

MINUTES OF THE AUGUST 1, 2023 MEETING OF THE TOWN BOARD OF THE TOWN OF POUND RIDGE HELD AT THE TOWN HOUSE, 179 WESTCHESTER AVENUE, POUND RIDGE, NEW YORK, AND VIA ZOOM VIDEOCONFERENCE, COMMENCING AT 7:00 PM

PRESENT: SUPERVISOR KEVIN HANSAN
COUNCILPERSON ALISON BOAK (via Zoom videoconference)
COUNCILPERSON CARLA BRAND
COUNCILPERSON DIANE BRIGGS
COUNCILPERSON DANIEL PASCHKES

ALSO

PRESENT: TOWN ATTORNEY WILLIAM HARRINGTON
TOWN CLERK ERIN TROSTLE

NOT

PRESENT: DEPUTY SUPERVISOR LES MARON

I. CALL TO ORDER OF REGULAR MEETING

Supervisor Hansan called the meeting to order at 7:05 pm.

II. ANNOUNCEMENTS

- The Garden Club will host a Zoom presentation on August 14 at 10:00 am, "Climate Change in New York State." Reserve your spot on the garden club website.
- The Rec Department has released fall program schedules. Registration and more information are available in the Recreation Department and on the town website.
- This will be the only Town Board meeting in August. The next meeting is scheduled for Tuesday, September 5, 2023.
- There is another Food Truck Friday scheduled for August 18, from 5:00 pm to 9:00 pm at the Barnwell Center.
- The Pound Ridge Partnership's summer concert series will continue on Sunday, August 20, from 5:00 to 7:00 pm, at the Village Green.
- The Friends of Pound Ridge will host a Popup Waterpark in the Town Park from 11:00 to 3:00 pm.

III. MINUTES

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Brand, all voting aye, to approve the minutes of the June 13 and July 11, 2023 Town Board meetings.

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IV. PUBLIC HEARING – Referendum language

Councilperson Paschkes stated that he believes it is important to offer residents a say regarding whether to continue funding for open space acquisitions. He noted that there will be additional opportunities for public comment before the vote in November.

Board Action: Motion by Councilperson Brand, seconded by Councilperson Briggs, all voting aye, to open the public hearing on inclusion of a proposition regarding continuation of funding for open space acquisitions on the November 2023 ballot.

Resident Leah Benincasa, of 11 Southeastern Farm Road, observed that the town has collected funds for open space since 2000 and that the Open Space Acquisition Fund currently holds \$4.66 million. She said she doesn't believe the referendum should be on the ballot this year.

Resident Ellen Kearns, of 125 Brook Farm Road East, said that many new homes have been built in town over the last few decades, increasing the number of cars on the road and diminishing the amount of wild land, and that climate change is impacting the local ecosystem. She said we should consider whether our priority is saving money or planning for the future.

Resident Alexander Goldfarb, of 21 Patterson Road, noted that he objects to continuation of funding for the reasons Ms. Benincasa stated and said that taxing residents now for open space is not prudent or appropriate.

Resident John McCown, of 25 Miller Road, reiterated Mr. Goldfarb's comments and said that now may be the time to take a pause for a discussion of what is being done with the existing funds.

Resident Bob Siegel, of 50 White Birch Road, said that we have a green town today because of the foresight of the Conservation Board in the past. He stated that this issue is for the voters to decide and that the statement that the board is making an endorsement by putting a question on the ballot does not make sense.

Resident Richard Mendes, of 30 Peters Lane, observed that the past suspension of funding occurred during a significant economic downturn and that failure to save now may mean not being able to take advantage of future opportunities.

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Resident Elyse Arnow, of 12 Fancher Road, current Chair of the Open Space Acquisition Committee (OSAC), said that a presentation she made to the Town Board about the OSAC's work that is posted to the website. The committee has developed rubrics for assessing the conservation value and resilience of various parcels and will be completely transparent in its recommendations. She invited members of the public to join the OSAC in its work.

Resident Calli Hayes, of 4 Brook Farm Circle, asked Ms. Arnow if she has an idea of the total cost of target properties. She stated that it isn't possible to devote unlimited funds to open space.

Ms. Arnow responded that because it is not possible to spend unlimited funds, it's important to develop criteria for assessing and prioritizing various parcels.

Mr. McCown said it would be useful for the public to know the position of Town Board members regarding funding for open space.

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

Town Attorney William Harrington explained that approving referendum language is necessary in order to ensure that a question appears on the November 2023 ballot but said that the specific language can be changed after additional input at the next public hearing. He also noted that failure to approve language at this time would preclude a town-wide vote in November.

Councilperson Paschkes said that he supports and will advocate for continued funding for open space acquisitions. He said that the amount in the fund is indicative of good stewardship and a cautious approach. He also noted that putting the matter to a vote means the Town Board is choosing not to impose a decision on residents and that not holding a referendum would be a less democratic approach.

