

MINUTES OF THE OCTOBER 10, 2013 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 AND ALI BOAK

ALSO PRESENT: TOWN CLERK, JOANNE PACE
DEPUTY SUPERVISOR, JONATHAN POWERS

ABSENT: TOWN ATTORNEY, JAMES J. SULLIVAN, ESQ.

CALL TO ORDER: Supervisor Warshauer called the meeting to order at 8:10 p.m.

CALL FOR EXECUTIVE SESSION:

Board Action: Motion by Councilwoman Boak, seconded by Councilman Paschkes, all voting aye to hold an Executive Session on Thursday, November 7, 2013 at 4:30 p.m. for a legal and personnel matter.

ANNOUNCEMENTS:

MINUTES: Acknowledge/correct/accept minutes of the Executive Session held on September 26, 2013, Town Board Work Session and Executive Session held on Thursday, October 3, 2013

Board Action: Motion by Councilman Lyman, seconded by Councilwoman Boak, Supervisor Warshauer was not at this Executive Session, all voting aye to accept the minutes of the Executive Session held on September 26, 2013, Town Board Work Session and Executive Session held on Thursday, October 3, 2013.

The Executive Session on September 26th was for interviews for appointment to the Recreation Commission and the two candidates appointed to the Recreation Commission to fill the two vacancies were Colette Dow and Rich Wetchier for a term of seven (7) years.

NEW BUSINESS:

- **Proposed Amendments to Chapter 54A-1 of the Town Code for Filming**

Councilman Paschkes revised the draft filming ordinance to add subsection b) to §54A-1 to read "*In the event the Town Clerk determines the applicant has not met all the criteria necessary for the permit to be granted administratively, the Town Clerk shall refer the matter to the Town Board.* Deputy Town Supervisor Jon Powers suggested taking the work "shall" out and put in "may" so that the Town Clerk doesn't have to refer the matter to the Town Board. He feels that the matter can be handled administratively through the Town Clerk's office most of the time and it shouldn't have to be referred to the Town Board for every little thing not followed. Councilman Paschkes changed the paragraph to

MINUTES OF THE OCTOBER 10, 2013 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. read *“In the event the Town Clerk denies an application for a permit, the applicant may request the Town Board hear the application and the Town Board, in its discretion may grant the permit.”* Councilman Paschkes also added a paragraph that he has objections to it; however, wrote it because he felt that is what the Town Board was indicating. It read *“With regard to subparagraph “c” above, individual(s) seeking to engage in such activity shall advise the Town Clerk as to the type of activity said individual(s) will be engaged in and the Town Clerk shall determine whether or not an application for permit must be submitted by the individual(s).”* Councilman Paschkes objected to the part requiring notifying the Town Clerk prior to commencing activities that are exempted. This language was removed from the final draft. After much discussion, the Town Board agreed to add (6) to Sec. 54A-4 c) to read *“Does not involve the use of artificial lighting other than camera mounted or handheld equipment.”*

Supervisor Warshauer is still concerned about who monitors whether or not the photo shoot impairs the quiet and enjoyment of the surrounding property owners. This is subjective and it is a concern. Councilman Paschkes suggested adding subsection d) to Sec. 54A-4 to read *“In the event a complaint is made to the Town Police with regard to any of the activities described in subparagraph “c)” above, all individuals involved shall immediately cease all such activities and shall be required to submit an application for a permit.”* The Town Board agreed that the amendments work for this ordinance and they will schedule for a Public Hearing to consider the amendments at the November 14, 2013 Town Board meeting.

Another thought was to take out the \$50.00 per hour cost for the Police coverage and put in that the fee shall not exceed the overtime rate of the Police Officer. The Town Board agreed to make the change.

RESOLUTION #: 184-13

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

RESOLVED, that the Town Board hereby schedules a Public Hearing on the Filming Ordinance as amended for Thursday, November 14, 2013.

- **Accept Resignation of Assessment Tax Aide**

RESOLUTION #: 185-13

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

RESOLVED, that the Town Board hereby accepts the resignation of Michele Jordan, Assessment Tax-Aide, effective October 11, 2013.

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- **Ratify Appointment of Town Assessor**

RESOLUTION #: 186-13

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

RESOLVED, that the Town Board hereby appoints Carole Long as Assessor for a period of six (6) years effective October 1, 2013.

- **Consider creating the Pound Ridge Energy Action Committee to consist of the Chairman and six members, each with a seven year term, to continue the program & services of the Sustainability Task Force on an on-going basis**

In 2009, the Town Board formed the Sustainability Task Force and it represents Pound Ridge on the Northern Westchester Energy Action Coalition and participates in the implementation of NWEAC activities. The Town Board is creating the Energy Action Committee to take over the activities of the Sustainability Task Force. The Committee will consist of a Chair and six members with a seven year term. The Chair will be John Maddocks and the members of the Committee are Larry Brotman, Gail Jankus, Tom Smith, Michele Rudolph, Scott Fernqvist and Josina van der Maas.

RESOLUTION #: 187 -13

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

RESOLVED, that the Town Board hereby appoints John Maddocks, (chairman) 2014; Larry Brotmann, 2015; Gail Jankus, 2016; Tom Smith, 2017; Michele Rudolph, 2018; Scott Fernqvist, 2019 and Josina van der Maas, 2020 to the Energy Action Committee.

