

**MINUTES OF THE FEBRUARY 6, 2024 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 7:30 PM**

PRESENT: SUPERVISOR KEVIN HANSAN  
COUNCILPERSON ALISON BOAK  
COUNCILPERSON DIANE BRIGGS  
COUNCILPERSON DANIEL PASCHKES  
COUNCILPERSON NAMASHA SCHELLING

ALSO

PRESENT: DEPUTY TOWN ATTORNEY JOHN LOVELESS  
TOWN CLERK ERIN TROSTLE

NOT

PRESENT: TOWN ATTORNEY WILLIAM HARRINGTON

**I. CALL TO ORDER OF REGULAR MEETING:** Supervisor Hansan called the meeting to order at 7:30 pm.

**II. CALL FOR EXECUTIVE SESSION**

**Board Action:** Motion by Councilperson Boak, seconded by Councilperson Briggs, all voting aye, to call for an executive session on Tuesday, February 13, 2024 at 6:30 pm.

**III. ANNOUNCEMENT**

The next Town Board meeting is scheduled for Tuesday, February 13, 2024 at 7:30 pm, rather than on February 20, 2024.

**IV. MINUTES**

**Board Action:** Motion by Councilperson Briggs, seconded by Councilperson Schelling, all voting aye to approve the minutes of the January 16, 2024 Town Board meeting.

**V. OLD BUSINESS**

**A. Town Attorney – Adopt resolution regarding cannabis opt-out law**

**RESOLUTION 32-24**

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

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WHEREAS, the New York Marihuana Regulation and Taxation Act (“Cannabis Law”) became effective on March 31, 2021; AND

WHEREAS, Section 131(1) of the Cannabis Law provided a nine-month period ending on December 31, 2021, allowing the Town of Pound Ridge (“Town”) to adopt a local law requesting the New York Cannabis Control Board to prohibit the establishment of retail dispensary licenses and/or on-site consumption licenses within the Town (hereinafter, “Local Opt-Out Law”); AND

WHEREAS, the Town did not adopt a Local Opt-Out Law on or before December 31, 2021; AND

WHEREAS, under the unique facts and circumstances of this matter, the interests of the Town and its residents will be served by requesting the New York State legislature to pass a law whereby the time for the Town to adopt a Local Opt-Out Law shall be reinstated for a nine-month period commencing on the effective date of such law; NOW, THEREFORE, BE IT

RESOLVED, that the Town hereby supports and approves a request that the New York State legislature pass a law whereby the time for the Town to adopt a Local Opt-Out Law shall be reinstated for a nine-month period commencing on the effective date of such law.

**B. Comprehensive Plan Update Committee**

**RESOLUTION 33-24**

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

RESOLVED, that the Town Board hereby accepts the proposal from Hardesty & Hanover dated January 24, 2024 specifying an hourly rate of \$165.00.

**C. Finance – Review of audit results**

Results of the 2021 audit by PKF O’Connor Davies were presented at the January 16, 2024 meeting. Director of Finance Steven Conti explained that only one change had been made since the presentation: recognition of a transfer from the General Fund to the Highway Fund in the amount of \$41,800.00, which represents board-approved expenditures of \$35,000.00 for tree removal and \$6,800 for the salary differential between the Laborer and Mechanical Equipment Operator job titles.

**RESOLUTION 34-24**

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

RESOLVED, that the Town Board hereby accepts the results of the 2021 audit performed by PKF O'Connor Davies.

**VI. NEW BUSINESS**

**A. Town Board**

**1. Appointment of Annie Burnham to Accountant job title**

**RESOLUTION 35-24**

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

RESOLVED, that the Town Board hereby ratifies the decision made in executive session to appoint Annie Burnham as an Accountant, with a salary increase to an annual rate of \$84,700.00.

**2. Create budget line for Civil Service stipend**

**RESOLUTION 36-24**

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

RESOLVED, that the Town Board hereby ratifies the decision made in executive session to create budget line 1.1680.0105 in the amount of \$4,000.00; AND BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the expenditure of \$2,000.00 from the aforesaid budget line for the period ending June 30, 2024, at which point the need for further expenditures will be reassessed.

