

MINUTES OF THE MAY 5, 2020 MEETING OF THE TOWN BOARD OF THE TOWN OF POUND RIDGE HELD VIA VIDEOCONFERENCE, COMMENCING AT 8:00 PM

PRESENT: SUPERVISOR KEVIN HANSAN, COUNCILPERSON ALISON BOAK, COUNCILPERSON CARLA BRAND, COUNCILPERSON DIANE BRIGGS, COUNCILPERSON DANIEL PASCHKES

**ALSO PRESENT: DEPUTY SUPERVISOR LES MARON
TOWN ATTORNEY WILLIAM P. HARRINGTON
TOWN CLERK ERIN TROSTLE**

CALL TO ORDER: Supervisor Hansan called the meeting to order at 8:03 pm.

ANNOUNCEMENTS:

- The number of reported COVID-19 cases in Pound Ridge remains the lowest in the county: 37 Pound Ridge residents have tested positive, but probably only about 12 remain actively infected. The drive-through testing center set up by Mount Kisco and Bedford at the Bedford Hills train station is expanding to accept Pound Ridge and Lewisboro residents. Antibody testing is available through CareMount Medical.
- Work on the Transportation Enhancement Project (TEP) continues in Scotts Corners. An awkward design element between the Sunoco station and Chubby's has been modified.
- New York State DOT will begin the long-anticipated paving of Route 137 soon. Prep and staging will start this week, with paving to begin the week of May 11. Residents are encouraged to avoid the work zone.
- Thank you to the Town House staff for keeping local government operational and to the public for remembering to call ahead before coming to the Town House.
- Pound Ridge continues to make progress on Census 2020. Our response rate is 66.7%. Residents are encouraged to respond online or by phone to avoid in-person visits from census workers.

MINUTES: Acknowledge/correct/accept minutes of Town Board meeting of April 14, 2020 and April 28, 2020.

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Boak, all voting aye, to accept the minutes of the Town Board meeting of April 14, 2020 and the minutes of the special Town Board meeting of April 28, 2020.

**MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 5, 2020**

NEW BUSINESS:

A. Board of Ethics – Appointments

RESOLUTION: #98-20

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

RESOLVED, that Mark Rosenbloom and Sallie Stelter are hereby reappointed to the Board of Ethics, each for a one-year term expiring in 2020, AND BE IT

FURTHER RESOLVED, that Robert Feuerstein is hereby appointed Chair of the Board of Ethics for a one-year term expiring in 2020, AND BE IT

FURTHER RESOLVED, that Scott Grummon and Catherine Marino are hereby appointed to the Board of Ethics, each for a one-year term expiring in 2020.

B. Supervisor

- **Adopt Resolution for COVID-19 Drive-Through Collection Facility Intermunicipal Agreement**

RESOLUTION: #99-20

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

RESOLVED, that the Supervisor is hereby authorized to sign the COVID-19 Drive-Through Collection Facility Intermunicipal Agreement to enable Pound Ridge residents to access COVID-19 testing.

- **Approval to purchase and Acquire improved premises and approximately 21.34 acres of vacant land at 7 Old Pound Road**

Supervisor Hansan announced the Town Board's intent to purchase property at 7 Old Pound Road, including a three-bedroom house and over 18 acres of adjacent undeveloped land, for \$1,250,000.00. The property lies between the Town Park

**MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 5, 2020**

and the Historic District, and the Board believes that it is important to protect such a large parcel in this location rather than risk letting the property revert to private ownership.

The purchase provides the short-term opportunity to extend the existing bike path closer to the Historic District and the elementary school and to create a new network of nature trails near the Town Park. Long-term future uses for the property could include a new community center, additional athletic fields, or even, if Pound Ridge were to receive significant federal and state grant funding, the land needed for a wastewater solution for our business district.

Despite fiscal uncertainty associated with the COVID-19 pandemic, the Board believes that it is important to act now. There have been other offers, and this is likely to be a once-in-a-generation opportunity that will not come again.

Next steps include closing the deal, setting up walking tours, creating an Old Pound Road advisory committee, and finalizing a tenant and rental agreement.

Residents will have the opportunity to ask questions about the purchase at the May 12, 2020 Town Board meeting.

