

MINUTES OF THE APRIL 8, 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 WARSHAUER; COUNCIL MEMBERS: DANIEL PASCHKES, RICHARD LYMAN AND PAUL McCONVILLE

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

ABSENT: COUNCILMAN PETER FALCO

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

CALL FOR EXECUTIVE SESSION: None

ANNOUNCEMENTS:

Supervisor Warshauer reminded everyone that he will have his Supervisor's Forum this Saturday, April 10, 2010 at 10:00 a.m. – 11:30 a.m. and the focus will be on senior issues.

MINUTES: Acknowledge/Correct/Accept Minutes of Town Board Meetings of April 1, 2010

RESOLUTION #: 83-10

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

RESOLVED, that the Town Board hereby accepts the minutes of the Town Board Meeting of April 1, 2010.

NEW BUSINESS:

Lions Club Pumpkin Patch Park-Consider agreement for the use of Town property and issuance of Special Permit and site plan approval for the proposed use

The Lions Club has been speaking with the Town Board over several meetings about a proposal to convert a ½ acre piece of Town-owned property in Scotts Corners into a park with a pumpkin patch. A proposed license agreement has been drawn up by Counsel Sullivan to provide the Lions with access to and the use of a certain vacant parcel of land owned by the Town located on Westchester Avenue, Pound Ridge, N.Y. Supervisor Warshauer would like the Town Board to consider issuing the agreement for use of that property. It is a terminable agreement and renews automatically. The Lions Club would be responsible for the maintenance and care of the property. They have the insurance requirements needed. The indemnity piece has been left open and Andrew Brodnick,

President of the Lions Club, will get back to the Town Board after clearing it with the national office in Illinois. Counsel Sullivan said that they may need clearance from the Water Control Commission because of the proximity to the wetlands in that area and they may need to go before the Zoning Board to put the fence on the property line and the third thing is that the property is actually in the R1 Zone and is not part of the Business District. Counsel Sullivan suggested saying it is for farming use which will be a permitted use. The Lions Club would have to give a Special Use Permit Application to the Town Board and the Town Board will call for a Public Hearing in May.

This will have to go before the Building Department and they will probably ask them to go before the Zoning Board. The Lions Club volunteers would like to start working on the property this weekend to clear some areas and post where they intend to put the fencing. There would be minimum work done and it would be outside the wetland areas. The Town Board gave permission to work this weekend with the assurance of their insurance certificate and the execution of the License Agreement.

RESOLUTION #: 84 -10

Board Action: Motion by Councilman Lyman, seconded by Councilman McConville, the Board polled and motion passed 3-0 with Councilman Paschkes abstaining on the following:

RESOLVED, that the Town Board hereby authorizes the Town Attorney to prepare for execution the agreement to provide the Lions Club with access to and the use of a certain vacant parcel of land owned by the Town located on Westchester Avenue, Pound Ridge, N.Y.

There will be a Work Session on April 28, 2010 and the Special Use Application will be reviewed and then put on the May 6, 2010 agenda.

Croton Watershed Plan Resolution-Consider adopting a resolution accepting the statement of strategies, principles and recommendations detailed in The Croton Plan for Westchester, the Comprehensive Croton Watershed Quality Protection Plan

The Town Board referred the Croton Plan for Westchester, The Comprehensive Croton Watershed Water Quality Protection Plan resolution and environmental assessment form to the Planning Board for their review and recommendation. Supervisor Warshauer wants to move this forward and adopt the resolution indicating they have read the Plan and agree to the statement of strategies, principles and recommendations detailed in the Plan. The resolution is as follows:

AGREEMENT OF THE TOWN OF POUND RIDGE
TO THE CROTON PLAN FOR WESTCHESTER,

THE COMPREHENSIVE CROTON WATERSHED WATER QUALITY
PROTECTION PLAN

WHEREAS, the New York City Watershed Memorandum of Agreement, dated January 21, 1997, and the New York City Rules and Regulations for the Protection of the New York City Water Supply from Contamination, Degradation and Pollution and Its Sources, Subchapter H, Section 18-82 provide for a process to create a Comprehensive Croton System Water Quality Protection Plan (“Croton Plan”); and

