

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on April 8, 2013, at 7:30 p.m. at the Lewisboro Library, 15 Main Street, South Salem, New York.

PRESENT: Supervisor - Peter H. Parsons
Councilmen - Peter DeLucia, Frank Kelly, Daniel Welsh
Absent - John Pappalardo
Town Clerk - Janet Donohue

Also in attendance were Facilities Maintenance Manager Joel Smith, Attorney for the Town Jen Herodes, Highway Superintendent Peter Ripperger, and Parks and Recreation Superintendent, Dana Mayclim.

Mr. Parsons called the meeting to order at 7:40 p.m.

PLEDGE OF ALLEGIANCE

Supervisor Parsons led the Pledge of Allegiance to the flag.

STATE GOVERNMENT – Assemblyman’s Legislative Update

New York State Assemblyman David Buchwald reported to the Town Board on his first few months in the 93rd District of the New York State Assembly. He said that the state budget was passed on time. He also stated that for Lewisboro, the CHIPs (Consolidated Local Street and Highway Improvement Program) money for our road improvements was going to go up by twenty-six percent. He feels that funding for roads to ensure good transportation pays enormous benefits. Mr. Buchwald said that the Katonah-Lewisboro school district would be receiving an increase of 13.8% in state funding and stated that this reverses a downward trend.

Legislation and bills in the pipeline include addressing the problem of towns not being aware of pending foreclosures, enhancing road design and safety to protect pedestrians and bicyclists, improving the Freedom of Information Law to speed up the filing process and greater oversight of public utilities to hold them to higher standards of performance.

Mr. Buchwald stated that he serves on several committees that include consumer affairs and protection, election law, judiciary, governmental operations and local governments. He will be opening up his local office in Mt. Kisco. The grand opening will be on Thursday, April 18, from 3 – 6 p.m. He invited the Board and other members of the community to attend or to stop by at any time. He is committed to ensuring Westchester families have a strong voice in Albany. He said that his top priority is to lessen our overwhelming tax burden and to make sure that Westchester gets their fair share of state funding.

PUBLIC COMMENT PERIOD

There were no public comments.

COMMENDATION – Court, Officers, Prosecutor, Judge and Court Clerk

The Supervisor read an email from an individual who thanked all of the above for their kindness and respect during this individual’s recent visit to court.

COMMENDATION – Brendon Welsh and James Kelly

The Supervisor read an email from the Town Clerk’s office that they had received an anonymous phone call from a resident who frequents the Recycling Center on Saturday mornings. She said that one day when it was icy, the boys came over to her car and carried her recyclables to the bins for her. She has noticed that they do go out of their way for residents and wanted to pass her comments on to the Board.

TOWN OFFICIALS AND EMPLOYEES - Resignations of Alex Posadas

The Supervisor read a letter of resignation from Alex Posadas, from the Zoning Department, effective April 9, 2013. The Board thanked Alex Posadas for her years of service to the Town of Lewisboro and wished her well in her future endeavors.

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Parsons, Welsh	(4)
	No	- None	(0)
	Absent	- Pappalardo	(1)

RESOLUTION

RESOLVED, that the Town Board does hereby accept the letter of resignation from Alex Posadas, effective April 9, 2013.

CONSENT AGENDA

Under the consent agenda format the Board voted 4-0 on motion by Mr. DeLucia, seconded by Mr. Kelly, to receive and file the March 2013 reports from the Building and Planning Departments.

THE VOTE:	Yes	- DeLucia, Kelly, Parsons, Welsh	(4)
	No	- None	(0)
	Absent	- Pappalardo	(1)

MINUTES – Approved

On the above motion and second, the Board voted 4-0 to approve the minutes of March 4, 2013 and March 18, 2013.

REPORTS – Monthly Reports

On the above motion and second, the Board voted 4-0 to accept and file the March, 2013 reports from the Building and Planning Departments.

WEEK OF THE YOUNG CHILD – Proclamation

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Parsons, Welsh	(4)
	No	- None	(0)
	Absent	- Pappalardo	(1)

RESOLUTION

WHEREAS, the Country Children’s Center and other local organizations, in conjunction with the National Association for the Education of Young Children, are celebrating the Week of the Young Child, April 14 through April 20, 2013; and

WHEREAS, the Country Children’s Center’s child care programs are essential to the community and continue to improve early learning experiences that are crucial to the growth and development of young children; and

WHEREAS, all children and their families in our community and across the country deserve access to quality early childhood education and care; and

WHEREAS, teaching our children the importance of preserving and caring for the environment is essential to the future well being of the earth and our community; now therefore be it

RESOLVED, that the Town Board of the Town of Lewisboro does hereby proclaim April 14 through April 20, 2013, as the Week of the Young Child in the Town of Lewisboro and encourage all citizens to support early childhood care and education.

