

MINUTES OF THE FEBRUARY 14, 2013 MEETING OF THE TOWN BOARD OF THE TOWN OF POUND RIDGE AND PUBLIC HEARING HELD AT THE TOWN HOUSE, 179 WESTCHESTER AVENUE, POUND RIDGE, NY, COMMENCING AT 8:00 PM

PRESENT: SUPERVISOR GARY WARSHAUER; COUNCIL MEMBERS: DANIEL PASCHKES, RICHARD LYMAN, PETER FALCO AND ALISON BOAK

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

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

**CALL FOR EXECUTIVE SESSION:**

**Board Action:** Motion by Councilwoman Boak, seconded by Councilman Lyman, all voting aye to hold an Executive Session meeting immediately following the Town Board meeting for a personnel matter.

**ANNOUNCEMENTS:** None

**MINUTES:** Acknowledge/correct/accept minutes of Town Board Meetings on January 10, 2013 and Work Session held on February 7, 2013

**RESOLUTION #: 61-13**

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

RESOLVED, that the Town Board hereby acknowledge/correct/accept minutes of Town Board Meetings on January 10, 2013, Work Session held on February 7, 2013 and Executive Session held on February 7, 2013.

**PUBLIC HEARING:** Continue Public Hearing to consider adopting a Local Law to Establish a Sustainable Energy Loan Program in Pound Ridge and to enter into the proposed Energy Improvement Corporation Municipal Agreement, 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 Councilwoman Boak, all voting aye to open the Public Hearing to consider adopting a Local Law to Establish a Sustainable Energy Loan Program in Pound Ridge and to enter into the proposed Energy Improvement Corporation Municipal Agreement, as supported by the Pound Ridge

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Sustainability Task Force and the Northern Westchester Energy Action Coalition, to provide low interest loans for energy improvements to commercial buildings.

When we left the last meeting, there were some concerns regarding legal foreclosure. Counsel Sullivan explained that because there is no precedent, he remains concerned about the Town laying out tax dollars should someone choose not to pay the loan. The State statute says that there would be a lien and treated like any other tax lien; however, he remains concerned. On the other side, the dollars involved can be capped.

Mark Thielking, Chairman, Energy Improvement Corporation, addressed the Board on the concerns they have with the foreclosure issue and the idea of placing a cap on the aggregate. Mr. Thielking stated that the Town Board has the ability to cap the dollar amount and this would require a special letter to the Energy Improvement Corporation Board for their approval. There is no limit to how much you can restrict. Once you become a member of the program, you become an owner of the enterprise and can control the benefit and how it can be presented to our community. Right now, this only applies to commercial property. The average cost can range between \$15,000 - \$30,000. The financing would depend on the assessed value of the property by an appraisal board and they cannot finance more than ten percent of the value of the property. The energy savings being driven by the improvements has to be greater than the tax charge.

Councilman Paschkes asked if the EIC ever considered any kind of insurance, example Private Mortgage Insurance (PMI), like in the private banking industry. Mr. Thielking said they have not considered it but it surely is something they can implement for Pound Ridge. Councilman Paschkes also said Pound Ridge could lower the allowable loan to value ratio because part of the benefit of seeking out this kind of loan is to lower cost. You're getting lower interest financing. Mr. Thielking said that this can be a request from this program to the EIC as administrators. The first mortgage holder has to give their consent.

Councilman Paschkes suggested putting a cap on the aggregate at \$100,000 and maximize the loan to individuals at \$25,000. The Town can see how it works and then have the option to increase the cap if needed in the future. Mr. Thielking said that the Local Law would have to state a hearing process to consider expanding the cap. The Town Board would have little to do with the procedures. The applicant would go to the EIC for approval for additional dollars and that Board would then approach the Pound Ridge Town Board for their support.

Supervisor Warshauer suggested adopting the Local Law and then meet with the Business property owners before finalizing the municipal agreement. The cap and any other limitations would be addressed in a separate special letter to the EIC Board along with the agreement.

