

MINUTES OF THE JUNE 3, 2010 MEETING OF THE TOWN BOARD OF THE TOWN OF POUND RIDGE AND PUBLIC HEARINGS 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:**

**Board Action:** Motion by Councilman Lyman, seconded by Councilman McConville, all voting aye to hold an Executive Session Thursday, June 13, 2010 at 6:00 p.m. for a legal and personnel matter.

**MINUTES: Acknowledge/correct/accept minutes of the Town Board Work Session on May 26, 2010**

**Board Action:** Motion by Councilman Falco, seconded by Councilman Paschkes, all voting aye to ratify the approval of the Town Board minutes of May 13, 2010 at the Town Board Work Session on May 26, 2010.

**PUBLIC HEARING: To consider and act upon the Special Use Permit for new Restaurant at 258 Westchester Avenue (formerly Emily Shaw at the Inn at Pound Ridge)**

**Board Action:** Motion by Councilman Lyman, seconded by Councilman Falco, all voting aye to open the Public Hearing to consider and act upon the Special Use Permit for new Restaurant at 258 Westchester Avenue (formerly Emily Shaw at the Inn at Pound Ridge).

The applicant Philip Maniatty and his attorney, Lucia Chiochio, Cuddy & Feder, explained that the Special Use Permit is submitted in accordance with the previous conditions in 2007. A new application is required for approval by the Town Board because it is issued to a new entity. There will not be any modifications except for maintenance and routine cleaning. They will comply with the conditions previously issued. They will be open seven (7) days a week for dinner and possibly lunch in the future. The kitchen was approved to be open until 12:00 a.m. but the applicant will keep it open until 11:30 p.m.

Joan Silbersher gave a brief history of Emily Shaw's and offered to give the applicant a picture of an original sign for the restaurant.

Diane Fulves, 256 Westchester Avenue, said that she had a lengthy conversation with the applicant and expressed her concerns about the after hours of the restaurant. She thanked the applicant for reaching out to her and hopes that they will respect her by monitoring the after hours noise in the parking lot. She would like to see the restaurant run as an elegant establishment and live in peace and quiet.

Jon Powers, 266 Westchester Avenue, thanked the applicant for reaching out to the neighbors.

Councilman Lyman questioned why the applicant wanted to limit the kitchen use to 11:30 when it was previously approved for 12:00 a.m. The applicant said that he just doesn't see the need after 11:30 p.m. and he is trying to show he is willing to work at keeping complaints to a minimum. Councilman Paschkes said he is setting the right tone and the Town Board appreciates it, acknowledges it and accepts it.

Supervisor Warshauer wished them success and very much appreciated how they reached out to the neighbors.

**Board Action:** Motion by Councilman Paschkes, seconded by Councilman McConville, all voting aye to close the Public Hearing to consider and act upon the Special Use Permit for new Restaurant at 258 Westchester Avenue (formerly Emily Shaw at the Inn at Pound Ridge).

**RESOLUTION: 119 -10**

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

RESOLVED, that the Town Board hereby approves the Special Use Permit as proposed for a new Restaurant at 258 Westchester Avenue (formerly Emily Shaw at the Inn at Pound Ridge) subject to review by Town Attorney.

Counsel Sullivan explained to the applicant that the Town Board allows the use of the Special Use Permit and they can also pull the permit if conditions are not followed.

Jon Powers said that there should be intermediate steps to recognize the problems before the permit is pulled. Counsel Sullivan explained that it is best to understand the issuance of this permit is the domain of the Town Board to enforce, modify or pull.

**PUBLIC HEARING: Open Space Fund-to consider language for resolution to be placed on ballot in November**

**Board Action:** Motion by Councilman Lyman, seconded by Councilman Paschkes, all voting aye to open the Public Hearing on Open Space Fund-to consider language for resolution to be placed on ballot in November.

Supervisor Warshauer read the proposed language for the Open Space Referendum. Counsel Sullivan wanted to clarify the word "those" at the end of the first sentence. As written, it seems to refer to maintaining and preserving only open space areas to be purchased. It doesn't read to include existing open space acquired. It was suggested to eliminate the word "those" and put "previously or herein after acquired". The beginning sentence was also suggested to be changed to read "Shall the Town of Pound Ridge continue to make contributions to a capital reserve fund..." With this amendment, the second sentence should be changed from "Such acquisitions shall..." to

“Such *contributions* shall...”. The Town Board agreed to the following language for the referendum:

Shall the Town of Pound Ridge continue to make contributions to a capital reserve fund dedicated to acquiring ownership rights, easements or interests in open space areas, as defined in section 247 of the General Municipal Law, and to maintaining and preserving those open space areas previously or hereafter acquired by said fund. Such contributions shall continue to be financed from the annual general tax levy for a period of ten (10) years, commencing January 1, 2011, to be phased in as follows: \$.50/\$1,000 of assessed value in 2011; \$.75/\$1,000 of assessed value in 2012 and \$1.00/1,000 of assessed value from 2013 through 2020.

