

**MINUTES OF THE JUNE 4, 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: DEPUTY SUPERVISOR/COUNCILPERSON DIANE BRIGGS  
COUNCILPERSON ALISON BOAK  
COUNCILPERSON DANIEL PASCHKES  
COUNCILPERSON NAMASHA SCHELLING

ALSO

PRESENT: TOWN ATTORNEY WILLIAM HARRINGTON  
TOWN CLERK ERIN TROSTLE

NOT

PRESENT: SUPERVISOR KEVIN HANSAN

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

**II. ANNOUNCEMENTS**

- Sunday's Color Run, jointly sponsored by the Human Rights Advisory Committee and the Pound Ridge Partnership, was a great success, with over three hundred participants.
- The Recreation Department and Neighbor to Neighbor hosted a volunteer recognition dinner Sunday night at Conant Hall.
- The Pound Ridge Business Association's Sidewalk Sale is coming up June 7-9, from 10:00 am to 4:00 pm each day.
- The Pound Ridge Land Conservancy is hosting a hands-on children's event at the Halle Ravine from 12:00 noon to 2:00 pm on Saturday, June 8.
- Pound Ridge Proud Days continue on Sunday, June 9 from 10:30 am to 12:30 pm, with beautification in the business district and at Pound Ridge Elementary School.
- Please save the date for the Senior Barbecue, to be held at the Market Square starting at 11:30 am on Thursday, June 13.
- The Pound Ridge Bakeoff will be held Saturday, June 15, at the Village Green.
- The Pound Ridge Partnership is sponsoring a Father's Day concert at the Village Green on Sunday, June 16, from 11:00 am to 12:00 noon.

**III. EXECUTIVE SESSION**

**Board Action:** Motion by Councilperson Paschkes, seconded by Councilperson Boak, all voting aye to call for an executive session at 6:00 pm on Tuesday, June 11, 2024.

**IV. MINUTES**

**Board Action:** Motion by Councilperson Paschkes, seconded by Councilperson Boak, all voting aye to approve the minutes of the May 7, 2024 and May 21, 2024 meetings.

## V. PUBLIC COMMENT

Resident John McCown, of 25 Miller Road, said that he had made comments to the board regarding the minutes. He alleged that there were discrepancies between audited financial statements and online information and expressed frustration that the 2022 audit is not yet complete.

## VI. NEW BUSINESS

### A. Town Board – Appointment of John Reynolds

#### RESOLUTION 146-24

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

RESOLVED that the Town Board hereby ratifies the decision made in executive session to appoint John Reynolds as a part-time Police Officer effective immediately.

### B. Water Wastewater Task Force – Request to authorize Supervisor to apply for and receive 2024 Water Infrastructure Improvement Act (WIIA) grant funding

Resident Norman Bernstein, of 2 Pheasant Road, expressed opposition to the creation of a water system in Scotts Corners and asked that the Town Board not pass the proposed resolution concerning grant funding.

Councilperson Boak asked Town Attorney Harrington if he had any reservations about the proposed resolution, and he replied that he did not.

Councilperson Paschkes asked when a SEQRA determination would be made and whether that would happen before submission of the grant application.

Resident Steven Kushner, of 98 Upper Shad Road, said he would like to understand what commitments the town would make by receiving grant funds and asked that the resolution be modified to eliminate the phrase “and receive.” Town Attorney Harrington said that he believed the language could not be modified. He also said that the town is making no commitments to the state by applying for grant funds. Any requirements associated with a grant award would be discussed before a vote on whether to accept the funds.

Resident Nick Cianciola Sr., of 29 Autumn Ridge Road, asked if the town can apply for grant funds if it has unaudited financials. Town Attorney Harrington responded that it can.

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TOWN OF POUND RIDGE  
POUND RIDGE, NY  
June 4, 2024

Councilperson Paschkes asked why the resolution language doesn't refer to the water district. Councilperson Boak explained that the language is what is required for the grant application.

Mr. McCown said that although the board has represented that all costs will be borne by the water district, the language in the documents he has seen seems to be less definitive.

Resident Peggy Seton, of 35 Trinity Pass, said that residents' questions should be answered before the water district project moves forward. She then questioned board members' motivations.

Councilperson Paschkes asked whether the language could be modified. Town Attorney Harrington responded that doing so would hurt the town's chances of receiving a grant. Councilperson Paschkes expressed concern that the resolution does not refer to receipt of funds by the water district. Attorney Harrington responded that this is because the district doesn't exist yet.