WHEREAS, in January 1998, the ten Croton Watershed towns and Westchester County agreed by resolution to participate in the development of the Croton Plan, and

WHEREAS, the Croton Plan was prepared with the participation of Westchester County and the participating northern Westchester watershed communities in the Croton Watershed, as well as in partnership with the New York City Department of Environmental Protection (NYC DEP) and the New York State Department of Health (NYS DOH); and

WHEREAS, the Croton Plan provides for, among other things; (i) the identification of water quality problems and community character needs; (ii) identification of investments to correct existing water quality problems in relation to developed priorities; and (iii) strategies for prevention of future water quality problems and the consideration of future community character needs; and

WHEREAS, the agreeing to the Croton Plan does not supersede or change the powers that the State has previously granted municipal governments under the New York State Constitution, the Municipal Home Rule Law or pursuant to the various municipal enabling acts; now therefore be it

RESOLVED, the Town of Pound Ridge (legislative body) agrees to the statement of strategies, principles and recommendations detailed in *The Croton Plan for Westchester, The Comprehensive Croton Watershed Water Quality Protection Plan, dated September 2009.*

RESOLUTION #: 85 -10

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

RESOLVED, that the Town Board hereby adopts the Comprehensive Croton Watershed Water Quality Protection Plan resolution as written above.

Comprehensive Plan-Third Joint Town Board/Planning Board meeting to discuss the Draft Comprehensive Plan for the Town. The section to be covered is: E. Community Services

The Planning Board members joined the Town Board and Bill Harding in reviewing Section E. on Community Services. John Bria, Planning Board member and Councilman Paschkes had the same comment on the first sentence “The town of Pound Ridge provides a variety of community services and facilities...” saying we should eliminate the words “The town” and start with “Pound Ridge provides...” because the government of Pound Ridge doesn’t supply the various services. Councilman Paschkes requested that ambulance service be added to the list of services. Clay Fowler commented that the entire Section needs updating.

Under the **Ward Pound Ridge Reservation** paragraph, the second sentence should say “Its *partially* fee-based...” because if you walk in or bike in, you are not charged an entrance fee. It was also suggested by Cynthia Rigas to add that there are other seasonal activities at the Reservation including art shows.

The **Police Department** paragraph has to be changed to say “is comprised of *three* full-time employees (the Chief, one officer and one administrative assistant) and several part-time officers *including three sergeants*.”

Volunteer Ambulance Corps (PRVAC) first paragraph, last sentence should say “The PRVAC is always seeking volunteers willing to be trained as Emergency Medical Technicians (EMTs) *or drivers*.” Another change is to eliminate “Northern Westchester Hospital Center” and put *Westchester Emergency Services (WEMS)*. It was suggested to speak about the expanded facility being proposed. They can add a sentence such as “*Expanded need for services justifies the need to expand the building.*” The Ambulance Corps is in the process of finalizing the plans for this expansion.

In the **Highway Department** paragraph, the second sentence needs to be changed to read “The Town has contracted in the past with the State and County to maintain *State and County* roads in the winter. The following sentence should be added: “*Currently, the Town contracts with the County to maintain Long Ridge Road for winter maintenance and no longer contracts with the State to maintain the State Routes numbered 124, 137 and 172.*”

Elyse Arnow is concerned about the fourth sentence referring to the application of herbicides, pesticides and fertilizers on Town-owned land. Along with best management practices and environmental protection, has the Town has instituted a policy to avoid the use of these chemicals because the runoff can be detrimental. The Town Board suggested changing the fourth sentence to read: “The Town has stressed the importance of the utilization of best management practices in the use of roadway deicers, water quality and storm water management and the maintenance of catch basins and other highway infrastructure. It was suggested to add the sentence: *The Town has instituted a policy of avoiding the use or application of herbicides, pesticides and fertilizers on Town-owned land.* It should also reflect that there is enhancement of training for the Highway

personnel. This should also be mentioned in the Maintenance section of the Comprehensive Plan.

