

MINUTES OF THE APRIL 16, 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
DEPUTY SUPERVISOR/COUNCILPERSON DIANE BRIGGS
COUNCILPERSON ALISON BOAK
COUNCILPERSON DANIEL PASCHKES
COUNCILPERSON NAMASHA SCHELLING

ALSO

PRESENT: TOWN ATTORNEY WILLIAM HARRINGTON
TOWN CLERK ERIN TROSTLE

I. CALL TO ORDER OF REGULAR MEETING: Supervisor Hansan called the meeting to order at 7:34 pm.

II. CALL FOR EXECUTIVE SESSION

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Paschkes, all voting aye, to call for an executive session at 6:30 pm on Tuesday, April 23, 2024.

III. ANNOUNCEMENTS

- The EPA has recently released new guidelines on “forever chemicals,” often known as PFAS, and Westchester County has recently identified those chemicals in wells in Pound Ridge, likely as the result of everyday septic use. Residents are encouraged to have their well water tested.
- On Saturday, April 20, from 11:00 am to 4:00 pm, Ela Flowers will be celebrating its expansion and second anniversary with live music, refreshments, and face painting.
- The Pound Ridge Business Association will host a “Made in New York” outdoor market at the Village Green on Sunday, April 21, from 11:00 am to 4:00 pm.
- In celebration of Arbor Day, the Conservation Board will be distributing tree saplings and compost (bring your own bucket) on a first-come, first-served basis.

IV. PUBLIC COMMENT

Resident John McCown, of 25 Miller Road, recommended that residents be informed regarding the total cost of the Transportation Enhancement Project (TEP) and the total amount of grant funding received.

V. CALL FOR PUBLIC HEARING

Town Attorney Harrington explained that SMMB, Inc., has filed a lawsuit challenging the moratorium on development in the business district, alleging that the town should have notified the Westchester County Planning Board about the moratorium and that state

law preempts the town from enacting such a moratorium. He said that the plaintiff is wrong on both counts.

Resident Norman Bernstein, of 2 Pheasant Road, called the board's attention to a New York Times article that describes enforcement powers recently granted by the state to municipalities regarding unlawful cannabis retail activity.

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Boak, all voting aye to call for a public hearing on a resolution to reaffirm and readopt the prior moratorium on development in the business district.

VI. NEW BUSINESS

A. Supervisor – Authorization to sign Hardesty & Hanover contract

RESOLUTION 105-24

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

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the 2024 agreement with Hardesty & Hanover for assistance with drafting zoning law amendments related to cannabis retail business activity.

[NOTE: The Town Board voted to amend the agreement during the second public comment session.]

B. Civil Service – Permanent appointment of Andrea Russo

RESOLUTION 106-24

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

RESOLVED, that the Town Board hereby appoints Andrea Russo to the position of Recreation Supervisor on a permanent basis.

C. Town Clerk

1. Request to approve conference expenses

RESOLUTION 107-24

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

RESOLVED, that the Town Board hereby approves the Town Clerk's expenses for the 2024 New York State Town Clerks Association (NYSTCA) Conference in

Albany and the 2024 New York State Association of Local Government Records Officers (NYALGRO) Conference in Alexandria Bay, NY.

2. Request to approve Special Event Permit for the Kitchen Table

RESOLUTION 108-24

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

RESOLVED, that the Town Board hereby approves a Special Event Permit for the Kitchen Table's ten-year anniversary celebration on Sunday, April 21, from 4:00 pm to 9:00 pm.

D. Water Control Commission – Request to approve bond release

RESOLUTION 109-24

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

RESOLVED, that the Town Board hereby approves the release of Water Control Commission Bond #2017-13 in the amount of \$5,00.00 to Robert Vuotto, of 119 Cross Pond Road.

E. Conservation Board – Request to approve Arbor Day proclamation

RESOLUTION 110-24

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

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the following proclamation:

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; AND

WHEREAS this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; AND

WHEREAS trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; AND

WHEREAS trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; AND

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WHEREAS trees in our town increase property values, enhance the economic vitality of business areas, and beautify our community; AND WHEREAS trees, wherever they are planted, are a source of joy and spiritual renewal;

THEREFORE I do hereby proclaim Friday, April 26, 2024 as Arbor Day in the Town of Pound Ridge; AND

FURTHER, I urge all citizens to celebrate Arbor Day in the future and to support efforts to protect our trees and woodlands; AND

FURTHER, I urge all citizens to plant trees, to gladden the heart and promote the wellbeing of this and future generations.

F. Maintenance Department – Request for approval to hire seasonal laborers
RESOLUTION 111-24

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

RESOLVED, that the Town Board hereby authorizes the Maintenance Supervisor to hire two part-time summer laborers at a rate of \$16.00/hour.