- **Consider changing to New York Municipal Insurance Reciprocal**

The consensus of the Town Board was to change to the New York Municipal Insurance Reciprocal for our Town insurance. It is a good move financially and Steve Conti, Director of Finance, told the Board that it will save the Town \$15,000 on the annual premium when compared to our current plan with SKCG Group. Mr. Conti contacted SKCG Group to see if there would be a cancellation fee and there will not be. He did ask about the “tail” endorsement for Public Officials that Harvey Dann felt strongly about and they will give us a five year “tail” endorsement for \$19, 860. The Town Board feels strongly that the “tail” endorsement is needed. They also feel that the overall savings will

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be worth the switch. Initially, it will cost us the extra \$19,860, but in the long run, it will be less expensive for the Town.

RESOLUTION #: 188-13

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

RESOLVED, that the Town Board hereby agrees to sign up with New York Municipal Insurance Reciprocal (NYMIR) with the “tail” endorsement effective November 1, 2013.

Supervisor Warshauer will write a letter to SKCG Group thanking them for their years of service to the Town of Pound Ridge.

- **Consider purchase & activation of a new emergency notification system called “Code Red”**

Chief Ryan spoke to the Town Board about a web-based CodeRed service from Emergency Communications Network Inc. designed to enable local government officials to record, send and track personalized voice, email, text and social media messages to thousands of people in minutes. This will help with emergency situations in Town. A five (5) year license includes 24/7/365 uninterrupted CodeRed system access, set-up and training, unlimited emergency calls, test, email, mobile phone alerts and social media messaging. The cost is \$4,560 annually plus the 2 month bridge amount for November and December 2013 of \$760.

RESOLUTION #: 189 -13

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

RESOLVED, that the Town Board hereby authorizes Chief David Ryan to purchase and activate the new emergency notification system called “CodeRed” according to the memo from Chief David Ryan in the amount of \$4,560 annually plus the 2 month bridge amount for November and December 2013 of \$760, subject to review by Town Attorney.

- **Pound Ridge Partnership-request to use the Town bus for the Harvest Festival**

Councilwoman Boak recused herself from this discussion. The Partnership is requesting permission to utilize the Town bus for a shuttle service for workers and vendors on October 15th for the Pound Ridge Harvest Festival. They understand that the cost of the

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RESOLUTION #: 190-13

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

RESOLVED, that the Town Board hereby authorizes the Pound Ridge Partnership to use the Town bus to transport workers and vendors to and from the Town House and venue for Oktoberfest on October 19, 2013 subject to approval from our insurance company.

Councilwoman Boak returned to the Town Board table for the rest of the meeting.

- **Town Clerk – Sale of Cemetery Plots**

RESOLUTION #: 191-13

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

RESOLVED, that the Supervisor be and is hereby authorized to sell Town Cemetery Plot #315, Section 3 (2 gravesites) to Marvin and Barbara Mitzner, 15 Patterson Road, Pound Ridge, NY 10576 in the amount of \$2000.00.

- **Town Clerk-requesting approval to award bid to Fuel Co.**

This will be put on the Work Session Agenda on 11/7/13 to research the actual fuel usage and determine what the savings would be between two vendors. Marshall Oil was .12 cents above the barge price of fuel oil and Burke Heat was .05 cents above the barge price; however, there was a big difference between their contract prices for service. Steve Conti, Director of Finance will analyze the numbers to let the Town Board know what vendor would be more financially suited for the Town.

FINANCIAL MATTERS

- **Recreation Department-requests refund for overpayments for camp**

RESOLUTION #: 192-13

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

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

Magda Pauley 2 Hickory Lane Mt. Kisco, NY 10549	\$115.00 from A2001	Refund for child's withdrawal from football program
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- **Monthly Reports**

The monthly reports have been received from the various departments and are on file with the Town Clerk's office.

- **Pay Bills**

RESOLUTION #: 193-13

Board Action: Motion by Councilman Lyman, seconded by Councilman Paschkes, Board polled, motion passing 4-0 with Councilwoman Boak abstaining, to authorize payment of bills subject to providing attachment/resolution for one claim in question,

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		\$ 78,689.09
HIGHWAY FUND	D		\$ 42,435.80
PARKING DISTRICT	ST		\$ 85.00
TRUST AND AGENCY	T		\$168,189.13
CAPITAL	H		\$

Deputy Supervisor stated that the East of Hudson Watershed Corporation is responsible for implementing storm water retrofit projects on behalf of EOHWC municipalities. EOHWC is requesting that they be designated the lead agency when EOHWC is funding and implementing these projects. At the moment, there are no such projects in Pound Ridge. However, we have asked that the Ambler Way bridge project be considered. He recommends that the Board approve the EOHWC request.

RESOLUTION #: 194-13

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

RESOLVED, that the Town Board hereby approves the East of Hudson Watershed Corporation's request to be designated the lead agency when EOHWC is funding and implementing projects.

Mrs. Millie Mendelson asked to speak to the Town Board regarding her ongoing complaints with the NYSEG substation on her property on Salem Road. She stated that electrical shocks have been flowing through her property for quite a few years and she feels the Town Board has done nothing to address the problem. She said that the problem she experiences could very well affect many other properties in Pound Ridge. The Town Supervisor allowed her the courtesy of speaking for two minutes about this problem and

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after about 10 minutes, he told her it wasn't the time or place to carry on the conversation. She refused to stop speaking and began insulting the Town Board members. She was politely asked to leave by Chief David Ryan.

ADJOURNMENT: There being no further business to come before the Board, the meeting was adjourned at 9:20 p.m.

Joanne Pace
Dated at Pound Ridge, New York
October 15, 2013