

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on December 2, 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
Town Clerk - Janet Donohue
ABSENT: Councilman - Daniel Welsh

Also attending was the Attorney for the Town Jennifer Herodes, Facilities Maintenance Manager Joel Smith, 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.

PROCLAMATION – John Jay for Wounded Warriors Club (JJ4WW)

RESOLUTION ADOPTED BY THE TOWN BOARD OF LEWISBORO AT A MEETING
HELD ON DECEMBER 2, 2013

WHEREAS, THE JOHN JAY FOR WOUNDED WARRIORS CLUB was founded by Ben Smith and Liam Hafter in 2012 to raise awareness of the sacrifice made by veterans of the wars in Iraq and Afghanistan and of the hardships these veterans now face and to provide programs and services for those who were wounded; and

WHEREAS, the group aims to provide programs and services for those who were wounded so being true to the group's motto which is: "They served us, now let us serve them"; and

WHEREAS, working together with Ryan Reinke, who acted as the group's liaison to the Lewisboro Baseball Association, Anna Stathis, John Jay High School teacher and the group's adviser, Adam Giardina and Jim Moreo of the Lewisboro Baseball Association and Brandon Steiner of Steiner Sports, they conceived and executed a baseball clinic to raise money for The Wounded Warriors Project while inspiring young players and improving their skills; and

WHEREAS, they were successful in gaining the participation of Dwight "Doc" Gooden, former Mets and Yankees pitcher and winner of the CY Young Award in 1985, and Cecil Fielder, former Yankee power hitter and three time All Star, so ensuring that the 200 student November 2nd, 2013 event capacity was quickly reached; and

WHEREAS, the group raised over \$7,000 to benefit The Wounded Warrior Project and at the same time dramatically increased awareness of the Project in the community by involving many student and parents as volunteers; and

WHEREAS, these actions are deserving of public gratitude and praise, now

THEREFORE BE IT RESOLVED, that the Town Board of the Town Of Lewisboro, in recognition of the outstanding actions of Ben Smith, Liam Hafter and all other contributors does hereby offer the thanks of its populace, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be spread upon the minutes of this December 2, 2013 Town Board Meeting for future generations to see and that a copy of this Resolution be presented to the John Jay for Wounded Warriors Club and the Lewisboro Baseball Association.

PUBLIC COMMENT PERIOD

Several residents and Lewisboro Elementary parents spoke to the Town Board and asked for their support regarding the possible closing of Lewisboro Elementary School (LES).

Elizabeth Stabile and Adrienne Kenny of South Salem outlined their concerns surrounding the closure of the school with an emphasis on sharing the concerns of small businesses with the Town Board. Ms. Stabile shared that they opened a dialogue with local businesses and they were shocked and disturbed about the closing of LES and the time frame in which it would be closed. Ms. Stabile and Ms. Kenny said they had a petition signed by 44 local business owners in South Salem and Cross River. They reiterated that they, along with these business owners, believe that closing Lewisboro Elementary School will compromise the very fabric of our community. They feel that closing LES is very sort sighted and will lower the attractiveness to our area. They would like to know what steps the town is taking to slow down the closing of LES.

George LaSota of South Salem added that more than 600 community members had signed another petition against the closure of LES. He also asked what the Town Board was doing to help parents keep the school from closing.

Mr. Pappalardo explained that a letter from the Town Board was disseminated to the School board. In addition, Mr. Parsons responded that he and Mr. Kelly recently held a private meeting with two members of the school board. He shared that they urged them to examine things more closely. Mr. Kelly stated that he and Mr. Parsons pointed out that many things had simply not been addressed and that they felt the process was moving too quickly. But Mr. Kelly and Mr. Parsons stated that they are a sovereign government agency and the Town Board cannot tell them what to do.

Larry Martin of Cross River said that school traffic issues had not been properly explored and that a study was needed. He explained that 134 additional students would now be going to Meadow Pond down Route 123 and there is no turning lane on to Route 123 from Route 35. He also asked if the Town Board could require a report on what is to be done with a shuttered building.

Mr. Kelly responded that the school district is not a business so they cannot regulate them however, the Town Board has discussed potential options with them.

Mr. DeLucia said it was only recently that the input of the Town Board had been sought. He said that the Town Board had been cut out of the process until now. Mr. DeLucia stated that the Town Board has invited the school board to come to a town board meeting or work session, but they have declined. Mr. DeLucia also stated that the School Board reports to the State and suggested that some of the residents contact the State.

Scott Daley, a Stewart Road resident, has had his house on the market. Recently, he had accepted an offer from someone. When they learned that LES was possibly closing, the buyer pulled out of the sale.

Juliette Hadlock, a South Salem resident, expressed that LES is vital to the community. She said that many of our patterns depend on the existence of the school. Without the school, things will break down. The community structure has had four elementary schools for forty-six years. The traffic patterns in the morning have been driven by this, the way that our community groups form are based on this. The South Salem Fire Department and Lewisboro Volunteer Ambulance Corp. are very contingent on having young families move into this part of Lewisboro. If this part of town becomes less attractive to families because it is not near a local elementary school, then people with young children are going to choose to live in another area of the town and it will be problematic to other services within the town. Ms. Hadlock also mentioned that her background is in education and all the research points to the attraction of locale of the school to local families, size of the classroom should be ideally 18-21 students, and length of the bus ride should be less than 30 minutes. We will achieve none of these if LES is closed.

George LaSota asked Mr. Parsons if he would share which school board members they met with and both Mr. Parsons and Mr. Kelly said that they did not feel it was relevant to the discussion. Mr. LaSota also encouraged the Town Board members to sign the petition which is on line.