G. Garden Club – Request for approval of tree donation
RESOLUTION 112-24

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

RESOLVED, that the Town Board hereby approves the donation of a native *Magnolia virginiana* to be planted near the large parking area at the Town House.

H. Liaison Reports

Councilperson Paschkes attended the Westchester Municipal Officials Association meeting. He reported that energy savings resulting from Westchester Power's Community Choice Aggregation program is equivalent to eliminating 60,000 cars from the county's roads.

VII. PUBLIC COMMENT

Resident Norman Bernstein, of 2 Pheasant Road, expressed concern regarding the Hardesty & Hanover contract. He said the traffic analysis should be town-specific.

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Councilperson Boak pointed out that the town already has baseline traffic data for Scotts Corners.

Resident Catherine Nathan, of 155 Upper Shad Road, said that traffic studies should include Connecticut towns such as Ridgefield and New Canaan.

Town Attorney Harrington pointed out that there will be public hearings where residents will be able to express such concerns to Hardesty & Hanover.

Councilperson Paschkes proposed that the Hardesty & Hanover contract be amended.

RESOLUTION 113-24

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

RESOLVED, that the Town Board hereby amends the Hardesty & Hanover contract such that the text “in similarly situated communities to the extent available” follows the word “facilities” in item 1.

Resident Alberto Araya, of 20 Trinity Pass Road, asked that public hearings be scheduled on weekends and that they be publicized well in advance. Councilperson Paschkes noted that there should be ample time to address those concerns given that the studies have not even begun yet.

Mr. Araya asked why, given data suggesting that Westchester Avenue is unsafe for pedestrians, the Town Board has not taken action to mitigate the hazard. Supervisor Hansan pointed out that significant police resources have been allocated to Scotts corners, including patrols and electronic traffic monitoring. Councilperson Boak described traffic-calming measures that were implemented as part of TEP.

Resident Ellen Kearns, of 125 Brook Farm Road East, expressed concern that the dispensary might open despite the moratorium.

Resident Asa Dorfman, of 90 Horseshoe Hill Road, said that the intersection at the library is dangerous and should also be studied. Councilperson Paschkes said that the Police Department is aware of that hazard. Supervisor Hansan reported that there have been multiple meetings with the New York State Department of

Transportation regarding the intersection in question. He said that the obvious solution would be a roundabout, but that efforts to get a grant for engineering studies have been unsuccessful because there have been no traffic-related fatalities at that location.

Resident Kathleen McCown, of 25 Miller Road, said that she does not understand the failure to opt out given evident traffic concerns.

Resident Jay Kolinsky, of 103 Old Stone Hill Road, asked why there has been no explanation for why the Town Board decided not to opt out. Councilperson Paschkes said that, as has been publicly stated on many occasions, the Town Board did not deliberate on the topic of opting out, and that asking the rationale for a decision that did not occur is not productive.

Resident John Nathan, of 155 Upper Shad Road, claimed that an email he obtained through a Freedom of Information Law request provides a response to Mr. Kolinsky's question and invited the residents to email him for more information. Mr. Nathan said, in response to Ms. Kearns's comments, that Conditional Adult-Use Retail License (CAURD) holders cannot begin operations without approval of a secondary application and stated that SMMB, Inc. has not been granted a full license. Finally, Mr. Nathan noted that in a prior meeting, the Supervisor invited Jack Mortell, of SMMB Inc to present his plans and Mr. Mortell declined to do so.

Resident Alex Goldfarb, of 21 Patterson Road, stated that many runners and cyclists wear dark clothing and do not obey traffic laws. He urged the town to try to raise awareness among runners and cyclists about the importance of wearing bright colors. Councilperson Paschkes noted that he had observed cyclists in Bedford Village riding on the wrong side of the road, directly into oncoming traffic.

Resident John McCown noted that New York is one of only five states in the country that does not mandate a minimum distance for passing cyclists; it requires only that cars maintain a safe distance from cyclists when passing them.

Mr. Goldfarb suggested a local ordinance requiring fluorescent vests and lights.

VIII. FINANCIAL MATTERS

RESOLUTION 114-24

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

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RESOLVED, that the Town Board hereby authorizes the Supervisor to pay the following claims as described in Abstract 07-2024:

| Fund | Claim Numbers | Total Amount |
|-----------------|----------------------|---------------------|
| General Fund | A00362–A00401 | \$77,407.09 |
| Highway Fund | D00078–D00085 | \$8,574.51 |
| Trusts & Agency | AT00019–AT00021 | \$11,737.50 |

IX. ADJOURNMENT: There being no further business to come before the Board, Supervisor Hansan adjourned the meeting at 8:39 pm.

Erin Trostle, Town Clerk
Dated at Pound Ridge, New York
May 4, 2024

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