

MINUTES OF THE NOVEMBER 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 7:00 PM

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

ALSO

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

NOT

PRESENT: COUNCILPERSON ALISON BOAK

I. CALL TO ORDER OF REGULAR MEETING

Supervisor Hansan called the meeting to order at 7:08 pm.

II. ANNOUNCEMENTS

- Now that the election is over, please remove any political signs you may have put up.
- The Pound Ridge Business Association will host a Holiday Open House on Saturday, November 19, 2022, from 12:00 noon to 6:00 pm.
- The Village Green is nearing completion. The Maintenance Department has been installing furniture; installation of lights and landscaping has begun; and sod will be laid next week. At that time, the existing fence will be removed, and it will be possible to begin using the patio area.
- The Rec Department's Neighbor 2 Neighbor program is hosting Pizza with the Police Chief on Wednesday, November 16, 2022, at Conant Hall at 12:00 noon. All are invited to attend and speak with Chief Mulcahy.
- Neighbor 2 Neighbor will also host a program on Medicate choices and resources on Wednesday, November 30, at Conant Hall, at 11:00 am.

III. MINUTES

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Brand, all voting aye, to approve the minutes of the October 4, 2022 and November 1, 2022 Town Board meetings.

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IV. PUBLIC HEARING ON PRELIMINARY BUDGET

There will be a public hearing on the Preliminary 2023 Budget on Tuesday, December 6, 2022. The Tentative 2023 Budget has been posted, and the Preliminary Budget will be available soon.

V. PUBLIC HEARING ON PROPOSED LEAF BLOWER LEGISLATION

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Briggs, all voting aye, to open the public hearing on proposed legislation to limit the use of gasoline-powered leaf blowers.

Town Attorney William Harrington explained that the proposed legislation, which modifies the existing noise ordinance (Chapter 75 of the Town Code) is a draft and is intended for discussion purposes only. He then read the body of the proposed legislation aloud:

Chapter 75 Noise

§ 75-5 Specific limits; responsibility of owner or lessee or possessor.

§ 75-1 Title.

§ 75-2 Statement of policy.

§ 75-3 Definitions.

§ 75-4 Prohibited commercial activities.

§ 75-5 Specific limits; responsibility of owner or lessee or possessor.

§ 75-6 Exemptions.

§ 75-7 Town Board authorized to suspend provisions.

§ 75-8 Enforcement official.

§ 75-9 Penalties for offenses.

§ 75-10 Related ordinances.

§ 75-1 Title

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The title to the chapter shall be known as the "Town of Pound Ridge Noise Control Law."

§ 75-2 Statement of policy.

It is hereby declared to be the policy of the Town of Pound Ridge to safeguard the rights of its residents within the privacy of their homes to be free from intrusive and unwanted sounds. Problems concerning disturbance of peace and quiet by noise from various activities are best solved by thoughtful discussions and cooperative agreements between neighbors or other affected parties. However, to resolve remaining problems of noise, which is disturbing to others, it is the policy of the Town of Pound Ridge to establish standards, enforcement procedures and penalties.

§ 75-3 Definitions.

BUILDING DEPARTMENT

The Building Department of the Town of Pound Ridge.

COMMERCIAL ACTIVITY

Any work or activity associated with the normal exterior maintenance or repair of a property, performed by a third-party contractor, that is not regulated by the Town of Pound Ridge Building Department.

COMMERCIAL OPERATOR

Anyone engaged in a commercial activity.

HOLIDAYS

New Year's Day, Dr. Martin Luther King Birthday, Presidents Day, Columbus Day, Veterans Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Yom Kippur, Thanksgiving Day and Christmas Day.

NONCOMMERCIAL ACTIVITY

Any work or activity associated with the normal exterior maintenance or repair of a property, performed by an individual homeowner and family, that is not regulated by the Pound Ridge Building Department.

