

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on November 7, 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, John Pappalardo, Daniel Welsh
Deputy Town Clerk - Jennifer Caviola

Also attending was the Attorney for the Town Jennifer Herodes, Facilities Maintenance Manager Joel Smith, Highway Superintendent Peter Ripperger, and 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.

PUBLIC COMMENT PERIOD

SIGNS – Freedom of Speech

Craig Parker, a Goldens Bridge town resident, put up wooden signs against Mr. Parsons prior to election. These signs were ripped down and were destroyed and defaced with paint. Mr. Parker was flabbergasted by this type of action against his constitutional right. He does not feel that Mr. Parsons has anything to do with this. He is outraged and hopes that everyone in Town is outraged.

Mr. Parker said he has reported the destruction of his signs to the Lewisboro Town Police Department and also plans on taking this matter up with officials in higher levels of state government, possibly the United States Attorney’s Office.

BUILDING PERMITS - Brookside Trail

Several residents from the Kitchawan area of Lewisboro came to protest about three years of ongoing construction and wetland violations at a home on Brookside Trail. Several neighbors spoke, including Patrick Killeen, Arlene Ashburn and Bernard Marquez. They also wrote and submitted a letter (see attached) signed by thirteen neighbors who stated several observations that they have made regarding this property and the owner of this property.

The group is asking the Town Board to halt any further permit extensions or variances at this property on Brookside Trail and to provide them with information on the violations.

On motion by Mr. DeLucia, seconded by Mr. Kelly, 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 requests a formal report from the Building, Planning, Zoning and Police departments regarding the complaints for this property at Brookside Trail.

EXECUTIVE SESSION – To Discuss Personnel Issues

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

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

POLICE BENEVOLENT ASSOCIATION – Approval to pay claim

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 a claim in the amount of \$1,979.45 to be paid to the Police Benevolent Association (PBA).

LEON LEVY PRESERVE – Accept Grant to Clear Invasive Plants

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 JN Land to perform invasive plant removal and native plant restoration in the Leon Levy Preserve as soon as insurance coverage to include the Town of Lewisboro is provided and in accordance with the proposal submitted to the Town Board at this meeting.

CONSENT AGENDA

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to approve the Town Board minutes of October 21, 2013 and voted 5-0 to approve the Planning and Police Department Reports for October, 2013.

MINUTES - Approved

On the above motion and second, the Board voted 5-0 to approve the Town Board minutes of October 21, 2013

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

REPORTS – Monthly Reports

On the above motion and second, the Board voted 5-0 to accept and file the October, 2013 reports from the Planning and Police Departments.

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

IMA EAST OF HUDSON FUND AMENDMENT - Authorize Supervisor to Sign

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

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

RESOLUTION

WHEREAS, on January 24, 2005 by Act No. 16-2005, the Westchester County Board of Legislators (the “Board”) authorized the County to enter into an Intermunicipal Agreement (“IMA”) with the Municipality, as further described herein; and

WHEREAS, on June 1, 2006 the Westchester County Board of Acquisition and Contract (the “BAC”) authorized the County to enter into the IMA; and

WHEREAS, on July 11, 2011 the Board authorized the County to amend the IMA; and

WHEREAS, on September 15, 2011 the BAC authorized the County to extend the term of the IMA, as well as expand its scope, as further described herein; and

WHEREAS, on February 13, 2012, the Town Board authorized the Municipality to amend the IMA, as further described herein; and

WHEREAS, the First amendment to the scope of services of the IMA was made in accordance with the Project List previously approved by Act 16-2005 of the Board.