Under the **Schools and Education** section, it was noted that the last sentence in the first paragraph should eliminate "...in Pound Ridge Schools and leave it as children will increase from...." There should also be mention in this paragraph of a number of private schools are available for Pound Ridge residents to send their children to. It was also mentioned that Pound Ridge actually falls into two school districts and the Comprehensive Plan reflects the Bedford School District. There was discussion about getting accurate numbers of Pound Ridge children attending the various schools.

The entire section on the **Library** has been rewritten. Marilyn Tinter rewrote the section and passed it on to the Town Board and the Planning Board for their review. Everyone seemed to think it was written beautifully and very complete.

The **Water Supply** section first sentence will be changed to eliminate "except for the Pound Ridge Golf Course". That is no longer true. Jay Kolinsky, Old Stone Hill Road, mentioned that the third sentence in the first paragraph states that the groundwater quality in Pound Ridge is good, but he stated that the Health Department has records that there is radon in the wells. Councilman Paschkes suggested saying the groundwater is *generally* good. Elyse Arnow mentioned that an addition to the last sentence should state that the differing restrictions and regulatory controls on land uses and activities on these watershed lands *need to comply with underlying residential zoning*. Bill Harding mentioned that this is addressed in the Land Use section. He said there is a recommendation that suggests that the Town Board undertake examination of the underlying zone and discuss protection. There should be some reference to Section B-15, Land Use.

The **Wastewater Disposal** section should reference the new local legislation regarding septic systems.

The **Gas and Electricity** section's second section should not include solar. The Town contracts wind as an alternative source. We have a five year contract giving support to the wind energy source.

A sentence should be added to the **Waste Removal and Recycling** section as follows: *"The Town has built a new recycling center at the Town Highway Garage facility and expanded its recycling program."*

Pound Ridge Boards and Commissions last line should be "the Sustainability *Task Force* not Committee.

Discussion followed regarding the **Tax Base and Expenditures** of the Town. Town Board and Planning Board members wondered whether it was necessary to have this section in the Comprehensive Plan because the chart is actually very confusing and misleading. Bill Harding said that there needs to be some sort of fiscal statement in the

Comprehensive Plan. It simply needs to state where our taxes go and show a trend of our expenditures. After discussion, it was suggested that this section be significantly amended and eliminate the charts. They should be told in real dollars what their tax burden is and also what the Town's budgetary philosophy is.

The Town Board and the Planning Board went through the recommendations and John Bria commented on the Volunteerism section C. asking how the Town would facilitate community participation in the Ambulance Corps and Fire Department. Supervisor Warshauer said that they are trying to increase volunteer training in OEM and the Police Department is encouraging hiring Police Officers who are also EMTs.

Another comment was made in the Communication and Data Sharing section b. The sentence should read "Making the Town's Geographic Information System (GIS) available *when it becomes operational* to Town Staff.,"

Under Recycling, the last sentence should read "...educate its property owners *and business*' to encourage maximum citizen participation."

The last paragraph of the recommendations should be written as *In Summary*.

Eastwoods, LLC-consider the Planning Board and Water Control Commission recommendations to reduce the performance bond

At the February 25, 2010 Planning Board meeting, a reduction in the amount of the bond currently held by the Town for US Summit Company/Eastwoods LLC was approved. The current \$700,000 bond was reduced to \$500,000, thereby releasing \$200,000 to Eastwoods LLC. Town Engineer, Joe Barbagallo, recommended the Planning Board retain the full \$700,000 bond with a step-down provision as follows:

Upon receipt of final NYS DOT permit approval release \$50,000;

Upon completion of work associated with Marchetti wetland release \$2,500;

Upon receipt of documentation that Mayapple Pond neighbors accept the proposed restoration activities, final work plan and schedule release \$200,000;

Upon receipt of the requested permits associated with Mayapple Pond activities release \$140,000;

Upon contractor mobilization for Mayapple Pond improvements and upon completion of all work for Mayapple Pond release \$307,500.

This is going to be discussed further with Counsel Sullivan, the applicant, a Planning Board representative and Town Engineer, Joe Barbagallo on Tuesday, April 13, 2010 at 7:00 p.m.

