

To the Pound Ridge Town Board,

Please note a clarification to a comment that was made at the Pound Ridge Town Board meeting on Tuesday, July 15, 2025.

During the first Public Comments section of the meeting, resident Kathy Biagiarelli raised a safety concern for senior citizens in town. Her concern was that on 7/15/25 the Recreation Department sent an email out requesting a volunteer to provide transportation to a medical appointment for a Senior Citizen. The safety matter was that the senior's full address was listed in the email. This would enable everyone who received the email to know that a senior lives at the address and also that they would not be home during the time of the appointment.

When the Superintendent of Recreation Andrea Russo responded to the issue she said that they were just following the format of what has always been done in the past. This is not correct. If you refer back to years of requests for volunteers the actual FULL address was NEVER included (to protect the privacy of the senior). The street the senior lived on was included because it encouraged volunteers who were immediate neighbors of the senior. The actual house number was never released in the email blast.

Little things matter, especially with the senior population.

Please note this clarification in the meeting minutes.

Sincerely,

Louise Paolicelli

Former Coordinator of Senior Programs and Services for the Town of Pound Ridge (2009-2024)

**Public Comment during the Town Board Meeting**

**held on August 5<sup>th</sup> by Nick Cianciola, Sr**

**Retain Diane Briganti as Pound Ridge Tax Assessor**

- **To the video audience**, I want to make you aware that the Board isn't required to respond to this Public Comment, but this comment is for the benefit of all those that will be directed to watch this video and become aware how this board, that you elected, **decides what is best for you.**
- **I'm here about the Tax Assessor's appointment. On June 17th**, residents asked, "Why replace Diane Briganti after 11+ years of stellar unmatched dedication?" Your silence was deafening. It would seem that she did satisfy the professional needs demanded from this position and it appears there are no personnel **issues otherwise you would have terminated her by now.**
- **Kevin**, there is no doubt you have the right to seek applicants, but the simple question remains —**WHY? Yes, you have the right, but now is the time to do what is right** --- why would anyone seek applicants when we have someone who has held this role for 11+ years, is a dedicated public servant, who has been there to address all residents' needs in a fair manner and who is widely respected by a great number of residents.
- **You already know a petition, both paper and online was circulated and as of today 233 signatures support Diane's reappointment.** Further, I believe 50% of those that signed didn't include spouses or voting family members, suggesting the petition could very well grow 326 supporters and beyond—more than the total number of residents that voted for the firehouse facelift in 2022---178 for and 44 against—and our petition already beats the 178 votes by 55 signatures and counting.
- So here is what many of us believe and let me walk you through how we got there---Your June 17th silence suggests a deal was in the works way before the June 17<sup>th</sup> meeting as to Ms Briganti replacement.
- I truly believe you **HAD SOMEONE ALREADY LINED UP.**
- You may ask why did I come to that conclusion even though you posted the position? The Board of Assessment Review, who work with Diane, unanimously endorsed her in

their letter date July 15th, per Pete Marchetti's presentation during the July 17th Town Board meeting,

- So, what this tells most of us is the BAR first learned of your applicant search on June 17th.
- The obvious question then comes up--Why didn't you consult this committee about Diane's professionalism / performance if this was an issue? It makes no sense.
- Worse yet, I reviewed the 2025 budget and guess what I found.
- In the December 7, 2024, Supervisor newsletter Kevin mentioned: "the budget enables us to provide Town Employees with a 4% salary increase to address cost of living adjustments.
- Interesting now I am not an auditor, but do you know what I found ---The only person that did not receive a cost of living increase was Diane ---no cost-of-living increase, \$4,000 denied and it would seem this was done on purpose---So you have to ask--Why push out a loyal public servant who serves all residents, especially seniors? It is apparent you were making her life miserable hoping she would resign. Dan and Diane, how can any of you live with this—and to do this to a senior is unthinkable but you let the Town Supervisor get away with this?
- So, here is what you're telling petitioners:
- WE DON'T CARE WHAT THE RESIDENTS WANT, WE KNOW WHAT IS BEST FOR THE RESIDENTS. **DOES THIS SOUND FAMILIAR?**
- You ignored gaining our input on the cannabis opt-out issue because you did not want to burden residents with this decision---sure sounds like the same
- THIS BOARD IS RECEIVING RESIDENT INPUT NOW—THE QUESTION IS WILL YOU LISTEN THIS TIME!
- Our petition, with over 233 signatures—likely 400+ voters—demands Diane's reappointment.
- WAKE UP DIANE AND DAN—IT SEEMS YOU LOST YOUR WAY—IT IS TIME TO LISTEN AND STEP UP AND DO WHAT IS RIGHT.
- RESIDENTS ARE WATCHING AND WILL SEE IF YOU ARE LISTENING TO THOSE THAT PUT YOU IN OFFICE. THE PATH YOU CHOOSE WILL TELL MANY OF US HOW TO VOTE COME NOVEMBER. **Do what's right**—reappoint Diane before September 30th, **or ONCE AGAIN IGNORE THE VOICE OF YOUR CONSTITUENTS AND MAINTAIN THAT**