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**Board Action:** Motion by Councilman Paschkes, seconded by Councilwoman Boak, all voting aye to close the Public Hearing to consider adopting a Local Law to Establish a Sustainable Energy Loan Program in Pound Ridge and to enter into the proposed Energy Improvement Corporation Municipal Agreement, 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.

**RESOLUTION #: 62-13**

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

RESOLVED, that the Town Board hereby adopts the Local Law to Establish a Sustainable Energy Loan Program in Pound Ridge imposing the measures discussed initially with the caveat not to exceed underlying loan of 70% “loan to value” so that the total of the aggregate with the 10% efficiency loan does not exceed 80% “loan to value” and that we do it initially with a \$100,000 cap in aggregate and \$25,000 cap in individual loans with the authority of the Town Board, in it’s discretion, for good cause shown, to exceed those caps if and when appropriate.

Deputy Supervisor, Jon Powers questioned who would be responsible for this in Pound Ridge. The Town Board said that Jon Powers would be responsible along with Counsel James Sullivan who will monitor the program and work closely with EIC. The Supervisor will draft a special letter imposing the measures discussed and limitations and give it to the Town Board for their review/comments.

**NEW BUSINESS:**

- **Discuss Dr. Hochman’s letter regarding Pound Ridge Elementary School Security**

Dr. Jere Hochman, Superintendent of the Bedford Central School District, sent a letter to the Town Board asking them to help supplement police coverage at Pound Ridge Elementary School. This was discussed at the Work Session and then in Executive Session to discuss specific personnel matters related to that and specific details of what could be done. This evening Supervisor Warshauer would like to finalize how the Town Board will respond to Dr. Hochman’s letter. He read a letter that he plans on sending to Dr. Hochman on behalf of the Board. Basically that letter says that the Town Board is unanimous in its support of the recommendations and measures taken by Police Chief David Ryan to secure the elementary school. Under his direction, there is and will continue to be a meaningful police presence at the Pound Ridge Elementary

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School in coordination with the Bedford Central School District and the other security measures they currently have and those that will be instituted.

Deputy Supervisor Jon Powers felt that the draft letter led you to believe that this security would go on forever. Supervisor Warshauer said that it is understood that the operations and procedures will be evolving and continue until the end of the school year as needed. Assessments and decisions for staffing are part of the process going forward.

**RESOLUTION#: 63-13**

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

RESOLVED, that the Town Board hereby authorizes Supervisor Warshauer to draft a letter responding to Dr. Jere Hochman's request to the Town Board for their help in supplementing police coverage at Pound Ridge Elementary School and to address Deputy Supervisor Jon Power's concern regarding the implication of an open-ended length of time for the security coverage and circulate the draft letter to all Town Board members and lacking any object, authorize Supervisor Warshauer to send the letter to Dr. Jere Hochman.

- **Recreation Department- requests approval for Playground Medic to do the playground inspection at the Town Park**

**RESOLUTION #: 64-13**

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

RESOLVED, that the Town Board hereby authorizes Playground Medic to do the annual playground equipment safety inspections in the Town Park in the amount of \$750.00.

**-requests permission for Dave Goldberg to attend the annual NYS Recreation & Parks Society conference March 17-19, 2013**

**RESOLUTION #: 65-13**

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

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RESOLVED, that the Town Board hereby authorizes David Goldberg, Recreation Supervisor, to attend the New York State Recreation and Park Society annual conference March 17<sup>th</sup> -19<sup>th</sup> in Rochester, New York. The cost for the program and accommodations is \$476.00 with a meal allowance of \$75.00 and it is budgeted in 2013.

**-request for refund deposit for Conant Hall**

**RESOLUTION #: 66-13**

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

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

Pound Ridge Democratic Committee, c/o Tara Packer, 150 Parkview Road, Pound Ridge, NY, \$400 deposit for use of Conant Hall on January 12, 2013 for a committee fund raiser;

Pound Ridge Baseball Association, c/o Dan Fraioli, 71 Old Mill River Road, Pound Ridge, NY, \$400 deposit for use of Conant Hall on February 1, 2013 for a baseball fund raiser.