**3. Approval for budget transfer**

**RESOLUTION 37-24**

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

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RESOLVED, that the Town Board hereby ratifies the decision made in executive session to transfer \$11,700.00 out of the contingency budget, with \$7,700.00 of that total allocated to line 1310.0103 (Hourly – Clerical) and \$4,000.00 allocated to the newly created line 1680.0105 (Civil Service Stipend).

**4. Appoint Audrey Wilson permanent part-time Court Clerk**

**RESOLUTION 38-24**

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

RESOLVED, that the Town Board hereby ratifies the decision made in executive session to appoint Audrey Wilson permanent part-time Court Clerk at an hourly rate of \$30.00.

**5. Appointment of Deborah Tepper and Chris Hayes to the Water Control Commission**

**RESOLUTION 39-24**

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

RESOLVED, that the Town Board hereby ratifies the decision made in executive session to appoint Deborah Tepper and Chris Hayes to vacant seats on the Water Control Commission.

**B. Supervisor's Office**

**1. Discussion of request for relief from Local Law 2023-4**

Gerri Tortorella, of Hocherman Tortorella & Wekstein LLP, appeared on behalf of PMNG Management LLC to request relief from Local Law 2023-4, which enacted a six-month moratorium on development in the zoning districts known as PB-A, PB-B, and PB-C. She stated that she believed the moratorium would preclude PMNG from obtaining a SEQRA determination regarding the proposed redevelopment of certain parcels located in the PB-B district with the construction of low-density residential apartments. Ms. Tortorella asked that the board amend the moratorium to exempt all residential development, not just one- and two-family dwellings.

Supervisor Hansan and Councilperson Paschkes both pointed out that since no application has yet been presented, it would be unlikely that the necessary work needed to obtain a SEQRA determination could be completed before the moratorium expires and that the language could be revisited if the board should choose to consider extending the moratorium. No action was taken on the matter.

## **2. Accept Recreational Trails Grant**

### **RESOLUTION 40-24**

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

WHEREAS the Town of Pound Ridge applied for financial assistance from the New York State Office of Parks, Recreation, and Historic preservation (“OPRHP”) under the Recreational Trails Program for the purpose of funding the Pound Ridge Trails project, BE IT HEREBY

RESOLVED, that the Town Board hereby accepts grand funds in an amount not to exceed \$250,000.00 for the aforesaid project as described in the grant application; AND BE IT FURTHER

RESOLVED, that the Town Board hereby accepts the terms of the contract with OPRHP for the aforesaid project; AND BE IT FURTHER

RESOLVED, that the Town Board hereby agrees to the terms and conditions of any required deed of easement granted to OPRHP that affects title to real property owned by the Town of Pound Ridge and improved by the grant funds, which may be a duly recorded public access covenant, conservation easement, and/or preservation covenant; AND BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute the aforesaid contract and any amendments thereto and any required deed of easement as described above.

**Note: Councilperson Boak left the meeting at approximately 8:10 pm, recusing herself from the following discussion.**

**C. Maintenance Department**

**1. Approval for repairs and equipment purchases**

**RESOLUTION 41-24**

**Board Action:** Motion by Councilperson Paschkes, seconded by Councilperson Briggs, the motion passing 4-0, with Councilperson Boak having recused herself, on the following:

RESOLVED, that the Town Board hereby authorizes the expenditure of \$5,400.00 for repairs to the pool house patio; AND BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the expenditure of a total of \$2,800.00 for the replacement of smoke detectors and the installation of carbon monoxide detectors in Conant Hall; AND BE IT FURTHER

RESOLVED, that the Town Board authorizes the purchase of a trailer for transporting mowers and other landscaping equipment at a cost of \$4,301.00 and the sale of an old and inoperable trailer; AND BE IT FURTHER

RESOLVED, that the Town Board retroactively authorizes the emergency repair of the Town House front patio and the bicycle racks at 77 Westchester Avenue at a cost of \$5,400.00.

