

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on June 17, 2013, at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York.

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

Also in attendance were Facilities Maintenance Manager Joel Smith, the Attorney for the Town Jennifer Herodes, and the Comptroller Leo Masterson.

Mr. Parsons called the meeting to order at 7:38 p.m.

PLEDGE OF ALLEGIANCE

Supervisor Parsons led the Pledge of Allegiance to the flag.

COMMENDATIONS – Police Officer David Alfano

The Supervisor read two letters from Town residents regarding Police Officer David Alfano. One pertained to him helping them after they were in a car accident and he took their dogs in his car back to their home. The second letter was from an elderly woman who Officer Alfano helped when a turkey was trying to get into her home.

TOWN OFFICIALS AND EMPLOYEES - Resignation of Police Officer Dean Gilhooly

The Supervisor read a letter of resignation from Police Officer Dean Gilhooly effective July 1, 2013. The Board thanked Officer Gilhooly for his years of service to the Town of Lewisboro.

TOWN OFFICIALS AND EMPLOYEES - Resignation of Police Officer Doug MacCrae

The Supervisor read a letter of resignation, effective June 30, 2013, from Police Officer Doug MacCrae, who has been in law enforcement for thirty-six years. The Board thanked Officer MacCrae for an outstanding job.

TOWN OFFICIALS AND EMPLOYEES - Summer Interns

The Supervisor noted that the Town will have three summer interns, who are all at the end of their junior year in high school. They will be spending time with each department in the town and they will attend committee meetings during the summer months. Their names are Christina Harris, Sebastian Bates and Zachary Lee. These interns are volunteering their time.

TOWN PROPERTY - Town House Property for Library Construction

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

THE VOTE:	Yes	- DeLucia, Kelly, Pappalardo, Parsons, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board authorizes the Lewisboro Library Association to utilize Town property for those activities as shown on the plan entitled “Library Construction Impact on Town Campus” (Sheet A-1), prepared by Donald MacDonald Architect, dated (last revised) May 22, 2013.

TOWN PROPERTY – Preserves

Supervisor Parsons thanked several community volunteers who have worked tirelessly on several preserves. He noted that Old Field Preserve looks amazing. He especially wanted to thank Joe Tansey, Steve Hoyt, George Scott and Jim Nordgren and a host of other people. They have also done work on bridges that go over streams in these preserves. Supervisor Parsons also mentioned that the wetlands inspector has checked on all of their work.

TOWN PROPERTY – Verizon Cell Tower in Town Park

Supervisor Parsons told the Board that he has been in touch with Leslie Snyder, the attorney for Verizon. He reported that the cell tower in the Town Park should be fully erected to the 160 feet and fully operational by June 21, 2013.

FINANCE – Mortgage Tax

Supervisor Parsons reported that mortgage tax is stuck in neutral. There is a slight uptick in Lewisboro. Mr. Pappalardo asked how Lewisboro compares with other Northern towns. Supervisor Parsons said there has been no comparison but it seems like the river towns and towns with close proximity to trains are doing better. He feels that our town is doing better than North Salem.

PUBLIC COMMENT PERIOD

There were no public comments.

CONSENT AGENDA

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted 5-0 to approve the Town Board minutes of June 3, 2013 and to accept the May, 2013 Building Department Report.

MINUTES - Approved

On the above motion and second, the Board voted 5-0 to approve the Town Board meeting minutes of June 3, 2013.

REPORTS – Monthly Report

On the above motion and second, the Board voted 5-0 to accept and file the May, 2013 report from the Building Department.

NOTICE OF CLAIM – Certification of Designation

General Municipal Law, §50-e (1) requires the service of a notice of claim upon a town as a condition precedent to filing suit for personal injury and property damage. The purpose of GML §50-e, according to the Appellate Division, is “to protect the municipality from unfounded claims and to ensure that it has an adequate opportunity ‘to explore the merits of the claim while information is still readily available.’” Typically a notice of claim must be delivered personally or by registered or certified mail to the town clerk, town supervisor or to an attorney regularly engaged in representing such town. (General Municipal Law, §50-e (3)(a); CPLR, §311(a)(5)).