Councilperson Briggs indicated that she agrees with points made by Councilperson Paschkes, that she moved to Pound Ridge in part because of its green spaces, and that she supports both continued funding for open space and offering residents an opportunity to vote on the matter.

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RESOLUTION 187-23

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

WHEREAS, the Town, by Resolution, as approved by Town-wide referendum in November 2000, established a Capital Reserve Fund for the acquisition of open space within the Town, funded by a general property tax levy (“Open Space Acquisition Fund”); AND

WHEREAS, the Town, having renewed and refunded that Open Space Acquisition Fund by Resolution, also approved by Town wide referendum in November 2010, for a period of ten years commencing January 1, 2011 and thereafter by Resolution Town-wide Referendum extended the Open Space Acquisition Fund to December 31, 2023; AND

WHEREAS, the Town’s Open Space Acquisition Fund funding is scheduled to expire on December 31, 2023; NOW IT IS HEREBY

RESOLVED, that Town of Pound Ridge hereby approves the refunding and continuation of the Town Open Space Acquisition Fund for a period of ten (10) years beginning January 1, 2024. This resolution shall be effective August 31, 2023 subject to an affirmative Town wide referendum to be held at the General Election on November 7, 2023; AND IT IS FURTHER

RESOLVED, that the referendum shall read as follows:

Shall the Town of Pound Ridge continue to make contributions to a capital reserve fund dedicated to acquiring ownership rights, easements or interests in Open Space areas, as defined in Section 247 of the General Municipal Law, and to maintaining and preserving those Open Space areas previously or hereafter acquired by the fund. Such contributions shall continue to be financed from the annual general tax levy for a period of ten (10) years, commencing January 1, 2024, of \$1 per \$1,000 of assessed value from 2024 through 2033.

AND IT IS FURTHER

RESOLVED, that the Town Clerk of the Town of Pound Ridge be authorized to execute any and all documents necessary to effect this resolution and the placement of the referendum on the November 2023 Ballot.

Supervisor Hansan stated that one reason he favors putting a question on the ballot is that a referendum will raise public awareness for arguments both for and against continuation of funding.

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Councilperson Briggs said that Ms. Arnow's presentation to the Town Board was illuminating and encouraged residents to view it.

V. NEW BUSINESS

A. Finance – 2021 and 2022 Audit status

Supervisor Hansan stated that it is important to him to keep the Town Board well informed regarding progress on the 2021 and 2022 audits and that the purpose of the presentation is to provide a status update.

Director of Finance Steven Conti presented a summary of town finances for 2021 and 2022. He indicated that more detail for those years is posted to the website. In both years, actual revenues exceeded budgeted amounts (by \$632,816 in 2021 and by \$766,935 in 2022), and actual expenses were less than budgeted amounts (by \$735,829 in 2021 and by \$480,074 in 2022).

He noted that actual mortgage tax and sales tax revenues—the bulk of town revenues from non-property tax sources—have consistently exceeded budgeted amounts, thanks to a conservative approach to budgeting.

Mr. Conti noted that he is currently responding to the auditors' requests for information in order to complete the outstanding audits. In response to a question from Councilperson Brand, he indicated that the auditors plan to conduct the 2021 audit in September and to complete and present it in October. Residents were then offered an opportunity to ask questions regarding the presentation.

Mr. Goldfarb asked how a budget could be presented where projected expenses exceed projected revenues. Mr. Conti explained that this reflects a rollover of the prior year's surplus. He noted that this has happened several years in a row due to repeated surpluses and emphasized that the amounts rolled over are not additive; rather, rollovers in consecutive years constitute a repeated rollover of essentially the same funds.

Mr. McCown asked whether the auditors had been given a balance sheet. Mr. Conti indicated that initially the auditors do preliminary testing and that doing so should accelerate the pace of the audit process, in part because testing for subsequent years is being done contemporaneously. Councilperson Brand clarified that this more intensive testing is being done because of the timing of the audits.

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B. Assessor – Authorization to attend conference

RESOLUTION 188-23

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

RESOLVED, that the Town Board hereby authorizes the Assessor to attend the New York State Assessors Association Conference in Saratoga, New York, from Tuesday, October 3 through Friday, October 5, at a cost of \$1,300, as budgeted.

C. Justice Court – Authorization to attend conference

RESOLUTION 189-23

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

RESOLVED, that the Town Board hereby authorizes the Court Clerk to attend the New York State Association of Magistrates Court Clerks Conference in Verona, New York, from Thursday, September 17 through Sunday, September 20, 2023 at a cost of \$1,296.42, as budgeted.

D. Recreation – Approval for refund

RESOLUTION 190-23

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

RESOLVED, that the Town Board hereby approves the refund of a Conant Hall security deposit in the amount of \$500 to Brian Ferenz.