**Board Action:** Motion by Councilman Falco, seconded by Councilman McConville, all voting aye to close the Public Hearing to consider language for referendum for Open Space Fund to be placed on ballot in November.

**RESOLUTION: #: 120-10**

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

RESOLVED, that the Town Board hereby adopts the language as amended during the said Public Hearing as the official language for the referendum to be put on the November 2010 ballot.

**NEW BUSINESS:**

**Resolution of Standard Work Day for Elected and Appointed Officials**

A new regulation changes how towns report elected and appointed officials to the New York State & Local Retirement System. This regulation applies to new terms of office or appointments beginning on or after August 12, 2009. The new regulation requires the Town Board to pass a resolution establishing a standard work day for each elected and appointed official. The minimum number of hours in a standard work day is 6, and the maximum is 8. The resolution must also identify the term of office and expiration date; attest that logs have been received from each official and indicate how many days will be reported on the basis of their logs. The following is the resolution before the Town Board:

**RESOLUTION FOR STANDARD WORK DAY AND REPORTING**

**WHEREAS**, recent amendments to the Regulations of the New York State Comptroller require the adoption of a “standard work day” by each municipality and imposes additional reporting requirements for elected and appointed officials for membership and service credit in New York State and Local Retirement System,

**NOW, THEREFORE, BE IT RESOLVED,** that the Town of Pound Ridge hereby establishes the following as the standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based upon the record of activities maintained and submitted by these officials to the Town Clerk of this body:

Title	Name			Standard Work Day	Term begins/ends	Participates in Employer's Time Keeping System	Days per Month
<b>Elected Officials</b>							
Supervisor	Gary Warshauer			6	1/1/10-12/31/11	N	20
Town Clerk	Joanne Pace			7	1/1/08-12/31/11	Y	20
Receiver of Taxes	Deborah Damascus			7	1/1/10-12/31/13	Y	20
Town Justice	Edward Hand			6	1/1/10-12/31/13	N	15.89
Town Justice	Regina Kelly			6	1/1/08-12/31/11	N	N/A
Board Member	Daniel Paschkes			6	1/1/10-12/31/13	N	6.5
Board Member	Richard Lyman			6	1/1/08-12/31/11	N	N/A
<b>Appointed Officials</b>							
Deputy Supervisor	Jonathan Powers			6	1/1/10-12/31/10	N	10
Town Attorney	James J. Sullivan			6	1/1/10-12/31/10	N	17.95
Deputy Town Attorney	William Harrington			6	1/1/10-12/31/10	N	9.75
Director of Finance	Steve Conti			7	1/1/10-12/31/11	Y	20
Assessor	Carole Long			7	10/1/07-9/30/13	Y	20

**RESOLUTION #: 121-10**

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

RESOLVED, that the Town Board hereby adopts the resolution of Standard Work Day for Elected and Appointed Officials.

**Fire District requests permission to use the Highway property for the purpose of training on 6/21-6/28**

The Board of Commissioners of the Pound Ridge Fire District is requesting permission to use the Highway Garage property for the purpose of training on June 21<sup>st</sup> and June 28<sup>th</sup>. The Fire Department will notify the neighbors.

**RESOLUTION #: 122-10**

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

RESOLVED, that the Town Board hereby authorizes the Fire Department to use the Highway Garage property for the purpose of training on June 21<sup>st</sup> and June 28<sup>th</sup>. The Fire Department will notify the neighbors.

**Doris Cakavell's retirement as of June 30, 2010**

Doris Cakavell will be retiring June 30, 2010. The Town Board thanked her for her years of service.

**RESOLUTION #: 123-10**

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

RESOLVED, that the Town Board hereby accepts the letter of retirement from Doris Cakavell effective June 30, 2010.

**FINANCIAL MATTERS:**

**Recreation Department**

**RESOLUTION #: 124 -10**

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

RESOLVED, that the Town Board hereby authorizes the following refund:

Keri Dezell 15 Park View Place Pound Ridge, N.Y. 10576	\$160.00 from A2001	overpayment of children's day camp program
Bridget Lawrence 23 Waring Road Pound Ridge, N.Y.	\$105.00 from A2001	Withdrawal of children from camp trips due to schedule conflict

**Authorization to pay July 4<sup>th</sup> expenses in Advance of Audit**

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MINUTES OF THE MEETING OF THE TOWN BOARD  
TOWN OF POUND RIDGE  
POUND RIDGE, NY  
June 3, 2010

**RESOLUTION #: 125 -10**

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

RESOLVED, that the Town Board hereby authorizes advance of payment of \$10,000 paid to Garden State Fireworks, \$900.00 paid to D.J. Sounds Unlimited for the 5K Road Race and the Fireworks celebration, \$690.00 paid to Gentlemen Johnny, \$250.00 for the printing of the postcards and \$375.00 for the mailing cost for the July 4<sup>th</sup> Celebration.

**ADJOURNMENT:** There being no further business to come before the Board Supervisor Warshauer asked for a motion to adjourn the meeting at 9:15 p.m.

Joanne Pace  
Dated at Pound Ridge, New York  
June 4, 2010