Resident Ellen Ivens, of 173 Salem Road, who is a member and past co-chair of the Water Wastewater Task Force and an environmental scientist, explained that the resolution is one step in a process whose steps must be completed in a prescribed order. She said that there would be time to address scientific questions during the June 11 public hearing.

Resident James Best, of 8 Fox Hill Road, who is co-chair of the Water Wastewater Task Force, observed that there seems to be a lot of misinformation about the proposed project. He said that the project is necessary to solve an environmental problem for the business district. He also pointed out that he

Mr. Kushner reiterated concern that the resolution language authorizes the Supervisor to receive funds.

Resident Melinda Avellino, of 38 Pine Drive, asked whether installing a new water system without a new wastewater system would have negative impacts, particularly for residential properties adjacent to the proposed district. Deputy Supervisor Briggs noted that this issue has been addressed in prior meetings. Councilperson Boak read a statement prepared by the Laberge Group explaining that a drinking water project can proceed without a corresponding wastewater project without adverse groundwater or subsurface impacts. The drinking water would not cause an increase in water discharge. Existing wastewater systems will continue function as they do now. Ms. Ivens explained that septic fields where wastewater is dispersed and the aquifer that wells access are at different levels. She said that changing the source of drinking water will not increase the volume of groundwater. There is no need for a mass balance analysis because the space in question is not finite.

**RESOLUTION 147-24**

**Board Action:** Motion by Councilperson Briggs, seconded by Councilperson Schelling, the motion passing 3–1 with Councilperson Paschkes voting no, on the following:

WHEREAS, the Westchester County Department of Health (WCDOH) 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 compounds, 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, grant funding is needed to make the drinking water project fiscally viable; AND

WHEREAS, The New York State Environmental Facilities Corporation (NYSEFC) provides grants to municipalities under the NYS Water Infrastructure Improvement Act (WIIA) grant program for drinking water and sanitary sewer improvement projects; AND

WHEREAS, the program requests that the application contain and/or show evidence of project readiness, including a plan of finance with bond resolution; a stamped engineering report, environmental review, and district formation documentation; and contracts for engineering and legal services; AND

WHEREAS, under said legislation, eligible applicants, in the case of municipalities, are required to authorize an official representative to file the Application; AND

WHEREAS, the Town desires to pursue this funding mechanism for assistance in completing the Scotts Corners Drinking Water Improvements; and WHEREAS, drinking water infrastructure generally includes a connection to the Aquarion water supply system located on High Ridge Road, extending along Upper Shad Road, and Westchester Avenue to Scotts Corners; NOW, THEREFORE, BE IT

RESOLVED that the Pound Ridge Town Board hereby authorizes the Supervisor to execute and file an application on behalf of the Town of Pound Ridge with the New York State Environmental Facilities Corporation (NYSEFC) for a WIIA grant; AND BE IT FURTHER

RESOLVED that the Supervisor is hereby authorized and designated as the representative and to act as such in connection with WIIA Applications to provide

additional information as may be required, including all understandings and assurances contained in the Applications; AND BE IT FURTHER

RESOLVED that the Supervisor is hereby authorized and directed to execute any contract and/or agreement with the New York State Environmental Facilities Corporation (NYSEFC) in connection with the Application and is further authorized to request and expend funds from New York State Government pursuant to said contract and/or agreement; AND BE IT FURTHER

RESOLVED that Deputy Supervisor Diane Briggs is hereby appointed to be an “Authorized Representative” for Scotts Corners Drinking Water Improvements funding and financing and is authorized to act on behalf of the Supervisor when the Supervisor is unavailable; AND BE IT FURTHER

RESOLVED, to the extent all or any actions hereby authorized have been executed and/or performed by the Supervisor, all are hereby ratified and confirmed, and this Resolution takes effect immediately.

**C. New Dawn Family Resource Center – Update by Vice President Dave Ryan**

Dave Ryan, Vice President of New Dawn Family Resource Center, explained that the center was created to provide counseling and legal services previously available only down-county to victims of intimate partner, family, and sexual abuse living in Northern Westchester. He pointed out that New Dawn is a registered 501c3 and that all donations go directly to victims or to rent; no staff member accepts a salary. The peer support group created by New Dawn has become a model statewide and beyond. Mr. Ryan expressed gratitude for the town’s annual contribution of \$3,000, and asked that the town continue its support for New Dawn.

**D. Town Board – Request to adopt paid parental leave policy**

**RESOLUTION 146-24**

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

RESOLVED that the Town Board hereby adopts the paid parental leave policy as specified below and updates the 2022 personnel handbook accordingly:

**Policy Statement** – The Town of Pound Ridge provides paid parental leave to eligible employees following the birth of their child or the placement of a child for adoption or their foster care. This leave must be taken within one year of the birth or placement of their child.

