

MINUTES OF THE MAY 7, 2024 MEETING OF THE TOWN BOARD OF THE TOWN OF POUND RIDGE HELD AT 179 WESTCHESTER AVENUE, POUND RIDGE, NEW YORK, AND VIA ZOOM VIDEOCONFERENCE, COMMENCING AT 7:30 PM

PRESENT: SUPERVISOR KEVIN HANSAN
DEPUTY SUPERVISOR/COUNCILPERSON DIANE BRIGGS
COUNCILPERSON DANIEL PASCHKES

ALSO

PRESENT: TOWN ATTORNEY WILLIAM HARRINGTON
TOWN CLERK ERIN TROSTLE

NOT

PRESENT: COUNCILPERSON ALISON BOAK
COUNCILPERSON NAMASHA SCHELLING

I. CALL TO ORDER OF REGULAR MEETING: Supervisor Hansan called the meeting to order at 7:34 pm.

II. EXECUTIVE SESSION

There is an executive session scheduled for 6:30 pm on Tuesday, May 21, 2024.

III. ANNOUNCEMENTS

- Please be aware that the commercial use of gas-powered leaf blowers is prohibited between May 15 and October 15. Fines for violations may be imposed on homeowners as well as landscapers.
- The Garden Club is hosting a Mother's Day plant sale at the Green on May 9, 10, and 11 from 9:00 am to 4:00 pm each day.
- The Pound Ridge Land Conservancy will host a birding hike from 11:00 am to 12:00 noon on Saturday, May 11, at the Clark Preserve.
- The Pound Ridge Historical Society will hold its annual meeting on Saturday, May 11, at 1:00 pm in Conant Hall.
- There's still time to join the Pound Ridge Business Association's Town-Wide Tag Sale, which is scheduled for May 17, 18, and 19. The signup deadline is May 10.
- Food Truck Friday is back for the season, starting this Friday, May 17, from 5:00 pm to 9:00 pm.

IV. MINUTES

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Paschkes, all voting aye, to approve the minutes of the April 9, 2024 and April 16, 2024 Town Board meetings.

V. PUBLIC COMMENT

John McCown, of 25 Miller Road, stated that more information about TEP should be made available to residents before any other capital projects are undertaken.

Nick Cianciola, Sr., 29 of Autumn Ridge Road, said he was interested in knowing more about town regulations on smoking.

James Best, of 8 Fox Hill Road, asked that members of the public state their names and addresses before commenting.

Jay Kolinsky, of 103 Old Stone Hill Road, stated that most residents may oppose any expenditures related to wastewater and that a referendum is needed.

Richard Schlesinger, of 14 West Lane, said he would like to know whom a wastewater project would benefit and who would pay for it.

Melinda Avellino, of 38 Pine Drive, said she wanted to comment on smoking regulations but would wait to do so until the cannabis discussion.

VI. NEW BUSINESS

A. Town Attorney – Cannabis update

Town Attorney William Harrington read a draft resolution approving the submission of legislation at the state level that would reinstate the period for the Town of Pound Ridge to adopt a local cannabis opt-out law.

RESOLUTION 115-24

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Briggs, all voting aye on the following:

WHEREAS, on February 6, 2024, the Town Board of the Town of Pound Ridge unanimously passed Resolution 32-24 supporting and approving a request that the New York State Legislature pass a law whereby the time for the Town of Pound Ridge to adopt a local cannabis opt-out law shall be reinstated for a nine-month period commencing on the effective date of such law; AND

WHEREAS legislation has been drafted for submission to the New York State Senate by Senator Shelley B. Mayer, identified as Senate Bill S9148, reinstating

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 7, 2024

the period for the Town of Pound Ridge to adopt a local cannabis opt-out law for a nine-month period commencing on the effective date of such law; AND

WHEREAS legislation has been drafted for submission to the New York State Assembly by Assembly Member Chris Burdick, identified as Assembly Bill A10091, that is identical to the provisions of Senate Bill S9148; NOW, THEREFORE, BE IT

RESOLVED that the Town of Pound Ridge hereby supports and approves the submission of Senate Bill S9148 and Assembly Bill A10091, whereby the time for the Town of Pound Ridge to adopt the aforesaid local cannabis opt-out law shall be reinstated for a nine-month period commencing on the effective date of such law; AND BE IT FURTHER

RESOLVED that the Town Supervisor and the Town Clerk are hereby authorized to execute and transmit all documents that may be necessary to effectuate the law whereby the time for the Town of Pound Ridge to adopt the aforesaid local cannabis opt-out law shall be reinstated for a nine-month period commencing on the effective date of such law.

