

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on September 16, 2013, at 7:30 p.m. at the Lewisboro Library, 15 Main Street, South Salem, New York.

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

Also attending was the Attorney for the Town Anthony Mole', Facilities Maintenance Manager Joel Smith, Highway Superintendent Peter Ripperger and Comptroller Leo Masterson.

Mr. Parsons called the meeting to order at 7:34 p.m.

PLEDGE OF ALLEGIANCE

Supervisor Parsons led the Pledge of Allegiance to the flag.

PUBLIC COMMENT PERIOD

Mary and Mike Beran, residents of Boway Road near Spring Street, appealed to the Town Board members to repair dangerous conditions on the downward slope of Boway Road near the Spring Street intersection. They took a picture of the road and showed the Board what happens to the area right by their driveway after a heavy rain storm. There are deep gullies that are created on either side of the road and drainage culverts are filled. They feel that it is an accident waiting to happen. They also stated that their cars are being ruined just getting in and out of their driveway. Highway Superintendent Peter Ripperger explained that his department grades this road frequently. The Berans agreed with this statement and said it is fine until the next heavy rains come and then it is back to the same awful condition.

Mr. Ripperger explained that FEMA looked at this area after the last storm but did not approve the repair of this road. Mr. Parsons said that the town tried to obtain an East of Hudson Grant for the paving, however, the measurements did not show sufficient phosphorous run off so that is why the grant was denied for Boway.

Mr. DeLucia said that there are different means that can be looked at; CHIPS money, bonding, and the repair budget line. The Board said that as the budget discussions move forward, they will look into the possibility of paving this small portion of Boway Road.

CONSENT AGENDA

On motion by Mr. Welsh, seconded by Mr. DeLucia, the Board voted 5-0 to approve the Town Board minutes of September 9, 2013.

MINUTES - Approved

On the above motion and second, the Board voted 5-0 to approve the Town Board minutes of September 9, 2013.

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

COMMUNITY CHOICE AGGREGATION FOR ELECTRIC AND GAS RETAILERS –
Support Passage of Enabling Legislation

On motion by Mr. Welsh, 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

WHEREAS, the New York State Public Service Commission issued a Policy Statement on August 25, 2004 that outlined the Commission's end state vision of electric and gas retail markets and

WHEREAS, that statement said “the provision of safe, adequate, and reliable gas and electric service at just and reasonable prices is the primary goal. *Competitive markets, where feasible, are the preferred means of promoting efficient services, and are well suited to deliver just and reasonable prices, while also providing customers with the benefit of greater choice, value, and innovation,*” and

WHEREAS, only 22.7% of New York State residents have taken advantage of the opportunity to choose electricity or gas suppliers, other than franchised utilities; and

WHEREAS, programs in other states that allow municipalities to aggregate the energy purchases of residents and small businesses (“Community Choice Aggregation” or “CCA” programs), such as Illinois, Ohio and Massachusetts, are currently serving more than ten million people and have saved consumers more than \$500 million; and

WHEREAS, in CCA locations, as much as 77% of residential consumers were being served competitively, as of 2011 (e.g. Cleveland served 77.7% of residential consumers, up from less than 20% in 2009) and

WHEREAS, a modest savings on energy costs could save Westchester County businesses and residents more than \$40 million per year and

WHEREAS, the Town of Lewisboro wants its residents and businesses to have the opportunity to save on energy purchases, as have residents and businesses in CCA states and

WHEREAS, a CCA program in Lewisboro will still compensate franchised utilities for their provision of supply and for their maintenance of reliability, allowing utilities to concentrate on a resilient infrastructure and

WHEREAS, any individual consumer is free to choose to “opt-out” of CCA offerings and purchase through the franchised utility; and

WHEREAS, draft CCA pilot legislation for Westchester (A7896 Member of Assembly Paulin / S5500 Senator Ball) requires that CCA customers must save on energy costs v. the franchised utility, in order for a municipality to execute a CCA contract; and

WHEREAS, the franchise utility retains its obligation to provide Service of Last Resort offerings, in the event a CCA supplier does not perform; and

WHEREAS, no customer who is currently purchasing energy from a free market supplier will be switched in the absence of that customer’s active request to switch, now therefore

BE IT RESOLVED THAT, the Town of Lewisboro requests timely authorization from New York State to form an aggregation of consumers as described in A7896 and S5500.

REFUSE REMOVAL – Authorize Bid

The Board reviewed the Town Clerk’s request to advertise for bids for removal of refuse and recyclables. Mr. Welsh asked if the responders could include what they are currently doing with streamlining the recyclables.

On motion by Mr. Parsons, 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 Town Clerk be and hereby is authorized to seek bids for the removal of refuse and recycling from Town offices and facilities.

MEMORANDUM OF AGREEMENT FOR THE NEW YORK STATE 1033 PROGRAM – Authorize Police Chief to Sign

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 Police Chief is authorized to sign the memorandum of agreement for the New York State 1033 Program (Department of Defense Excess Property) and is also authorized to evaluate and decline/accept product in question.

LEON LEVY MANAGEMENT PLAN – Approval

The Board discussed the Leon Levy Management Plan which was last drafted on January 11, 2010. The Board decided to forward the plan to the Open Space and Preserves Advisory Committee for their review.

BUDGET – Discussion of Highway 2014 Budget

Highway Superintendent Peter Ripperger and Comptroller Leo Masterson, discussed the Highway department budget for 2014 with the Board. Mr. Ripperger expressed that he would like to reinstate the job that was frozen for eighteen months, and have it filled come January of 2014. Mr. Ripperger argued that his department is badly understaffed. If the money comes back into his budget, he would like to split between the Motor Equipment Operators line and the mechanics line.

