

MINUTES OF THE DECEMBER 13, 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 ALISON BOAK
COUNCILPERSON CARLA BRAND (via Zoom videoconference)
COUNCILPERSON DIANE BRIGGS
COUNCILPERSON DANIEL PASCHKES

ALSO

PRESENT: TOWN ATTORNEY WILLIAM HARRINGTON (via Zoom videoconference)
TOWN CLERK ERIN TROSTLE
DEPUTY SUPERVISOR LES MARON

I. CALL TO ORDER OF REGULAR MEETING

Supervisor Hansan called the meeting to order at 7:07 pm.

II. ANNOUNCEMENTS

- The Pound Ridge Fire District election and bond vote is today, and polls are open until 9:00 pm.
- The Pound Ridge Community Church is hosting a “Messy Christmas” event that will include crafts and storytelling on Friday, December 16, 2022, at 5:00 pm, and a “Blue Christmas” concert on Saturday, December 17, 2022, at 11:00 am. More information is available on the PRCC website.
- The Recreation Department presents “Breakfast with Frosty” this Saturday, December 17, 2022, from 9:00 am to 12:00 noon, at Conant Hall. Former Town Board Member Jody Sullivan will be reading Christmas stories, and the Market will be providing a pancake breakfast.
- Chabad of Bedford will host a menorah lighting this Sunday, December 18, 2022, at 6:00 pm in the Barnwell Center. More information is available on the Chabad website.

III. CALL FOR PUBLIC HEARING

Board Action: Motion by Councilperson Paschkas, seconded by Councilperson Briggs, all voting aye, to call for a public hearing on January 10, 2022, on a proposed extension of the ordinance governing accessory dwelling units.

IV. ANNOUNCEMENTS (continued)

- Supervisor Hansan thanked the members of the Town Board for their work during 2022, noting that the year’s many accomplishments include the new Village Green.

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V. PUBLIC HEARING

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Boak, all voting aye, to reopen the public hearing on a proposed modification to the noise ordinance restricting the use of gasoline-powered leaf blowers.

Resident Andy Ilic, of 8 Beech Hill Lane, stated that the decibel scale is logarithmic. He urged that Pound Ridge replicate Bedford's approach.

Residents Polly and Gordon Schnell, of 255 Eastwoods Road, submitted written comments in which they stated that the legislation should apply to homeowners as well as landscapers and that the window for permitted use should be shortened.

Resident Roberta Markowitz, of 20 Indian Hill Road, asked that the proposed legislation include limitations on homeowners. She advocated for mutual respect among neighbors.

Resident Alec Ulmann, of 68 Old Stone Hill Road, expressed support for the proposed legislation but reiterated comments by previous speakers that it doesn't go far enough.

Resident David Firestein, of 252 Eastwoods Road, submitted written comments favoring limited days and hours for the use of all gas-powered leaf blowers.

Resident Sara Sprung, of 57 Fancher Road, submitted written comments in which she asked that use of gas-powered leaf blowers be permitted only for spring and fall cleanup.

Resident Jay Goodgal, of 11 Apple Tree Lane, stated that as a homeowner with many trees on his property, his only options are to keep his trees and use gas-powered leaf blowers or to cut the trees down.

Resident Nicholas Cianciola, of 29 Autumn Ridge Road, objected to the time the Town Board has devoted to discussing leaf blower legislation and asserted that the views of some residents had not been taken into account.

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Resident Wendy Reingold, of 52 West Lane, submitted written comments proposing that gas-powered leaf blowers be allowed only for one month during spring and one month during fall.

Resident Tom Dodd, of 26 Pheasant Road, asked in written comments that the Town Board consider banning the use of all gas-powered leaf blowers from April through mid-October.

Resident Marilyn Shapiro, of 102 South Bedford Road, submitted written comments in which she cited environmental and health reasons for restricting the use of gas-powered leaf blowers.

Resident Roseann Vuotto, of 119 Cross Pond Road, submitted written comments in support of the proposed legislation but stated that restrictions should apply to homeowners as well as commercial operators.

Resident Andrew Bellis, of 10 Miller Road, submitted written comments in which he expressed dismay that the proposed legislation is a priority and stated that adopting it would unduly burden residents whose taxes are already high.

