

MINUTES OF THE MAY 10, 2022 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 8:00 PM

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

ALSO

PRESENT: TOWN ATTORNEY WILLIAM HARRINGTON
DEPUTY SUPERVISOR LES MARON
TOWN CLERK ERIN TROSTLE

I. CALL TO ORDER OF REGULAR MEETING

Supervisor Hansan called the meeting to order at 8:01 pm.

II. CALL FOR EXECUTIVE SESSION

There are Executive Sessions scheduled for Thursday, May 12, 2022 and Monday, May 23, 2022, both beginning at 7:00 pm.

III. ANNOUNCEMENTS

- The Westchester County Mobile Passport Office will be at the Town House tomorrow, Wednesday, May 11, 2022, from 10:00 am to 1:00 pm.
- The Town-Wide Yard Sale will be held May 20 through May 22, 2022.
- The first Food Truck Friday of 2022 will be May 20, 2022 from 5:00 pm to 9:00 pm.
- The annual Memorial Day parade will be Monday, May 30, with a parade from Pound Ridge Elementary School to the town cemetery and a program at the cemetery, followed by a barbecue in the Town Park.

IV. MINUTES

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Paschkes, all voting aye, to accept the minutes of the May 3, 2022 Town Board meeting.

V. PUBLIC HEARING – Regarding proposals to ban or restrict the use of gas-powered leaf blowers

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

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Supervisor Hansan announced that the purpose of the public hearing was to solicit public input regarding proposals to ban or restrict the use of gas-powered leaf blowers. He explained that residents who had registered to speak would be called by name in the order in which they registered and that residents who had submitted written comments would have them read aloud.

Adam Denton, of 124 High Ridge Road, expressed opposition to limitations on gas-powered leaf blowers. He noted that septic fields, which all Pound Ridge homes have, need to be kept clear and that electric leaf blowers currently on the market cannot do that job as effectively as gas-powered blowers can.

Debbie Damascus, of 118 Brook Farm Road East, expressed concern that not all residents were aware of possible leaf blower legislation and advocated for a town-wide mailer or survey. Dismayed that a resident recently confronted Maintenance Department workers attempting to blow leaves, she stated that we should all try to be kinder to our neighbors.

Jay Kolinsky, of 103 Old Stone Hill Road, an inventor and designer of a variety of siren systems, advocated for a more scientific approach to noise regulation that would apply to all noise-generating equipment, not just leaf blowers. He noted that only two of the 39 noise complaints received by the Police Department in 2021 related to leaf blowers.

Michael Wolff, of 193 Salem Road, reported that according to the EPA, emissions from gas-powered leaf blowers constitute a negligible portion (approximately 0.03%) of all emissions. He stated that a ban on gas-powered blowers would cost the average landscaping business an extra \$22,000 every two years and that switching to battery-powered blowers would not mitigate noise issues, since both gas- and battery-powered blowers generate noise exceeding 100 decibels. Mr. Wolff called the proposed restriction period of May 15 to October 15 arbitrary and too restrictive and recommended that the Board consider implementing a Memorial Day to Labor Day restriction instead.

Ellen Kearns, of 125 Brook Farm Road East, who holds a PhD in plant genetics, noted that CO₂ levels have risen significantly in the years since she moved to Pound Ridge as a child and are now drastically higher than they were before the Industrial Revolution. In written comments, she stated that leaf-blower noise makes it hard for

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her to work from home and that she has had good results using an electric lawn mower purchased locally at Chubby's.

Amiel Peretz, of 17 Mallard Lake Road, submitted written comments regarding distinctions between gas- and battery-powered leaf blowers. His battery-powered blower can handle only light jobs, such as removing sand from his garage. Noting that the batteries tend to run down after ten to fifteen minutes of use, he observed that battery technology is not advanced enough to make electric leaf blowers a feasible option for commercial landscapers. He urged the board not to rush into any decisions.

Alice Gabriel, of 61 Trinity Pass, who is a founding member of CALM (Community Appeal for Leaf Blower Moderation), commented that the use of leaf blowing equipment, including large ride-on devices inappropriate for residential neighborhoods, has become excessive, and that the noise makes it difficult to enjoy outdoor activities such as gardening and walking. She advocated for a change in landscaping practices to minimize the use of blowers. She also stated that CALM is open to compromise.

Annie Fernald, of 104 South Bedford Road, also a member of CALM, became an advocate for moderating the use of leaf blowers at the beginning of the pandemic, after being troubled by persistent noise and fumes while working from home and supervising remote schoolwork. She said that the only argument against switching to electric blowers that can't be refuted is the higher cost. She has hired an all-electric landscaping company with only slightly higher rates and has been pleased with the results.

Trip Gabriel, of 61 Trinity Pass, stated that nothing has done more to degrade the quality of life in Pound Ridge than the increasingly intensive use of leaf blowers. He expressed support for a complete phase-out. Mr. Gabriel disputed claims related to the environmental impact of manufacturing batteries, to practices that create tick-friendly habitats, and to economic consequences for landscaping businesses.

