

MINUTES OF THE JUNE 11, 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
COUNCILPERSON NAMASHA SCHELLING
COUNCILPERSON ALISON BOAK (via Zoom)

ALSO

PRESENT: TOWN ATTORNEY WILLIAM HARRINGTON
DEPUTY TOWN CLERK JOSH BATCHELDER
TOWN CLERK ERIN TROSTLE (via Zoom)

I. CALL TO ORDER OF REGULAR MEETING: Supervisor Hansan called the meeting to order at 7:35 pm.

II. EXECUTIVE SESSION

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Briggs, all voting aye to call for an executive session at 7:00 pm on Tuesday, June 18, 2024.

III. ANNOUNCEMENTS

- On Wednesday, June 19, at 7:30 pm, the Pound Ridge Partnership, Pound Ridge Library, Pound Ridge Library Foundation, and Human Rights Advisory Committee will present a concert in celebration of Juneteenth.
- The Pound Ridge Bakeoff will be held on the Green on Saturday, June 15, starting at 10:30 am.
- On Sunday, June 16, from 11:00 am to 12:00 noon, there will be a family-oriented Father's Day concert on the Green.
- The next Food Truck Friday is June 21, from 5:00 pm to 9:00 pm.
- As part of its Nights in the Park series, the Recreation Department is hosting an End of School Bash, with a DJ, food trucks, and more in the Town Park on Wednesday, June 26, from 5:30 to 8:30 pm.
- On Sunday, June 30, at 5:00 pm, the Pound Ridge Partnership will host the first in a series of three free Summer Sundays concerts, this one featuring local singer-songwriter Becki Davis.
- The town's annual Independence Day celebrations will be held on Saturday, June 29, starting with a 5K Road Race at 9:00 am. In the evening, there food trucks and fireworks in the Town Park. Parking permits are available from the Police Department. Residents who are able to do so are encouraged to walk to the Town Park.

IV. MINUTES

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Paschkes, all voting aye to approve the minutes of the June 4, 2024 meeting.

V. PUBLIC COMMENT I

Resident Katherine Biagiarelli, of 315 Salem Road, noted that a new senior bus is needed.

VI. NEW BUSINESS

A. Police Department – Deer Management Program

RESOLUTION 157-24

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Briggs, the motion passing 4–1 with Councilperson Boak voting no, on the following:

RESOLVED that the Town Board hereby extends the Deer Management Program for an additional six years, through July 31, 2030.

B. THRIVE Bedford | Lewisboro | Pound Ridge – Appointment of Jennifer Coulter

RESOLUTION 158-24

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

RESOLVED that the Town Board hereby appoints Jennifer Coulter as a member of THRIVE Bedford | Lewisboro | Pound Ridge for a term to run through 2025.

C. Maintenance and Recreation Departments – Request to award cleaning services contract

Councilperson Boak recused herself from discussion of the matter.

RESOLUTION 159-24

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

RESOLVED that the Town Board hereby accepts the proposal from F&F Cleaning Service to clean the Town House, the Police and Highway Departments, and Conant Hall at a cost of \$2,085 annually and to clean the pool bathrooms at a cost of \$90 per occurrence.

D. Police Department – Request to approve proposal for digital voice recording system upgrade

RESOLUTION 160-24

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

RESOLVED that the Town Board hereby accepts the proposal from Mayday Communications to upgrade the present Audiolog Digital Voice Recording System at the Pound Ridge Police Department at a cost of \$13,495, as budgeted.

E. Finance Department – Annual Financial Update documents

Director of Finance Steven Conti explained the impact of reporting changes on annual filings with the Office of the State Comptroller.

F. Planning Consultant – Proposed zoning code amendments

Supervisor Hansan announced that a draft of proposed changes to the zoning code to regulate cannabis retail business activity has been posted to the website. Members of the public may submit email comments to the Chief of Staff. Public hearings on the proposal will be held later this summer.

G. Water Wastewater Task Force – Formation of Scotts Corners Water District

Don Rhodes, of the Laberge Group, presented an overview of a plan to provide clean drinking water to the business district. He described longstanding concerns regarding contaminated groundwater, which were documented in a 2016 report. In 2021, the county began testing for PFAS in regulated wells and finally notified the town in early 2024 about results exceeding acceptable levels.