At the Water Control Commission meeting held on March 24, 2010, the Commission agreed to reduce the \$250,000 bond being held for the work at the Golf Club by \$230,000 retaining \$20,000. Evans Associates Environmental Consulting and representatives of the ACOE and NYS DEC are satisfied with the work that was done.

RESOLUTION #: 86-10

Board Action: Motion by Councilman McConville, seconded by Councilman Paschkes, the Town Board polled and motion passing 3-0 with Councilman Lyman abstaining on the following:

RESOLVED, that the Town Board hereby authorizes the reduction in the \$250,000 bond from Eastwoods LLC currently held by the Town Board by \$230,000 retaining \$20,000 as recommended by the Water Control Commission.

Highway Department-consider awarding highway material bids

The Road Materials bids were held on Tuesday, April 6, 2010 at 10:00 a.m. at the Town House in the presence of Town Clerk Joanne Pace, Deputy Town Clerk Carole Wollenweber and Highway Administrator Assistant, Diana Centonze and several vendors. The complete bid package and results is attached to the minutes.

RESOLUTION #: 87-10

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

RESOLVED, that the Town Board hereby accepts the all inclusive bid from Westwood Organic Recycling for mulch, AND BE IT

FURTHER RESOLVED, that the Town Board hereby accepts the lowest bid from Kect Construction for asphalt laid-in-place, AND BE IT

FURTHER RESOLVED, that the Town Board hereby accepts the lowest bid from Howard B. Toms Tree Surgery for tree work, AND BE IT

FURTHER RESOLVED, that the Town Board hereby accepts the bid from Fred Cook Jr., Inc. for catch basin cleaning, AND BE IT

FURTHER RESOLVED, that the Town Board hereby accepts the bid from Reed Systems, LTD for envirobrine,

FURTHER RESOLVED, that the Town Board hereby accepts the lowest bid from Atlantic Pavement Marking for line striping, AND BE IT

FURTHER RESOLVED, that the Town Board hereby accepts the lowest bid from Suburban for the 2 yard, 8 yard, 10 yard and 30 yard roll-offs, AND BE IT

FURTHER RESOLVED, that the Town Board hereby accepts the lowest bid from Red Wing for sand, ¾" washed stone, Item #4 bank run and 1 ¼" Item #4 bank run, Domain for 1 ½" crushed stone and 5'-6' rip rap stone, Putnam for Item #4 Quarry white, ¾" Item #4 Quarry White and ¾" crushed stone and Wingdale for Item #4 Quarry gray and ¾" Item #4 Quarry gray, AND BE IT

FURTHER RESOLVED, that the Town Board hereby accepts the bid from Peckham Materials for bituminous, AND BE IT

FURTHER RESOLVED, that the Town Board hereby accepts the bid from A.C. & S. Excavating for heavy equipment.

Town Clerk – outdoor seating in Scotts Corners-consider issuing Special Use Permit for 2010

RESOLUTION #: 88-10

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

RESOLVED, that the Town Board hereby waives the Public Hearing requirement and authorizes a Special Use Permit for Blind Charlie's Café for outdoor seating during the months of April through October between the hours of 7:00 a.m. and 10 p.m., AND, BE IT

FURTHER RESOLVED, that the Town Board hereby waives the Public Hearing requirement and authorizes a Special Use Permit for DiNardo's Restaurant for outdoor seating during the months of May through October between the hours of 11:00 a.m. and 10 p.m., AND, BE IT

FURTHER RESOLVED, that the Town Board hereby waives the Public Hearing requirement and authorizes a Special Use Permit for North Star Restaurant for outdoor seating during the months of April through October between the hours of 5:00 p.m. and 11 p.m.