Joe Simonetti, of 26 Bob Hill Road, observed that most people don't like being told what to do, but that sometimes the greater good must prevail. He stated that it is the role of government to enact legislation that promotes the best interest of the majority of its citizens.

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Billye Zoa Steinnagel, of 161 Parkview Road, stated in written comments that concerns over leaf blowers seem overblown and that a ban would likely disproportionately affect economically disadvantaged workers. She also expressed the hope that the Board would avoid a rush to judgment.

Steven Fernald, of 104 South Bedford Road, who works from home, believes the proposal by CALM is a reasonable and thoughtful approach, though he would prefer that leaf blowers of all types be banned. He views electric leaf blowers as a fair and reasonable compromise.

Tom Andersen, of 47 Bender Way, is a member of Pound Ridge CALM. He stated that although CALM submitted proposed legislation, the group is open to compromise and supports the proposal by Councilperson Brand to amend the noise ordinance. He noted that residents representing approximately ten percent of the households in Pound Ridge have signed a CALM petition advocating a phase-out.

Alexander Goldfarb, of 21 Patterson Road, expressed support for leaf blowers. He noted that large batteries such as those in electric lawn equipment and electric vehicles pose a significant fire risk. He also observed that many materials used in the manufacture of batteries come from countries whose policies are objectionable. Finally, he asserted that the agenda of a particular group should not drive decision making.

Deann Grogan, of 14 Kinnicutt Road East, supports restrictions on gas-powered leaf blowers – at a minimum, a ban during the summer months when few leaves are falling. She stated that gas-powered leaf blowers cause noise pollution, environmental harm, and health hazards and advocated for restrictions on their use.

Kim Goldfarb, of 21 Patterson Road, expressed opposition to battery-powered leaf blowers, in part because of increased costs for gardeners and small businesses.

Jay Charles Goodgal, of 11 Apple Tree Lane, asked that before imposing a ban, the Town Board consider unintended consequences, the possibility of a buy-back program, the impact of regulation on other gas-powered equipment, the incompatibility of electric leaf blowers with large lot sizes, and problems associated with battery disposal.

Andi Ilic, of 8 Beech Hill Lane, stated that gas-powered leaf blowers are harmful to the environment and to wildlife, including pollinators. He said that a two-cycle gas-

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powered leaf blower is two hundred times more polluting than a large truck and expressed the opinion that we need to adopt different strategies for managing our properties.

Brian Dillane, of 60 Salem Road, submitted a written statement that he has been maintaining his own property as well as a cemetery on Kitchawan Road for a number of years and that he needs gas-powered equipment to do this work.

Emil and Mary Kocur, of 45 Fox Run Road, submitted written comments stating opposition to a ban on gas-powered equipment but openness to additional noise restrictions on weekends. The Kocurs objected to a scenario where neighbors would be reporting one another.

Dick Schlesinger, of 14 West Lane, asked whether residents would be able to vote on a possible ordinance, and if not, why not. He also questioned the imposition of restrictions on noise from his property if neighbors did not object to the noise.

Pete Chema, of 55 Parkview Road, who has a YouTube channel offering tutorials on using electric and battery-powered lawn equipment, said that battery-powered leaf blowers are inadequate for Pound Ridge acreage and that banning them may limit the number of landscapers willing to service Pound Ridge and may promote tree removal. He urged the Board not to impose a ban, because it would be a hardship for seniors like him who are on fixed incomes and do their own yard work.

Craig Braun, of 198 Barnegat Road, pointed out that a ban on gas-powered leaf blowers could be considered a de facto taking. He pointed out that leaf-blowers can be used to create defensible space around a house in the event of a wildfire and that fire risk increases as more residents have Tesla charging stations and battery-powered equipment in their garages. He also noted that manufacturing batteries is not environmentally friendly, that the grid can't support increased use, and that the generators needed to recharge electric leaf-blowers will be much noisier than gas-powered models.

Jayne Tansey-Patron, of 140 Honey Hollow Road, submitted comments in which she urged that gas-powered leaf blowers be outlawed. She cited as reasons noise pollution, emissions, and health hazards and also stated that the fact that some individuals have chosen to work in the landscaping business should not be a justification for failing to ban leaf blowers.

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Camille Prisco, of 48 Autumn Ridge Road, who initially supported a total ban, advocated instead for a ban on the use of large stand-on blowers for properties under six acres. She noted that these very powerful machines harm birds and other animals, including beneficial insects, and damage habitats and plant life. She also urged a ban on the blowing of debris into roadways and onto adjacent properties.

