

MINUTES OF THE APRIL 1, 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 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 reminded everyone that the next Town Board meeting on April 8<sup>th</sup> will be a joint session with the Planning Board and the Comprehensive Plan chapter to be discussed will be Community Services.

The Supervisor's Forum will be held on Saturday, April 10<sup>th</sup> from 10:00 a.m. – 11:30 a.m. at the Town House and the focus will be on Senior Issues.

**MINUTES: Acknowledge/correct/accept minutes of Town Board Meeting March 11, 2010 and Work Session March 24, 2010.**

**RESOLUTION #: 73-10**

**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 March 11, 2010 and the Work Session March 24, 2010 with the corrections noted.

**PUBLIC HEARING: Deer Management Plan-Public Hearing to consider continuation of the plan 2010**

The Deer Management Plan was presented by Chief David Ryan at the Supervisor's Forum on March 6, 2010. The Town has had good experience with the Plan. The Plan that has been created starting with our Conservation Board has been a grass roots effort and has been very successfully managed and run and is a customized Pound Ridge Plan. Jon Powers spoke to the Town Board regarding the recommendations of the committee. Counsel Sullivan asked if there is a goal set at which time this process will be decreased or eliminated? Jon Powers said that is one of the major recommendations this year to put together a very specific plan. To the best of their knowledge, the deer population in Pound Ridge is approximately 60 deer per square mile. They are taking pictures every year of wooded areas to see what has happened to the understory. They are planning on

building an enclosure on the Aquarion property to demonstrate the effect on the understory of excluding deer and to see where deer are and aren't. They have all been trained by the DEC to do deer counts. They will also collaborate with the Mianus Gorge and Ward Pound Ridge Reservation on data collection. Counsel Sullivan is concerned that they are going to do such damage to the deer population that we will lose them. Councilman Paschkes still objects to the inclusion of Horseshoe Hill property in the plan. It is only 16 acres and is bordered on three sides by residential property. You increase the possibility of a person or animal being hit by an arrow and you increase possibility of having a wounded deer fall on residential property. Jon Powers and Chief Ryan both said that the Horseshoe Hill property is a major thoroughfare of deer moving; it is not a place where deer stay and eat. Chief Ryan commented that over the past couple of years, the Committee has weaned the hunters down to a group that are very good. Counsel Sullivan said that the program is very good and the safety and screening process is very good. It concerns him, however, that they are going to diminish the herd. He would not support the elimination of deer in Pound Ridge. Councilman Lyman is more concerned with the other methods that the County is experimenting with like the contraceptive plan. It would have a more significant outcome of eliminating the deer population.

The Committee is recommending continuing the program, getting more private land owners into the program, enhance the data collection system and continue with measurements, construct one or more land enclosures, and asking permission from the DEC to extend the season until the end of January instead of December 31<sup>st</sup> for our hunters and for our properties. Only hunters in the whole season would be allowed to stay on until the end of January.

Councilman Falco said that the main purpose of the Deer Management Plan was for ecological restoration of the understory which has been so badly depleted. It is for balance in the woodlands.

Supervisor Warshauer commended Jon Powers and Chief Ryan for attending the County meetings and encouraging the other Communities to look positively upon doing something similar to the Plan we have been running.

**RESOLUTION #: 74-10**

**Board Action:** Motion by Councilman Lyman, seconded by Councilman McConville all voting aye to close the Public Hearing to consider continuation of the Deer Management Plan for 2010.

**RESOLUTION #: 75-10**

**Board Action:** Motion by Councilman Lyman, seconded by Councilman Falco, the Board polled: Councilman Falco, aye, Councilman Lyman, aye, Councilman McConville, aye, Councilman Paschkes, nay and Supervisor Warshauer, aye, motion passing 4-1 on the following:

RESOLVED, that the Town Board hereby adopts the Deer Management Plan for 2010 with the amendments that have been recommended.