Effective June 15, 2013, a person wishing to sue a town will have another option for serving a notice of claim upon the town. In addition to delivering a copy of the notice of claim to the town clerk, the town supervisor or an attorney regularly engaged in representing the town – a notice of claim may be delivered to the Secretary of State. The Secretary of State will then forward the notice of claim to the person designated by the town board to receive the notice of claim from the Secretary of State. (General Municipal Law, §53). To assist the Secretary of State in this task, the Department of State is creating a form certificate to file with the Secretary of State. The required form will be available on the Department of State’s website ([www.dos.ny.gov](http://www.dos.ny.gov)) on June 15, 2013. A person filing a notice of claim with the Secretary of State may be charged a fee of up to \$250, half of which shall be forwarded to the town providing that the town files its certificate of designation upon with Secretary of State within 30 days of June 15, 2013 (approximately July 14, 2013).

To prepare for submitting that form, the town board should adopt a resolution designating a town officer or person who will serve in this function. Pursuant to CPLR §311(a)(5) the town supervisor or town clerk is the person authorized to accept service on behalf of the town. For consistency purposes the town board may wish to designate one of these officers for purposes of receiving notices of claim served upon the Secretary of State.

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

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

WHEREAS General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town’s agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent’s estate;

Now therefore, be it

RESOLVED, that the Town Board of the Town of Lewisboro, County of Westchester, designates Janet L. Donohue in her capacity as Town Clerk, to receive notices of claims served upon the Secretary of State by mail at 11 Main Street, P.O. Box 500, South Salem, New York 10590 and email at [townclerk@lewisborogov.com](mailto:townclerk@lewisborogov.com).

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town’s designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

DRUG ABUSE PREVENTION COUNCIL – Authorize Supervisor to Sign Contract

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

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Supervisor be and hereby is authorized to sign the 2013 Drug Abuse Prevention Council agreement not to exceed \$6,500.

AUTHORIZE SUPERVISOR TO SIGN – Univers

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

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Supervisor is authorized to sign the Tyler Technologies 2013 Unvers Maintenance Renewal contract, for the Receiver of Taxes’ office, in an amount not to exceed \$5,300, for the term dated July 1, 2013 – June 30, 2014, as submitted and reviewed by counsel, and be it further

RESOLVED, that the Town Supervisor is authorized to sign the Tyler Technologies 2013 Unvers Maintenance Renewal contract, for the Assessor’s office, in an amount not to exceed \$5,800, for the term dated July 1, 2013 – June 30, 2014, as submitted and reviewed by counsel.

LEON LEVY PARKING LOT – Authorize Supervisor to Sign Agreement with Kellard Sessions

The Supervisor is looking for authorization from the Town Board to sign an agreement with Kellard Sessions to provide engineering services, bid documents, management of bidding process, construction management and construction inspection services for the Leon Levy parking lot.

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

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the agreement with Kellard Sessions, as submitted, for work to be done to engineer and create a parking lot for the Leon Levy Preserve, located off Route 123, subject to financing to be placed in a sub-account, which will be provided by outside donations as described by the Supervisor and subject to receipt of funds.

TOWN PROPERTY – Authorize Use of Onatru Farm for Library Fair

The Board reviewed a request from the Lewisboro Library for use of Onatru Farm for the annual fair.

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

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the use of Onatru Farm buildings, provided a Certificate of Occupancy has been given to the main house, and grounds for the annual Lewisboro Library fair to be held on September 21, 2013 and at any other time in preparation for the fair, and be it further

RESOLVED, that Elmwood Road is declared one-way on the day of the fair.