In response to numerous public comments expressing concern, Mr. Rhodes stated emphatically that only those who own property in the proposed water district will pay the cost of a system to provide clean drinking water to properties situated in the district. State law prohibits such charges from being imposed on those outside the proposed district.

Mr. Rhodes described the Map, Plan and Report (MPR) that lays out the plan for the water district. The proposed solution is a connection with a treated water supply owned and operated by Aquarion at an estimated cost of approximately \$11 million, of which \$7.567 million would be grant-funded and up to \$3.34 million would be borne by the owners of properties situated in the district. The recent identification

of elevated PFAS levels in the business district means that the proposed district is eligible for higher levels of grant funding than have ever been available before. The state will likely provide financing at below-market rates due to the relatively low median household income in Scotts Corners. Specifics regarding typical user costs and estimated cost per parcel are available in the MPR.

Mr. Rhodes emphasized that the project will not move forward unless grant funding is awarded.

1. Public Hearing on formation of the Scotts Corners Water District

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

Supervisor Hansan invited owners of properties in the proposed district to speak first.

Mark Gjelaj, owner of the Barnwell Center, said he has invested significant time and money to comply with changing requirements of the county health department, but those efforts have not led to a solution. He expressed support for the proposed project.

Joe DiPietro, owner of Chubby's Hardware as well as the parcel where Chubby's and three apartments are located, also expressed support. His well is contaminated and must be treated, and the septic system dates from the 1940s.

Mike DiNapoli, one of the owners of Albano Appliance, said that purchasing water would be preferable to being individually responsible for treatment, which is more expensive and less reliable. He is in favor of a centralized treatment system.

Frank Salvi, owner of DiNardo's Restaurant, said he has already spent over \$150,000 to comply with health department requirements, but because requirements keep changing, expenses are ongoing. He praised recent improvements in the business district and spoke in favor of the project as well.

Craig Siano, owner of 73 Westchester Avenue, submitted written comments in favor of the project.

Donna Simons, owner of Pound Ridge Organics at 22 and 24 Westchester Avenue, said she would prefer to install her own filtration system. Supervisor Hansan explained that she would not be required to connect to the system. Ms. Simons then asked about a plan to install a water tank near her property. Mr. Rhodes explained that a system with a water tank was an alternative that was evaluated, determined to be unfeasible, and discarded.

Supervisor Hansan then invited comments from others.

Resident Ellen Kearns, of 125 Brook Farm Road East, noted that Aquarion is being sued because of PFAS in its water and that the EPA is being sued because it has lowered the level of PFAS. She said the town should focus on completing financial filings rather than undertaking a large capital project.

Resident Michele Braun, of 2 Pheasant Road, stated that language in the bond resolution seems to indicate that all residents might be taxed to pay costs associated with the water district. She also noted that a wastewater report that was expected in early 2024 has not yet been released, nor have the results of borings along Westchester Avenue. She said that without restrictions, the proposed project would result in increased water use in the business district.

Resident Cheryl Schacht, of 10 Old Pound Road, said she and others living on her street currently don't have contaminated wells. She expressed concern that a wastewater solution involving the town's Old Pound Road property could introduce contamination. She too asked about results of Westchester Avenue borings. Supervisor Hansan responded that information related to wastewater has not been released because the Water Wastewater Task Force has shifted its focus from wastewater to water in an effort to address the PFAS issue.

Resident Jessica Genova, of 53 Fox Run Road, stated that there are documented health risks associated with having a wastewater treatment facility in a residential area. She stated that a wastewater treatment plant at the Old Pound Road site, which is notably close to the Town Park, poses more significant health risks to residents than PFAS in the business district. She favored installing individual filtration systems in homes and businesses to address PFAS issues.

Councilperson Briggs explained that the reason for postponing work on a wastewater solution is to ensure that the water that would go into a future wastewater treatment system would be clean and would not introduce contaminants such as PFAS.

Resident Calli Hayes, of 4 Brook Farm Circle, reiterated Ms. Braun's observation that the bond resolution seems to indicate that all residents could be taxed if property owners in the proposed water district fail to meet their obligations.