WHEREAS, on March 2, 2012, the term of the IMA was extended for an additional five (5) years to a new termination date of July 17, 2016, in addition to amending the scope of services, as described in the First Amendment; and

WHEREAS, on August 22, 2013 the BAC authorized the County to add three new projects to the scope, as further described herein; and

NOW, THEREFORE, in consideration of the promises and covenants herein, the parties agree as follows:

1. The parties hereby amend the IMA in order to change the scope of services to include the following additional projects: (1) Two lake dredging projects – Lake Katonah and Timber Lake. (2) Two stormwater basins – Mead Street and East Ridge. (3) One filter media for the stream interceptor of the Lake Kitchawan stream project described in Appendix “A-2,” which is attached hereto and made a part hereof (“Municipal Project/s). Accordingly, Appendix “A-1” is hereby deleted in its entirety and replaced by Appendix “A-2.”
2. The Municipality shall notify the County Commissioner of Planning of the final scope of services of the amended IMA.
3. Except as otherwise provided herein, all other terms and conditions of the IMA shall remain in full force and effect upon the parties.
4. This Second Amendment shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

KATONAH-LEWISBORO SCHOOL DISTRICT SALT & FUEL AGREEMENT – Authorize Supervisor to Sign Municipal Cooperation Agreement

On motion by Mr. Kelly, seconded by Mr. Welsh, 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 Supervisor to sign the municipal cooperation agreement with the Katonah-Lewisboro School District regarding the purchase of salt from the town and fuel from the school district for the period of July 1, 2013 to June 30, 2014, to include surcharges.

WESTCHESTER COUNTY – Authorize Agreement re County Clerk’s Land Records

On motion by Mr. DeLucia, seconded by Mr. Kelly, 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 does hereby approve a Memorandum of Understanding between the Town of Lewisboro and the County of Westchester to provide a license for remote access to the County Clerk’s land records, and be it further

RESOLVED, that the Town Board hereby designates Lise Robertson, Deirdre Casper, Peter Parsons and Janet Donohue as individuals the Board wants to have access to the system.

PLANNING BOARD TRAINING – Discussion

On August 21, 2007, the Town Board adopted a resolution that allowed the Chairs of the Planning Board and Zoning Board of Appeals to determine suitable training for the respective members of those boards. However, this subsection needs to be eliminated from the original resolution.

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

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

RESOLUTION

RESOLVED, that subsection two (2) of the resolution adopted by the Town Board of the Town of Lewisboro, dated August 21, 2007 be eliminated and will read as follows:

WHEREAS, the adoption and implementation of land use decisions in the Town of Lewisboro have a profound effect on the character of the community and the well being of Lewisboro citizens; and

WHEREAS, the administration of land use laws is a complex and highly diverse process that requires specialized knowledge and familiarity with applicable laws and regulations; and

WHEREAS, the Town Board of the Town of Lewisboro desires to provide, for the benefit of its citizens, a well trained and knowledgeable body of officials to administer the Town’s land use process.

NOW THEREFORE BE IT RESOLVED as follows:

1. Pursuant to the provisions of New York State Town Law §267 and §271 all Zoning Board of Appeals and Planning Board members shall be required to complete at least four (4) hours of suitable training per year.
2. Funding provisions for required training shall be provided annually in the Town Budget.
3. Training shall be satisfied by educational activities substantially devoted to planning, zoning or other land use issues such as (a) attending conferences, seminars or workshops; (b) participating in on-line training or tutorials; (c) attending college courses; (d) reading journal articles or books; or (e) any other educational activities considered acceptable by the respective Board Chairs. Training may also be provided by the Town’s Planning Consultant.
4. A record of annual completion of training shall be maintained by the respective Secretaries of the Planning Board and Zoning Board of Appeals, and a copy provided to the Town Board prior to considering a Planning Board or Zoning Board of Appeals member for reappointment. Eligibility for reappointment to these Boards shall be conditioned upon completion of training prior to the end of each calendar year.
5. Suitable training in excess of four (4) hours per year may be accumulated and carried over into the succeeding year for the purpose of satisfying these training requirements.

