

MINUTES OF THE MAY 21, 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 ALISON BOAK
COUNCILPERSON DANIEL PASCHKES
COUNCILPERSON NAMASHA SCHELLING

ALSO

PRESENT: DEPUTY TOWN ATTORNEY JOHN LOVELESS
TOWN CLERK ERIN TROSTLE

NOT

PRESENT: TOWN ATTORNEY WILLIAM HARRINGTON

I. CALL TO ORDER OF REGULAR MEETING: Supervisor Hansan called the meeting to order at 7:40 pm.

II. EXECUTIVE SESSION

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Paschkes, all voting aye to call for an executive session at 6:30 pm on Tuesday, June 4, 2024.

III. ANNOUNCEMENTS

- The town's annual Memorial Day observance is scheduled to begin at noon on Monday, May 27.
- The pools at the Town Park, which have been refurbished with new liners, will open this weekend. All residents, including those who have not purchased pool memberships, may enjoy the pools for free from 11:00 am to 7:00 pm.
- Registration for the third annual Color Run, sponsored by the Human Rights Advisory Committee and the Pound Ridge partnership, is now open.
- In observance of Memorial Day, the Recycling Center will be closed on Saturday, May 25, and the Town House will be closed on Monday, May 27.
- A new local newspaper, The Recorder, will be available in an online format soon.

IV. PUBLIC COMMENT

No members of the public offered comments.

V. NEW BUSINESS

A. Water Wastewater Task Force

1. Board comment and public comment on Environmental Assessment Form

Supervisor Hansan reviewed the Environmental Assessment Form (EAF) for proposed Scotts Corners drinking water improvements line by line. Councilperson Paschkes noted that Item B on page 2 should name the Water Control Commission and the Parking District in addition to the Planning Board and the Zoning Board of Appeals. Councilperson Boak pointed out that Item C.4.c. on page 3 should include the Pound Ridge Volunteer Ambulance Corps (PRVAC).

In response to a question from Councilperson Paschkes, Donald Rhodes, of Laberge Group, explained that it is not necessary to have a negative declaration on the EAF before applying for grant funding.

Councilperson Paschkes pointed out that item D.2.b.ii. on page 5 should refer to a 150-foot buffer, not a 100-foot buffer. Supervisor Hansan noted that the hours for construction specified in item D.2.l.i. on page 7 would normally be for weekdays only. He also pointed out that item E.1.d.i. on page 10 should name A-Home.

Supervisor Hansan invited property owners from the business district to comment. Mark Gjelaj, owner of the Barnwell Center, asked whether plans for water district improvements would include sleeves or conduits for future wastewater improvements. Mr. Rhodes said that that would be something to consider in the design phase of the project.

Supervisor Hansan then invited comments from those outside the proposed district. Norman Bernstein, of 2 Pheasant Road, stated that the project description is incorrect if the construction of a water system would necessitate construction of a wastewater system.

John McCown, of 25 Miller Road, expressed concern that project cost estimates may not adequately account for depreciation or interest and that estimated operating costs seem low.

Ellen Ivens, of 173 Salem Road, stated that the fact that PFAS levels may be near but not above current limits does not mean there isn't a problem.

Sally Semonite, of 96 Eastwoods Road, asked whether the EAF should include information about spills other than the one at the old Shell station in item E.h. on page 10, and board members agreed that this information should be added.

Alex Goldfarb, of 21 Patterson Road, expressed concerns that the project seems rushed and that the existing businesses would be unable to bear the costs.

Calli Hayes, of 4 Brook Farm Circle, asked why it is necessary to create a district given that PFAS has been in our water for many years and also what will be done for property owners outside the district.

Richard Mendes, of 30 Peters Lane, stated that whereas there have been issues with wastewater in the business district since the 1970s, the dangers of PFAS have only recently been recognized.

Steven Kushner, of 140 Upper Shad Road, echoed comments by Mr. Goldfarb and Ms. Hayes and said he believes the town is rushing toward a large financial commitment.

James Best, of 8 Fox Hill Road, explained that the Water Wastewater Task Force has been working on the issue for eight years and has created a workable plan for drinking water and that work on this project needs to proceed.