Resident Alex Kalajian, of 16 Miller Road, submitted written comments in which he expressed opposition to the proposed limitation on gas-powered leaf blowers, stating that the financial impact is especially objectionable given current economic conditions.

Resident Patric Conroy, of 21 Kendall Road, submitted written comments in which he expressed opposition to the proposed ordinance change, characterizing it as an example of government overreach.

Resident Robert Smock, of 6 Miller Road, submitted written comments stating that the proposed legislation blocks the use of practical tools, making it hard to maintain properties efficiently. He expressed strong opposition to the proposal.

Resident Peter Senatore, of 19 Kendall Road, submitted written comments in which he pointed out that some level of noise is a necessary part of life and that managing properties with trees requires the use of gas-powered leaf blowers.

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Resident Kristine Stoker, of 29 Threshing Rock Road, submitted written comments in which she expressed the view that only a small proportion of the community supports limitations on the use of gas-powered leaf blowers.

Resident Kenneth Shea, of 8 Threshing Rock Road, submitted written comments in which he opposed the proposed legislation and urged Town Board members to vote against it.

Resident Gail Wildman, of 8 Beech Hill Lane, stated that gas-powered leaf blowers endanger the health of those who operate them and said that restrictions on their use should apply to homeowners.

Resident Alan Peterman, of 184 Barnegat Road, said that the environment is in a dire state and that we must change how we think and act.

Resident Sue Lyons, of 75 Trinity Pass, submitted written comments in which she expressed support for restrictions that would apply to all operators of gas-powered leaf blowers.

Resident Ellen Ivens, of 173 Salem Road, submitted written comments in partial support of the proposed legislation, citing health and quality-of-life concerns, as well as environmental hazards.

Resident Andrea Soleiman, of 23 Kendall Road, submitted written comments in which she stated that the proposed limitations should apply to all residents and that the period for restrictions should be longer.

Resident Larry Brotmann, of 47 Hack Green Road, pointed out that the current proposal disregards the likelihood that battery technology will improve in the near future. He suggested additional time limitations.

Resident Charlene Sirowitz, of 17 Threshing Rock Road, submitted written comments in which she expressed opposition to the proposed legislation.

Residents Kristelle and Evan Shulman, of 4 Twin Fawn Lane, submitted written comments stating that restrictions should apply to homeowners, not just commercial operators, and that the time period for restrictions on use should be longer.

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Resident Marvin Markowitz, of 20 Indian Hill Road, submitted written comments in which he called Bedford's ordinance, which imposes progressive restrictions leading to a complete ban, a model to be followed.

Residents Sean and Amy Hester, of 2 Bob Hill Road, submitted written comments opposing the use of all gas-powered leaf blowers.

Resident Tom Smith, of 65 West Road, submitted written comments in support of the proposed legislation.

Resident Steven Fernald, of 104 South Bedford Road, submitted written comments in which he advocated for increasing restrictions to be consistent with those in Bedford's code.

Resident Niels Wittus, of 23 Hack Green Road, submitted written comments in which he expressed support for seasonal restrictions and urged residents who feel they must remove leaves to consider using electric blowers.

Resident Jamie Perna, of 39 Fox Hill Road, submitted written comments in which she advocated phasing out gas-powered lawn equipment.

Resident Christopher London, of 82 Pound Ridge Road, submitted written comments in favor of applying restrictions to homeowners and expanding the time period for restrictions.

Resident Barbara Kimmel, of 33 Highcliff Terrace, submitted written comments in which she too expressed support for restrictions on homeowner use and for an extended time period for restrictions.

Resident Anthony Luppino, of 11 Tatomuck Road, submitted written comments in which he explained the importance of leaf blowers to landscapers and pointed out that the proposed legislation will have a significant negative impact on small business owners.

Resident Andy Gorran, of 88 Autumn Ridge Road, who does his own yard work, objected the idea that the opinions of a small group could impose controls on the activities of others.

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Resident Natasha Seery, of 264 Trinity Pass, submitted written comments in which she proposed various alternatives to legislation, including simply requesting that residents limit their use of leaf blowers, purchasing electric leaf blowers for residents to borrow, and establishing a recycling program for gas-powered blowers.

Resident Danny Goldberg, of 25 Bender Way, submitted written comments in which he encouraged the Town Board to consider enacting regulations similar to those in place in neighboring towns.