**NEW BUSINESS:**

**Northern Westchester Energy Action Consortium –consider adoption of the Intermunicipal Agreement and By Laws**

The Northern Westchester Energy Action Consortium put together an Intermunicipal Agreement to formalize the By Laws and is asking Pound Ridge to sign onto the IMA and By Laws. Consortium members will contribute an annual fee of \$1,000 used to set up the Consortium and fund operations of marketing and putting together basic information if they would be going forward with any specific plan to request a grant or additional funds.

**RESOLUTION #: 76 -10**

**Board Action:** Motion by Councilman Paschkes, seconded by Councilman Falco, the Board polled and motion passed 5-0 all voting aye on the following:

RESOLVED, that the Town Board hereby adopts the Intermunicipal Agreement and accept the By Laws of the Northern Westchester Energy Action Consortium.

**RESOLUTION #: 77-10**

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

RESOLVED, that the Town Board hereby authorizes the transfer of \$1,000 from contingency A1990.4 to A8030.410 cover the cost of the annual fee for Consortium members.

**Consider entering into agreement with City Carting for Recycling Center Containers**

Dick Lyman has spoken with City Carting representatives and they will take the 30 yard containers of scrap metal and paper and co-mingled items and as long as the number of pulls on the co-mingle doesn't exceed the number of pulls on the paper, they will do everything for free. They will drop the bins and take them when they are full. They will also take plastics #3 through #7 because they haul this to Connecticut. Bria Carting is currently doing this for us but cannot do it for free. They fully understand our switching carters and said that if it doesn't work out down the line, they would come back to do our carting. The Town Board has asked Counsel Sullivan draw up an agreement or a one page letter of understanding with City Carting to state that they will do this for the Town free of charge. City Carting will have to have insurance. The Conservation Board should

also be made aware that they will take the #3 through #7 plastics. It will be put on the website.

**RESOLUTION #: 78-10**

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

RESOLVED, that the Town Board hereby authorizes the Supervisor to engage in an agreement with City Carting providing and removing recycling bins for paper, metal and co-mingles free of charge subject to Town Attorney drawing up a letter of understanding.

**Sachs Park DEC Permit-consider authorizing work outlined in consultant's report**

Beth Evans of Evans Associates Environmental Consulting, Inc. sent an estimate for wetland restoration and plantings at Sachs Park which was on the original DEC approved plan. It seems that when our landscape architect made his initial application, he indicated that we would remove all of the invasive species in the wetland area. As it turns out, he put that in but realistically, it wasn't going to happen. After walking the area, it was determined that in some sections of the Park, the Town employees could remove most of the invasive species. Another area had a lot of phragmites that need to be removed systematically by cutting and wicking with aquatic herbicide after they are growing actively. This would have to be done by a licensed applicator. The total estimate for a complete mitigation plan including the cost of the plants and installation is \$8,521.20. If we would do the installation, it would reduce the cost considerably. The DEC has approved this plan and is still holding our permit open until we complete this. This is an ongoing procedure and Dick will get back to the Town Board next month with an update.

**Highway-Sachs Park-Authorize final construction payment**

The Town Board received a final payment request from Bradhurst Site Construction Corp. regarding the completion of the Highway Garage site improvements & Sachs Park project in the amount of forty nine thousand one hundred dollars (\$49,100.00). Dick Lyman's recommendation is that Bradhurst be paid with the reduction of \$1,709.56 based upon Joe Barbagallo's memo dated March 4, 2010 saying that there were items they had to chase the contractor to do for which Woodard & Curran charged the Town for their time in doing so. The Town should not have to pay the additional costs because the contractor had not completed what he was supposed to do. It is recommended that the Town Board pay forty seven thousand three hundred ninety dollars and forty-four cents (\$47,390.44).

**RESOLUTION #: 79 -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 Director of Finance to pay the final amount of forty seven thousand three hundred ninety dollars and forty-four cents (\$47,390.44) to Bradhurst Site Construction Corp. for the completion of the Highway Garage site improvements & Sachs Park project subject to receipt of the lien release.