Councilperson Boak stated that although the property has excellent potential to be part of a wastewater solution, even if that were not so, the location of the property and the potential to extend the walking trail would in themselves justify the purchase.

Councilperson Briggs said that although the timing could be better, she supports the purchase because of the property's location.

Councilperson Brand echoed Councilperson Boak's and Councilperson Briggs's comments and stated that the purchase will lay a foundation for Pound Ridge's future.

Councilperson Boak noted that the purchase would not impact the budget until 2022. Finance Director Steven Conti confirmed that the first mandatory payment would not be due until 2022.

Supervisor Hansan reiterated that he had struggled with the decision due to the timing. He said that the Town would rely on its residents, ideally the Old Pound Road Committee, to find creative uses for the property.

**MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 5, 2020**

Councilperson Paschkes stated that he views the purchase as a good long-term acquisition. He noted that a past proposal for large-scale development on the site had raised significant concerns regarding traffic congestion in the Hamlet. He added that he feels that it is important that residents understand and support the decision to move forward with the purchase.

Supervisor Hansan said that there will be an opportunity for comments, questions and input at the May 12, 2020 meeting. He also offered residents participating in the meeting the immediate opportunity to comment.

One resident pointed out that maintaining open space often has economic benefits in addition to positive environmental impacts and opportunities for human-centered passive recreation.

RESOLUTION: #100-20

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

WHEREAS, the property located at 7 Old Pound Road in the Town of Pound Ridge has been listed for sale; and

WHEREAS, the property for sale includes three tax lots comprising 21.34 acres, with one tax lot improved with a single family house; and

WHEREAS, the New York State Town Law permits the Town Board to acquire real property where it is in the Town's best interest to do so; and

WHEREAS, the Town Board has determined that it would be in the best interest of the Town to acquire the property to further the interests and priorities of the Town; and

WHEREAS, the purchase of the property is subject to a permissive referendum as set forth in the New York State Town Law, Sec. 90, *et. seq.*; it is hereby

RESOLVED, that the Town of Pound Ridge may enter into the contracts to purchase and thereafter acquire the property, the vacant land and premises located at 7 Old Pound Road, Town of Pound Ridge for a sum of \$1,250,000, plus any and all fees, expenses and adjustments necessary to consummate the transaction;
AND BE IT

FURTHER RESOLVED, that the acquisition of the property is subject to a permissive referendum.

**MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 5, 2020**

C. Finance – Bond Resolution

At this point, a resident asked why the opportunity for public questions and comments will occur after the resolutions have been voted on. Town Attorney Bill Harrington explained that the purchase is not a fait accompli and that the resolutions are subject to referenda if there is significant public opposition.

RESOLUTION: #101-20

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

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital purposes;
NOW, THEREFORE, BE IT

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

Section 1. For paying the cost of the acquisition of real property located at 7 Old Pound Road, in and for the Town of Pound Ridge, Westchester County, New York, including legal and closing costs and incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued \$1,300,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$1,300,000 and the plan for the financing thereof is by the issuance of the \$1,300,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years pursuant to subdivision twenty-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.

**MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 5, 2020**

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 Pound Ridge, Westchester County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. An 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 Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the Supervisor shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, the Supervisor 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 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. All other matters relating to such bonds shall be determined by the Supervisor, 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. It is hereby determined that it is to the

**MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 5, 2020**

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 9. 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 10. 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 11. This resolution, when it takes effect, shall be published in summary in *The Record Review*, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is subject to a permissive referendum.

D. Maintenance – Temporary summer positions

RESOLUTION: #102-20

**MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 5, 2020**

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

RESOLVED, that the Maintenance Department is authorized to fill two temporary part-time summer positions.

E. Town Clerk:

- **Approval for Sale of Cemetery Plot**

RESOLUTION: #102-20

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

RESOLVED, that the Supervisor is hereby authorized to sell Plot 102, Section 3 to Susan Haas, of 247 Trinity Pass, Pound Ridge, NY 10576, for the amount of \$2,000.00.

- **Approval for Scotts Corners Maintenance**

RESOLUTION: #103-20

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

RESOLVED, that the Town Board hereby awards the Landscaping Maintenance contract for Scotts Corner to Luppino Landscaping Corp., 11 Tatomuck Road, Pound Ridge, NY 10576 for the grand total of \$3,550.00 for all services specified in the contract, with the condition that the Town be billed only for the portion of the services actually rendered.

