

MINUTES OF THE MARCH 4, 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, PAUL  
McCONVILLE

ALSO PRESENT: 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 many thanks on behalf of the residents and the Town Board to the Highway Department, the Maintenance Department, the Police Department, our Volunteer Fire Department and Ambulance Corps and resident volunteers for all of their efforts and work during the most recent snow storm. They all went above and beyond the call working with NYSEG and getting the roads in shape.

The Supervisor's Forum will be on Saturday, March 6<sup>th</sup> from 10:00 a.m. to 11:30 a.m. and the main focus will be on the Deer Management Plan.

**MINUTES: Acknowledge/correct/accept minutes of Town Board meeting of February 11, 2010 and Executive Session of February 17, 2010.**

**RESOLUTION #: 58-10**

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

RESOLVED, that the Town Board hereby accepts the minutes of Town Board meeting of February 11, 2010 with noted corrections and Executive Session of February 17, 2010.

The Work Session of February 17, 2010 will be accepted at the next meeting.

**PUBLIC HEARING:** To consider adoption of the Cablevision Franchise Renewal Agreement continued from February 4, 2010.

**Board Action:** Motion by Councilman Lyman, seconded by Councilman Falco, with Councilman McConville recusing himself, all voting aye to open the Public Hearing to consider the adoption of Cablevision Franchise Renewal Agreement continued from February 4, 2010.

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Councilman Paschkes and Robert Hoch, Director of Government Affairs for Cablevision, had a conversation and agreed to the following changes. The first change to the Agreement was on page 1, in the Whereas clause “Whereas, the LFA has identified the past performance of the Franchisee and the future cable-related needs and interests of the LFA....., and that, to the best of the knowledge of the LFA Franchisee is in material compliance with its existing franchise.....Town Board received communication from Verizon’s office with a concern that Cablevision indicated that they agreed to limit its charges for buried installations (to its costs) for municipal installations only, but not for subscriber installations. The latter could be performed at a profit. Neither the Verizon agreement nor the current Cablevision agreement allows buried installation work for subscribers to be performed at a profit. They are requesting that Cablevision take action to maintain a level playing field. The second change to the Agreement reflects this as follows in the last sentence of Section 3.2 reading “*For underground installations, Franchisee shall charge the subscriber Franchisee’s actual costs. Such cost shall be submitted to the LFA, in writing, before installation is begun.*” The third change is in Section 3.3 modifying the language in the third sentence “*For underground installations, Franchisee shall charge the subscriber Franchisee’s actual costs.*” The fourth change is in Section 6.5 in the second sentence reading “*The LFA shall obtain and enforce substantially the same waiver of the full amount of the special franchise tax deduction (whether in the form of a reduction in the franchise fee amount paid to the LFA or as a credit against the special franchise tax) from any new providers of Cable Service or cable service (as such term may be defined by other providers) in the Service Area.*” (Note: The first sentence of Section 6.5-Section 626 Set Off: has been changed to read “Franchisee agrees that it will not apply its Franchisee Fee as an offset against the special franchise tax provided for in N.Y. Real Property Tax Law Section 626.”) Another change is the default language at the end of the section “Notwithstanding the above, if an existing or new cable provider of Cable Service or cable service (as such term may be defined by other providers).” If another cable provide should at a future date decide to exercise their offset right, then Cablevision would be released of that obligation.

Supervisor Warshauer asked for comments from the audience and there were none. He thanked Councilman Paschkes for working on the language revision and addressing the issues that were raised with Mr. Hoch.

**Board Action:** Motion by Councilman Lyman, seconded by Councilman Paschkes with Councilman McConville recusing himself, all voting aye to close the Public Hearing to consider adoption of the Cablevision Franchise Renewal Agreement continued from February 4, 2010.

**RESOLUTION #: 59-10**

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

RESOLVED, that the Town Board hereby approves and adopts the Cable Franchise Agreement between Cablevision and the Town of Pound Ridge with the corrections/modifications that have been discussed and included in the draft Agreement.

Cablevision forwarded a Resolution to Counsel Sullivan to review. Councilman Paschkes amended the above motion to the following:

**RESOLUTION #: 60-10**

**Board Action:** Motion by Councilman Paschkes, seconded by Councilman Lyman, with the Board polled, Councilman Falco, aye, Councilman Lyman, aye, Councilman Paschkes, aye and Supervisor Warshauer, aye, motion passing 4-0 on the following amendment to the resolution:

RESOLVED, that the Town Board hereby approves and adopts the Cable Franchise Agreement between Cablevision and the Town of Pound Ridge with the corrections/modifications that have been discussed and included in the draft Agreement and authorizes the Supervisor to sign the resolution from Cablevision subject to review and approval by Counsel James J. Sullivan.

Counsel Sullivan asked the Town Board if they felt it appropriate to ask Verizon to relieve the Town Board of the annual letter writing request saying that there is no cable franchisee taking advantage of the offset right. He feels that the obligation has been fulfilled by having Cablevision state the waiver in their Agreement. Councilman Paschkes said that the Verizon Agreement stated that upon the renewal with Cablevision, if we were we able to obtain the offset waiver, that requirement would be eliminated. We have fulfilled our obligations under that Agreement and the Town Board would ask for confirmation from Verizon that it is the case. Pamela Goldstein, outside attorney for Verizon, said that the LFA will be relieved of the requirement to send the aforementioned letter, commencing in the next full calendar month following the issuance by the NY PSC of an order confirming an amended or a renewal agreement of each of the existing providers of Cable Service. She will contact the Franchise Manager for Pound Ridge to grant the elimination of the letter requirement. She also suggested having the request in writing by the Town Board.

