

MINUTES OF THE JANUARY 10, 2013 MEETING OF THE TOWN BOARD OF THE TOWN OF POUND RIDGE AND PUBLIC HEARING HELD AT 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
ALISON BOAK

ALSO PRESENT: TOWN ATTORNEY, JAMES SULLIVAN, ESQ.
DEPUTY TOWN SUPERVISOR, JONATHAN POWERS
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: None

MINUTES: Acknowledge/correct/accept minutes of Town Board Meetings on January 3, 2013.

RESOLUTION #: 48-13

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

RESOLVED, that the Town Board hereby acknowledges, corrects and accepts the minutes of the Town Board Meeting held on January 3, 2013.

PUBLIC HEARING: Consider the proposed Energy Improvement Corporation Municipal Agreement and adopting a Local Law to Establish a Sustainable Energy Loan Program, as supported by the Pound Ridge Sustainability Task Force and the Northern Westchester Energy Action Coalition to provide low interest loans for energy improvements to commercial buildings.

Board Action: Motion by Councilman Paschkes, seconded by Councilman Falco, all voting aye to open the Public Hearing to consider the proposed Energy Improvement Corporation Municipal Agreement and adopting a Local Law to Establish a Sustainable Energy Loan Program, as supported by the Pound Ridge Sustainability Task Force and the Northern Westchester Energy Action Coalition to provide low interest loans for energy improvements to commercial buildings.

John Maddocks, Chair of Sustainability Committee reviewed promoting, facilitating and financing energy audits and energy efficiency improvements for commercial properties in Pound Ridge. A Local Law would have to be established to go ahead with the energy

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
JANUARY 10, 2013

improvement corporation municipal agreement to have a sustainable energy loan program for the issuance of financing to the owners of real property. It would allow our business owners to borrow money to make energy improvements. New York State declared that municipalities would be able to provide financing to property owners for the installation of energy systems and energy efficiency measures. There are three main steps for the municipality to join the energy agreement:

- 1) Indicate interest to be a member. Town Supervisor sends a letter to EIC's board to join as a member.
- 2) Pass the Local Law that in essence restates the Article 5L, Section 119ee of the New York State General Municipal Law.
- 3) Pass resolution that codifies the role and duties of each entity in the agreement (raise capital, qualify properties and provide financing).

The primary job of the municipality is to guarantee repayment and secure each loan with a tax lien. Financing is secured by special property tax charges that have a lien of parity with property taxes. Repayments are collected within the municipal tax collection process. Supervisor Warshauer said that in the agreement, the municipality is able to add their own restrictions and one of the things he suggested that Pound Ridge do is to put a dollar cap on the total amount of loans issued.

This has been started in Bedford and statistics show that for residential properties that are commercially owned, like Harvey School, (there are six residential buildings), and the average cost is \$12,000 for about 30% savings. For commercial buildings, the average cost is \$50,000 for about a 30% savings. It starts with an energy audit. Financing for the energy improvements satisfy NYSERDA requirements for cost effectiveness. There has to be a cost effective test that needs to be proven. The total savings from the improvements need to be greater than the cost of the improvement. The cash flow needs to be positive. The annual charge has to be less than the predicted annual savings.

The Town would be required to put a tax lien once we get a report from the agency at the beginning of the year and add it to the tax liens to the properties taking advantage of the program. The total value of the improvement can't be greater than 10% of the value of the property. There is a fixed dollar amount that cannot be changed.

Frank Sisti, Indian Hill Road, expressed his concerns about using tax payers dollars to pay deficient loans. He feels the "Green Companies" are the biggest and fastest growing businesses using our money. Participating in this program allows them to get control of us at tax payer's expense. He has seen the downside of solar panels and wind mills and encourages the Town Board not to participate and encourage conservation. There are plenty of ways a resident or commercial building owner can go forward with energy efficiency and it should be an individual choice. He is asking the Town Board to think carefully.

Supervisor Warshauer said that the exposure to the Town is the same as tax collection for the Town. The Town must pay the bill whether the taxpayer pays or not. We would be mandated to pay the loan payment if the borrower does not. It can be a few years before we would get

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
JANUARY 10, 2013

reimbursed. This is something that needs to be thought about because the Town actually becomes a surety to the loan.