Resident Donna Satow, of 9 Eastwoods Road, submitted written comments in which she stated that restrictions should apply to homeowners and should be extended over a longer period of time.

Resident Joanne Mineo, of stated that she would like to be able to enjoy the outdoors without the sound of leaf blowers in the background. She also advocated for civility and compromise.

Resident Rica Yaffa Opt, of 30 Peters Lane, expressed support for the legislation as a first step toward a more comprehensive approach to regulation.

Town Attorney Bill Harrington outlined the Town Board's three options: to vote down the proposed legislation, to vote in favor of it, or to close the public hearing and have discussions regarding how to proceed, which could include consideration of modifications to the proposed legislation. Only meaningful modifications would necessitate an additional public hearing.

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

Councilperson Paschkes clarified that, in contrast to what many signs posted around town imply, the Town Board has never considered an outright ban on gas-powered leaf blowers. He characterized the proposed legislation as a compromise that will likely be less than completely satisfactory for residents on both sides of the debate, but expressed support for the language as proposed.

Councilperson Briggs emphasized the need for compromise and said that, regardless of the Board's decision, she hoped it would revisit the issue within the next few years. She proposed that restrictions apply to golf courses as well as commercial landscapers and

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that the restrictions apply for a shorter time period: June 1 through September 15. She also stressed the importance of education.

Councilperson Brand expressed appreciation to residents who have contributed to the discussion. Although strongly inclined to apply the restrictions to homeowners as well as commercial users, she stated that she would, in the spirit of compromise, support the legislation as proposed.

RESOLUTION 199-22 [REJECTED]

Board Action: Motion by Councilperson Briggs, seconded by Supervisor Hansan, the motion failing 2-2, with Councilperson Boak abstaining and Councilpersons Paschkes and Brand voting no, on the following:

RESOLVED, that the proposed modification to the Noise Ordinance be amended such that §75-4(B) reads as follows:

It shall be unlawful for a Commercial Operator to operate, cause to operated, or permit the operation of an internal combustion leaf blower between June 1 and September 15.

RESOLUTION 200-22 [REJECTED]

Board Action: Motion by Councilperson Briggs, seconded by Supervisor Hansan, the motion failing 2-2, with Councilperson Boak abstaining and Councilpersons Paschkes and Brand voting no, on the following:

RESOLVED, that the proposed modification to the Noise Ordinance be amended such that §75-4(H)(i), exempting eighteen-hole golf courses from the restrictions and limitations in §75-4, is eliminated.

RESOLUTION 201-22

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Brand, the motion passing 3-1, with Councilperson Boak abstaining and Councilperson Briggs voting no:

RESOLVED, that the Town Board hereby adopts the proposed legislation to restrict the use of gasoline-powered leaf blowers as it is currently worded:

SECTION 1. Chapter 75 of the Town Code of the Town of Pound Ridge is hereby amended as follows:

Chapter 75 **Noise**

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§ 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

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.

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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 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.

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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.

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

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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
 - (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

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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.

§ 75-7 Town Board authorized to suspend provisions.

- A.** The Town Board of the Town of Pound Ridge is hereby authorized, by resolution, to suspend any of the provisions of this chapter in connection with any holiday celebration or upon any occasion of special public interest for such time and upon such conditions as shall be prescribed by the Town Board.
- B.** Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter, the Town Board, based on information provided after review by the Planning Board and/or Zoning Board and/or Building Inspector, shall have the power to grant a temporary variance to the owners of properties with nonresidential use. The granting of this variance will be in harmony with the general purposes and intent of this chapter, will not be injurious to the community or any neighborhood or otherwise detrimental to public health and safety. The owner of said property must demonstrate good and sufficient cause for the granting of such variance. The Town Board will retain continuing jurisdiction over said variance and shall have the power to review, modify, rehear, reverse or annul, for good

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cause, any order, resolution, decision, or determination made with respect to such variance.

- C. Special permits granted by the Town Board that include provisions regulating construction or maintenance operations shall supersede this chapter.

§ 75-8 Enforcement official.

The provisions of this chapter shall be enforced by the Police Department of the Town of Pound Ridge or any other police official as defined in this chapter.

§ 75-9 Penalties for offenses.