Alex Mouravskiy, of 8 Upper Shad Road, pointed out that continuing to kick the can down the road means costs will increase. As a relatively young resident who hopes to spend many years in town, he said he would like to make sure his children have clean drinking water.

Richard Schlesinger, of 14 West Lane, questioned the relevance of the costs identified in the 2019 study.

Jane Salvi, representing DiNardo's Restaurant, said she has been dealing with challenges related to this issue for a very long time. Ms. Salvi said the financial burden is significant and that DiNardo's may not be able to continue to operate unless the drinking water project moves forward. Similarly, Mr. Gjelaj said that his expenses related to maintenance and engineering costs related to health department demands have quadrupled in the last three years. Mr. Gjelaj also emphasized that PFAS is a significant public health problem that must be solved.

Ron Asaro, of 253 Westchester Avenue, expressed concern that increased costs for property owners in the business district might be passed along to renters.

2. Call for public hearing

RESOLUTION 135-24

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

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 21, 2024

WHEREAS the Town Board of the Town of Pound Ridge, Westchester County, New York (the "Town") has duly caused to be prepared a map showing the boundaries of a proposed water district in said Town, to be known as the Scotts Corners Water District (the "District"), a general plan to serve said District, and a report of the proposed method of operation thereof, for the purpose of analyzing the feasibility of the formation of the District; AND

WHEREAS said map, plan, and report, entitled "Scotts Corners Water District Map, Plan, and Report" and dated May 15, 2024 (the "Report"), was prepared by Laberge Group, competent engineers duly licensed by the State of New York, was filed with the Town Clerk of said Town, and is available for public inspection during regular business hours; AND

WHEREAS the proposed District will contain approximately 39 parcels; AND

WHEREAS the boundaries of the proposed District shall be as described in Exhibit A attached hereto and hereby incorporated herein; AND

WHEREAS the improvements proposed for said District to connect to the water supply owned and operated by the Aquarion Water Company (described as Alternative no. 1 in the Report), consist of the acquisition and construction of a water main, valves, meter pit, hydrants, a treatment building and original equipment, machinery, apparatus, appurtenances, service lateral connections from the water main to the property or easement line, and incidental improvements and expenses in connection therewith, all as more fully described in the Report; AND

WHEREAS the estimated maximum cost of said improvements is \$11,129,000; AND

WHEREAS the District plans to apply for (i) a Water Infrastructure Improvement (WIIA) grant from the New York State Environmental Facilities Corporation ("EFC") and (ii) low-interest financing from EFC through its Drinking Water State Revolving Fund (DWSRF) program; AND

WHEREAS it is the intention of the Town to make the establishment of the District contingent upon the award of a WIIA grant and financing assistance from EFC; AND

WHEREAS the proposed plan of financing (described as Scenario 3 in the Report) includes (i) a WIIA grant for approximately 70% of the estimated maximum cost and (ii) the issuance of up to \$3,340,000 of bonds and/or notes of said Town to be financed through EFC's DWSRF, assumed at an interest rate of 3% for a period of 30 years; AND

WHEREAS the costs of the proposed District will be apportioned based upon the equivalent dwelling unit (EDU) of each property in the proposed District, with each parcel being assigned an EDU as set forth in Appendix I of the Report, wherein a single-family home is assigned an EDU of 1 and the commercial properties in the District have EDUs ranging from 1 to 50; AND

WHEREAS, assuming the District receives the grants and financing from EFC as described above, the annual user cost per EDU is approximately \$856.00, which comprises a debt service cost of \$590.00 and an operation and maintenance cost of \$266.00, assuming the property does not exceed its designated EDU usage; AND

WHEREAS, assuming the District receives the grants and financing from EFC as described above, the expected average annual cost to the typical property (as such term is defined in Article 12-A of the Town Law) in the proposed District will be approximately \$2,568.00 (for a commercial property with an EDU of 3) and the annual cost to the typical one-family home in the proposed District will be approximately \$856.00 in the first year in which operation maintenance, and other charges and expenses are to be paid by said properties, as described in Section VIII of the Report; AND