Town Attorney Harrington also provided an update on the lawsuit filed by the operator of the dispensary at 32 Westchester Avenue, which challenges the moratorium on commercial development in the business district and alleges that the county planning board was not properly notified. He said that the board should consider a resolution to extend the moratorium. That would require a public hearing.

There will also be public hearings on modifications to the zoning code to regulate the time, place, and manner of cannabis retail business activity. At the same time, the Town Board may consider an ordinance to prohibit smoking of any kind in publicly maintained places, such as parks, the Village Green, and the bike path.

Supervisor Hansan noted that in the three years since legalization, there have been no complaints to the Police Department about public cannabis use.

Melinda Avellino, of Pine Drive, reported that while walking her dog on May 2, 2024, at approximately 5:00 pm, she observed a cyclist who was taking a break sitting on a bench by Hedgerow smoking cannabis. Ms. Avellino asked that the Town Board consider adopting a prohibition on smoking of any kind, including vaping, in public places, as well as a ban on open containers of alcohol in public places.

Mr. Cianciola suggested that the Town of Rye's law on smoking be used as a model.

John Nathan, of 155 Upper Shad Road, asked that the town file a home rule request in conjunction with the foregoing resolution in support of state legislation.

B. Water Wastewater Task Force – SEQRA lead agency for Scotts Corners drinking water improvements

Don Rhodes, of Laberge Group, described proposed improvements for providing potable water to Scotts Corners, which would entail running a water main to connect with an existing water system and purchasing water from Aquarion. To proceed with those improvements, the Town Board would need to create a water district. Property owners in the district who would benefit from the improvements would be the ones who would pay for them.

Next steps would be for the Town Board to evaluate the environmental impacts of the project and to call for a public hearing on the formation of a water district.

Councilperson Paschkes asked what costs would have to be expended before the beneficiaries of the district would take over costs. Mr. Rhodes said that budgeted funds in the amount of \$95,000 would be sufficient to establish the district and that those costs would ultimately be borne by the district only, not sourced from the General Fund. If for some reason the district is not formed, there would be no cost to the town in excess of the budgeted amount.

Supervisor Hansan described the four possible responses to problematic levels of PFAS identified in water samples taken in Scotts Corners:

1. No action
2. Connection to Aquarion water system
3. Construction of a new water treatment facility
4. Installation of individual point-of-entry (POET) systems

He noted that POET systems for commercial properties are much more expensive than those for residential uses. Option 2 is the recommended solution. With 70% grant funding, which is what is being sought, the cost to the property owners in the district would be approximately \$3 million.

Water Wastewater Task Force member Ellen Ivens, of 173 Salem Road, who is also an environmental consultant, described drawbacks of individual POET systems and advantages of a centrally monitored treatment system.

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 7, 2024

Ellen Kearns, of 125 Brook Farm Road East, said that having only two data points seems inadequate to justify moving forward.

John McCown, of 25 Miller Road, asked why the projected cost of the project is so high, why other configurations for the water line had not been considered, and why the town would take on problems that individual property owners can solve themselves.

Councilperson Paschkes questioned the need for the Town Board to declare its intent to become SEQRA lead agency for the project before actually approving the project. Mr. Rhodes said that moving forward with environmental review is necessary in order to apply for grant funds. He went on to explain that the required environmental review process is actually fairly simple.

Norman Bernstein, of 2 Pheasant Road, expressed concern that introducing new water to Scotts Corners would overwhelm existing septic systems, forcing the creation of a wastewater system. He stated that the costs and environmental risks of a water system cannot be evaluated in isolation from the costs and environmental risks of a wastewater system. He asked that the matter of intent to declare SEQRA lead agency status be tabled pending multiple public hearings.

Councilperson Paschkes said that the questions Mr. Bernstein raised, while valid and deserving of consideration, should not preclude the Town Board from declaring its intent to establish itself as lead agency.

Ms. Kearns explained that well water comes from an aquifer, which is separate from and much deeper than the groundwater supply where water from septic systems goes.

Steven Kushner, of Upper Shad Road, expressed skepticism that the required environmental review could be completed in time for a grant application. Mr. Rhodes explained that the review would not need to be complete before an application is filed.