Santo Borsellino, Rolling Meadow Lane, expressed opposition to the agreement. He doesn't like that the loan is being treated as a tax levy.

Councilwoman Boak asked John Maddocks if he has gotten a feeling from any of the business owners as to whether or not they would sign up for this energy loan program and John said he hasn't spoken to them yet. He wanted to see where the Town Board was going with this first. Councilman Paschkes suggested that John Maddocks speak with the business owners to see if there is an interest and also get better assurance that the procedure ultimately will protect our interest in it.

Donna Simons, resident and business owner, expressed interest in this program. She would like the Town Board to defer it for now so that more business owners can express whether or not they are interested or not.

Santo Borsellino said that the administrators of this program will have their own planners who would give the dollar allowance on the loans to the business owners and was wondering if the Town Board would then step in and say these are our guidelines and caps on the loan. He wanted to know if the Town Board would have the authority to stay within the Town's guidelines. Supervisor Warshauer said that we do have flexibility in this and we have the authority to cap the total amount of loans in Pound Ridge. He is not sure if we can play around with the other writings.

Peter Avellino, Pine Drive, asked if the Town could suffer with a lower bond rating because of the delinquency and it would not affect the Town's ratings.

This Public Hearing will be continued to next month.

Board Action: Motion by Councilman Paschkes, seconded by Councilwoman Boak, all voting aye to continue the Public Hearing to consider the proposed Energy Improvement Corporation Municipal Agreement and adopting a Local Law to Establish a Sustainable Energy Loan Program, as supported by the Pound Ridge Sustainability Task Force and the Northern Westchester Energy Action Coalition to provide low interest loans for energy improvements to commercial buildings.

NEW BUSINESS:

- **Review the Fair and Affordable Housing Model Zoning Ordinance, required by the Westchester County Housing Settlement Agreement, and consider scheduling a public hearing for February to consider its adoption**

The Town Board is currently looking at a model-housing ordinance and how it can apply to Pound Ridge. Pound Ridge is one of 30 communities in Westchester County included

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
JANUARY 10, 2013

in the Fair Housing lawsuit and we are subject to the agreement. Residential developments of 10 or more units created by subdivision or site plan approval would require 10% of the development be affordable and fairly marketed. The model ordinance defines affordability and other terms. Units designated as affordable units must remain affordable for a minimum of 50 years from date of initial Certificate of Occupancy. The affordable units can be single-family homes or two-family homes. There is a far more negative consequence if the Town does not adopt this ordinance. It is better to set up the ordinance to accomplish the objective.

Apparently, the “priority list” for Pound Ridge occupancy in the affordable housing at Scotts Ridge was deemed unconstitutional. Scotts Ridge will not count toward our number of affordable housing units as it existed before the Housing Settlement was reached. We may also have to amend our “floating senior zone” because of the intent of it being focused on seniors, to be in par of what is being asked of us.

James Sullivan, Town Counsel, brought up the SEQRA issue within this ordinance. The Town Board has to be SEQRA compliant according to Municipal Law. The Town Board will address this before the ordinance is adopted. The final resolution will include this. There are paragraphs in italics that may be tweaked before the final resolution is done. It has to be customized for Pound Ridge. The Town Board will also ask the Planning Board to review this before we schedule the Public Hearing.

- **Consider authorizing the Police Department to establish a Prescription Drug Collection Program and approve of the Prescription Drug Collection Box policy as a general order in the Police Department Policy Manual**

The Town of Pound Ridge Police Department is participating in a Drug Collection program disposing of medications rather than placing them in landfill, sewer systems or septic systems. A vault style mailbox is inside the Police station. They will be picked up by the FDEA for removal and destruction. There is no cost to Pound Ridge to do this. Chief Ryan is requesting that the Town Board approve the policy as a general order in the Police Department policy manual as required by law. The following is what is proposed to go into the manual:

PRESCRIPTION DRUG COLLECTION BOX

Issue Date: December 12, 2012

Revision Date:

Purpose: The Town of Pound Ridge Police Department recognizes the importance of providing the community with a safe secure location of unwanted prescription medication. This program provides an environmentally safe alternative to disposing of medications in the landfill or sewer systems which may later negatively effect the environment. The Town of Pound Ridge Police Department encourages the residents of Pound Ridge to remove their unneeded medications from their homes, which reduces access to addictive medications for accidental or intentional misuse by children or adults in the home.