WHEREAS, there is no proposed hook-up fee imposed by the District, but each property owner will be responsible for the one-time cost associated with the installation of and connection to the water lateral that will be constructed by the project and for the installation of the Town-supplied water meter and setter, which cost will depend on the actual length of the service line and the complexity of installation; AND

WHEREAS it is now desired to call a public hearing upon the question of the establishment of said District and the improvements proposed therefor, all pursuant to Section 209-d of the Town Law; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Pound Ridge, Westchester County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Pound Ridge, Westchester County, New York, will be held at the Town House, 179 Westchester Avenue, in said Town, on June 11, 2024, at 7:30 pm Eastern Time for the purpose of holding a public hearing to consider the establishment of a water district in said Town as described in the preambles hereof, to be known as the Scotts Corners Water District, and the improvements proposed therefor, and to consider the map, plan, and report filed in relation thereto, and to hear all persons interested in the subject

matter thereof concerning the same, and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of this order to be published once in the official newspaper(s) of said Town, the first publication thereof to be not less than ten nor more than twenty days before the day set herein for the hearing as aforesaid, and said Town Clerk shall also cause a copy thereof to be posted on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law and on the website of the Town not less than ten nor more than twenty days before the day set for the hearing as aforesaid.

Section 3. This order shall take effect immediately.

3. Presentation by Norton Rose Fulbright regarding water district formation

Attorney Uyen Poh, of Norton Rose Fulbright, described the steps necessary for the formation of the proposed water district. There will be a public hearing on district formation on June 11, 2024, and a subsequent public hearing on SEQRA. The Town Board would then determine whether it is in the public interest to establish the district, and if so, would do so by resolution, which would be subject to permissive referendum. At the same time, the Town Board could also pass a bond resolution, which would be contingent upon receiving grant funding, as well as approval of district formation by the Office of the State Comptroller.

4. Review RFQ responses

RESOLUTION 136-24

Board Action: Motion by Councilperson Boak, seconded by Councilperson Schelling, all voting aye on the following:

RESOLVED, that the Town Board hereby authorizes the hiring of Laberge Group to provide professional services as described in the Request for Qualifications issued on April 19, 2024.

B. Town Board – Paid parental leave

The matter was tabled and will be revisited at a future meeting.

C. Finance – Request to approve camp/park WiFi expenses

RESOLUTION 137-24

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

RESOLVED that the Town Board hereby approves the expenditure of \$2,000.00 for Apex Technology Services to reconfigure of the camp/park Wifi system.

D. Town Clerk – Request to amend special use permit for Inn at Pound Ridge

Virginia Powers, of 266 Westchester Avenue, which is immediately adjacent to the Inn, expressed strong objection to a permit amendment that would allow outdoor dining.

Joseph Gunset, of 146 Upper Shad Road, suggested perhaps allowing only a first seating outdoors as a concession to neighbors.

Evan Shumeyko, of 19 Pound Ridge Road, said that he doesn't hear noise from the Inn at his home.

Ron Asaro, of 253 Westchester Avenue, said that he has not experienced noise issues at his home.

RESOLUTION 138-24

Board Action: Motion by Councilperson Boak, seconded by Supervisor Hansan, all voting aye on the following:

RESOLVED that the Town Board hereby amends the Special Use Permit for the Inn at Pound Ridge to allow outdoor dining on a temporary basis, through September 30, 2024, with the following conditions:

- Hours for outdoor dining will be 12:00 noon to 9:30 pm on Saturday and Sunday, and 5:00 pm to 9:30 pm Wednesday through Friday.
- No more than eight tables with a total of thirty seats would be placed on the existing outdoor patio.
- No tables will be placed in the grass.
- The total number of tables and seats will remain unchanged; the number of indoor tables and seats will decrease in accordance with the number of tables and seats placed on the outdoor patio.
- The only activities on the patio would be seated outdoor dining.
- There will be no receptions.

- There will be no outdoor bar.
- There will be no music.

E. Recreation Department

1. Request to approve youth soccer pro stipend

RESOLUTION 139-24

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

RESOLVED that the Town Board hereby approves an annual stipend of \$7,000.00 for the Youth Soccer Pro.