Peter Parsons said that he was considering transferring one individual from the Maintenance Department to the Highway Department and then Joel Smith, Facilities Maintenance Manager, would then outsource some of the tasks that are currently performed by this individual, including lawn mowing and cleaning of Town Offices.

Comptroller, Leo Masterson, said that the transferred individual would receive the same salary and benefits after the move between departments.

Mr. Ripperger also wanted to look into winter seasonal employees as opposed to summer seasonal employees, just for that day as you need them. The Board and counsel need to make sure that it is not a union conflict.

Mr. Ripperger would still like to be able to hire one more full-time seasoned individual in the highway department. He was under the impression that when he lost the one employee to go to the Police department, they would freeze this position for eighteen months only.

Mr. Welsh said that nobody here is able to commit the Board to some action next year and really cannot give him the assurance that he is looking for.

Mr. DeLucia feels that while it is not one hundred percent what Mr. Ripperger is requesting, they are moving in the right direction. Mr. Pappalardo said that it is an upgrade however it is not at the level that Mr. Ripperger was hoping for.

Mr. Pappalardo questioned Mr. Ripperger as to why he was bumping the vehicle and equipment repair line up from \$50,000 to \$85,000. Mr. Ripperger created an equipment repair cost report which shows that to date, the amount for repairs is approximately \$64,000. Even though highway has a few new vehicles, you still have to service them. For example, if you take the thirty-one vehicles that highway has, and oil changes are done on each one, the cost is approximately two hundred dollars per vehicle.

Mr. Ripperger did increase his road repair and maintenance line from \$50,000 to \$75,000. There are two projects that Highway is trying to do. One is a piping job on Kitchawan Road and another one on Cornwall Court. The materials for both jobs would be approximately \$17,000 but the outside engineering firm wants \$34,000 in fees for permits, etc.

Mr. DeLucia said that if you take out approximately \$105,000 for the full-timer, then the Highway department is looking for approximately a \$70,000 increase.

Mr. Pappalardo asked when Mr. Ripperger would be able to solidify the CHIPS money. Mr. Ripperger replied he should be able to make calls around December. Mr. DeLucia would like to see the memo again because he remembered it saying that it was going to carry forward and increase a little bit. Mr. Ripperger will make a call and double check on this.

The Board will further discuss this budget at a later meeting.

BUDGET – Discussion of Maintenance 2014 Budget

Facilities Maintenance Manager Joel Smith and Comptroller Leo Masterson, discussed the Maintenance department budget for 2014. Joel stated that he has applied for a grant for a thirty-thousand dollar generator and we have made it to Phase II. Part of the stipulation with the grant money is that the town would have to pay twenty-five percent of the total, or seven thousand five hundred, which he has not shown in the budget.

Seasonal help doubled from \$3,200 to \$6,600 because the grass has to be cut twice a week as opposed to once a week. This will keep the fields in better shape.

Electricity is going up from \$39,200 to \$55,000. Cross River is more expensive to run. If Integrys Energy Company comes through with a lower quote, this number will be reduced by approximately \$2,000. Heating fuel is going up as well. Goldens Bridge offices, once they are closed, will see a savings with the heat and electricity. They will look to make the building more energy efficient in the future.

Joel is going to work with Dana regarding the cleaning people. They will take a look at what we have now and what we need and maybe bring that price down.

The website hosting increased from \$1,200 to \$3,000. The Town Clerk is looking at re-doing the website and the vendor that she is looking at charges \$3,000 per year for hosting. The website hosting service that we use now would be increasing to \$2,000 this year.

The broadband access fee is increasing from \$24,360 to \$27,600. Parks and Recreation is going on the Optimum phone service and Onatru will be going back on line as well.

FINANCE – Approval of Financing Methodology for Highway Trucks

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 authorizes the Supervisor and/or the Comptroller to sign the lease in escrow agreement that will lock in the lease rate at 3.347% for the purchase of two town highway trucks, with the first lease payment being made in 2014 on the anniversary of the execution of the agreement.

ONATRU SOCCER FIELD – Dedication to Forever Molly and Gregory Fund

Peter DeLucia said that on Sunday there was a dedication held at Onatru Park to commemorate the Forever Molly and Gregory Fund’s donation of player benches, landscaping and a memorial bench to the John Jay Futbol Club. It was very well attended.

911 MEMORIAL CEREMONY – Valhalla

Supervisor Parsons went to the 911 Memorial Ceremonies in Valhalla. He said that it was very well attended and a very impressive memorial. He encouraged all to visit the memorial.

LOCAL BUSINESS – Cross River Wine Merchant

Mr. DeLucia shared that Cross River Wine Merchant has finally opened on the corner of Route 35 and 121 N. He said that the Novaks have done a lovely job with the property and wishes them well with their new establishment.

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 \$254,531.35.

MEETINGS – Dates Set

There will be a Town Board work session on Monday, September 23, 2013 at 7:30 p.m. at the Lewisboro Library, 15 Main Street, South Salem, NY.

EXECUTIVE SESSION – To discuss specific legal issues

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

On motion by Mr. Pappalardo, seconded by Mr. Parsons, the Board voted 5-0 to come out of executive session.

ADJOURNMENT

On motion by Mr. Parsons, seconded by Mr. Welsh, the Board voted 5-0 to adjourn at 9:45 p.m.

Janet L. Donohue
Town Clerk