- **Approval for Highway Department Bids**

RESOLUTION: #104-20

**MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 5, 2020**

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

RESOLVED, that The Town Board hereby accepts the recommendations from Highway Superintendent Vinnie Duffield and awards bids to the lowest responsible bidders for road materials and services as follows:

Catch Basin Cleaning: Fred Cook, Jr.

\$250.00/hour
\$2,000.00/day
\$10,000.00/week

Tree Work: Barney Zipkin Tree

Bucket truck w/ operator:	\$1,000.00/day	\$5,000.00/week
Bucket truck w/ operator + chipper:	\$1,400.00/day	\$6,000.00/week
Chip truck w/ operator + chipper:	\$1,000.00/day	\$5,000.00/week

Line Striping: Safety Marking

Double Yellow:	\$413.00/mile
Single White:	\$228.00/mile

Refuse: City Carting

Town House pickup:	\$30/month
30 yards (as requested):	\$500.00/pull
20 yards (as requested):	\$450.00/pull
10 yards once a week:	\$350.00/month
2 yards once a week:	\$52.00/month

Blacktop (picked up per ton): Peckham (Bedford Hills)

Base: \$82.30	Top 7: \$90.50
Binder \$82.30	Playground: \$90.50
Shim: \$98.75	Curb mix: \$98.00
Top 6f: \$82.50	Recycled Item 4: \$8.00

Heavy Equipment: AC&S Excavating

Large dump truck w/operator:	\$1,000.00/day	\$5,000.00/week
Large excavator w/operator:	\$1,280.00/day	\$6,400.00/week
Mini excavator w/ operator:	\$1,120/day	\$5,600.00/week
Large excavator w/ operator and hammer:	\$2,400.00/day	\$12,000.00/week
Skid steer w/ operator:	\$1,120/day	\$5,600/week

**MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 5, 2020**

Blacktop (laid in place): Kect Construction Co.
\$92.45/ton

Aggregates (per ton delivered):

Putnam:

White Item 4: \$24.25

¾ stone: \$28.95

Thalle/Domain:

Rip-Rap 5-6": \$32.00

Rip-Rap 5" or less: \$32.00

Thalle:

Brown Item 4: \$25/00

Recycled Item 4: \$18.00

¾ Trap Rock: \$29.00

3/8 Washed Blue Stone: \$30.00

Rip-Rap 5-6": \$32.00

Rip-Rap 5" or less: \$32.00

Road Sand: \$25.00

- **Approval for Seasonal Special Use Permits**

RESOLUTION: #105-20

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

RESOLVED, that Seasonal Special Use Permits for DiNardo's, LaFamilia, and NorthStar be approved subject to the condition that the seating is arranged so that it is possible to maintain appropriate social distance.

F. Westchester Power Presentation

Jasmine Graham, Program Manager of Westchester Power, presented information about Westchester Power's Community Choice Aggregation program. She was joined by Dan Welsh, Program Director of Westchester Power.

Twenty-seven municipalities, including Pound Ridge, as well as Westchester County itself, participate in Community Choice Aggregation. Westchester Power is a nonprofit (not an ESCO) that aims to expand access to sustainable power, offering

**MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NY
May 5, 2020**

fixed rates and competitive prices to consumers. Westchester Power also provides consumer advocacy and education related to energy.

A resident questioned how Westchester Power addresses power outages. Ms. Graham explained that NYSEG owns and maintains the grid; Westchester Power only supplies electricity. Whether consumers purchase electricity from Westchester Power or an ESCO, NYSEG is responsible for outage response and grid resiliency.

Westchester Power also offers consumers the opportunity to participate in Community Solar, which guarantees cost savings of an additional 10%. The Demand Response program offers additional opportunities for savings.

Councilperson Briggs noted that residents have many questions on these topics and said a Facebook Live information session would be helpful. She noted that the Westchester Power presentation will be posted on the town website.

ADJOURNMENT:

There being no further business to come before the Board, Supervisor Hansan adjourned the meeting at 9:18 pm.

Erin Trostle, Town Clerk
Dated at Pound Ridge, New York
May 11, 2020