COMMUNITY WELLNESS DAY – Proclamation

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Parsons, Welsh	(4)
	No	- None	(0)
	Absent	- Pappalardo	(1)

RESOLUTION

WHEREAS, the Health & Wellness of our residents is our responsibility; and,

WHEREAS, the Safety of our residents is a significant concern for our families, community leaders, and all that thrive here; and,

WHEREAS, the Environmental Wellness is of universal concern and deserves the utmost attention; and,

WHEREAS, the Financial Integrity of our families is vital to our communities stability; and

WHEREAS, inspiring the need for our residents to take back responsibility for their families health, safety, environmental and financial wellness, in order to elevate the quality of their lives and the status of our community, now therefore,

BE IT RESOLVED, that the Town Board of the Town of Lewisboro, does hereby proclaim the 18th of MAY, 2013 as “Community Wellness Day” in the Town of Lewisboro and urge that this day be dedicated to the efforts of Doctors of Chiropractic in helping educate all citizens on the importance of Health, Safety, Environmental, and Financial issues affecting our community.

PUBLIC HEARING - Proposed Amendment to Chapter 210.3 B, Vehicles, Off-Road, of the Code of the Town of Lewisboro, to prohibit all motorized vehicles, on town owned properties, other than those operated by town employees for town use.

Mr. Parsons called the public hearing to order. There was no objection to the time or form of the public notice (attached). Mr. Parsons called for comments from the public.

George Scott, a Lewisboro resident, asked if there were any fines that would be imposed. The town attorney replied that the fines were anywhere from \$50 to \$1,000. Mr. Scott asked if the Board would consider a fine plus repair costs. Mr. Kelly said that it is implied that there will be restitution and this would be decided by the judge. After further discussion, the Board did agree to put a statement in the amended code regarding restitution.

Paul Lewis, a Lewisboro resident, asked what type of vehicles were prohibited and the Board responded ALL motorized vehicles.

Alan Cole, a Lewisboro resident, asked if motorized wheelchairs were included in ALL motorized vehicles.

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Parsons, Welsh	(4)
	No	- None	(0)
	Absent	- Pappalardo	(1)

RESOLUTION

RESOLVED, that the public hearing for the proposed amendment to Chapter 210.3 B, Vehicles, Off-Road, of the Code of the Town of Lewisboro, to prohibit all motorized vehicles, on town owned properties, other than those operated by town employees for town use, is now closed.

TOWN CODE – Proposed Amendment to Chapter 210.3 B, Vehicles, Off-Road, of the Code of the Town of Lewisboro, to prohibit all motorized vehicles, on town owned properties, other than mobility aids for handicapped persons and those operated by town employees for town use.

On motion by Mr. Parsons, seconded by Mr. Welsh, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Parsons, Welsh	(4)
	No	- None	(0)
	Absent	- Pappalardo	(1)

RESOLUTION

RESOLVED, that Chapter 210.3 B, Vehicles, Off-Road, of the Code of the Town of Lewisboro, to prohibit all motorized vehicles, on town owned properties, other than those used as mobility aids for handicapped persons and those operated by town employees for town use has been amended as follows:

TOWN OF LEWISBORO
LOCAL LAW NUMBER 5-2013 OF THE TOWN OF LEWISBORO

AMENDMENT TO CHAPTER 210, VEHICLES, OFF-ROAD, SECTION 210-1,
SECTION 210-3(A), SECTION 210-3(B), SECTION 210-3(C), and SECTION 210-4
OF THE LEWISBORO TOWN CODE

BE IT ENACTED by the Town Board of the Town of Lewisboro, Westchester
County, New York, as follows:

SECTION 1. TITLE

This Local Law shall be known as 2013 Amendment to Section 210-1, 210-3(A), 210-3(B) and 210-3(C) of Chapter 210: VEHICLES, OFF-ROAD

SECTION 2. ADOPTION

Now therefore be it enacted by the Town Board of the Town of Lewisboro Local Law 5-2013 that this law shall take effect immediately upon its passage:

SECTION 3. Chapter 210 ARTICLE I shall be amended to read:

Snowmobiles, Motorcycles, All Terrain Vehicles, and any Motorized Vehicle

SECTION 4.

Chapter 210, Section 210-1 entitled "Purpose" is hereby amended to read as follows:

§ 210-1. Purpose.

The purpose of this article shall be to promote the health, safety, morals and general welfare of the residents of the Town of Lewisboro and the protection and preservation of the property of the Town and its residents by enacting this article restricting the use of snowmobiles, motorcycles, all terrain vehicles and any motorized vehicle on Town-owned property.