POLICE OFFICIAL

Any sworn member of the Town of Pound Ridge Police Department, any member of the New York State Police, or any other official who possesses

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the powers of a police officer, as defined in the Criminal Procedure Law, whose geographic area of employment includes the Town of Pound Ridge, Westchester County, New York.

INTERNAL COMBUSTION LEAF BLOWER

Any device powered by a gasoline, diesel or similar fuel engine which is used, designed, or operated to produce a current of air for the purpose of pushing, propelling or blowing leaves, dirt, gardening and grass clippings and cuttings, refuse or debris, whether portable and carried, or walked behind, or attached to a tractor or similar machine.

§ 75-4 Prohibited commercial activities.

- A. During the hours of 6:00 p.m. to 8:00 a.m., Monday through Saturday; from 6:00 p.m. on Saturday until 8:00 a.m. on Monday; and on all holidays (as defined herein), it shall be unlawful for a commercial operator to:
 - (1) Operate, cause to be operated or permit the operation of a leaf blower, chain saw, lawnmower or other gardening or landscaping equipment which is powered by electricity, rechargeable battery or combustion engine.
 - (2) Operate, cause to be operated or permit the operation of any equipment, machinery, tool or any other device used in construction, building, grading, blasting, excavation, or tree removal that makes a noise or sound which is audible beyond the property line on which it is located.
- B. It shall be unlawful for a Commercial Operator to operate, cause to be operated, or permit the operation of an internal combustion leaf blower between May 15th and October 15th.

§ 75-5 Specific limits; responsibility of owner or lessee or possessor.

It shall additionally be unlawful for the owner, lessee or person having possession and control of any property to:

- A. Permit such noise activities as defined in § 75-4 thereon.

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- B. Engage in or to conduct themselves in such a manner so as to disturb the peace of the neighborhood. A specific prohibition is continuous noise in excess of 45 dB at the property line for 30 minutes or more between the hours of 11:00 p.m. to 7:00 a.m.

§ 75-6 Exemptions.

- A. The use of snowblowers, chain saws, generators, and other domestic tools and equipment is exempted from the limits of this chapter when they are being used to clear driveways, streets or walkways during and within 24 hours after the cessation of a power outage, weather event or similar emergencies.
- B. Nothing in this chapter shall be construed to prevent the production of music in connection with any military or civic parade, funeral procession, or religious service.
- C. This chapter shall not be construed to prohibit the use of any organ, bell, chimes, or any other similar instrument or device by any church, synagogue or school on or within its own premises in connection with religious rites or ceremonies of such church or synagogue or in connection with a school education program.
- D. Sounds created by any governmental agency by the use of public warning devices are exempted from the limitations of this chapter.
- E. Sounds created by public utilities in carrying out the operations of their franchise are exempted from the limitations of this chapter.
- F. Sounds connected with activities and equipment of the Town of Pound Ridge are exempt from the limitations of this chapter with the exception of internal combustion leaf blowers.
- G. Sounds created by contractors in the performance of public duties and operating under government direction are exempt from the limitations of this chapter.
- H. The restrictions and limitations set forth in Section 75-4 shall not apply:
 - (1) To any operating eighteen-hole golf courses in the Town of Pound Ridge

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- (2) During times of emergency as determined by executive order of the Town Supervisor, provided the use of such equipment which is non-compliant with this Chapter is deemed necessary by the Supervisor or other emergency response official to address the emergency adequately and expeditiously.
- (3) Additionally, the Supervisor or his or her designee, may, in his or her discretion and upon application, grant a temporary permit to allow the operation of one or more gas-powered leaf blowers to accommodate a special circumstance. By way of illustration, a "special circumstance" includes, among other things, the remediation of an abandoned or neglected property, the cleanup of streets and roadways following a severe storm or any emergency situation which presents an immediate danger to public health and safety.

John Grogan, of 14 Kinnicutt Road East, stated that he views the proposed legislation as a reasonable compromise between those who want no change and those who, like himself, would prefer a complete ban on gas-powered leaf blowers.