- **Conservation Board – requesting authorization to pay for a Pound Ridge youth to attend NYS Dept. of Environmental Conservation Education Summer Camp.**

**RESOLUTION #: 67-13**

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

RESOLVED, that the Town Board hereby authorizes the Conservation Board to sponsor a Pound Ridge youth for attendance at the New York State Department of Environmental Conservation Education Summer Camp at a cost of \$350.00.

- **Police Department-retirement/reinstatement**

Police Officer Richard Hatfield gave a letter of resignation to Chief Ryan for purposes of retirement effective February 28, 2013. He thereafter would like to be reinstated effective March 5, 2013.

**RESOLUTION # 68 -13**

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

RESOLVED, that the Town Board hereby accepts the resignation of Police Officer Richard Hatfield effective February 28, 2013 with the reinstatement of his employment effective March 5, 2013. He will be limited to an annual income of \$30,000.

- **Building Dept. – request to purchase and outfit a new four wheel drive vehicle, total cost \$35,725.75 budgeted in 2013.**

The Building Department is requesting to purchase and outfit a new four wheel drive vehicle in the amount of \$35,725.75 on State Bid through Hoselton Automall, East Rochester, NY.

**RESOLUTION #: 69-13**

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

RESOLVED, that the Town Board hereby approves the purchase and outfitting of a new four wheel drive vehicle for the Building Department in the amount of \$35,725.75 from Hoselton Automall, East Rochester, NY. subject to getting written or fax quotes from 2 other vendors to confirm that the State Contract amount is the lowest price. This has been budgeted in 2013.

- **Town Clerk – request approval to purchase seven additional smoke detectors that had to be replaced by Attack Cat.**

The Town Board previously approved installation of 19 new smoke detectors throughout the Town House; however, there was a miscount of seven detectors. Attack Cat installed the seven additional smoke detectors and is requesting an additional payment of \$875.00.

**RESOLUTION #: 70-13**

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

RESOLVED, that the Town Board hereby authorizes the purchase of seven additional smoke detectors in the Town House in the amount of \$875.00 payable to Attack Cat.

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*\*The Town Board had asked for a proposal from Don Lehman, Attack Cat, for the purchase and installation of carbon monoxide detectors in the Town House. One receiver would cost \$300.00 and three (3) carbon monoxide detectors would cost \$300.00 each totally \$900.00. The entire cost for the system is \$1,200. The Town Board will address this at a later time and inquire about alternative ways of putting the detectors in the Town House.*

- **Highway Department- request authorization to advertise for the annual road materials/services**

**RESOLUTION #: 71-13**

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

RESOLVED, that the Town Board hereby authorizes the Town Clerk to advertise for the Highway Materials/Services bids for 2013.

- **Finance Department-request authorization to attend 2013 Annual Conference and Seminar in April**

**RESOLUTION #: 72-13**

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

RESOLVED, that the Town Board hereby authorizes Steve Conti, Director of Finance, to attend the 2013 NYS GFOA Annual Conference and Seminar in Albany, NY from April 10-12, 2013. The cost of the conference/seminar and travel expenses will not exceed \$600.00.

- **Assessor Office-request to execute Consent Judgment on reduction in Assessed Valuation for Kensho Trust**

Carole Long, Tax Assessor, gave a consent judgment for RPTL Article 7 Certiorari, Kensho Trust vs. Pound Ridge Assessor to the Town Board for their approval. A discussion was settled and agreed upon beforehand with Mr. Hugh Fyfe, Esq., Bleakley, Platt & Schmidt. It was ordered that the assessments for 2012 real property be reduced from \$400,000 to \$357,000 with a total reduction of \$43,000.

**RESOLUTION #: 73-13**

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

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RESOLVED, that the Town Board hereby gives their approval for the real property reduction from \$400,000 to \$357,000 with a total reduction of \$43,000 for assessed year 2012 on the real property assessment owned by Kensho Trust, 128 Stone Hill Road, Pound Ridge, NY 10576.