- A. Any violation of any provisions of this chapter by any person, firm or corporation shall be an offense and shall be punishable as follows:
 - (1) First offense conviction: issuance of a warning citation.
 - (2) For a second offense within one year of the issuance of a warning citation: a fine of no less than \$100 and not exceeding \$250.
 - (3) For a third offense within one year of a prior conviction or any subsequent convictions within one year of a prior conviction: a fine of not less than \$250 and not exceeding \$1,000.
- B. The foregoing provisions for enforcement of the regulations of this chapter are not exclusive but are in addition to any and all laws applicable thereto.

§ 75-10 Related ordinances.

The provisions of this chapter are not intended to interfere with or supersede those regulations, requirements, restrictions or conditions of other permits or ordinances in the Town of Pound Ridge. These include:

- A. Building permits, issued by the Building Department, which regulate construction activities.

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- B.** The restaurant/cabaret sections of the Town Code, which says that music has to stop at 12:00 midnight in the Business District.
- C.** Refuse pickup section of the Town Code, which says that pick-ups have to be done between 7:00 a. m. and 7:00 p.m.
- D.** Site plan or special permit conditions approved by the Planning Board or Town Board when said review includes one or more public hearings.

SECTION 2. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

SECTION 3. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

VI. NEW BUSINESS

A. Supervisor – Adopt 2023 Employee Handbook

RESOLUTION 202-22

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

RESOLVED, that the Town Board hereby adopts the 2023 Employee Handbook.

B. Town Clerk

1. Awarding of bids for well work and plumbing services

RESOLUTION 203-22

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

RESOLVED that, having received the bid listed below, the Town Board hereby awards the contract for plumbing repairs, maintenance, and general services for January 1, 2023 through December 31, 2024 to S&L Plumbing:

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<u>Bidder</u>	<u>Plumber rate</u>	<u>Helper rate</u>	<u>Material markup</u>
S&L Plumbing & Heating 145 Bedford Road Armonk, NY 10504	\$161.21/hour	\$114.56/hour	32.19%

RESOLUTION 204-22

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

RESOLVED that, having received the bid listed below, the Town Board hereby awards the contract for well repairs, maintenance, and general services for January 1, 2023 through December 31, 2024 to American Pump Service:

<u>Bidder</u>	<u>Labor rate</u>	<u>Hoist truck</u>	<u>Material markup</u>
American Pump Service 100 Dugway Drive Pawling, NY 12564	\$125.00/hour	\$100.00/hour	20%
Better Water Well System 348 Smith Ridge Road South Salem, NY 0590	\$140.72/hour*	\$128.73/hour	40%
	*8:00am – 4:00pm Monday-Friday only; Overtime rate: \$227.32/hour		

2. Review of General Code proposal for codification services

RESOLUTION 205-22

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

RESOLVED, that the Town Board hereby authorizes the updating of the Town Code by General Code to reflect all local laws passed to date at a cost not to exceed \$3,500.00.

C. Receiver of Taxes – Approval for refund

RESOLUTION 206-22

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 approves the refund of an overpayment of the 2022 Town and County tax bill for the parcel known as Block 9822 Lot 24 in the amount of \$5.96 to the trustee of Trust Goodfriend, c/o Daniel Goodfriend, 39 Danner Avenue, Harrison, NY 10528.

D. Energy Action Committee – Accept Resignation of Tom Smith

RESOLUTION 207-22

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

RESOLVED, that the Town Board hereby accepts the resignation of Tom Smith as a member of the Energy Action Committee.

VII. FINANCIAL MATTERS – Pay bills

RESOLUTION 208-22

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

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

Fund	Claim Numbers	Total Amount
General Fund	XXX–XXX	\$XXX,XXX.XX
Highway Fund	XXX–XXX	\$XX,XXX.XX
Trust & Agency	XX–XX	\$XX,XXX.XX

VIII. ADJOURNMENT: There being no further business to come before the Board, Supervisor Hansan adjourned the meeting at 8:59 pm.

IX. RECONVENE AS PARKING DISTRICT: Supervisor Hansan called the meeting to order at 8:59 pm.

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RESOLUTION 209-22

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

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

Fund	Claim Numbers	Total Amount
Parking District	X-X	\$XX,XXX.XX

- X. ADJOURNMENT:** There being no further business to come before the Board, Supervisor Hansan adjourned the meeting at 9:00 pm.

Erin Trostle, Town Clerk
Dated at Pound Ridge, New York
December 27, 2022
Updated February 1, 2023