SECTION 5.

Chapter 210, Section 210-3 entitled "Operation on Town property; speed limits" is hereby amended to read as follows:

§ 210-3. Operation on Town property; speed limits.

- A. No person shall operate any motorcycle, snowmobile, all terrain vehicle or any motorized vehicle upon any Town-owned property, except for the principal purpose of providing transportation to and from a Town park or municipal building, in which case such vehicle shall be operated only within the bounds of the driveway and parking area of such Town property and at a speed not in excess of five miles per hour. This provision shall not apply to emergency vehicles for official use or mobility aids for handicapped persons.

- B. No owner of a motorcycle, snowmobile, all terrain vehicle, or any motorized vehicle shall permit another person to operate any motorcycle, snowmobile, all terrain vehicle, or any motorized vehicle upon any Town-owned property, except for the principal purpose of providing transportation to and from a Town park or municipal building, in which case such vehicle shall be operated only within the bounds of the driveway and parking area of such Town property and at a speed not in excess of five miles per hour.

- C. No person shall operate any motorcycle, snowmobile, all terrain vehicle or any motorized vehicle upon the private property of another without the consent of the owner of such

private property.

SECTION 6

Chapter 210, Section 210-4 entitled “Penalties for offenses.” is hereby amended to read as follows:

§ 210-4. Penalties for offenses.

Any violation of this article shall be punishable by a fine of not less than \$50 or in excess of \$1,000, and may be subject to restitution.

SECTION 7.

If any provision of this Local Law is declared illegal, unconstitutional or unenforceable by a court of competent jurisdiction, the remainder of this Local Law shall be declared to have been separately adopted and shall remain in full force and effect.

SECTION 8. This local law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.

HOUSING – Ed Buroughs discussed HUD

Ed Buroughs, Westchester County Planning Commissioner updated the Board members about the county’s affordable housing settlement with the federal Department of Housing and Urban Development (HUD). He discussed how to frame a Lewisboro version of the model ordinance that would accommodate the fundamental objectives of the model ordinance while also recognizing the unique character of our town. There was a discussion of grandfathering the 36 middle-income housing units that already exist, most in the Oakridge condominium complex, and of finding ways for the town to provide housing for seniors.

ONATRU FARM – Artists at Onatru

The Board heard a presentation from Alex MacFarlane, who is the curator for the proposed “Artists at Onatru” show. The other curator is Peter Lampke. Others involved in the group are Jerome Kerner, Mitche Kunzman, Dean Travalino, and other artists in town. They would like to have an art show that will coincide with the Town fireworks. The art show would be held from June 28 through July 7, 2013. The idea is that while people are coming to the park for the fireworks, they will also be able to visit the art show and make purchases. Mr. MacFarlane has

been involved in previous art shows that have taken place in the past at Onatru and built panels for the artwork to hang. These panels are still around and are in good shape and they plan on using them for this art show.

Mr. Kelly asked how it would be handled if people said that they did not want to pay the twenty-dollar entrance fee to the fireworks. Mr. MacFarlane said that he felt it wouldn't be an issue and that it never was in the past.

Mr. MacFarlane also asked that a budget of \$250 be allocated towards the show to be used for publicity and supplies. The Board agreed. He also stated that part of the proceeds from the art show will be donated to Lewisboro's "Friends of the Parks."

On motion by Mr. Parsons, seconded by Mr. Welsh, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Parsons, Welsh	(4)
	No	- None	(0)
	Absent	- Pappalardo	(1)

RESOLUTION

RESOLVED, that the Town Board supports the art show called "Artists at Onatru" to be held from June 28 through July 7, 2013, in conjunction with the Town fireworks, and that a budget of \$250 be allocated towards the show to be used for publicity and supplies.

EXECUTIVE SESSION – Discuss Appointment

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 4-0 to go into executive session to discuss an appointment.

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 4-0 to come out of executive session.

OPEN SPACE AND PRESERVES ADVISORY COMMITTEE – Appointment of Associate Member

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Parsons, Welsh	(4)
	No	- None	(0)
	Absent	- Pappalardo	(1)

RESOLUTION

RESOLVED, that David Gordon is hereby appointed as an Associate Member of the Open Space and Preserves Advisory Committee for a term expiring December 31, 2014.

TOWN OFFICIALS AND EMPLOYEES – Standard Work Days for Elected Officials

The Board discussed the standard work days for elected officials for New York State Retirement System reporting purposes. This will be discussed at a future meeting.

SOUTH SALEM FIREHOUSE – Waive Wetland Permit Fee

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Parsons, Welsh	(4)
	No	- None	(0)
	Absent	- Pappalardo	(1)

RESOLUTION

RESOLVED, that the Town Board does hereby waive the Wetland Application fee of \$150 for the installation of a dry hydrant by the South Salem Firehouse.