Mr. Kushner expressed concern that the project would end up being paid for out of the General Fund. Mr. Rhodes cited state law that would require that the project be paid for by property owners within the district.

Ms. Avellino asked whether withdrawing from the grant process would have negative consequences. Mr. Rhodes said that the only negative consequence would be not receiving grant funds.

RESOLUTION 116-24

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Briggs, all voting aye on the following:

WHEREAS the Westchester County Department of Health (WCDOH) has detected contamination in Scotts Corners drinking water wells from per- and polyfluoroalkyl substances (PFAS), commonly referred to as “forever chemicals,” with levels greater than New York State Standards for two common PFAS compound, perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS); AND

WHEREAS the Town of Pound Ridge proposes to create a water district and install drinking water infrastructure to provide safe drinking water to an area within Scotts Corners that is known to be contaminated by PFAS and other contaminants; AND

WHEREAS drinking water infrastructure generally includes a connection to the Aquarion water supply system located on High Ridge Road and extending along Upper Shad Road and Westchester Avenue to Scotts Corners; AND

WHEREAS the proposed action is an unlisted action pursuant to 6NYCRR 617.4, and coordinated review is required; AND

WHEREAS the Pound Ridge Town Board is fully prepared to conduct the environmental review required by the Stat Environmental Quality Review Act (SEQRA) and desires to serve as SEQRA Lead Agency for this purpose; AND

WHEREAS Part 1 of an Environmental Assessment Form has been prepared for the purposes of coordinating lead agency status; NOW, THEREFORE, BE IT

RESOLVED that, pursuant to 6 NYCRR 617.6, the Town Board of the Town of Pound Ridge hereby authorizes the Laberge Group, the town’s SEQRA consultant, to distribute lead agency coordination materials seeking lead agency status for the Town Board to involved and interested agencies.

C. Highway Department – Approval for equipment purchases

RESOLUTION 117-24

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Paschkes, all voting aye on the following:

RESOLVED, that the Town Board hereby approves the purchase of spreader body screens at a cost of \$3,214.86 and a dump body piston at a cost not to exceed

\$6,000.00, with both purchases to be funded from budget line 5142.0400; AND BE IT FURTHER

RESOLVED, that the town board hereby authorizes the rental of a sweeper at a cost of \$9,317, to be funded from budget line 5130.0201.

D. Civil Service – Promotion of Melissa Farella

RESOLUTION 118-24

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Briggs, all voting aye on the following:

RESOLVED, that the Town Board hereby promotes Melissa Farella to the title of Recreation Leader effective April 19, 2024.

E. Receiver of Taxes

1. Authorization to attend NYSATRC seminar

RESOLUTION 119-24

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Briggs, all voting aye on the following:

RESOLVED, that the Town Board hereby approves the request by the Receiver of Taxes to attend the New York State Association of Tax Receivers 2024 Training Seminar in Lake George, NY, at a cost not to exceed \$1,200.00.

2. Refund of overpayment

RESOLUTION 120-24

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Briggs, all voting aye on the following:

RESOLVED, that the Town Board hereby approves the refund of an overpayment of the 2024 town/county bill for the parcel known as Block 9820, Lot 32, in the amount of \$1,671.86 to JWOLF Home LLC, of 4515 Greystone Avenue, Bronx, NY 10471.

F. Town Clerk

1. Request to amend Highway bid awards

RESOLUTION 121-24

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Briggs, all voting aye on the following:

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 7, 2024

RESOLVED, that the Town Board hereby amends the 2024-25 Highway materials bids as follows:

<u>Item</u>	<u>Vendor</u>	<u>Price</u>
Four-yard single-stream Container with weekly pickup	Win Industries (City Carting)	\$135.00/month
Road sand (delivered)	Red Wing	\$30.00/ton

2. Budget transfer request

RESOLUTION 122-24

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Paschkes, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes a transfer in the amount of \$5,000.00 from contingency to budget line 1410.0401 (legal ads).

3. Request to Approve Special Use Permit for Hedgerow

RESOLUTION 123-24

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Paschkes, all voting aye on the following:

RESOLVED, that the Town Board hereby approves a Special Use Permit for outdoor retail sales at 65 Westchester Avenue for Hedgerow.