**ATTITUDE THAT YOU KNOW WHAT IS BEST FOR US SINCE WE ARE NOT  
ABLE TO MAKE THIS DECISION.**

- **I WILL END ON THIS NOTE: You were elected to heed the people's will. The people have spoken—will three of you make the right decision and vote to reappoint Diane Briganti  
AND IF YOU DON'T LISTEN TO THE RESIDENTS THEN YOU MUST ASK YOURSELF WHO  
ARE YOU IN THE OFFICE TO SERVE---- THE BOARDS INTEREST OR THOSE RESIDENTS  
THAT PUT YOU THERE**

**SUBMITTED BY**

**Nick Cianciola, Sr, Pound Ridge, NY**

# Analysis Of Financial Results Of Purchase Of 7 Old Pound Road Property By John D. McCown

Total Purchase Price In Mid 2020: \$1,250,000  
 Kevin Hansan Website Statement: "Believe this is a once in a generation opportunity"  
 Primary Reason Giving For Buying: "Protect it due to its proximity to town park and historic district"  
 Return On \$1,250,000 Investment: Negative 3.91% annually for first 5.5 years

<u>Item</u>	<u>2020 (6M)</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>Total</u>	<u>Average/Yr</u>
Rental Income (a)	\$0	\$0	\$0	\$37,800	\$50,400	\$50,400	\$138,600	\$25,200
Lost Property Tax (b)	-\$10,938	-\$21,875	-\$21,875	-\$21,875	-\$21,875	-\$21,875	-\$120,313	-\$21,875
Interest Expense (c)	-\$7,875	-\$15,750	-\$33,750	-\$79,250	-\$71,625	-\$65,000	-\$273,250	-\$49,682
Mold Remediation (d)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>-\$13,940</u>	<u>\$0</u>	<u>-\$13,940</u>	<u>-\$2,535</u>
Net Income (e)	-\$18,813	-\$37,625	-\$55,625	-\$63,325	-\$57,040	-\$36,475	<u>-\$268,903</u>	-\$48,891
Income/Expense %	na	na	na	37.4%	46.9%	58.0%	34.0%	34.0%
Return On Investment	-1.51%	-3.01%	-4.45%	-5.07%	-4.56%	-2.92%	-21.51%	-3.91%

(a) based on 4/04/23 board approving \$4,200/month lease w/ 1 year renewal; same in 2025 from lease obtained by FOIL

(b) estimated \$21,875 per year based on \$1.25M property value times 1.75%

(c) based on bond anticipation note rate which financed purchase; see rate each year (f) times \$1.25M

(d) approved at March 19, 2024 board meeting and documents showing charge obtained by FOIL

(e) before any principal payment of debt; typical 30 year terms adds \$41,667/year or \$229,167 over period above

(f) BAN interest rate: 1.26% 1.26% 2.70% 6.34% 5.73% 5.20%

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
JOHN E. NATHAN,

Plaintiff,

- against -

TOWN OF POUND RIDGE, and  
TOWN OF POUND RIDGE TOWN BOARD,

Defendants,

- and -

SMMB, INC. (d/b/a Purple Plains),

Intervenor-Defendant,

- and -

NEW YORK OFFICE OF CANNABIS MANAGEMENT,  
(necessary party under N.Y. Cannabis Law, § 131-A)

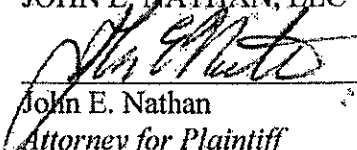
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**PLEASE TAKE NOTICE** that Plaintiff JOHN E. NATHAN hereby appeals to the Appellate Division of the Supreme Court of the State of New York, Second Department, the Decision and Order of the Supreme Court, Westchester County (David F. Everett, J.S.C.), dated June 30, 2025 and filed in the Westchester County Clerk's Office on July 2, 2025, and served with the Defendants' Town of Pound Ridge and Town of Pound Ridge Town Board ("Town Defendants") Notice of Entry dated July 2, 2025, and served with the Intervenor-Defendant's SMMB, Inc., d/b/a Purple Plains ("SMMB") Notice of Entry dated July 10, 2025. Copies of the Decision and Order appealed from and the Notices of Entry are attached hereto.