PLANNING DEPARTMENT – Authorize Department to Complete an Online Land Use and Development Policy Survey Conducted by Texas A&M University and University at Buffalo

A group from Texas A&M University and University at Buffalo is doing a survey of land use and development policies within fifty miles from the ocean. They would like to include our town which means that our Planning Department would need to spend approximately thirty minutes answering the questions. We would get the results from the survey as a whole, not broken down by town. Mr. Parsons stated that they would be talking about hazards.

Mr. Kelly would like to see the abstract and plan regarding the survey. Mr. Parsons will request that from the group and there will be further discussion at an upcoming meeting.

TOWN CODE – Amendment to Chapter 220, Zoning of the Code of the Town of Lewisboro

On motion by Mr. Kelly, seconded by Mr. Parsons, 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 of the Town of Lewisboro did adopt Local Law No. 10-2013 which amends Chapter 220, Zoning of the Code of the Town of Lewisboro related to the changes to the Agricultural and Market law requirements, as follows:

TOWN OF LEWISBORO
LOCAL LAW NUMBER 10-2013 OF THE TOWN OF LEWISBORO
AMENDMENTS TO CHAPTER 220 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. Chapter 220, Section 220-23(A)(16), entitled “Schedule of regulations for residential districts,” is hereby amended and enacted to read as follows:

§ 220-23. Schedule of regulations for residential districts.

(A)(16) Riding academies.

Section 2. Chapter 220, Section 220-43.3, entitled “Riding academies,” is hereby repealed in its entirety.

Section 3. Chapter 220, Section 220-46.1, entitled “Site plan requirements for riding academies,” is hereby enacted to read as follows:

§ 220-46.1. Site plan requirements for riding academies.

In order to be eligible for any waivers of the site plan review process as set forth in this Article VI, riding academies shall provide adequate documentation of the following in a form acceptable to the Planning Board, unless the Planning Board determines that any of the following requirements would be unreasonably restrictive as applied to a particular agricultural operation.

- A. Location. The location of the use shall have safe and adequate access as determined by the Planning Board.
- B. Coverage. Building coverage, including accessory buildings shall not exceed 20% of the lot area, nor shall the sum total of the land covered with buildings and parking, including driveways, exceed 50% of the lot area, within any residence district.

- C. Setbacks. All new buildings shall be set back from adjoining properties in residence districts and street lines directly opposite properties in residence districts a distance equal to at least twice the normally applicable front yard setback requirement for detached one-family dwellings in the zoning district in which it is located, but in no case less than 50 feet. Off-street parking areas shall not be permitted within 20 feet of any adjoining property in a residence district. Setback requirements may be modified by the Board of Appeals in case of conversions of existing buildings.
- D. Buffer area. A landscaped buffer area for agricultural structures, meeting at least the minimum requirements of § 220-15 of this chapter, shall be required along all lot lines adjoining properties in residence districts except where determined by the approving agency that a lesser width or no buffer will meet the purpose of this requirement.
- E. Parking. Reasonable and appropriate off-street parking requirements as shall be determined by the approving agency upon consideration of all factors entering into the parking needs of each such use.
- F. Horse management plan. A horse management plan must be submitted to and approved by the Planning Board. The horse management plan must be shown on the site plan to be prepared by the applicant or by a professional, as the Planning Board deems appropriate. The horse management plan must include provisions for the storage, disposal or removal of manure and other wastes, provisions for the feeding and exercise of the horses and provisions for the protection of adjacent properties and delineate the areas on the property which will be actually utilized by the horses. A horse management plan compliant with the provisions of this section shall be considered to meet the requirements of a site plan as described in Article VI. The horse management plan shall include the following:
- [1] The method for the storage and disposal of manure, soiled bedding and other materials that could potentially negatively affect air quality and surface and ground water quality must be specified. The storage of such materials must be in compliance with applicable Westchester County and New York State requirements. Barnyards and animal pens may not be located within 100 feet of a water well. Any storage and disposal of manure and soiled bedding located within 100 feet of a street or property line, or within a watercourse, wetlands, or wetlands buffer area must be identified and mitigation of potential impacts described.
 - [2] Provisions must be made for the storage of feed and bedding. All processed feed must be stored in rodent proof containers.
 - [3] A description of any proposed stables, storage buildings, grooms' quarters and other facilities must be provided, including provisions for fire safety.
 - [4] Areas where existing vegetation will be cleared for grazing and/or exercising must be identified, including provisions for the upkeep and maintenance of those areas. If riding trails are included as part of the

facility, provision must be made for the upkeep and maintenance of such trails.