TOWN PROPERTY – New York State Police renting old Police Station at 81 Spring Street

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

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

WHEREAS, the Town of Lewisboro owns a certain two-story building located at 81 Spring Street, South Salem, New York 10590, in the Town of Lewisboro, County of Westchester, State of New York (the “premises”), and

WHEREAS, the Division of State Police of the State of New York has expressed interest in leasing the premises for the purpose of operating a police station of the New York State Police as a Satellite Office, and

WHEREAS, The Town Board of the Town of Lewisboro does not have a current use for the premises, and

WHEREAS, the Town Board of the Town of Lewisboro finds that it is in the best interest of the Town to lease the premises to the New York State Police for the purpose of operating a Satellite Office, as it would benefit the health, safety and welfare of the residents of the Town;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Lewisboro hereby approves and authorizes the leasing of the premises to the Division of State

Police of the State of New York for the purpose of operating a police station of the New York State Police as a Satellite Office, subject to the approval of final terms of a written lease between the Town of Lewisboro and the Division of State Police of the State of New York, and

BE IT FURTHER RESOLVED, that this resolution is subject to a permissive referendum pursuant to Section 64(2) of the Town Law of the State of New York, and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Lewisboro is authorized and directed to publish notice of this resolution in accordance with Section 90 of the Town Law of the State of New York.

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

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLVED

RESOLVED, to approve the lease for the New York State Police to rent the old Police Station at 81 Spring Street as drafted before the Board on June 17, 2013, and for said lease to be forwarded to the State Troopers, and be it further

RESOLVED, that the Board authorizes the Supervisor to sign said lease.

HIGHWAY – Intern from Cornell

The intern that is working with the Highway Department is excellent. Her Supervisor from Cornell will be in to review her later this week.

HIGHWAY – Paving

Supervisor Parsons would like to encourage our Highway Superintendent, Peter Ripperger, to look at either Oscaleta Road or Lower Salem Road and do one of these roads using the “cold in place” recycling process. This process is where you churn up the road, you process the material and lay it back down. The Board was disappointed with the oil and stone that was used on Wakeman Road. Mr. Pappalardo feels we should look at all the options. Mr. DeLucia would like to have a representative come to a board meeting to present the “cold in place” process. What

have other towns used? Mr. Welsh would like to hear from the vendor because this process is cold where the other processes have been hot. Eventually, we are going to have several feet of pavement on the road if we don't start another process.

Mr. DeLucia feels that Mr. Ripperger needs to put a pavement plan in place and get this out to the residents. Mr. Pappalardo feels there are three overall components to this; what is being done regarding maintenance, what is being done with the CHIPS money and what is the overall renovation plan for the roads. Mr. Pappalardo feels it is helpful to hear from these vendors but he does feel that they are in it for the sales. He suggested hearing from civil engineers and he would like to hear from other towns that have used this process.

The Comptroller, Mr. Masterson went over two options for borrowing for the road re-surfacing. If for example, the town borrowed \$1,000,000, the interest rate estimate would be as follows: If BAN – 1% first year and if Bond – 3%. The payment estimate for the first year would be as follows:

If BAN:	Interest	\$ 10,000
	Principal	\$ 46,000 (a)
	Closing Costs	<u>\$ 5,000</u>
	Total	\$ 61,000
If Bond:	Interest	\$ 30,000
	Principal	\$ 55,000 (a)
	Closing Costs	<u>\$ 20,000</u>
		\$105,000

- (a) The town may elect to forego principal payment in the first year.

The maximum term is fifteen years. If BAN is chosen, it is required to be converted to a Bond in the fifth year with the interest rate fixed for years six through fifteen.

The lead time for issuance if BAN is selected is four weeks, and if Bond, five to six week. Each scenario would also require a thirty day permissive referendum period and a twenty day estoppels period which would begin when the resolution for borrowing is executed. These requirements would be eliminated if the declared term of borrowing was no more than five years.

Mr. DeLucia feels that we need to have a legitimate plan in place from our Highway Superintendent and that we follow that plan for the balance of 2013 and for 2014. This plan also needs to be communicated to the town residents. Bonding for the capital work is consistent with the opinion of our County Legislature as well.