- **Proposed Fees Schedule Amendments**

**TOWN OF POUND RIDGE – 2013 FEE SCHEDULE**

**(Effective March 6, 2008)**

1. APPLICATION FEES, for filing

with: Planning Board

- a) Informal Hearing ..... \$100.00
- b) Lot Line Change ..... \$270.00
- c) Preliminary Subdivision ..... 270.00
  - for each new lot shown on preliminary plat ..... 150.00
- d) Final Subdivision Plat..... 220.00
  - for each lot shown on final plat ..... 50.00
- e) Recreation fee for each newly created building lot ..... **12,000.00**
- f) Road Inspection and Common Driveway inspection (5% of estimated construction costs or actual cost of inspection, whichever is greater)
- g) Site Plan Approval ..... 250.00

Water Control Commission

- a) Administrative Permit .....\$100.00
- b) Permit for work where this is an existing house ..... 150.00
- c) Permit for undeveloped lot ..... 225.00
- d) Permit related to a water control issue of a subdivision (wetlands crossing, water control structure or drainage) ..... 275.00
- e) Lot in a sub-division requiring wetlands permit..... 150.00

Zoning Board of Appeals

- For variance prior to construction ..... \$120.00
- For variance on violation not created by current property owner ..... 320.00
- For variance on violation caused by present owner .....520.00 - \$1.020

2. ASSESSOR'S FEES

- Tax Map ..... \$200.00

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Certain Research .....	25.00/hr.
Copies of Surveys and Tax Maps .....	5.00
Whole Tax Map Section Sheet or filed map .....	5.00
Miscellaneous copies (deeds, record cards) .....	1.00/ea.
Assessment Roll .....	1,000.00

3. BUILDING DEPARTMENT

a)	<u>New Construction (Residence/Commercial); Additions-Alternations to any Buildings and Accessory Buildings</u>	
	1st \$1,000 or fraction of cost .....	\$100.00
	Each additional \$1,000 or fraction of cost .....	10.00
b)	<u>Renewal Fee (2nd year)</u> .....	\$200.00/y
	<del>r 3rd year the fee is doubled (\$400.00) and applicant is required to apply to the Planning Board.</del>	
c)	<u>Certificate of Occupancy &amp; Compliance</u>	
	New Construction (Residential/Commercial/Additions/Alterations /Accessory Buildings	
	Each \$1,000 or fraction of cost - (\$20.00 minimum) .....	\$2.00
d)	<u>Electrical Permits</u>	
	New Construction (Residential/Commercial) .....	\$50.00
	Change of Service - Additions/Alterations .....	50.00
	Pool Bonding/Wiring .....	50.00
e)	<u>Plumbing Permits</u>	
	New Construction (Residential/Commercial) .....	\$75.00
	Plus per fixture .....	15.00
	Additions/Alterations-Accessory Building .....	50.00
	Plus per fixture .....	15.00
	Oil Tank, Gasoline & Radiant Heat.....	60.00
f)	<u>HVAC</u>	
	New Construction (Residential/Commercial) - Heating .....	\$100.00
	Additions/Alterations/Replacement of Boiler, Changeover – Heating.....	50.00
	Air Conditioning .....	50.00
	Water Heater: Oil - Gas - Electric .....	25.00
	Mechanics License .....	75.00
	License Renewal .....	50.00
	<del>Temporary License .....</del>	<del>20.00</del>
	Bond .....	5,000.00

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g) <u>Blasting Permit</u> .....	\$250.00
h) <u>Demolition Permit</u>	
1st \$1,000 of Cost .....	50.00
Each additional \$1,000 of cost .....	20.00
i) <u>Tennis Court Permit</u> .....	\$500.00
Certificate of Occupancy .....	25.00
<u>j) Swimming Pool/Hot Tub Permit</u> .....	
1st \$1,000 of Cost .....	\$100.00
Each additional \$1,000 of cost .....	10.00
Plus for heating .....	10.00
Certificate of Occupancy .....	20.00
k) <u>Miscellaneous Building Dept. Fees/Charges</u>	
Copy of Certificate of Occupancy or existing predate .....	\$5.00
Copy of Survey, plot plan.....	5.00
Dish Antenna Permit .....	50.00
Fence Permit .....	25.00
Electric Fence .....	100.00
House Moving Project .....	400.00
House Moving Performance Bond .....	10,000.00
Predate Letter .....	50.00
Tree Cutting Permit - up to 5 trees .....	25.00
Tree Cutting Permit - over 5 trees .....	100.00
Excavation Fees (as determined by the Town Board from time to time)	
Operating Permit .....	200
1) <u>Building Department Penalty Fees</u>	
Commencement of construction without required permit, double the permit fee but not less than .....	\$350.00
Commencement of plumbing work without required permit .....	350.00
Commencement of heating and/or air conditioning without required permit.....	350.00
Commencement of electrical work without required permit.....	350.00
Performing work without required license .....	500.00