This appeal is from each and every part of said Decision and Order that dismissed Plaintiff's First, Second, Third and Fourth Causes of Action against the Town Defendants for violations of, and relief under, New York's Open Meetings Law (Article 7 Public Officers Law).

Dated: Pound Ridge, New York  
July 22, 2025

JOHN E. NATHAN, LLC



John E. Nathan  
*Attorney for Plaintiff*  
155 Upper Shad Road  
Pound Ridge, NY 10576  
(917) 960-1667  
jnathan155@yahoo.com

# Supreme Court of the State of New York

## Appellate Division: Second Judicial Department

Informational Statement (Pursuant to 22 NYCRR 1250.3 [a]) - Civil

**Case Title:** Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.

JOHN E. NATHAN, Plaintiff  
- against -

TOWN OF POUND RIDGE and TOWN OF POUND RIDGE TOWN BOARD,  
Defendants; SMMB, INC. (d/b/a Purple Plains), Intervenor-Defendant; and  
N.Y. Office of Cannabis Management, Necessary Party under N.Y. Cannabis  
Law Section 131-A

For Court of Original Instance

Date Notice of Appeal Filed

For Appellate Division

### Case Type

- |  |  |
|--|--|
| <input type="checkbox"/> Civil Action                      | <input type="checkbox"/> CPLR article 78 Proceeding          |
| <input type="checkbox"/> CPLR article 75 Arbitration       | <input checked="" type="checkbox"/> Special Proceeding Other |
| <input type="checkbox"/> Action Commenced under CPLR 214-g | <input type="checkbox"/> Habeas Corpus Proceeding            |

### Filing Type

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Appeal            | <input type="checkbox"/> Transferred Proceeding |
| <input type="checkbox"/> Original Proceedings         | <input type="checkbox"/> CPLR Article 78        |
| <input type="checkbox"/> CPLR Article 78              | <input type="checkbox"/> Executive Law § 298    |
| <input type="checkbox"/> Eminent Domain               | <input type="checkbox"/> CPLR 5704 Review       |
| <input type="checkbox"/> Labor Law 220 or 220-b       |   |
| <input type="checkbox"/> Public Officers Law § 36     |   |
| <input type="checkbox"/> Real Property Tax Law § 1278 |   |

**Nature of Suit:** Check up to three of the following categories which best reflect the nature of the case.

<input type="checkbox"/> Administrative Review	<input type="checkbox"/> Business Relationships	<input type="checkbox"/> Commercial	<input type="checkbox"/> Contracts
<input type="checkbox"/> Declaratory Judgment	<input type="checkbox"/> Domestic Relations	<input type="checkbox"/> Election Law	<input type="checkbox"/> Estate Matters
<input type="checkbox"/> Family Court	<input type="checkbox"/> Mortgage Foreclosure	<input checked="" type="checkbox"/> Miscellaneous	<input type="checkbox"/> Prisoner Discipline & Parole
<input type="checkbox"/> Real Property (other than foreclosure)	<input type="checkbox"/> Statutory	<input type="checkbox"/> Taxation	<input type="checkbox"/> Torts