Resident Ron Asaro, of 253 Westchester Avenue, echoed Ms. Genova's and Ms. Schacht's concerns about wastewater. He commented that state restrictions currently prevent homeowners with aging septic systems such as his from replacing them with newer septic technology.

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Resident and Planning Board Chair Rebecca Wing, of 82 Hack Green Road, said she favors efforts to enhance the business district and to support business owners; however, she urged the Town Board and the Water Wastewater Task Force to consider town-wide solutions to PFAS issues and not to focus exclusively on the business district. Testing showed elevated PFAS levels in her well, and the company that tested her well reported having obtained similar results for residential wells elsewhere in Pound Ridge. She expressed concern that the town may be moving too quickly.

Resident John McCown, of 25 Miller Road, said that his calculations, reflecting various assumptions such as expenses related to electricity and chlorine, indicate that capital and operating costs will be higher than the estimates that have been provided.

In response to a comment in the Zoom chat, Ms. Wing clarified that she is not advocating formation of a town-wide water district.

Resident Debbie Damascus, of 118 Brook Farm Road East, reported that realtors are concerned about PFAS testing and stated that PFAS issues will affect every homeowner in Pound Ridge.

Resident Norman Bernstein, of 2 Pheasant Road, expressed the view that without rationing, the proposed water system will likely overwhelm existing septic systems, necessitating creation of a wastewater solution whose costs and impacts cannot be known at this time. He said it would be sensible to do nothing for now, allowing septic technology to mature and more data to be collected. He reiterated Ms. Braun's and Ms. Hayes's comments about the language in the bond resolution and suggested that the town's bond council may be violating rules of professional conduct.

Mirash Vataj, owner of several properties in the proposed district, observed that neighboring towns are improving and said that Pound Ridge should follow suit. He said he is in favor of bringing clean water to the business district and that doing so will benefit everyone.

Resident Steven Kushner, of 140 Upper Shad Road, reiterated concerns expressed by Ms. Braun and Ms. Hayes that the financial burden of the project could fall on residents living outside the district. He also noted that the water project will not solve wastewater problems.

Resident Sam Connelly, of 30 Twin Fawn Lane, asked whether the bond issuance is subject to referendum and noted that Mr. Bernstein had raised questions for the town's bond counsel.

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Resident Jay Kolinsky, of 103 Old Stone Hill Road, noted that formation of the water district would require thirty-nine property owners to pay over \$3 million and pointed out the possibility that not all of those property owners are in favor of the project.

Resident and Conservation Board Chair Melinda Avellino, of 38 Pine Drive, raised the issue of PFAS elsewhere in town, outside the proposed district, and asked what can be done about levels of PFAS in groundwater.

Fred Albano, who owns Albano Appliance as well as the building in which Albano's is located, said that it is very difficult and potentially financially disastrous for businesses to try to address water quality issues individually. He said that now is the time for the business community to come together in support of a centralized solution.

Resident Nick Cianciola, Sr., of 29 Autumn Ridge Road, read a statement on behalf of Resident Alex Goldfarb, of 21 Patterson Road. In his written comments, Mr. Goldfarb stated that the bond resolution should be subject to town-wide referendum. He also said that cost overruns would likely be borne by the town as a whole and advocated for a more cautious approach to water and wastewater issues, noting that grant funding will be available next year.

Separately, Mr. Cianciola pointed out that many residents had expressed reservations about water district formation and urged the Town Board not to vote on the matter but instead to table it until a future meeting.

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

Councilperson Paschkes objected to the formation of a water district by a vote of the Town Board rather than by a vote of the property owners in the proposed district.

Councilperson Boak said that the process of district formation had been presented some time ago and expressed the view that the process the Town Board has undertaken is the more collaborative of the two options.

Ms. Simons stated that she has never been approached by anyone regarding the district formation.

Mr. Gjelij said that efforts to address water and wastewater issues in Scotts Corners have been ongoing for decades and thus that it is inaccurate to say that the project has been rushed.

Mr. Rhodes explained the language in the bond resolution that was questioned during the public hearing. He reiterated that only those within the district would be

taxed but that the town must pledge to ensure that those in the district pay. If they fail to do so, the town would impose liens on the property of the delinquent owners. He also stated that there is no certainty that grant funding will be available next year. Mr. Rhodes then suggested that the resolution for district formation could be modified to schedule a referendum, also pointing out that the current resolution language provides for permissive referendum.