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minimum	
Genealogical	11.00
Household Dumpster Days	
Car - per load .....	20.00
Station wagon or mini-van - per load .....	35.00
Pick-up truck - per load	75.00
3/4 ton truck or larger - per load .....	100.00
Land Subdivision Regulations .....	20.00
Local Laws .....	1.00
Marriage License (*Town Fees \$7.50/ State Fee \$22.50 plus	
Certificate for couple \$10.00 .....	\$40.00
Master Plan.....	20.00
Mulch (Sale of) \$12.00 per yard, \$30.00 Delivery Fee-6-Yard Minimum .....	102.00
Peddler's Permit (Annual Fee) .....	50.00
Wetlands Law .....	5.00
Zoning Map .....	5.00
Zoning Ordinance .....	30.00
Town Code.....	\$225.00

**8. MISCELLANEOUS**

Cemetery Plots One Gravesite (4 Crematory Remains) .....	\$1,000.00
Two Gravesites (8 Crematory Remains) .....	\$2,000.00
Conant Hall Rental for private parties & non-profit use .....	400.00
for exercise programs.....	25.00/session
for 2 weekend performances .....	700.00
for 3 weekend performances .....	1,000.00
Return of check for insufficient funds, lack of signature, closed account,etc.....	15.00

Building Inspector, Jim Perry, is requesting authorization to add a permit fee for the installation of a generator. He gave a sample generator checklist used in North Castle to follow. The average permit fee would be \$200.00 which includes a propane hook-up inspection fee of \$60.00, an electrical permit fee of \$50.00 and the application fee of \$100.00. Jim Perry is also looking to add a re-roofing permit fee of \$100.00.

**RESOLUTION #: 74 -13**

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

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passing 4-1 on the following:

RESOLVED, that the Town Board hereby adopts the amendments made to the Fee Schedule for 2013 as presented. The entire Fee Schedule is attached to the minutes with the increases highlighted. The additional fees are for the installation of a generator including a propane hook-up inspection fee of \$60.00, an electrical permit fee of \$50.00 and the application fee of \$100.00. Another additional fee is a re-roofing permit fee of \$100.00.

**FINANCIAL MATTERS:**

- **2012 Year End Encumbrances and balances transfers**

**RESOLUTION #: 75-13**

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

RESOLVED, that the Town Board hereby accepts and authorizes the appropriate budget transfers and encumbrances in the General and Highway Funds for 2012 per memo by Steve Conti, Director of Finance, dated February 14, 2013. The list of transfers and encumbrances is attached to the minutes.

- **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 #: 76-13**

**Board Action:** Motion by Councilman Falco, seconded by Councilman Paschkes, motion carried 4-0 with Councilwoman Boak abstaining on the following:

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:

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<b>GENERAL FUND</b>	<b>G</b>		<b>\$ 246,997.28</b>
<b>HIGHWAY FUND</b>	<b>D</b>		<b>\$ 37,189.89</b>
<b>PARKING DISTRICT</b>	<b>ST</b>		<b>\$ 278.16</b>
<b>TRUST AND AGENCY</b>	<b>T</b>		<b>\$ 223,799.15</b>
<b>CAPITAL</b>	<b>H</b>		<b>\$ 0</b>

**ADJOURNMENT:** There being no further business to come before the Board, Supervisor Warshauer adjourned the regular meeting at 9:45 p.m.

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