**Eligibility** – A full-time employee is eligible for up to twelve consecutive weeks of paid parental leave in accordance with this policy. A part-time,

temporary or seasonal employee is not eligible for paid parental leave but may be eligible to take leave without pay following the birth or adoption of their child. A full-time employee is eligible for this benefit after they have successfully completed their probationary period, as defined by Westchester County Civil Service Rules, and have achieved “permanent” civil service status.

**Benefit Details** – An eligible employee will be compensated at their regular rate of pay throughout their absence under this policy. The Town will continue to pay its portion of any applicable health insurance premiums while an employee is on approved paid parental leave. Employees have the right to return to their same or a comparable job upon return from a paid parental leave absence.

**Notification Requirements** – If the need for paid parental leave is foreseeable, the employee should give notice, in writing, to their Department Head at least thirty calendar days prior to the commencement date of the paid leave. The employee and Department Head must submit a written request to the Town Supervisor’s Office for review. The Town Supervisor will have full discretion to grant paid parental leave.

**Family Medical Leave Policy** – Paid parental leave must be used in conjunction with leave under the Town’s Family Medical Leave Policy (Section 509). An employee must be approved for a leave under the Town’s Family Medical Leave Policy prior to being granted paid parental leave. At the conclusion of the employee’s eight weeks of paid parental leave, the employee may remain out of work for an additional four weeks, however their leave will be unpaid, in accordance with the provisions of the Family Medical Leave Policy. An employee will have the option of using their paid leave benefits during this four-week period.

**Employment Restrictions During Leave of Absence** – While on an approved paid parental leave, an employee may not be employed by another employer, or perform work for a personal business, during the same hours that the employee was normally scheduled to work for the Town of Pound Ridge.

**Accrual of Paid Leave Credits** – An employee will continue to accrue paid leave credits during a paid parental leave.

**Union Employees** – An employee who is a member of a collective bargaining unit is not covered by the Paid Parental Leave provisions set forth immediately above and should refer to the applicable collective bargaining agreement.

**E. Town Clerk**

**1. Request to approve Special Use Permit for Albano Appliance**

**RESOLUTION 148-24**

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

RESOLVED that the Town Board hereby approves a special use permit for Albano Appliance for outdoor retail sales.

**2. Request to approve proposed summer intern project**

**RESOLUTION 149-24**

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

RESOLVED that the Town Board hereby approves the Town Clerk’s request to assign the scanning of large-format subdivision plans to a volunteer summer intern.

**F. Recreation Department**

**1. Request to approve hiring of 2024 seasonal summer staff**

**RESOLUTION 150-24**

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

The Town Board hereby approves the hiring of the following seasonal summer Recreation Department staff with the salaries specified below, as budgeted:

<u>Job title</u>	<u>Salary</u>	<u>Number of Positions</u>
Booth Guards .....	\$13–14/hour.....	20-25
Lifeguards.....	\$16–18/hour.....	70
Head Lifeguards .....	\$20–22/hour.....	4
Pool Directors and Assistant Pool Directors .....	\$25–30/hour.....	3
Swim Instructors .....	\$16–25/hour.....	6
Swim Team Coaches .....	\$1,200–1,800/season .....	5
Camp Counselors .....	\$2,610–3,800/season .....	40-60
Camp Activity Specialists .....	\$3,800–6,000/season .....	10-15
Camp Directors and Assistant Camp Directors.....	\$6,000–14,000/season .....	1-4

**2. Resignation of Senior Program Coordinator Louise Paolicelli**

**RESOLUTION 151-24**

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

RESOLVED that the Town Board hereby accepts the resignation of Louise Paolicelli as Senior Programs Coordinator; AND BE IT FURTHER

RESOLVED, that the Town Board hereby approves the request for a proclamation in appreciation for her many years of service to the town.

Resident Leah Benincasa, of 11 Southeastern Farm Road, asked that an email submitted by Alex Goldfarb be read aloud. She also said that Louise Paolicelli has done a great job and expressed the hope that her programs will be continued.

**G. Receiver of Taxes – Request to refund overpayments**

**RESOLUTION 152-24**

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

RESOLVED that the Town Board hereby approves the refund of the following overpayments:

<b>Parcel</b>	<b>Payee</b>	<b>Amount</b>
9316-27.9	Richard Stone	\$20.00
9317-76.18	Jennie Hwang	\$0.40
10301-22	Joseph Lestingi	\$7.64

**VII. PUBLIC HEARING**

**Board Action:** Motion by Councilperson Paschkes, seconded by Councilperson Boak, all voting aye to open the public hearing.