E. Town Clerk

1. Approval for Chabad special event permit

RESOLUTION 191-23

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

RESOLVED, that the Town Board hereby approves a special event permit for Chabad of Bedford to display a menorah at the Village Green from December 7 through December 15, 2023, and to hold a menorah lighting ceremony on Sunday, December 10, 2023, from

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3:00 pm to 5:00 pm, subject to the location being determined in consultation with Councilperson Briggs in an effort to promote public safety.

2. Approval for Harvest Festival special event permit

RESOLUTION 192-23

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

RESOLVED, that the Town Board hereby approves the special event permit for the 2023 Harvest Festival, to be held on October 7, 2023, from 12:00 noon to 7:00 pm, subject to final approval by the Police Chief and the Building Inspector, subject to the Town Attorney's review and approval of the insurance documentation, and also subject to the following conditions:

- The number of parking passes sold must not exceed capacity at the elementary school and the nursery.
- Parking limitations must be advertised on signage and on the event website.
- The parking contractor and/or volunteer coordinator must meet with the Pound Ridge Police Department (PRPD) at least one week prior to the event.
- The parking contact must meet with on-site PRPD supervisors on the day of the event.
- The applicant will notify PRPD if the upper field at the elementary school should be lined as for the fireworks.
- The variable message board will be used before (to alert the public regarding delays) and during the event (for parking info).
- The applicant will secure cones and barricades as needed from the Highway Department.
- The PRPD recommends that alcohol sales stop at 4:00 pm ("last call").
- The applicant should have discussions with vendors prior to the event regarding compliance with "last call" and avoidance of overserving attendees.
- The applicant should ensure that volunteers monitor the area designated for alcohol consumption to ensure that attendees do not take alcoholic beverages with them when leaving the area.
- The PRPD recommends that the applicant follow best-practice recommendations of the town's insurance carrier regarding alcoholic beverages, such as offering incentives for designated drivers.
- The headlining act should end no later than 5:00 pm.
- The Maintenance Garage, which is used as a green room, is a workplace environment and thus must be a "no smoking" area.

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- The main stage must be inspected and approved by the Building Inspector the morning of the event.
- All extension cords and portable generators must be inspected and approved by the Building Inspector the morning of the event.
- All rides must be inspected and approved by the Department of Labor.
- All food trucks must display Town of Pound Ridge inspection tags.
- The number of portable toilets must meet with the approval of the Building Inspector.
- The Pound Ridge Volunteer Ambulance Corps (PRVAC) will contract with Westchester EMS (WEMS) for a standby paramedic and a standby transport ambulance, and the applicant will reimburse PRVAC for the full cost of securing the WEMS resources.
- The applicant will reimburse PRVAC for the cost of food and drink purchased at the event for PRVAC and WEMS personnel.
- PRVAC will determine the location of the ambulances.

3. Approval for amendment to Trivia Night special event permit

RESOLUTION 193-23

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

RESOLVED, that the Town Board hereby approves a modification of the previously approved special event permit for Trivia Night to add an additional event scheduled on Thursday, September 21, 2023, 6:30 pm to 8:30 pm, with a rain date of Thursday, September 28, 2023.

F. Water Wastewater Task Force – Authorization to execute contract addendum

RESOLUTION 194-23

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

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign a contract addendum with the Laberge Group for conducting subsurface investigation along Westchester Avenue between Old Pound Road and the southerly end of Scotts Corners at a cost of \$24,000.00.

G. Pound Ridge Partnership – Discussion of dumpster enclosures

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James Best, co-president of the Pound Ridge Partnership, reminded the board of the results of the Partnership’s 2012 dumpster study, which led to the installation of two dumpster enclosures behind DiNardo’s and Blind Charlie’s. Mr. Best noted that past discussions had explored the possibility of two more enclosures behind the buildings on the north side of Westchester Avenue, and he encouraged the Town Board to consider including the expense of the additional dumpsters in its 2024 budget.

VI. FINANCIAL MATTERS – Pay bills

RESOLUTION 195-23

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
Capital Projects	3–8	\$241,245.17
General Fund	618–676	\$49,705.11
Highway Fund	129–149	\$36,565.70
Trust & Agency	48	\$500.00

VII. ADJOURNMENT: There being no further business to come before the Board, Supervisor Hansan adjourned the meeting at 8:36 pm.

VIII. RECONVENE AS PARKING DISTRICT COMMISSION: Supervisor Hansan called the meeting to order at 8:36 pm.

RESOLUTION 196-23

Board Action: Motion by Councilperson Boak, seconded by Councilperson Paschkes, 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 claim:

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Fund	Claim Number	Total Amount
Parking District	5	\$4,300.00

IX. ADJOURNMENT: There being no further business to come before the Board, Supervisor Hansan adjourned the meeting at 8:37 pm.

Erin Trostle, Town Clerk
Dated at Pound Ridge, New York
August 9, 2023