Gift of Property to the Town-Mary Moat Section 20, Block 9819, Lot 1

Mary Moat intends to give the Town a parcel of land she owns in Pound Ridge. The parcel is in front of the circular drive in front of her home. She had no specific conditions or requirements regarding the gift but mentioned a few points of concern and interest as follows:

1. She hoped the Town would be able to apply "fill" in those areas where necessary;
 2. She thought it was a very good idea to place a "tasteful sign" on the property welcoming people to the "Historic Pound Ridge District;"
 3. She thought it would be nice if the Garden Club or some other organization could get involved and install plantings that could dress up the area;
- She thought several of the trees on the parcel were in need of pruning and other maintenance requirements. She asked me to confirm, and I did, that

once the gift was consummated, the Town would assume the responsibility of maintaining the parcel; and

5. The only thing Mary requested was that we do not refer to this piece of property as a "park."

RESOLUTION #: 89 -10

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

RESOLVED, that the Town Board hereby accepts the gifted parcel of land Section 20, Block 9819, Lot 1 from Mary Moat with the understanding of her requests.

Acceptance of Resignation from Landmarks & Historic District Commission-Mary Moat and Quincy Stuart and Board of Ethics resignation-Bruce Heerd

RESOLUTION #: 90-10

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

RESOLVED, that the Town Board hereby accept with thanks for their tremendous service the resignation of Mary Moat and Quincy Stuart from the Landmarks & Historic District Commission effective immediately, AND BE IT

FURTHER RESOLVED, that the Town Board hereby accept the resignation from the Board of Ethics from Bruce Heerd effective immediately.

RESOLUTION #: 91-10

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

RESOVLED, that the Town Board hereby appoints Steven O'Brien and Timothy Hall to the Landmarks & Historic District Commission effective immediately.

Councilman Lyman discussed the issue of repaving the Town Park and after meeting with NYBIT, the best thing to do is to put a shim coat of asphalt and seal with oil and stone. The cost of that would be \$14,950 based on the price of stone estimated at \$28.00 per ton delivered. He recommends that we do this because something has to be done and it will not be contingent upon what we do with the Community Center.

RESOLUTION #: 92-10

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

RESOLVED, that the Town Board hereby authorizes the project going forward as recommended by Councilman Lyman and transfer of \$15,000 from contingency A1990.4 to A7110.406.

Councilman Lyman also mentioned that the parking lot behind DiNardo's Restaurant needs repair. This would come out of the Parking District fund and can be done in the same manner as the Town Park with oil and stone. The Highway Department can shim it and the cost would be approximately \$2,000. It would cost an additional \$12,500.00 for the oil and stone. The Town Board will hold up voting on this repair until the other side of the street behind the stores is measured because that also needs repair.

FINANCIAL MATTERS

Pay Bills-schedule special Town Board meeting for Saturday, April 10, 2010 at 9:30 a.m. to approve and authorize payment of the bills

Board Action: Motion by Councilman Paschkes, seconded by Councilman McConville, all voting aye to hold a Special Town Board meeting on Saturday, April 10, 2010 at 9:30 a.m. to approve and authorize payment of the bills.

Receipt of Monthly Departmental Reports

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

Jay Kolinsky, Old Stone Hill Road, approached the Town Board with two issues. The first issue regarded the auto thefts that had occurred in Town. He was informed that there would be an e-mail program that residents could sign onto for information and to make them aware of happenings in Town. He wanted to know of a time frame when this would be made available to the residents. Supervisor Warshauer said that our computer person is in the process of configuring our website to set up automotive signups of residents who would like to be a part of the notification of Town happenings.

Mr. Kolinsky also brought up his concern over the coverage of the cell tower. He mentioned that there is poor coverage in the Business District. Supervisor Warshauer said that there is an on-going application with Omnipoint to build a cell tower in proximity of Scotts Corners. He went on to tell Mr. Kolinsky that initially there was an application for the ambulance corps building but that was a difficult site and the Planning Board rejected that application. Mr. Kolinsky went on to mention micro sites and would like that or other alternatives considered along with the current application. He said he would look into the details of such alternatives. Deputy Supervisor Jon Powers asked if emergency services could be part of micro sites and Mr. Kolinsky did not think so. Our

main goal with the cell towers is to have better emergency coverage along with adequate cell phone service.

ADJOURNMENT: There being no further business to come before the Board,
Supervisor Warshauer adjourned the regular meeting at 10:45 p.m.

Joanne Pace
Dated at Pound Ridge, New York
April 12, 2010