Uyen Poh, a partner at Norton Rose Fulbright who serves as the town's bond counsel, explained that the language in the bond resolution that some found objectionable reflects a state requirement that towns pledge their faith and credit because districts are not allowed to issue debt. She then explained that if there are cost overruns, the public hearing process and application to the state comptroller would have to be repeated. She emphasized that the district will not be formed unless grant funding is received and that only property owners within the district can vote in a referendum on district formation. Finally, she noted that the Town Board had the option to impose a mandatory referendum rather than merely allowing for the possibility of a permissive referendum.

Town Attorney Harrington explained the mechanism for enforcing liens when taxes go unpaid.

2. State Environmental Quality Review (SEQRA)

On behalf of the Conservation Board, Ms. Avellino asked about three items in Draft Attachment A (Impact on groundwater, Impact on flooding, and Impact on Critical Environmental Areas) that included only narrative and no supporting documentation or input from other agencies. She expressed the view that there was insufficient evidence for a finding of no significant adverse impact in those areas.

Mr. Rhodes responded that the Environmental Assessment Form was circulated to all involved agencies, including the Westchester County DOT, NYS DOT, Army Corps of Engineers, and FEMA. He emphasized that a negative declaration doesn't mean zero impact; it means no significant adverse impact.

Supervisor Hansan asked the Town Attorney if he had any concerns regarding the wording of the negative declaration resolution, and Attorney Harrington responded that he did not.

RESOLUTION 161-24

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

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WHEREAS the Pound Ridge Town Board (“Board”) is proposing to undertake a project involving provision of public drinking water to Scotts Corners (“Project”) to address a public health threat associated with contamination found in private water wells including but not limited to perfluoroalkyl and polyfluoroalkyl substances (PFAS), tetrachloroethylene (PCE), and methyl tert-butyl ether (MTBE); AND

WHEREAS the State Environmental Quality Review Act (“SEQRA”) and the regulations thereunder require the Board to undertake a review of the potential environmental impacts, if any, associated with the Project before approving same; AND

WHEREAS this Project is an Unlisted action within the meaning of SEQRA; AND

WHEREAS, Part 1 of the Short Environmental Assessment Form was transmitted to all involved agencies, together with notification of the Board’s desire to act as lead agency with respect to the environmental review of the proposed Project; AND

WHEREAS all involved agencies have consented to the Board acting as lead agency with respect to the environmental review of the proposed Project; and WHEREAS, 6 NYCRR Section 617.7 requires a lead agency to issue a written determination of significance with respect to any proposed Unlisted action; AND

WHEREAS the Board has carefully considered the nature and scope of the proposed Project, as set forth in the Short Environmental Assessment Form prepared with respect to such action; NOW, THEREFORE, BE IT

RESOLVED that the Board finds and concludes that the proposed action is an Unlisted action within the meaning of 6 NYCRR 617.2(a); AND BE IT FURTHER

RESOLVED that the Board hereby declares itself the Lead Agency with respect to the environmental review of the proposed Project; AND BE IT FURTHER

RESOLVED that upon consideration of the foregoing, review of the Long Environmental Assessment Form, the criteria contained in 6 NYCRR § 617.7(c), and all other supporting information, the Board finds and concludes that the proposed action will not result in any significant adverse impacts to the environment for the reasons set forth in Part 3 of the Long Environmental Assessment Form, Attachment A – Reasons Supporting This Determination; AND BE IT FURTHER

RESOLVED that the Board hereby issues a Negative Declaration with respect to the proposed action; AND BE IT FURTHER

RESOLVED that the Supervisor, Town Clerk, and Town Special District Attorney are hereby authorized to notify all necessary agencies or entities of this determination.