Appeal			
Paper Appealed From (Check one only):		If an appeal has been taken from more than one order or judgment by the filing of this notice of appeal, please indicate the below information for each such order or judgment appealed from on a separate sheet of paper.	
<input type="checkbox"/> Amended Decree <input type="checkbox"/> Amended Judgement <input type="checkbox"/> Amended Order <input checked="" type="checkbox"/> Decision <input type="checkbox"/> Decree	<input type="checkbox"/> Determination <input type="checkbox"/> Finding <input type="checkbox"/> Interlocutory Decree <input type="checkbox"/> Interlocutory Judgment <input type="checkbox"/> Judgment	<input checked="" type="checkbox"/> Order <input type="checkbox"/> Order & Judgment <input type="checkbox"/> Partial Decree <input type="checkbox"/> Resettled Decree <input type="checkbox"/> Resettled Judgment	<input type="checkbox"/> Resettled Order <input type="checkbox"/> Ruling <input type="checkbox"/> Other (specify):
Court: <b>Supreme Court</b> <input checked="" type="checkbox"/>	County: <b>Westchester</b> <input checked="" type="checkbox"/>		
Dated: <b>June 30, 2025</b>	Entered: <b>July 2, 2025</b>		
Judge (name in full): <b>David F. Everett, J.S.C.</b>		Index No.: <b>68117/2024</b>	
Stage: <input type="checkbox"/> Interlocutory <input checked="" type="checkbox"/> Final <input type="checkbox"/> Post-Final		Trial: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury	
Prior Unperfected Appeal and Related Case Information			
Are any appeals arising in the same action or proceeding currently pending in the court? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, please set forth the Appellate Division Case Number assigned to each such appeal.			
Where appropriate, indicate whether there is any related action or proceeding now in any court of this or any other jurisdiction, and if so, the status of the case:			
Original Proceeding			
Commenced by: <input type="checkbox"/> Order to Show Cause <input type="checkbox"/> Notice of Petition <input type="checkbox"/> Writ of Habeas Corpus			Date Filed:
Statute authorizing commencement of proceeding in the Appellate Division:			
Proceeding Transferred Pursuant to CPLR 7804(g)			
Court: <b>Choose Court</b>	County: <b>Choose County</b>		
Judge (name in full):	Order of Transfer Date:		
CPLR 5704 Review of Ex Parte Order:			
Court: <b>Choose Court</b>	County: <b>Choose County</b>		
Judge (name in full):	Dated:		
Description of Appeal, Proceeding or Application and Statement of Issues			
Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed.			
Plaintiff John E. Nathan appeals from each and every part of the Decision and Order of the Supreme Court, Westchester County (David F. Everett, J.S.C.) that dismissed Plaintiff's First, Second, Third and Fourth Causes of Action against Defendants Town of Pound Ridge and Town of Pound Ridge Town Board for violations of, and relief under, New York's Open Meeting Law (Article 7 Public Officers Law).			

Informational Statement - Civil

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review, the grounds for reversal, or modification to be advanced and the specific relief sought on appeal.

The issues proposed to be raised on appeal are listed in Attachment A to this Informational Statement.

#### Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

No.	Party Name	Original Status	Appellate Division Status.
1	John E. Nathan	Plaintiff	Appellant
2	Town of Pound Ridge	Defendant	Respondent
3	Town of Pound Ridge Town Board	Defendant	Respondent
4	SMMB, Inc. (d/b/a Purple Plains)	Defendant	Respondent
5	N.Y. Office of Cannabis Management	Defendant	Respondent
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### Attorney Information

Instructions: Fill in the names of the attorneys or firms for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be provided. In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

**Attorney/Firm Name:** John E. Nathan, LLC

**Address:** 155 Upper Shad Road

**City:** Pound Ridge

**State:** New York

**Zip:** 10576

**Telephone No:** (917) 960-1667

**E-mail Address:** jnathan155@yahoo.com

**Attorney Type:** ☒ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

**Party or Parties Represented (set forth party number(s) from table above):** Plaintiff

**Attorney/Firm Name:** William P. Harrington and John J. Loveless of Bleakley Platt & Schmidt, LLP

**Address:** One North Lexington Avenue

**City:** White Plains

**State:** New York

**Zip:** 10601

**Telephone No:** (914) 949-2700

**E-mail Address:** wpharrington@bplaw.com; jloveless@bplaw.com

**Attorney Type:** ☒ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

**Party or Parties Represented (set forth party number(s) from table above):** Town of Pound Ridge and Town of P.R. Town Board