**Highway Department-Special Paving Projects: Autumn Ridge, Town Park, Town House**

Dick Lyman gave a memo to the Town Board describing the pot hole work that needs attention at the Town Park and on the driveway at the Town House. The Highway Department would also like to take out the circle in the cul-de-sac on Autumn Ridge Road. There is little or no vegetation on it and is a lot of work to keep up. This has not been budgeted in the 2010 Budget. The Town Park parking lot can be done in a couple different ways depending on whether or not the Community Center project goes through. The Town can do some quick patch work in some places and then do an oil and stone job on the entire lot. That would make it uniform and last a couple of years. Something has to be done and it was suggested to get all the data in and then make a decision. This will be put on the agenda April 8<sup>th</sup>. The Town House driveway can be done in a couple of ways. To do the job properly, the curbing should be ripped out and reset while the driveway is done. The paving would have to come out and the driveway would have to be repitched and then repaved to bring it up to level. The other way to do it is to partially do the driveway without doing the curbing. The other area that needs attention is the circle at the cull-de-sac on Autumn Ridge Road. Councilman Paschkes asked how the neighbors and property owners feel about this. Supervisor Warshauer said that he feels the Town should try to maintain the landscape or create something pervious that has some water quality aspect to it. The Town Board will follow up on this at a later date.

**RESOLUTION #: 80-10**

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

RESOLVED, that the Town Board hereby authorizes the Highway Department to make improvements recommended to the area outside the Town House with a budget of \$2,000 which will be taken from contingency A1990.4 to cover the materials.

**Pound Ridge Community Church – Approval of banner for the Lobster Festival May 7, 2010**

The Pound Ridge Community Church is having their annual Lobster Day on Saturday May 22, 2010 and would like authorization from the Town Board to allow them to hang a banner in Scotts Corners at the corner of Westchester Avenue and Trinity Pass. They wish to hang the banner on Saturday, May 7, 2010 and remove it on Monday, May 24,

2010.

**RESOLUTION #: 81-10**

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

RESOLVED, that the Town Board hereby authorizes the Pound Ridge Community Church to hang a banner in Scotts Corners promoting Lobster Day on Saturday, May 22, 2010. They will hang the banner on Saturday, May 7, 2010 and they will remove the banner on Monday, May 24, 2010.

**Pound Ridge Business Association-Request for authorization to erect a banner in Scotts Corners to promote their Culinary Fundraising Event, to benefit the Library Foundation**

The Library Foundation is requesting permission to hang a banner across Westchester Avenue in front of Albano's for the "Taste of Pound Ridge" event on May 6, 2010. They will hang the banner the week of April 12, 2010 and they will remove the banner on or before May 8, 2010.

**RESOLUTION #: 82 -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 Library Foundation Committee to hand a banner across Westchester Avenue for the "Taste of Pound Ridge" Event on May 6, 2010. They will hang the banner on and take the banner down on

**Eastwoods, LLC – Consider Planning Board's recommendation to reduce the performance bond**

At the Planning Board meeting on February 25, 2010, the Board members approved to reduce the current \$700,000 bond to \$500,000, therefore releasing \$200,000 to Eastwoods LLC. for the Golf Course project. This will be tabled to a future meeting.

**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**

This will be tabled to the April 8, 2010 Town Board meeting.

**Community Center – Consider request by Recreation Commission for approval of additional consultant costs for plan amendments and to re-bid the project**

This will be tabled to a future meeting because we don't have all the information necessary before we put it through the re-bidding process.

**FINANCIAL MATTERS**

**ADJOURNMENT:** There being no further business to come before the Board, Supervisor Warshauer adjourned the regular meeting at 9:15 p.m.

Joanne Pace  
Dated at Pound Ridge, New York  
April 5, 2010