Joe Simonetti, of 26 Bob Hill Road, commented via videoconference that battery-powered leaf blowers have less environmental impact than gas-powered ones.

Deann Grogan, of 14 Kinnicutt Road East, joined the meeting via videoconference. She urged the Town Board to restrict the use of gasoline-powered leaf blowers.

Tom Andersen, of 47 Bender Way, asked that the Town Board extend the period when operation of gasoline-powered leaf blowers would be prohibited and include limitations on homeowners as well as commercial operators.

Rachel Weissman, of 39 Rolling Meadow Lane, also asked that the proposed legislation apply to homeowners as well as commercial operators.

Robert Sachs, of 58 Kitchawan Road, stated that he does not want a ban of any kind at any time on gas-powered leaf blowers.

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Tina August, of 110 Old Stone Hill Road, submitted written comments in which she asked that the holidays listed in §75-3 include Rosh Hashanah and that exemption period in §75-6 be extended from 24 hours to 48 or 72 hours.

Michael Wolff, of 193 Salem Road, asked that an exemption for large property owners be added to the legislation. He also played a recording of electric and gas-powered leaf blowers to demonstrate relatively small difference in noise levels.

John McCown, of 25 Miller Road, stated his opposition to the proposed legislation, asserting that it would result in increased costs to homeowners like himself, to his homeowners' association, and to the town as a whole.

Alex Goldfarb, of 21 Patterson Road, also stated his opposition to the proposed legislation, concurring that Rosh Hashanah should be included among holidays, noting that the noise ordinance does not forbid loud parties, and asserting that the proposed legislation is arbitrary and capricious.

Kim Goldfarb, also of 21 Patterson Road, outlined several objections to the proposed legislation, including concerns about poor use of police time and the golf course exemption.

John Cosetti, of 195 Eastwoods Road, joined via videoconference. He echoed concerns about gas-powered leaf blowers voiced by John and Deann Grogan.

Dick Schlesinger, of 14 West Lane, expressed the opinion that the vast majority of residents do not favor legislation to limit the use of gas-powered leaf blowers.

Alice Gabriel, of 61 Trinity Pass, expressed the view that the proposed modifications to the noise ordinance do not go far enough. She pointed out that the proposal eliminates §75-5C, which prohibits conduct that interferes with the "comfort, repose, health, safety, or welfare of a reasonable person of normal sensitivities."

Trip Gabriel, also of 61 Trinity Pass, who participated via videoconference, objected to misleading signs posted around town, which, among other things, imply incorrectly that the proposed legislation would completely ban leaf blowers.

Jody Sullivan, of 74 West Lane, submitted written comments expressing strong opposition to any changes to the existing noise ordinance.

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Annie Fernald, of 104 South Bedford Road, urged the Town Board to pass legislation that would curtail the use of leaf blowers.

Jay Kolinsky, of 103 Old Stone Hill Road, objected to the proposed legislation, noting that there were only two noise complaints related to leaf blowers during 2021. He suggested a town-wide vote on the issue.

Debbie Damascus, of 118 Brook Farm Road East, expressed concern that restrictions on leaf blowers will increase animosity between neighbors.

Gerald Gamer, of 230 Eastwoods Road, submitted written comments advocating for the elimination of gas-powered leaf blowers.

Susan Allport, of 115 Cross Pond Road, noted that the proposed legislation is a modest seasonal limitation, not a ban. She said that homeowners as well as commercial operators should be restricted.

Leah Benincasa, of 11 South Eastern Farm Road, noted that she is a member the board of Rock Rim Ponds Homeowners Association, whose members are obligated to pay for maintenance of common areas. Ms. Benincasa proposed that the association be granted the same exemption the proposed legislation extends to golf courses.

Helena deVengoechea Rudd, of 74 Cross Pond Road, submitted written comments describing negative environmental impacts associated with gas-powered leaf blowers.

Derek McConnell, of 14 Doeview Lane, submitted written comments in which he expressed support for the proposed legislation. He noted that it would enable him to continue to do his own property maintenance while limiting unnecessary year-round use of blowers by landscapers.