Mr. Pappalardo feels that there has been too much time reflecting on the past and we need to move forward on this issue. We need some level of expertise and objectivity.

BENEFITS AND HEALTHCARE – Quotes

The Supervisor updated the Board on discussions that he has had regarding employee health care insurance and benefits. MEBCO is telling the Town that they will face a 3.1% increase in cost in 2014 if we stay with the current plan. The Board of Directors of MEBCO is looking into another plan which would increase co-pays and it would reduce our premiums by 10%. Co-pays are not subject to the Cadillac Tax. The Cadillac Tax is calculated on the total premium regardless of who pays it.

Because we are re-forming MEBCO with a reinsurance premium for large medical claims, the need to maintain a large reserve is reduced and those towns that have positive figures will be rebated a certain amount of money in next year's premium. If we plan to stay with the 3.1%, we will have a reduction of 8%, which is technically a phony reduction, since it is our money. Mr. Pappalardo asked if we would get this money back if we went with another carrier and the Supervisor replied yes, as long as the money was there. It is the Town's money.

Mr. DeLucia asked what happened if we went with the core. Mr. Parsons explained that this is not up to the Town; it is up to the MEBCO Board, of which our comptroller is part of. If we were to decide to go with another group who are preparing a proposal for us, then we would have to put up a run out fee with MEBCO of about \$200,000. This money would come back to us if was not used, but it is a major hit on our 2014 budget. There is a large divide growing between genuine and self insurance.

The quotes that the town has received are from self insurance and genuine insurance.

The common response that the Supervisor has received is that the Town is too small and that there is no way a decent proposal can be given. The other response is that you can go with a high deductible; however the record is that the unions refuse to accept it as the equivalent. Not a single high deductible plan has been adopted in New York State.

Supervisor Parsons has also been spending some time with the head of Northern Westchester Hospital who has been lecturing a small group on medical costs and helping to educate them.

Mr. Parsons has asked the alternative supplier to attend the next Town Board meeting, which is July 8, 2013. The Board would like to keep the ball rolling on this subject.

CLAIMS – Authorized for Payment

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 5-0 to authorize payment of the Town's bills in the amount of \$448,471.02.

ART SHOW – Onatru Farmhouse

The Supervisor announced that there will be an Art Show at Onatru Farmhouse starting on Friday, June 28 with a reception starting at 7 p.m. It will continue on Saturday, June 30 until the fireworks start and then will be open on Sundays during the month of July.

FIREWORKS AND CHARITY SOFTBALL GAME – Donations and Date

Supervisor Parsons reminded everyone that the date of the firework spectacular is Saturday, June 30, 2013. He also invited everyone to attend the Democrats versus Republicans Charity Softball event that will take place at 11:30 a.m. the same day at Onatru Park.

MEETINGS – Dates Set

The Supervisor noted there will be a Town Board work session on Monday, July 8, 2013, at 7:30 p.m. at the Lewisboro Library, 15 Main Street, South Salem, NY. There will also be a Town Board Meeting on July 22, 2013, at 7:30 p.m. at the Lewisboro Library, 15 Main Street, South Salem, NY.

EXECUTIVE SESSION – Various Personnel and Legal Issues

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 5-0 to go into executive session to discuss various appointments.

TOWN OFFICIALS & EMPLOYEES – Deputy Receiver of Taxes

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

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does hereby authorize setting the hours of the Deputy Receiver of Taxes at a maximum of twenty-four (24) hours per week as a part-time position, effective July 1, 2013, at an hourly rate of \$20.14.

OFFICIALS & EMPLOYEES – Oak Ridge Water Billing Administrator

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

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does hereby appoint Deirdre Casper as the Oak Ridge Water Billing Administrator, with a stipend of \$5,000 per year, effective July 1, 2013.

ADJOURNMENT

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to adjourn at 10:30 p.m.

Janet L. Donohue  
Town Clerk