-Hudson are pursuing, the Board will not support any program going forward that burdens our residents with the increased costs of the Wick's Law and Prevailing Wage requirements and any other such regulations that the State and Federal Government may impose of the program. If they cannot accomplish that in the implementation of the program, Pound Ridge will withdraw.

Conservation Board- Request that the Town Board send a letter of concern about natural gas drilling to the Governor

The Town of Pound Ridge is concerned about the impact the proposed natural gas drilling will have on our watershed. It could affect the water and environment of the Catskill and Delaware water supply and other areas of our state as well. The proposed

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
February 11, 2010

drilling areas would require the storage and use of chemicals that include numerous carcinogens. The Conservation Board is requesting that the Town Board sign the letter that the Conservation Board wrote expressing our concerns about the drilling.

RESOLUTION #: 53-10

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

RESOLVED, that the Town Board hereby authorizes Supervisor Warshauer to sign and send a letter enumerating concerns about natural gas drilling proposal to Governor Paterson and NTS DEC Commissioner Grannis.

FINANCIAL MATTERS:

Highway Department

1) Request authorization to bid for annual road materials

RESOLUTION #: 54-10

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 Clerk to advertise the bid for the 2010 Road Materials for bituminous, aggregates, heavy equipment rental for road work, tree work, line striping and refuse service.

2) Request authorization to advertise for two seasonal flag persons/laborers

Foreman Vincent Duffield is requesting authorization to hire two summer flagmen/laborers for the Highway Department. The funds have been budgeted for 2010.

RESOLUTION #: 55-10

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

RESOLVED, that the Town Board hereby authorizes the hiring of two summer flagmen/laborers per memo of February 3, 2010 for approximately 16 weeks from mid-May through mid-August, 36 hours per week, at the hourly rate of \$15.00 per hour. Funds will come out of D5140.103. Highway Administrator Richard Lyman will approve their clothing allowance not to exceed \$350.00 per employee. Funds will come out of D5140.419.

3) Authorization to purchase a new truck

Highway Foreman, Vinnie Duffield, is requesting authorization to purchase a new Chevrolet Silverado 2500 pick up truck. The following bids were received:

Karl Chevrolet	\$40,000
Chevrolet of Wilton	\$39,996
Arroway Chevrolet	\$44,904

Vinnie Duffield is recommending accepting the bid from Karl Chevrolet because they are the only one that has the truck on their lot.

RESOLUTION #: 56-10

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

RESOLVED, that the Town Board hereby authorizes Vinnie Duffield, Highway Foreman, to purchase the 2010 Chevrolet Silverado 2500 pick up truck from Karl Chevrolet for the amount of \$40,000.

Pay Bills

RESOLUTION #: 57-10

Board Action: Motion by Councilman Lyman, seconded by Councilman Paschkes, motion carried 4-0 with Councilman Falco abstaining on the following:

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		\$296,898.47
HIGHWAY FUND	D		\$61,399.63
PARKING DISTRICT	ST		\$277.40
TRUST AND AGENCY	T		\$15,514.14,
CAPITAL	H		\$

Page No. 10
MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
February 11, 2010

Receipt of monthly Departmental reports

The monthly reports have been received for January 2010 and are available in the Town Clerk's office.

ADJOURNMENT: There being no further business to come before the Board, Supervisor Warshauer adjourned the regular meeting at 10:50 p.m.

Joanne Pace
Dated at Pound Ridge, New York
February 22, 2010