**2. Approval for the purchase of air conditioning units for the museum**

**RESOLUTION 42-24**

**Board Action:** Motion by Councilperson Paschkes, seconded by Councilperson Briggs, the motion passing 4-0, with Councilperson Boak having recused herself, on the following:

RESOLVED, that the Town Board hereby authorizes the purchase of two air conditioning units for the Pound Ridge Museum at a total cost of \$2,848.10.

**Note: Councilperson Boak returned to the meeting at approximately 8:19 pm, after the preceding vote was taken.**

**D. Receiver of Taxes – Approval for refunds**

**RESOLUTION 43-24**

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

RESOLVED, that the Town Board hereby authorizes the following refunds:

<u>Parcel</u>	<u>Payee</u>	<u>Amount</u>	<u>Reason</u>
10263-54	Corelogic Centralized Refunds	\$8,899.23	duplicate payment
9031-82	Roemer Family Trust	\$0.01	overpayment
9317-9.6	Timothy F. Quinn	\$0.01	overpayment
9457-3.30	Peter & Jennifer Feinberg	\$0.28	overpayment

**E. Recreation Department – Authorization to purchase basketball jerseys**

**RESOLUTION 44-24**

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

RESOLVED, that the Town Board hereby authorizes the purchase of basketball jerseys at a cost of \$4,390.00.

**F. Town Clerk**

**1. Approval for special event permit for Recreation Department**

**RESOLUTION 45-24**

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

RESOLVED, that the Town Board hereby approves the Recreation Department's application for a special event permit for a spring cornhole league.

**2. Designation of Official Newspaper**

**RESOLUTION 46-24**

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

RESOLVED, that the Town Board hereby designates the Westchester Journal-News as the official newspaper of the town.

**3. Referral of Special Use Permit Application by 123 Dough**

Glen Shin, of 123 Dough Bakery, described a proposal to install dining pods at the front of the bakery. The Town Board referred the application to the Planning Board for its review and recommendation.

**G. Conservation Board – Amend previously granted banner permission**

**RESOLUTION 47-24**

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

RESOLVED, that the Town Board hereby approves the Conservation Board's amended request to install Repair Café banners on the streetlights in the business district beginning March 1, 2024, to be removed on or about March 17, 2024.

**H. Planning Board – Accept resignation of Michelle Rudolph**

**RESOLUTION 48-24**

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

RESOLVED, that the Town Board hereby accepts the resignation of Michelle Rudolph from the Planning Board.

**I. Water Control Commission**

**RESOLUTION 49-24**

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



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RESOLVED, that the Town Board hereby approves the release of the following Water Control Commission bonds:

<u>Number</u>	<u>Amount</u>	<u>Payee</u>	<u>Address</u>
2017-4	\$5,000.00	Mitchell Cannold	15 Colonel Sheldon Lane
2023-63	\$1,000.00	David Bernacchia	127 Barnegat Road
2022-50	\$3,000.00	Darla Marley LLC	17 Salem Road

Jack Mortell, who has applied on behalf of SMMB Inc. to the Cannabis Control Board for a license to operate an adult-use retail cannabis dispensary at 32 Westchester Avenue, asked to comment on the cannabis-related resolution adopted by the board earlier in the meeting. Because many residents who had been present at the beginning of the meeting left after discussion of the resolution, Mr. Mortell was asked to hold his comments for a future meeting so that his matter could be included on an agenda and residents would have advance notice.

**VII. Financial Matters – Pay bills**

**RESOLUTION 50-24**

**Board Action:** Motion by Councilperson Paschkes, seconded by Councilperson Briggs, the motion passing 4-0 with Councilperson Schelling abstaining, on the following:

RESOLVED, that the Town Board hereby authorizes the Supervisor to pay the following claims as detailed in Abstract 02-2024:

<b>Fund</b>	<b>Claim Numbers</b>	<b>Total Amount</b>
General Fund	A00103–A00140	\$93,142.14
Highway Fund	D00022–D00030	\$41,077.75
Trusts & Agency	AT00009–AT00014	\$5,410.00

- I. **ADJOURNMENT:** There being no further business to come before the Board, Supervisor Hansan adjourned the meeting at 8:38 pm.

Erin Trostle, Town Clerk  
Dated at Pound Ridge, New York  
February 7, 2024