Kim Cosetti, of 195 Eastwoods Road, also submitted written comments in support of the proposed legislation.

Carol Sherwood, of 93 Cross Pond Road, submitted written comments in which she objected to the noise associated with commercial use of leaf blowers.

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Ronnie Lee, of 107 Cross Pond Road, submitted written comments in support of the proposed changes to the noise ordinance.

Leslie and Lawrence Gottlieb, of 27 East Kinnicutt Road, also submitted written comments in support of the proposed legislation.

Gina Federico, of 47 Bender Way, expressed the view that homeowners as well as commercial operators should be restricted, that quiet times should be extended, and that §75-5C should be restored.

Angela Haines, of 42 Fancher Road, submitted written comments in which she asked that restrictions apply to homeowners and that the time periods for restrictions be lengthened.

Supervisor Hansan thanked residents who took the time to comment publicly. He pointed out that all participants seem to share the goal of protecting Pound Ridge and encouraging neighborly behavior.

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Brand, all voting aye, to continue the public hearing at 7:00 pm on December 13, 2022.

VI. NEW BUSINESS

A. Highway – Accept retirement of Richard Hooker

RESOLUTION 183-22

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

RESOLVED, that the Town Board hereby accepts the retirement of MEO Richard Hooker, effective December 29, 2022.

B. Receiver of Taxes – Approve refund of duplicate payment

RESOLUTION 184-22

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

RESOLVED, that the Town Board hereby approves the refund of a duplicate payment in the amount of \$8,509.77 for the parcel known as Block 10263 Lot 11-20 to the Savings Bank of Danbury.

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C. Town Clerk

1. Approval to purchase laptop for LGRMIF grant project

RESOLUTION 185-22

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

RESOLVED, that the Town Board hereby authorizes the Town Clerk to purchase a laptop computer to be used in conjunction with the large-format scanner funded by a 2022-23 LGRMIF grant at a cost not to exceed \$3,500.00.

2. Approval to award contract for construction of walkway and construction exclusive of door installation and electrical work

RESOLUTION 186-22

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

RESOLVED, that the Town Board hereby awards Duque's Construction the contract for the construction of a walkway between the parking lot and the proposed accessible courtroom entrance at a cost of \$5,800.00, AND BE IT FURTHER

RESOLVED, that the Town Board hereby awards Mosolino Building and Development the contract to perform construction work associated with the accessible courtroom entrance, exclusive of electrical work and door installation, at a cost of \$4,480.00.

D. Recreation Department – Approve refund

RESOLUTION 187-22

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

RESOLVED, that the Town Board hereby authorizes the refund of a flag football registration fee in the amount of \$250.00 to Roxanne Williams.

VII. FINANCIAL MATTERS – Pay bills

RESOLUTION 188-22

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Briggs, the motion passing 3-0 with Councilperson Brand abstaining, on the following:

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RESOLVED, that the Supervisor is hereby authorized to pay the following claims:

Fund	Claim Numbers	Total Amount
General Fund	814–889	\$143,949.91
Highway Fund	201–213	\$21,141.46
Trust & Agency	68–74	\$24,789.77

VIII. ADJOURNMENT: There being no further business to come before the Board, Supervisor Hansan adjourned the meeting at 8:49 pm.

IX. RECONVENE AS PARKING DISTRICT: Supervisor Hansan called the meeting to order at 8:49 pm.

RESOLUTION 189-22

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Paschkes, the motion passing 3-0 with Councilperson Brand abstaining, on the following:

RESOLVED, that the Town Board hereby authorizes the Supervisor to pay the following claim:

Fund	Claim Numbers	Total Amount
Parking District	7	\$4,300.00

X. ADJOURNMENT: There being further no business to come before the Board, Supervisor Hansan adjourned the meeting at 8:50 pm.

Erin Trostle, Town Clerk
Dated at Pound Ridge, New York
December 1, 2022
Updated February 1, 2023