Nicholas Cianciola, Sr, of 29 Autumn Ridge Road, thanked Mr. Kolinsky for calling attention to the low number of noise complaints and Mr. Wolff for his extensive research. He said that online comments suggest that most residents oppose a ban and that he does too because the top-performing battery-powered leaf blowers either are manufactured in China or use Chinese-made batteries.

Gerald Gamer, of 230 Eastwoods Road, submitted comments favoring a ban. He noted that the so-called right to use gas-powered leaf blowers should not supersede others' right to peaceful enjoyment of their properties. He expressed the view that legislation is an appropriate vehicle for protecting the greater good and noted that a ban on gas-powered blowers would not prevent residents from removing leaves through other means.

Susan Allport, of 115 Cross Pond Road, one of the original members of CALM, described how the group was formed in response to the increasingly pervasive noise caused by gas-powered leaf blowers, which is particularly problematic for those who work from home, as she does. She expressed support for Councilperson Brand's proposal because it would impose periods of relative quiet and would ultimately ban the use of gas-powered leaf blowers.

Gus Felix, of 117 Dann Farm Road, submitted comments strongly opposing a ban on gas-powered leaf blowers, noting that other lawn equipment is arguably noisier and that a ban would disproportionately and unfairly impact small businesses. An owner of both gas- and battery-powered leaf blowers, he said that the latter type is less powerful and thus must be used for a longer period of time. He questioned the logic of a ban on gas-powered blowers if the issue is noise and not emissions.

Jeff Fierson, of 104 Cross Pond Road, who works from home, said that he had not been bothered by leaf blower noise. He stated that gas-powered leaf blowers are necessary for maintaining a lot such as his and questioned how landscapers would recharge battery-powered blowers. He expressed opposition to a ban and said that at most he would be willing to support regulation that would impose a later allowable weekend start time for commercial users.

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Evelyn Viana, of 178 Upper Shad Road, submitted comments in which she and her husband opposed a modification of the noise ordinance that would include an eventual ban, citing cost concerns for those on fixed incomes and the possible difficulty of finding a landscaper who would be willing to comply. Expressing concern that a ban might promote tree removal, the Vianas argued instead for seasonal limitations.

Jamie Perna, of 39 Fox Hill Road, submitted comments expressing support for Councilwoman Brand's proposed modification of the noise ordinance, saying it would protect the environment and limit noise pollution.

Barbara Kimmel, of 33 Highcliff Terrace, also submitted comments in support of Councilwoman Brand's proposal, as did Parker Silzer, of 51 Fox Run Road.

Harry Allen and John Holm, of 396 Long Ridge Road, submitted comments in support of a ban on gas-powered leaf blowers because they are a source of hazardous emissions and noise pollution. As a landscape architect, Mr. Holm has been using all electric equipment for three years with favorable results.

Danny Goldberg, of 25 Bender Way, supports Councilperson Brand's proposal as "the right step to take now."

Steve DiFlora, of 220 Eastwoods Road, a mechanical engineer with LEED accreditation, noted that battery-powered leaf blowers create higher-frequency sound and have less power than gas-powered blowers. He pointed out that higher-pitched sound that continues for a longer period of time would likely be more annoying to neighbors and that rechargeable batteries have low sustainability. Mr. DiFlora also explained that it is not possible for a battery-powered leaf blower to be as powerful as one powered by an internal combustion engine.

Members of the board thanked the speakers for their civility. After ninety minutes of comments, Supervisor Hansan adjourned the public hearing to 7:00 pm on Tuesday, May 17, 2022.

VI. NEW BUSINESS

A. Assessor – Permission to attend seminar

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RESOLUTION 104-22

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

RESOLVED, that the Town Board hereby authorizes the Assessor to attend a New York State Assessors Association seminar in Ithaca, New York, from Sunday, July 17 through Friday, July 22, 2022 at a cost not to exceed \$1,400.00.

B. Conservation Board – Permission to plant “tree nursery”

RESOLUTION 105-22

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

RESOLVED, that the Town Board hereby authorizes the Conservation Board to plant approximately fifty oak and maple seedlings in a deer enclosure at the Lawther Preserve so that they can mature for three to five years before being distributed to residents or planted on town property.

VII. FINANCIAL MATTERS – Pay bills

RESOLUTION 106-22

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

RESOLVED, that the Supervisor is hereby authorized to pay the claims listed below.

Fund	Claim Numbers	Total Amount
General Fund	309–407	\$153,812.33
Highway Fund	66–88	\$48,764.48
Trust & Agency Fund	38–39	\$10,930.00

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VIII. ADJOURNMENT: There being no further business to come before the Board, Supervisor Hansan adjourned the meeting at 9:47 pm.

IX. RECONVENE AS PARKING DISTRICT: Supervisor Hansan called the meeting to order at 9:48 pm.

X. ADJOURNMENT: There being no business to come before the Board, Supervisor Hansan adjourned the meeting at 9:49 pm.

Erin Trostle, Town Clerk
Dated at Pound Ridge, New York
May 16, 2022