**NEW BUSINESS:**

**Adoption of Revisions to the Personnel Policy Handbook for Town Employees**

Supervisor Warshauer thanked the Personnel Policy Committee for all of their hard work in updating our Personnel Policy Handbook, including adding the required Compliance

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policies such as the new Violence in the Workplace Policy. The Committee consisted of Chief David Ryan, Deputy Supervisor Jon Powers, Councilman Dick Lyman and help from Town Clerk Joanne Pace and Director of Finance Steve Conti.

**RESOLUTION #: 61-10**

**Board Action:** Motion by Councilman Paschkes, seconded by Councilman Lyman, the Board polled and motion passing 5-0 on the following:

RESOLVED, that the Town Board hereby adopts the Personnel Policy Manual as proposed, effective immediately, with the exception of Section 9 G, Sick Leave, which will go into effect once the associated long-term and short-term disability insurance is in place. The Sick Leave section of the old policy will remain in force until that time, AND BE IT

FURTHER RESOLVED, that Supervisor Warshauer is authorized to execute said insurance policies pursuant to the quotes that were presented to the Board by the Committee.

**Report that the 2009 Year End Report to the State Comptroller has been filed with the Town Clerk**

Supervisor Warshauer said that the 2009 Year End Report to the State Comptroller has been filed with the State Comptroller and is on file in the Town Clerk's office.

**Establish a new title for the Tax Assessor's Assistant, Michele Jordan, from Intermediate Clerk to Assessment/Tax Aide**

Michele Jordan took and passed the Assessment/Tax Aide test. We called for the Resident List, pursuant to Civil Service requirements. Since she was first on that list, the Board can create and appoint her to that title. Her current title is Intermediate Clerk.

**RESOLUTION #: 62 -10**

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

RESOLVED, that the Town Board hereby appoints Michele Jordan to the position of Assessment/Tax Aide effective immediately. This appointment does not change her hourly pay rate or work hours.

All Board Members extended congratulations to Michele Jordan for her certification as Assessment/Tax Aide.

**Appointment of a new Pound Ridge Representative to the Westchester County Community Development Advisory Group**

A letter was received from Ray Clark, relinquishing position as Pound Ridge's representative to the Community Development Advisory Group of the Westchester Urban County Consortium. Josina vander Maas has volunteered to fill that position.

**RESOLUTION #: 63 -10**

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

RESOLVED, that the Town Board hereby appoints Josina vander Maas as representative to the Westchester County Community Development Advisory Group of the Westchester Urban County Consortium and to attend the upcoming meetings and report back to the Town Board.

**Consider entering into an agreement with an E-Waste & Recycling Company**

Councilman Lyman said that under a mandate from Westchester County, the Town is no longer allowed to put any kind of e-waste into a junk dumpster. Anything plugged into the wall must be recycled. The Town Board has received a proposal from WeRecycle, Inc. to provide services for the collection and recycling of electronic waste for the residents of Pound Ridge. They are registered and certified and a strong proponent of responsible recycling standards. Accepted waste includes computers, monitors, televisions, laptops, printers, fax machines, cell phones, VCRs, radios, DVDs, game machines, copiers, scanners, keyboards, mice, stereos, etc. The costs for the services are as follows:

- Mixed electronics recycling= \$0.16/lb
- Handling & transportation= \$175.00/pickup
- Labor charges=Driver \$65.00; Helper=\$38.00 (no labor charge for first 30 minutes of on-site packing and loading)

This company will give detailed reports to the Town on what is being recycled. There isn't a long-term commitment, so the Town can get out of this whenever

**RESOLUTION #: 64 -10**

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

RESOLVED, that the Town Board hereby agrees to enter into the agreement with WeRecycle, Inc. based on the proposal subject to Councilman Paschkes getting

clarification of specific amount being agreed upon regarding the notation of an Energy/Recovery Service Fee applied to all invoices to be an acceptable rate or specific percentage.

**Consider adopting a resolution supporting a grant request by the Town of Somers for the use of East of Hudson Funds for use in the implementation of the Regional Stormwater Plan of the Croton Kensico Watershed**

The Town of Somers, on behalf of the Croton Kensico Watershed Inter-municipal Coalition (CKWIC), applies for various grants to support our regional attempt at implementing the storm-water retrofit program. Somers applied for a 2010 NYS Department of State Local Government Efficiency in Implementation Grant in the amount of \$500,000.00 for Regional Implementation of Individual MS4 Phosphorus Reduction Requirements (Storm-water Retrofits) and is requesting the support of Pound Ridge. Jon Powers, Deputy Supervisor, explained that rather than having each Town reduce the phosphorus runoff on its own, it would be more efficient to have regional Towns form organizations to do this. Funding required to do all these retrofits is very expensive. The grant request is for \$500,000.00 with \$50,000.00 coming from local funds. Our local funds can be provided by the East of Hudson funds. Without the regionalization of this effort, Pound Ridge itself would be subject to make storm-water runoff changes that would cost an estimated minimum of a million to a million and a half dollars.

**RESOLUTION #: 65-10**

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

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the resolution before them in support of the 2010 NYS Department of State Local Government Efficiency in Implementation Grant.

**Police Department-Authorization to hire two new police officers**

**RESOLUTION #: 66-10**

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

RESOLVED, that the Town Board hereby authorizes the hiring of two new part-time police officers, Thomas Turchin and Gary Oliveri, effective immediately at the hourly rate of \$31.54.

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**ADJOURNMENT:** There being no further business to come before the Board,  
Supervisor Warshauer adjourned the regular meeting at 8:50 p.m.

Joanne Pace

Dated at Pound Ridge, New York

March 8, 2010