Town Attorney Harrington noted that an existing moratorium on development in the business district will soon expire. The purpose of the moratorium was to allow the Town Board sufficient time to consider changes to the zoning code to regulate the time, place, and manner of cannabis retail business activity. The issue before the board is whether to extend the moratorium for a period of up to six months.



Resident John Nathan, of 155 Upper Shad Road, urged the board to vote to extend the moratorium to avoid a “gap in coverage” that he said could lead to unspecified problems.

Mr. Cianciola asked whether the extended moratorium would be unchanged and would be for a period of exactly six months. Town Attorney Harrington said the board could opt for a different extension period.

Mr. Nathan said that there were some differences in the proposed draft and the prior moratorium: the new proposed text exempts applications for building permits, variances, special use permits, and site plan and subdivision approvals submitted before November 14, 2023; specifies that the Town Board may terminate an extended moratorium prior to its expiration; and eliminates a clause specifying that

Ms. Seton asked why the moratorium would not be extended given that a firm has already been hired to propose zoning changes. Councilperson

Ms. Benincasa seconded Mr. Nathan’s request that the board approve the extension that night.

Resident Catherine Nathan, of 155 Upper Shad Road, asked that the language of the proposed extended moratorium read exactly as that of the prior one, including restoring the requirement to demonstrate a hardship of at least \$750,000. Town Attorney Harrington said that removing that figure would diminish the likelihood of legal challenges.

Mr. McCown expressed support for Mr. Nathan’s position and stated that he believes an extension of the moratorium is needed to prevent any additional cannabis businesses from opening before the zoning code can be modified.

**Board Action:** Motion by Councilperson Paschkes, seconded by Councilperson Schelling, all voting aye to close the public hearing.

#### **RESOLUTION 153-24**

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

RESOLVED, that the Town Board hereby accepts the Environmental Assessment Form as prepared by the Supervisor; AND BE IT FURTHER

RESOLVED, that the Town Board hereby issues a negative declaration pursuant to SEQRA regarding the proposed extension of the moratorium on development in the business district.

#### **RESOLUTION 154-24**

**Board Action:** Motion by Councilperson Paschkes, seconded by Councilperson Boak, the motion passing 3–1 with Councilperson Schelling voting no, on the following:

BE IT ENACTED by the Town Board of the Town of Pound Ridge as follows:

**SECTION 1. TITLE**

This local law shall be entitled, “A Local Law, pursuant to Municipal Home Rule Law §10, to enact a moratorium with respect to the approval of building permits, variances, special use permits, site plans, and subdivision applications concerning properties located in the PB-A, PB-B and PB-C Zoning Districts by means of amending Chapter 113, Zoning, of the Code of the Town of Pound Ridge and superseding the corresponding sections of the New York State Town Law as they apply to time periods, filing deadlines and statutes of limitations for said applications.”

**SECTION 2. LEGISLATIVE INTENT AND PURPOSE**

The Town Board hereby finds as follows:

1. In January 2010, pursuant to New York Town Law, the Town adopted an updated Comprehensive Plan (the “Comprehensive Plan”) setting forth goals, principles, policies and standards for the immediate and long-range enhancement, growth, and development of the Town, including land use and zoning.
2. The Comprehensive Plan identified the Town’s existing business districts and specifically recognized the unique issues facing Pound Ridge regarding future commercial development in those districts. The Comprehensive Plan noted the importance of maintaining the small-town character of Scotts Corners while permitting sufficient commercial development to meet the Town’s local needs.
3. While the Town is considering issues related to further commercial development in its commercial zoning districts, New York State legalized adult Cannabis use in March of 2021.
4. The State also established an Office of Cannabis Management (“OCM”) with its own rules and regulations relating to the operation of cannabis establishments.
5. The Town Board believes that a moratorium is necessary and advisable to maintain the status quo while it assesses the implications of these new State rules and to allow the Town to collaborate with OCM to protect the best interests of the Town as they relates to further

commercial development within the Town, including the location of businesses related to adult cannabis use within the Business District.

6. The Town Board finds that maintaining the status quo will protect the public interest and welfare. A moratorium will promote community planning values by regulating land development based on a carefully considered plan and will prevent potential applicants from obtaining certain land use approvals that could conflict with or compromise the Town's Comprehensive Plan while the Town evaluates the impact of future development in these areas.

