

MINUTES OF THE SEPTEMBER 6, 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 DIANE BRIGGS
COUNCILPERSON DANIEL PASCHKES

ALSO

PRESENT: TOWN CLERK ERIN TROSTLE

NOT

PRESENT: COUNCILPERSON ALISON BOAK
TOWN ATTORNEY WILLIAM HARRINGTON
DEPUTY SUPERVISOR LES MARON

I. CALL TO ORDER OF REGULAR MEETING

Supervisor Hansan called the meeting to order at 8:09 pm.

II. CALL FOR 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 Thursday, September 8, 2022.

III. ANNOUNCEMENTS

- Thank you to the Pound Ridge Business Association for organizing the Artisan and Vintage Flea Market, as well as the Police Department, the Maintenance Department, and the many volunteers who helped make this event a tremendous success.
- The last Food Truck Friday of 2022 will be September 9, from 5:00 to 9:00 pm. Music will be provided by the Bedford School of Rock.
- There will be a 9/11 observance at 12:00 noon at the Fire Department.
- The 2022-23 school tax bill is available as of September 1, 2022. The first installment is due no later than September 30, 2022, and the second is due no later than January 31, 2023.

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IV. PUBLIC HEARINGS

A. Proposed Local Law Allowing Members of Public Bodies of the Town of Pound Ridge to Participate in Public Meetings via Videoconference from Locations outside the Town’s Geographical Limits

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Briggs, to open a public hearing.

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Briggs, to close the public hearing.

B. Proposed Local Law Allowing Members of the Town Board of the Town of Pound Ridge to Participate in Public Meetings via Videoconference from Locations outside the Town’s Geographical Limits

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Brand, to open a public hearing.

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Briggs, to close the public hearing.

RESOLUTION 144-22

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

RESOLVED, that the Town Board of the Town of Pound Ridge hereby ordains and enacts as follows:

SECTION 1. LEGISLATIVE INTENT

This local law amends the Code of the Town to enable all Town public bodies to participate remotely in meeting by videoconference in accordance with state and local law.

SECTION 2. AUTHORITY

This local law is adopted pursuant to Public Officers Law §103-a, entitled “Videoconferencing by public bodies” authorizing local

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governments, subject to the adoption of a local law, to conduct meetings using videoconferencing technology so long as a quorum of the public body is physically present at one or more of the locations where the public can also attend in person.

SECTION 3. AMENDMENTS TO THE TOWN CODE

The Code of the Town of Pound Ridge is hereby amended by adding a new Chapter, entitled "Videoconferencing," to read as follows:

SECTION 1. Authority

This Chapter is adopted pursuant to the authority conferred by Public Officers Law §103-a, which expressly authorizes local governments to permit by local law the use of videoconferencing by public bodies.

SECTION 2. Videoconferencing

- A. All public bodies of the Town of Pound Ridge are authorized to use videoconferencing technology to conduct their meetings in accordance with the provisions of §103-a of the Public Officers Law, subject to the following conditions:
- (1) A minimum number of members of the public body sufficient to fulfill the public body's quorum requirement must be present in the same physical location where the public can attend.
 - (2) All members of the public body shall be physically present at any meeting of the public body unless a member is unable to be physically present due to extraordinary circumstances including but not limited to disability; illness; quarantine order; the death of an immediate family member where such term is defined to include a spouse, parent, sibling, child, domestic partner, or individual for whom the member is the designated guardian; caregiving responsibilities for an immediate family member, or any other significant or

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unexpected factor that may preclude physical attendance.

- (3) A member who wishes to participate in a meeting by videoconference must provide advance notice and justification for their absence to the extent possible to the appointed leadership of the public body. For purposes of the Town Board, such notice shall be provided to the Town Supervisor, or in the Town Supervisor's absence, to the Deputy Town Supervisor.
- (4) The leadership of a public body may require any member requesting to participate in a meeting by teleconference to provide documentation, to the extent possible, supporting such request and may publicly confirm that such documentation was received without publicly stating the contents of such documentation.
- (5) Except in the case of executive sessions, the public body shall ensure that members who are participating remotely can be heard, seen, and identified at all times when the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon.
- (6) The minutes of meetings involving videoconferencing shall state which members, if any, participated by videoconference, and shall be available to the public.
- (7) If videoconferencing is being used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, where the public can view and/or participate in such meeting, where required documents and records will be posted or available, and shall identify the physical location for the meeting where the public can attend.

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- (8) If videoconferencing is used to conduct a meeting, the public body shall provide the opportunity for members of the public to view such meeting via video, and to participate in proceedings via videoconference in real time where public comment or participation is authorized and shall ensure that videoconferencing authorizes the same public participation as in-person participation.
 - (9) The public body shall provide that each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the public website of the Town within five business days following the meeting, and shall remain so available for a minimum of five years thereafter.
 - (10) Any and all videoconferencing technology used for public meetings shall be made accessible to members of the body and the public with disabilities in accordance with the Americans with Disabilities Act of 1990, as amended.
 - (11) Nothing herein shall prohibit a Town of Pound Ridge public body from holding meetings entirely by videoconference, with no in-person requirement, during a state of emergency declared by the Governor of New York pursuant to Executive Law §28 or by the Westchester County Executive or Town Supervisor of Pound Ridge pursuant to Executive Law §24 if such public body determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in-person meeting.
- B. These written procedures governing member attendance by videoconference at meetings of public bodies, together with any supplemental, but not

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contrary, written procedures that public bodies may adopt on the subject of videoconferencing, shall be conspicuously posted on the Town of Pound Ridge's website.