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
JANUARY 10, 2013

Background:

Policy: It shall be the policy of the Town of Pound Ridge Police Department to comply with all applicable state and federal laws regarding the collection and disposal of prescription medication.

Operational Guidelines

1. The Town of Pound Ridge Police Department will provide a steel mailbox style disposal vault in which citizens may deposit unwanted medications. The collection box shall be clearly marked for this purpose. The disposal vault shall be locked and securely mounted to prohibit removal of the vault or retrieval of medications from within the vault without a key system. Citizens may place their unused medication/drugs into the disposal vault anonymously. Signage shall be posted to assist citizens the disposal procedures. The entire prescription bottle should be secured by the cap and placed into the disposal vault.
2. Sharps, other bio-hazard items such as syringes, or liquids are prohibited from being placed into the vault.
3. The Property/Evidence Sergeant or his designee will both be responsible for collection of the deposited medications. Collection of the deposited prescription medication will be conducted on a weekly basis or more often if needed.
4. The collection vault will be keyed with a locking mechanism. The Property/Evidence Sergeant or designee: will control the key box. A log of the disposal will be kept hi-accordance with the Law.
5. At a predetermined day and time or as necessary, the-Property/Evidence Sergeant or designee will schedule a collection. A regular collection vault schedule shall be developed for consistent disposal practice. An incident will be created in the RMS system-to document the drug collection.
6. All policy and procedures shall be followed for submission of abandoned property, as contents of the vault will be considered abandoned,
7. The Property/Evidence designee will document each collection a Property Receipt (sample attached) titled "Drug Collection/Disposal Program",-one incident report number will he generated for each collection effort. The following will be required:
 - The Property/Evidence Sergeant or designee will package and seal the deposited drugs, document a general description on the property receipt, and place the packaged drugs into evidence pending destruction
 - The Property Receipt t will include the approximate weight of the drugs and should contain an appropriate description of the items; "Miscellaneous medications to be destroyed as abandoned property" will be appropriate as a description.
8. The Property/Evidence Sergeant or designee will supervise the vault collection process. The Property and Evidence Officer will destroy the collected medications per department policy or procedure.

RESOLUTION #: 49-13

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

RESOLVED, that the Town Board hereby authorizes Chief David Ryan to start the Prescription Drug Collection Program at the Police Department and approve of the Prescription Drug Collection Box policy as a general order in the Police Department Policy Manual subject to Chief Ryan amending the policy to include a second set of eyes when the collection box is opened to assure what was deposited is cataloged and disposed of properly.

Deputy Supervisor Jon Powers stated that the Town appreciates what Chief Ryan has done to incorporate this program.

- **Highway Department-request to purchase a new flatbed trailer**

Vinnie Duffield, Highway Superintendent, is requesting permission to purchase a new flatbed trailer for the Highway Department. He obtained three (3) quotes for the new trailer as follows:

Congelosi Trailer Sales - \$4,691.00 and a quote for \$4,491.00
MRT Truck Equipment, Inc. - \$5,980.00
Hudson River Truck and Trailer - \$4,806.00

Vinnie is requesting approval to give the bid to Congelosi Trailer Sales as they have the lowest bid and are a reputable trailer sales company.

RESOLUTION #: 50 - 13

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

RESOLVED, that the Town Board hereby authorizes Vinnie Duffield, Highway Superintendent, to purchase a new flatbed trailer from Congelosi Trailer Sales in the amount of \$4,691.00 as low bidder and as budgeted.

- **Consider adoption of the revised Fees Schedule for 2013**

The fee schedule has been amended to include increases in the fees for 2013. The first part is a recommendation from the Planning Board that the Recreation fee for each newly created building lot be increased from \$10,000 to \$12,000. They are also requesting that

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
JANUARY 10, 2013

the Town Board adopt the Steep Slope Application form and new permit process fee for steep slopes in the amount of \$250.00.