### **SECTION 3. MORATORIUM**

1. Effective immediately and continuing for a period of six (6) months following the date on which this Local Law is filed with the Secretary of State, the Town Building Inspector, Planning Board and the Zoning Board of Appeals (collectively, "Land Use Boards") shall not issue any determination under the State Environmental Quality Review Act ("SEQRA"), or issue any final determination on any non-exempt building permit, variance, special use permit, site plan, certificate of occupancy and/or subdivision application for property located in the PB-A, PB-B or PB-C Zoning Districts.
2. Any non-exempt applications submitted on or after November 14, 2023 may be heard and reviewed by any Land Use Board, but may not be subject to a vote on a determination pursuant to SEQRA or a final determination on the application. The Land Use Board may hold public hearings and discuss the application, but the Land Use Board may not formally approve or deny such application while this moratorium is effective.
3. Notwithstanding the foregoing, the following applications shall be exempt from this moratorium:
  - a. All applications for building permits, variances, special use permits, site plan and subdivision approval submitted before November 14, 2023.
  - b. Area variance(s) for 1-family or 2-family dwellings.
  - c. Building permit applications for work that does not require approvals from a Land Use Board.
  - d. Applications of any kind which involve work that the Building Inspector reasonably believes is being performed primarily for health or safety reasons, or which will be undertaken in existing

commercial or retail structures for existing operations having a gross floor area of less than 3,000 square feet.

4. The Town may, by resolution, terminate this moratorium prior to its expiration, or alternatively, extend the moratorium for a period of six (6) months, as the Town, in its sole discretion, deems necessary to properly study the impact of development in the PB-A, PB-B or PB-C Zoning Districts under the Town's existing zoning regulations and allow for the adoption of any zoning amendments deemed necessary.
5. In the event this Local Law causes a severe financial hardship to a property owner, an application may be made in writing to the Town Board requesting an exemption from the provisions of the moratorium. After due notice and a public hearing on such application, the Town Board may grant an exemption with such conditions as it may deem reasonable and necessary, provided such exemption is the minimum relief necessary. No exemption shall be granted except upon a determination by the Town Board that severe financial or economic hardship was directly caused as a result of the application of the provisions of this Local Law.
6. Pursuant to Municipal Home Rule Law Section 10, this Local Law shall supersede any inconsistent provisions of New York State Town Law for the entire duration of this moratorium, including any extension thereof.

#### **SECTION 4. NOTICE TO APPLICANTS – ZONING CHANGES**

This section provides notice to all applicants that although an application may proceed through the review process, the applicant proceeds at its risk, because such application may be impacted or denied because of a change in zoning requirements. Approval shall not be granted unless the application complies with all zoning and other requirements in effect on the date of approval.

#### **SECTION 5. SEPARABILITY**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence,

subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or pert hereof is held inapplicable had been specifically exempt therefrom.

**SECTION 6. EFFECTIVE DATE**

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

**VIII. PUBLIC COMMENT II**

The Town Clerk read an email from Alex Goldfarb, of 29 Patterson Road, in which he expressed support for extending the moratorium and asked a number of questions about the proposed water district.

**IX. FINANCIAL MATTERS**

**RESOLUTION 155-24**

**Board Action:** Motion by Councilperson Paschkes, seconded by Councilperson Briggs, the motion passing 3–0 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 10-2024:

<b>Fund</b>	<b>Claim Numbers</b>	<b>Total Amount</b>
General Fund	A00586–A00618	\$31,259.59
Highway Fund	D00128–D000131	\$3,979.80
Trusts & Agency	AT00027	\$4,647.50

**X. ADJOURNMENT:** There being no further business to come before the Board, Deputy Supervisor Briggs adjourned the meeting at 9:17 pm.

**XI. RECONVENE AS PARKING DISTRICT COMMISSION:** Deputy Supervisor Briggs called the meeting to order at 9:18 pm.

**RESOLUTION 156-24**

MINUTES OF THE MEETING OF THE TOWN BOARD  
TOWN OF POUND RIDGE  
POUND RIDGE, NY  
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**Board Action:** Motion by Councilperson Boak, seconded by Councilperson Paschkes, the motion passing 3–0 with Councilperson Schelling abstaining, on the following:

RESOLVED, that the Town Board hereby authorizes the Supervisor to pay the following claim as detailed in Abstract 10-2024:

Fund	Claim Numbers	Total Amount
Parking District	ST00015	\$990.00

**XII. ADJOURNMENT:** There being no further business to come before the Board, Deputy Supervisor Briggs adjourned the meeting at 9:18 pm.

Erin Trostle, Town Clerk  
Dated at Pound Ridge, New York  
June 6, 2024

DRAFT