SECTION 3. Severability

If any clause, sentence paragraph section, or part of the article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

SECTION 4. Incorporation

The Town Clerk shall cause the amendments effected by this Local Law to be incorporated into the Code of the Town of Pound Ridge

SECTION 5. Effective date

This Local Law shall take effect upon passage, public hearing, and filing with the Secretary of State in accordance with §27 of the Municipal Home Rule and shall be deemed repealed on July 1, 2024, unless extended by State Legislature.

RESOLUTION 145-22

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

RESOLVED, that the Town Board of the Town of Pound Ridge hereby ordains and enacts as follows:

SECTION 1. Legislative Intent

It is the intent of this local law to give town board members the authority to participate in town board meetings via videoconference from locations that fall outside the town's geographical boundaries. Videoconferencing has proven to be an effective and useful tool for town board meetings that allows members to participate despite issues such as inclement weather, illness, or travel plans. Videoconferencing also helps ameliorate

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potential quorum issues so that the town is able to address business and matters in a more timely fashion.

Although Public Officers Law §102 expressly allows members of a public body to attend and participate in meetings using videoconferencing, Town Law §62 states that town board meetings must take place within the town thereby making it unclear if a town board member may participate via videoconference from a location outside the town's boundaries. This local law is meant to expressly provide that authority to members of the town board.

SECTION 2. Authority

This local law is adopted pursuant to Municipal Home Rule Law §10 which expressly authorizes the town board to adopt a local law superseding any provision of Town Law relating to the property, affairs or government of the town.

SECTION 3. VIDEOCONFERENCING FROM OUTSIDE TOWN LIMITS

The Town Board of the Town of Pound Ridge hereby supersedes Town Law §62 to expressly allow town board members to participate in town board meetings using videoconferencing from locations that fall outside the geographical limitations of the town.

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

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V. NEW BUSINESS

A. Town Board – Update on leaf blower legislation

Following up on a public hearing earlier this year to solicit input regarding the possible regulation of leaf blowers, Supervisor Hansan reported that the Town Board is revisiting proposals to modify the Noise Ordinance (Chapter 75 of the Town Code) to limit the use of leaf blowers.

Energy Action Committee Co-Chair John Grogan described similar legislation in Bedford that imposed a summer ban. He reported that there has been substantial compliance despite no enforcement action thus far.

Whereas Bedford’s ordinance prohibits the use of leaf blowers except during specified periods that change in succeeding years, the proposed legislation the Town Board is considering simply prohibits use during a specified period. The Town Attorney will review the language in the most recent proposal, and a public hearing will be scheduled for input on the resulting proposed local law.

B. Maintenance – Approval for purchase of lawn mower engine

RESOLUTION 146-22

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

RESOLVED, that the Town Board hereby authorizes the Maintenance Superintendent to purchase a Kawasaki FD750D replacement engine for an existing town-owned lawn mower at a cost of \$2,805.00.

C. Planning Board – Return of unused escrow funds

RESOLUTION 147-22

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

RESOLVED, that the Town Board hereby approves the return of the following unused Planning Board escrow amounts:

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<u>Name</u>	<u>Address</u>	<u>Amount</u>
Pound Ridge Library	271 Westchester Avenue	\$2,897.50
Michael Wolff	193 Salem Road	\$1,187.50
Laureen Barber	66 Fancher Road	\$6,795.00

D. Receiver of Taxes – Authorization to execute XpressPay agreement

RESOLUTION 148-22

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

RESOLVED, that the Town Board hereby authorizes the Receiver of Taxes to execute the updated XpressPay agreement.

E. Town Clerk

1. Authorization to solicit bids for fuel oil and services

RESOLUTION 149-22

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

RESOLVED, that the Town Board hereby authorizes the Town Clerk to solicit bids for fuel oil for the 2022-2023 heating season; AND BE IT

FURTHER RESOLVED, that the Town Board hereby authorizes the Town Clerk to solicit bids for general electrical repairs, maintenance, and services; for general well work repairs, maintenance, and services; and for general plumbing repairs, maintenance, and services for the period from January 1, 2023 through December 31, 2024.

2. Authorization to issue cemetery deed

RESOLUTION 150-22

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

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RESOLVED, that the Town Board hereby authorizes the Town Clerk to issue a cemetery deed for Plot 377-1, Section 3, to Pound Ridge residents Frank and Peggy Riordan, of 3 Brook Farm Circle, Bedford.

F. Drug Abuse Prevention Council – Accept resignation of Laurie Ciavardini

RESOLUTION 151-22

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

RESOLVED, that the Town Board hereby accepts the resignation of Laurie Chiaverini from the Drug Abuse Prevention Council.

G. Energy Action Committee – Accept resignation of John Grogan as co-chair

RESOLUTION 152-22

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

RESOLVED, that the Town Board hereby accepts John Grogan's resignation as co-chair of the Energy Action Committee.

VI. ADJOURNMENT: There being no further business to come before the Board, Supervisor Hansan adjourned the meeting at 9:04 pm.

Erin Trostle, Town Clerk
Dated at Pound Ridge, New York
September 11, 2022