4. Request to Amend Special Use Permit for the Inn at Pound Ridge

The Town Board tabled the matter and directed the Town Clerk to notify owners of neighboring properties of the Inn's request.

5. Special Event Permit for "Summer Sundays" concert series

RESOLUTION 124-24

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Briggs, all voting aye on the following:

RESOLVED, that the Town Board hereby grants a Special Event Permit to the Pound Ridge Partnership for a "Summer Sundays" concert series, with concerts scheduled for June 16 and 30, July 28, and August 25, 2024.

6. Special Event Permit for Juneteenth concert

RESOLUTION 125-24

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Briggs, all voting aye on the following:

RESOLVED, that the Town Board hereby grants the Pound Ridge Partnership and the Human Rights Advisory Committee a Special Event Permit for a Juneteenth Concert to be held on the Village Green on Wednesday, June 19, 2024, from 7:00 to 8:30 pm.

7. Special Event Permit for library programs

RESOLUTION 126-24

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Paschkes, all voting aye on the following:

RESOLVED, that the Town Board hereby grants a Special Event Permit to the Pound Ridge Library for children's programs to be held at the Village Green on Thursday afternoons between July 18 and August 29, 2024.

8. Special Event Permit for Trivia Night

RESOLUTION 127-24

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Paschkes, all voting aye on the following:

RESOLVED, that the Town Board hereby grants a Special Event Permit for Trivia Night, to be held at the Village Green, on Saturday, June 1, 2024.

9. Special Event Permit for RPS award ceremony

RESOLUTION 128-24

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Paschkes, all voting aye on the following:

RESOLVED, that the Town Board hereby grants a Special Event Permit for a Rewarding Potential Scholarship award ceremony at the Village Green from 4:30 pm to 6:00 pm on June 23, 2024.

10. Special Event Permit for Summer Solstice Yoga

RESOLUTION 129-24

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Paschkes, all voting aye on the following:

RESOLVED, that the Town Board hereby grants a Special Event Permit for the Recreation Department's Summer Solstice Yoga class, to be held at the Village Green on June 20, 2024.

11. Permission for Scotts Corners butterfly contest

RESOLUTION 130-24

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Paschkes, all voting aye on the following:

RESOLVED, that the Town Board hereby approves the request by the Pound Ridge Business Association (PRBA) and the Recreation Department to hold a butterfly contest in the business district, with the PRBA to pay the Maintenance staff to hang the butterflies on light posts.

12. ASPIRE internship project

RESOLUTION 131-24

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Briggs, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes the Town Clerk to have a Fox Lane High School student to conduct a survey of the cemetery to fulfill the requirements of the ASPIRE program.

G. Water Control Commission – Bond release

RESOLUTION 132-24

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Paschkes, all voting aye on the following:

RESOLVED, that the Town Board hereby approves the release of Water Control Commission Bond 2000-42, in the amount of \$4,000.00 to Anibal Mistorni, of 57 Eastwoods Road, Pound Ridge.

H. Town Board – Authorize RFQ for Phase 1A Archaeological Study

RESOLUTION 133-24

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 7, 2024

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Paschkes, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes the release of a Request for Quotes for a Phase 1A Archaeological Survey at 199 Westchester Avenue.

VII. PUBLIC COMMENT

Jay Kolinsky, of 103 Old Stone Hill Road, stated that filters can be installed that effectively remove PFAS from residential water.

VIII. FINANCIAL MATTERS

RESOLUTION 134-24

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Briggs, all in favor, on the following:

RESOLVED, that the Town Board hereby authorizes the Supervisor to pay the following claims as detailed in Abstract 08-2024:

Fund	Claim Numbers	Total Amount
General Fund	A00402–A00496	\$91,005.04
Highway Fund	D00088–D000104	\$13,482.40
Trusts & Agency	AT00022–AT00023	\$9,867.50
Capital Projects	H00001	\$6,425.00

IX. ADJOURNMENT: There being no further business to come before the Board, Supervisor Hansan adjourned the meeting at 9:57 pm.

X. RECONVENE AS PARKING DISTRICT COMMISSION: Supervisor Hansan called the meeting to order at 9:57 pm.

XI. ADJOURNMENT: There being no business to come before the Board, Supervisor Hansan adjourned the meeting at 9:57 pm.

Page 12

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 7, 2024

Erin Trostle, Town Clerk
Dated at Pound Ridge, New York
May 28, 2024