**Attorney/Firm Name:** Edward J. Phillips and Nicholas M. Ward-Willis of Keane & Beane P.C.

**Address:** 445 Hamilton Avenue, Suite 1500

**City:** White Plains

**State:** New York

**Zip:** 10601

**Telephone No:** (914) 946-4777

**E-mail Address:** ephillips@kblaw.com; nward-willis@kblaw.com

**Attorney Type:** ☒ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

**Party or Parties Represented (set forth party number(s) from table above):** SMMB, Inc. (d/b/a Purple Plains)

**Attorney/Firm Name:** Kathryn Martin of Office of New York State Attorney General

**Address:** 44 South Broadway

**City:** White Plains

**State:** New York

**Zip:** 10601

**Telephone No:** (914) 422-8615

**E-mail Address:** kathryn.martin@ag.ny.gov

**Attorney Type:** ☒ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

**Party or Parties Represented (set forth party number(s) from table above):** N.Y. Office of Cannabis Management

**Attorney/Firm Name:**

**Address:**

**City:**

**State:**

**Zip:**

**Telephone No:**

**E-mail Address:**

**Attorney Type:** ☐ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

**Party or Parties Represented (set forth party number(s) from table above):**

**Attorney/Firm Name:**

**Address:**

**City:**

**State:**

**Zip:**

**Telephone No:**

**E-mail Address:**

**Attorney Type:** ☐ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

**Party or Parties Represented (set forth party number(s) from table above):**

**ATTACHMENT A**  
**TO INFORMATIONAL STATEMENT PURUANT TO 22 NYCRR 1250.3(a):**  
**ISSUES PROPOSED TO BE RAISED ON APPEAL**

- (1) Did the Court err in finding on page 20 of its Decision and Order that Plaintiff, who was aggrieved by being excluded from the Town's secret deliberations and its October 29, 2021 off-the-books decision not to opt-out, had no standing under the Open Meetings Law ("OML"), contrary to OML § 107(1) and this Court's decision in Matter of Suzanne McCrory et al. v. Village of Mamaroneck Board of Trustees, 181 A.D.3d 67 (2nd Dept. 2020)?
- (2) Did the Court err in deciding Plaintiff's standing under the Cannabis Law, when this action was commenced under the OML?
- (3) Did the Court err in finding on page 14 that Plaintiff was not entitled to relief on the First Cause of Action (seeking a declaratory judgment that the Town Defendants violated the OML and their decision not to opt-out is void) because "the relief sought is to affirmatively direct the Town to perform an act or refrain from doing so, rather than declaring plaintiff's rights with respect to the matter in controversy for the purpose of guiding future conduct"?
- (4) Did the Court err in concluding on page 18 that the "proper vehicle" for Plaintiff's First Cause of Action was an Article 78 proceeding, when OML § 107(1) expressly authorized Plaintiff to file a declaratory judgment action?
- (5) Did the Court err in concluding that the Second, Third and Fourth Causes of Action sought declaratory judgment relief?
- (6) Did the Court err in failing to give the Amended Complaint a liberal construction, accept the facts as alleged in the Amended Complaint as true and accord Plaintiff the benefit of every possible favorable inference, as required by Jadidian v. Drucker, 171 A.D.3d 1146 (2nd Dept. 2019), and instead substituted the Court's own interpretation of the documentary record?
- (7) Did the Court err in failing to find that the Town Defendants circumvented the intent of the OML by conferring in secret to reach a collective decision not to opt-out, contrary to the decision in Cheevers v. Town of Union et al., Supreme Court, Broome County (July 3, 1998)?
- (8) Did the Court err in finding that the Town Defendants did not violate the OML, when a quorum of the Town Board collectively decided on October 29, 2021, in secret and off-the-books, not to opt-out of allowing a cannabis dispensary in Pound Ridge?

(9) Did the Court err in finding on page 22 that the Supervisor's April 6, 2021 one-minute oral announcement about the December 31, 2021 opt-out deadline, given without any notice or any follow-up in 18 hours of subsequent Town Board meetings, put Plaintiff on notice?

(10) Did the Court err in finding on pages 16, 18 that the Town Defendants' "definitive position" and its October 29, 2021 secret, off-the-books decision not to opt-out was "readily available" to Plaintiff?

(11) Did the Court err in finding on pages 22-23 that the Town Board's minutes gave each resident notice of the December 31, 2021 deadline to opt-out, when those minutes made no mention of the deadline?

(12) Did the Court err in finding on p. 18 that the 4-month statute of limitations for filing this OML case (CPLR 217) started to run on January 1, 2022, when the opt-out period ended, even though Plaintiff and other Pound Ridge residents received no notice of the Town's October 29, 2021 secret, off-the-books decision not to opt-out, on the Town's website, in 18 hours of Town Board meetings, in minutes of Town Board meetings or otherwise?

(13) Did the Court err in its alternative finding on page 18 that the 4-month statute of limitations began to run on December 10, 2023, during the time the Town Defendants were taking ameliorating administrative actions that rendered its decision not to opt-out not final, as governed by Matter of Best Payphones, Inc. v. Department of Info. Tech. & Telecom. of City of N.Y., 5 N.Y.3d 30 (2005)?