3. Formation of Scotts Corners Water District

RESOLUTION 162-24

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Schelling, the motion passing 4–1 with Councilperson Paschkes voting no, on the following:

WHEREAS the Town Board of the Town of Pound Ridge (herein called the “Town Board” and the “Town,” respectively), in the County of Westchester, New York, pursuant to Town Law Article 12-A, has asked Laberge Group, competent engineers duly licensed by the State of New York, to prepare a map, plan and report for the establishment of Scotts Corners Water District (the “District”), which map, plan and report entitled “Scotts Corners Water District Map, Plan and Report” and dated May 2024 (the “Report”), is on file at the office of the Town Clerk and is available for public inspection during regular business hours; AND

WHEREAS the proposed District will contain approximately thirty-nine 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 the 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 (collectively, the “Water Improvements”); 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

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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 program, 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 initially assigned an EDU as set forth in Appendix I of the Report (a single family home being assigned an EDU of 1 and the commercial properties in the District having EDU's 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 is composed of 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 connecting to the water lateral that will be constructed by the project and 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 pursuant to an Order Calling for a Public Hearing dated May 21, 2024, which Order was duly posted and published, the Town Board held a public hearing on June 11, 2024, to consider the establishment of said District and the improvements proposed therefor, at which hearing all members of the public were given an opportunity to be heard; AND

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WHEREAS, the Water Improvements have been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act ("SEQRA"), the implementation of which as proposed, the Town Board has determined will not result in any significant adverse impacts on the environment and a SEQRA Negative Declaration was adopted by the Town Board on June 11, 2024; NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined as follows: (a) the notice of hearing was published and posted as required by law and is otherwise sufficient; (b) all the property and property owners within said proposed District are benefited thereby; (c) all the property and property owners benefited are included within the limits of said proposed District; and (d) the establishment of said proposed District is in the public interest.

Section 2. The establishment of the Scotts Corners Water District in the Town of Pound Ridge, Westchester County, New York, as described in the Report, the boundaries of which shall be as described in Exhibit A attached hereto and hereby made a part hereof, is hereby approved.

Section 3. The estimated maximum cost of the Water Improvements is \$11,129,000 and the Town expects to pay for such project by applying for grant(s) and low-interest financing from EFC, including for (i) a WIIA grant for approximately 70% of the estimated maximum cost and (ii) low-cost financing for up to \$3,340,000 through EFC's DWSRF program.

Section 4. The cost of the Water Improvements attributable to the benefited properties in the proposed District will be \$3,340,000, which amount is to be financed by the issuance of bonds and/or notes of said Town in an amount not to exceed \$3,340,000, and shall be annually apportioned and assessed upon the several lots and parcels of land within said District in the manner provided by law in an amount sufficient to pay the principal and interest on said bonds, notes or other obligations issued to finance such cost as the same become due.

Section 5. Such costs of the proposed District will be apportioned based upon the equivalent dwelling unit (EDU) of each property in the proposed District. Each parcel will be initially assigned an EDU as set forth in Appendix I of the Report.

Section 6. This resolution is adopted subject to permissive referendum. The Town Clerk shall, within ten (10) days after the adoption date of this resolution, publish in the official newspaper and post on the official signboard of the Town, a notice which shall set forth the date of adoption of this resolution and the full text hereof.

Section 7. The establishment of the District is subject to approval by the State Comptroller under Article 12-A of the Town Law. The Town Supervisor is hereby authorized and directed to execute any such application to the State Comptroller and the Town Clerk is authorized to perform any filings necessary under Article 12-A of the Town Law.

4. Bond for water district improvements

RESOLUTION 163-24

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

WHEREAS, pursuant to a resolution dated June 11, 2024, the Town Board of the Town of Pound Ridge approved the establishment of the Town of Pound Ridge Scotts Corners Water District, subject to permissive referendum and the approval of the State Comptroller; AND

WHEREAS the Town wishes to apply for a grant from the New York State Environmental Facilities Corporation for the improvements proposed for the Scotts Corners Water District (the "District") to connect to the water supply owned and operated by the Aquarion Water Company, consisting 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 (collectively, the "Water Improvements"), all as more fully described in the map, plan and report entitled: "Scotts Corners Water District Map, Plan and Report" and dated May 2024 (the "Report"); AND

WHEREAS according to the Report, the estimated maximum cost of the Water Improvements is \$11,129,000 and the Town expects to pay for such project by applying for or obtaining the following funding sources: (i) a Water Infrastructure Improvement (WIIA) grant from the New York State Environmental Facilities Corporation ("EFC") 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 Drinking Water State Revolving Fund program; and