RESOLUTION #: 51-13

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

RESOLVED, that the Town Board hereby adopts the Application for Steep Slope Disturbance Permit with a fee of \$250.00 and the permit process/review fee of \$250.00.

The Building Department also submitted a series of increases in their fees but the Town Board would like to review it further before adopting the changes. Jim Perry, Building Inspector, also included a generator checklist and new generator permit fee of \$100.00. Councilman Falco also requested clarification on the generator permit fee. There isn't a permit required for a portable generator but there is for a house wired generator. This must be clarified in the permit. This will be reviewed again at the next Town Board Work Session before the February 14, 2013 Town Board meeting.

- **Consider American Society of Composers, Authors and Publishers (ASCAP) Agreement for 2013**

The license agreement and 2013 ASCAP Rate Schedule was received by David Goldberg, Recreation Supervisor and the new rate is \$327.00.

RESOLUTION #: 52-13

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

- RESOLVED, that the Supervisor be and is hereby authorized to pay the annual rate of \$327.00 for the American Society of Composers, Authors and Publishers (ASCAP) Agreement for 2013
- **Consider 2013 Planning and Engineering Consulting Services Agreements**

Frederick P. Clark Associates, Inc. submitted a 2013 proposal to the Town Board for their professional consulting services to the Planning Board. Michael Landler's hourly rate for 2013 will be \$190.00. Other services needed from their professional staff will be billed in accordance with their respective hourly rates.

Woodard and Curran submitted a 2013 proposal for engineering services to the Town Board, Planning Board and Zoning Board of Appeals. Hourly rates for various services range from Administrative Assistant at \$65.00 per hour to Sr. Technical Advisor at \$225.00 per hour.

The Town Board will review the proposals and discuss further at the Town Board Work Session in February.

- **Maintenance Department – request for part-time laborer**

One of the Maintenance Department employees will be out of work for three months due to a knee replacement operation. Ray Andretta is requesting a permanent part-time employee to help out the Maintenance Department. Chris Eidam has been a seasonal laborer for a few years and would love the opportunity to work on a permanent basis.

RESOLUTION #: 53 -13

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

RESOLVED, that the Town Board hereby authorizes the hiring of Christopher Eidam as a permanent part-time employee, not to exceed 40 hours in a two week period, with the Maintenance Department. His hourly rate will be \$12.00 per hour.

FINANCIAL MATTERS:

- **Tax Receiver – refund for overpayment**

RESOLUTION #: 54 -13

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

RESOLVED, that the Town Board hereby approves the following refunds:

<u>Block/Lot</u>	<u>Name</u>	<u>Address</u>	<u>Amount</u>	<u>Reason</u>
9317-77.9-4	Willingham	16 Old Logging Rd.	\$141.17	overpayment
10047-131	Sherwin	89 Park View Rd.	\$184.87	overpayment

- **Monthly Reports**

Receipt of monthly Departmental reports

The monthly reports have been received for January 2013 and are available in the Town Clerk's office.

- **Pay Bills**

RESOLUTION #: 55-13

Board Action: Motion by Councilman Falco, seconded by Councilman Lyman, the Board polled and motion passing 4-0 with Councilwoman Boak abstaining to authorize payment of the bills:

WHEREAS, Councilwoman Boak 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		\$108,523.46
HIGHWAY FUND	D		\$ 43,515.31
PARKING DISTRICT	ST		\$ 301.78
TRUST AND AGENCY	T		\$136,057.25
CAPITAL	H		\$ 3,320.00

Little League – request to use Conant Hall for fundraiser

RESOLUTION #: 56-13

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

RESOLVED, that the Town Board hereby authorizes the Bedford Pound Ridge Little League to host a fundraiser on February 1, 2013 at Conant Hall. The \$400 usage fee will be waived and permission is granted to serve beer and wine subject to the outfit that serves the beer and wine provides a liquor license. Proper Certificate of Liability Insurance will be provided naming the Town of Pound Ridge as additionally insured.

ADJOURNMENT: There being no further business to come before the Board, Supervisor Warshauer adjourned the regular meeting at 10:15 p.m.

Page No. 10

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
JANUARY 10, 2013

Joanne Pace

Dated at Pound Ridge, New York
January 11, 2013