[5] All New York State and Federal, as identified on the National Wetlands Inventory maps, and local wetlands must be designated (which may be through the use of GPS and/or second source to be confirmed by the Town’s consultants, as long as such method is deemed to be sufficient in each case to adequately identify the wetlands) and measures identified to prevent animal waste from contaminating ground or surface waters. An applicant shall not be required to designate local wetlands if such designation would be unreasonably restrictive as applied to a particular agricultural operation.

[6] If the horses are to leave the property other than by vehicle, there must be a description of the proposed use of horse trails and roadways.

G. Number of horses. The number of horses permitted will be one horse for the first two acres and one horse for each additional acre if the landowner is dependent upon pasture to provide most of the sustenance required by such animals. As provided in New York State Agriculture and Markets Law Sections 301(13) and 301(17), commercial horse boarding and commercial equine must have, at a minimum, seven acres of land area and ten horses, regardless of ownership. The horse management plan will specify the maximum number of horses allowed on the farm operation.

H. Sound systems. The use of outdoor public-address systems may be permitted for horse farms, academies or stables, provided that no more sounds shall carry beyond the limits of the site than would be inherent in the ordinary residential use of the property.

Section 4. 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 5. This local law shall take effect upon filing in the Office of the Secretary of State of the State of New York.

KATONAH LEWISBORO SCHOOL DISTRICT – Authorize Supervisor to sign and send letter to the School Superintendent and School Board

On motion by Mr. DeLucia, seconded by Mr. Parsons, 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 Supervisor to sign and send a letter to the Superintendent of Schools and the School Board regarding the closure of the Lewisboro Elementary School.

BUDGET- Review of Proposed Tentative 2014 Budget

Mr. Parsons noted the Board members have received a copy of his tentative budget (see attached). Mr. Welsh said that individual departments have been reviewed, but are there any new significant learning's that went into this budget that the Board would not have been made aware of. Mr. Parsons stated that there is a fairly large savings on health and medical insurance. They have moved to a system where we are totally self insured up to \$75,000. From \$75,000 to \$100,000, it is a group self insurance. If your claims during the year, for example, are \$80,000, the \$75,000 would be paid directly by the town and the additional \$5,000 would be shared for by all members of the group. Mr. DeLucia asked who was in the group. North Salem Schools is the biggest, Rye, Mount Kisco, etc. Over \$100,000, there is direct reinsurance with an outside insurance company.

Mr. DeLucia still feels that we continue to pursue some other firms to come in and make presentations regarding healthcare.

Mr. Parsons stated that we could go to a high deductible plan, however, no union in New York State has yet agreed to accept a high deductible. It really seems as though self insurance is the way to go, especially because it is recognized by Obama Care.

The tax rate for this budget is 2.557 percent increase.

The Board will also revisit building inspector fees and it should be able to be brought up to \$400,000.

The Board continued discussion and a date will be set at the next meeting for a public hearing on the budget.

CAMPAIGN – Congratulations and Signs

The Board congratulated each other on their victories and they also thanked the voters for coming out to vote. Mr. Parsons also urged residents to get out and vote during future elections.

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 \$94,021.93.

MEETINGS – Dates Set

There will be a Town Board work session on Monday, November 18, 2013, at 7:30 p.m. at the Lewisboro Library, 15 Main Street, South Salem, NY.

ADJOURNMENT

On motion by Mr. Parsons, seconded by Mr. Welsh, the Board voted 5-0 to adjourn at 10:40 p.m.

Janet L. Donohue
Town Clerk