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WHEREAS, the Town does not plan on undertaking the Water Improvements unless a grant from EFC is expected; NOW, THEREFORE, BE IT

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

Section 1. For the class of objects or purposes of paying for a portion of the costs of the various water improvements for Scotts Corners Water District, in said Town, and related and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$3,340,000 bonds of said Town pursuant to the provisions of the Local Finance Law. No obligations authorized hereby shall be issued until the Town shall complete proceedings under Article 12-A of the Town Law and the Town has received notification of an adequate grant award from EFC. No expenditure for the aforesaid class of objects or purposes shall be made unless the State Comptroller has consented thereto if required by the Town Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$11,129,000 and that the plan for the financing thereof is by (i) the issuance of the \$3,340,000 bonds of said Town authorized to be issued pursuant to this bond resolution and (ii) grants from EFC or other sources.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years pursuant to subdivision one of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Town of Pound Ridge, Westchester County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. To the extent not paid from the collection of assessments against benefited property in the District, an

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annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent such appropriation is not made from other sources, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Pound Ridge, Westchester County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Town Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Town Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Town Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Town Supervisor consistent with the provisions of the Local Finance Law.

Section 9. The Town Supervisor is hereby further authorized, at his or her sole discretion, to execute a project financing agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond,

and, or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 10. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes, without resorting to further action of this Town Supervisor.

Section 11. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Town Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 12. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 13. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 14. This resolution shall take effect immediately.

5. Laberge proposal for professional services

RESOLUTION 164-24

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

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the general services agreement with the Laberge Group AND BE IT FURTHER

RESOLVED, that the Town Board hereby accepts the proposal dated June 6, 2024 from the Laberge Group to provide the following services for a lump sum of \$12,500.00:

- Coordinate closely with the consultant retained by the Town to obtain final income survey report information for presentation to the Environmental Facilities Corporation (EFC) and the NYS Department of Health (DOH) to best position the project to receive a hardship determination and preferred financing.
- Prepare program budgets for financing applications based on the final MPR information.
- Submit updated information to the DOH for listing on the 2025 Intended Use Plan as required before June 14, 2024.
- Assist in preparing the Drinking Water State Revolving Fund (DWSRF) financing application.
- Prepare a New York State Water Infrastructure Improvement Act (WIIA) grant application for submission by the Town prior to June 14, 2024. This grant application will request grant funding of up to 70% of project costs as outlined in the Map, Plan and Report.

- Assist the Town and Special District Counsel with preparing responses to the New York State Comptroller’s comments on the MPR.
- Assist the Town with resolution of grant and/or loan application review comments.
- Assist the Town and Aquarion with preparing an agreement needed for the supply of water to Scotts Corners that would be contingent on the receipt of funding as defined in the MPR.
- Monitor additional grant funding opportunities. Prepare and submit a proposal for Town Board consideration for potential grant applications that may provide financial assistance and reduce final user costs associated with Scotts Corners Water Improvements.
- Prepare and submit a proposed scope of work and contract addendum for the Town to authorize implementation phases to commence if funding is secured as defined in the MPR.

VII. FINANCIAL MATTERS

RESOLUTION 165-24

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 11-2024:

Fund	Claim Numbers	Total Amount
General Fund	A00619–A00645	\$72,603.82
Highway Fund	D00132–D00139	\$8,527.24

AND BE IT FURTHER RESOLVED, that the following advance-of-audit claim listed in Abstract 11-2024 is hereby allowed:

Fund	Claim Numbers	Total Amount
General Fund	A00645	\$43,006.00

VIII. ADJOURNMENT: There being no further business to come before the Board, Supervisor Hansan adjourned the meeting at 10:34 pm.

IX. RECONVENE AS PARKING DISTRICT COMMISSION: Supervisor Hansan called the meeting to order at 10:35 pm.

RESOLUTION 156-24

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Boak, 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 claim as detailed in Abstract 11-2024:

Fund	Claim Numbers	Total Amount
Parking District	ST00016	\$1,318.75

X. ADJOURNMENT: There being no further business to come before the Board, Supervisor Hansan adjourned the meeting at 10:35 pm.

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