HIGHWAYS – Authorize Use of Town Roads and Town Park for Tri-State Trek

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Parsons, Welsh	(4)
	No	- None	(0)
	Absent	- Pappalardo	(1)

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the use of the Town Park to be used as a rest stop area, provided that it is coordinated through the Parks & Receptions Department, for a Tri-State Trek bicycle ride to take place on Sunday, July 21, 2013, in the Town of Lewisboro.

HIGHWAY – Cornell Local Roads Intern Project

Highway Superintendent Peter Ripperger discussed the progress that has been made with the Cornell local roads intern project. The intern has been chosen and she lives in Wilton. She is an undergraduate student in engineering and will be using the latest technology to assess the condition of the town's roads. The total cost to the town will be approximately seven thousand dollars. Mr. Ripperger reported that the suggested salary would be between \$10-15/hour. Mr. Ripperger knows that we pay our summer help \$12.50/hour and he thought this was appropriate. She will be a town employee for ten weeks and will use the town Jeep. We will have to send a highway employee to Cornell for two days/nights and this will cost approximately three hundred dollars. This person will receive instructions on the new technology so that the town can continue to update and utilize the results of this summer's work for years to com. A report will be given to us regarding the prioritization/categorization of roads.

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Parsons, Welsh	(4)
	No	- None	(0)
	Absent	- Pappalardo	(1)

RESOLUTION

RESOLVED, that the Town Board authorizes the Highway Superintendent to move forward with the Cornell Roads Intern Project, and that the costs involved shall not exceed seven thousand dollars.

TOWN PROPERTY – Fundraiser at Cyrus Russell Community House

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Parsons, Welsh	(4)
	No	- None	(0)
	Absent	- Pappalardo	(1)

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the use of the Cyrus Russell House for a SEPTA fundraiser and will also waive the fee, however, a deposit of \$100 is required.

UNITED PUBLIC SERVICE EMPLOYEES UNION (UPSEU) – Authorize Supervisor to Sign

The Board discussed the United Public Service Employees Union (UPSEU) letter of recognition. Mr. Kelly will discuss the wording of this letter with Gary Hickey, who is the Regional Director of UPSEU. This will be moved to an upcoming Town Board meeting.

FIREWORKS – Approve Vendor for Fireworks

The Board reviewed the five quotes received for the Town’s annual fireworks celebration. Ms. Mayclim noted the Town has used International Fireworks for the past 15 years and they have been outstanding and have an impeccable record.

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Parsons, Welsh	(4)
	No	- None	(0)
	Absent	- Pappalardo	(1)

RESOLUTION

RESOLVED, that the Town Board hereby awards International Fireworks of Douglasville, PA the bid for fireworks services for 2013 as stated in their proposal, \$11,000.

PARKS AND RECREATION – Discussion re Food Vendor at Town Pool

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Parsons, Welsh	(4)
	No	- None	(0)
	Absent	- Pappalardo	(1)

RESOLVED, that the Town Board hereby awards Westchester Food Services of Larchmont, NY the food concession bid for the Town Pool contingent upon an excellent report from the Health Department and any improvements to the contract that the Park and Recreation Superintendent can obtain.

CLAIMS – Authorized for Payment

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted 5-0 to authorize payment of the Town’s bills in the amount of \$179,057.58.

MEETINGS – Dates Set

The Supervisor noted there will be a Town Board meeting on Monday, April 22, 2013, at 7:30 p.m. at the Lewisboro Library, 15 Main Street, South Salem, NY. There will also be a Town Board work session on Monday, May 6, 2013, at 7:30 p.m. at the Lewisboro Library, 15 Main Street, South Salem, NY.

EXECUTIVE SESSION – Discuss Personnel Issues

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 4-0 to go into executive session to discuss various appointments.

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 4-0 to come out of executive session.

TOWN EMPLOYEES AND OFFICIALS – Public Employment Relations Board

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Parsons, Welsh	(4)
	No	- None	(0)
	Absent	- Pappalardo	(1)

RESOLVED, that the Town Board hereby rejects the two recently filed PERB grievances.

POLICE BENEVOLENT ASSOCIATION – Authorize Attorney to respond

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- DeLucia, Kelly, Parsons, Welsh	(4)
	No	- None	(0)
	Absent	- Pappalardo	(1)

RESOLVED, that the Town Board authorizes the Town Attorney to respond to a letter from the PBA attorney regarding chain of command issue.

ADJOURNMENT

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted 4-0 to adjourn at 10:25 p.m.

Janet L. Donohue
Town Clerk