2. Request to approve volunteer proclamations

RESOLUTION 140-24

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

RESOLVED that the Town Board hereby approves proclamations of appreciation for the following Friends of Felice honorees:

- Nadine and Ian Ashby
- Vickie Dey
- James M. Dodge III
- Stacy French
- Sally Semonite Green
- Barbara K. Kanner
- The Puccio Family
- Natasha Seery

AND BE IT FURTHER RESOLVED that the Town Board hereby approves proclamations of appreciation for the following recreation volunteer awardees:

- Greg Ackner
- John Bush
- The Dür Family
- Darryl Shazier

3. Request to approve purchase of wood fiber

RESOLUTION 141-24

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

RESOLVED that the Town Board hereby approves the expenditure of \$3,605 for the purchase of wood fiber from Playground Medic for the playground at the Town Park.

F. Energy Action Committee – Appointment of Jamie Perna, Nicole Shaffer, and Sebastian Villaveces

RESOLUTION 143-24

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

RESOLVED that the Town Board hereby appoints Jamie Perna, Nicole Shaffer, and Sebastian Villaveces as members of the Energy Action Committee through 2025.

G. Planning Board – Appointment of Kelly MacMillan

RESOLUTION 142-24

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

RESOLVED that the Town Board hereby ratifies the decision made in executive session to appoint Kelly MacMillan as a member of the Planning Board, to serve the remainder of a term that runs through 2026.

H. Water Wastewater Task Force – Appointment of Kelly MacMillan

RESOLUTION 143-24

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

RESOLVED that the Town Board hereby ratifies the decision made in executive session to appoint Kelly MacMillan as a member of the Water Wastewater Task Force for a one-year term.

VI. PUBLIC COMMENT

Richard Schlesinger, of 14 West Lane, expressed concern about the financial impact of water district creation on renters in the proposed district.

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Nicholas Cianciola Sr., of 29 Autumn Ridge Road, objected to the Water Wastewater Task Force appointment, arguing that someone with a more contrarian viewpoint should have been selected.

John Nathan, of 155 Upper Shad Road, pointed out that the moratorium on development in the business district will soon expire.

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Schelling, all voting aye, to call for a public hearing to be held at the Town House at 7:30 pm on June 4, 2024, to consider a six-month extension of the moratorium on development in the business district.

VII. FINANCIAL MATTERS

RESOLUTION 144-24

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Briggs, the motion passing 4-0 with Councilperson Schelling abstaining, on the following:

RESOLVED, that the Town Board hereby authorizes the Supervisor to pay the following claims as detailed in Abstract 09-2024:

Fund	Claim Numbers	Total Amount
General Fund	A00497–A00585	\$111,635.01
Highway Fund	D00105–D000127	\$36,494.63
Trusts & Agency	AT00024–AT00026	\$12,742.50

AND BE IT FURTHER RESOLVED, that the following advance-of-audit claims listed in Abstract 09-2024 is hereby allowed:

Fund	Claim Numbers	Total Amount
General Fund	A00586–A00591	\$3,660.36
Highway Fund	D00128	\$1,238.10

VIII. ADJOURNMENT: There being no further business to come before the Board, Supervisor Hansan adjourned the meeting at 10: 33 pm.

IX. RECONVENE AS PARKING DISTRICT COMMISSION: Supervisor Hansan called the meeting to order at 10:33 pm.

RESOLUTION 145-24

Board Action: Motion by Councilperson Boak, seconded by Councilperson Paschkes, the motion passing 4-0 with Councilperson Schelling abstaining, on the following:

RESOLVED, that the Town Board hereby authorizes the Supervisor to pay the following claims as detailed in Abstract 09-2024:

Fund	Claim Numbers	Total Amount
Parking District	ST00011–ST00012	\$1,625.06

AND BE IT FURTHER RESOLVED, that the following advance-of-audit claim listed in Abstract 09-2024 is hereby allowed:

Fund	Claim Numbers	Total Amount
Parking District	ST00013–ST00014	\$447.50

- X. **ADJOURNMENT:** There being no further business to come before the Board, Supervisor Hansan adjourned the meeting at 10: 33 pm.

Erin Trostle, Town Clerk
Dated at Pound Ridge, New York
May 30, 2024