CONSENT AGENDA

On motion by Mr. DeLucia, seconded by Mr. Parsons, the Board voted 4-0 to approve the Town Board minutes of November 18, 2013 and voted 4-0 to approve the Building Department Report for November, 2013.

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

MINUTES - Approved

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

REPORTS – Monthly Report

On the above motion and second, the Board voted 4-0 to accept and file the November, 2013 report from the Building Department.

PUBLIC HEARING - Proposed Amendment to Chapter 92, Section 92-4(I), entitled “Building Permits”

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.

Patrick Killeen, a resident of South Salem, said that he supported the sharp increases in fees but was not happy with the fact that a project can go on as long as people pay the fees and a special use permit is not required by the Building Department. Mr. Killeen requested a final termination time for all building permits. He feels that what the Town is proposing is still an infinite renewal project.

Mr. DeLucia explained that there is negative to this as well. You want the homeowner to finish the project and not just abandon the job. With this new law, it becomes cost prohibitive.

Mr. Parsons thanked Mr. Killeen for his comments but reiterated that the special use permits and wetland rules have nothing to do with this local law that was being voted on this evening.

Rui Oliveria, the owner in question of the property that Mr. Killeen was referring to, addressed the Board. He said that he lives on Grandview Road and he owns the lot at 8 Brookside Trail. According to Mr. Oliveria, this lot was being used as a “dump” and he bought it so that he could clean it up.

Mr. DeLucia explained that this was not the forum for this. Mr. Oliveria should not point fingers at anyone else. If he wants to complain about his neighbors, then he should go to a Planning Board meeting and discuss it with the Planning Board.

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

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

RESOLUTION

RESOLVED, that the public hearing for the proposed amendment to Chapter 92, Section 92-4(I), entitled “Building Permits”, is now closed.

TOWN CODE – Amendment to Chapter 92, Section 92-4(I), entitled “Building Permits”

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

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

RESOLUTION

RESOLVED, that the Town Board of the Town of Lewisboro did, at a public hearing held on Monday, December 2, 2013, adopt Local Law No. 11-2013 which amends Chapter 92, Section 92-4(I), entitled "Building Permits", as follows:

TOWN OF LEWISBORO
LOCAL LAW NUMBER 11-2013 OF THE TOWN OF LEWISBORO
AMENDMENTS TO CHAPTER 92 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 92, Section 92-4(I), entitled "Building Permits," is hereby amended and enacted to read as follows:

§ 92-4. Building permits.

- (I) Time limits. Building permits shall become invalid unless the authorized work is commenced within three (3) months following the date of issuance. Building permits shall expire eighteen (18) months after the date of issuance, except that certain projects may receive a six (6) month extension, if reasonable, in the sole discretion of the Building Inspector. A building permit which has become invalid or which has expired pursuant to this subsection may be renewed for a period of twelve (12) months upon application by the permit holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer. The first renewal of a permit shall cost the same as the cost of the initial permit plus 25% additional cost for each and every permit. The second renewal of a permit shall cost double the fee of the first renewal of the permit. The third renewal of a permit shall cost triple the fee of the first renewal of the permit. The fourth renewal of a permit shall cost quadruple the fee of the first renewal of the permit. Each renewal after the fourth renewal shall cost the same fee as the fourth renewal.

Section 2. 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 3. This local law shall take effect upon filing in the Office of the Secretary of State of the State of New York.

RECESS – Ten Minute Recess to Restore Order

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

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

RESOLUTION

RESOLVED, that the Town Board took a ten minute recess to restore order to the meeting.

PUBLIC HEARING

BUDGET – Public Hearing regarding Proposed 2014 Town Budget

Supervisor 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.

There were no public comments.

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

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

RESOLUTION

RESOLVED, that the public hearing for the 2014 Town of Lewisboro Preliminary Budget is now closed.

LEON LEVY PRESERVE MANAGEMENT PLAN – Approval

The Leon Levy Preserve Management Plan, as recommended by the town’s Parks and Recreation Advisory Council (PRAC) and Open Space and Preserves Advisory Committee (OSPAC) was discussed. The plan was prepared by the Leon Levy Preserve Advisory Team of the Westchester Land Trust and last updated in January of 2011.

The Town Board’s discussion of the management plan centered on the use of bicycles within the preserve. Town resident, George Scott, who works as a volunteer on the Leon Levy Preserve Advisory Team, spoke out to say that he felt wheeled vehicles of all sizes, from trucks and sports utility vehicles (SUVs) on down, do major damage to the trails and should be curtailed. He expressed that the volunteers do a lot of hard work on these trails and do not need to do it over and over again.

Mr. DeLucia agreed, however, he would like to have the plan amended to read, “At this time, no bicycles” and he would like this stated on pages 6 and 35 and wherever else it mentions bicycles.

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

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

RESOLUTION

RESOLVED, that the Town Board approves the Leon Levy Preserve Management Plan as recommended by the Parks and Recreation Advisory Council (PRAC) and the Open Space and Preserves Advisory Committee (OSPAC) with the amendment to page 6 and page 35 and anywhere else in the plan that it mentions bicycles to read, “at this time, no bicycles”.

KATONAH-LEWISBORO FOUNDATION FOOD TRUCK & FAMILY FUN NIGHT – Approve Use of Town Park Facilities and Waive Fees

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

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

RESOLUTION

RESOLVED, that the Town Board approves the use of the Lewisboro Town Park Facilities by the Katonah-Lewisboro Foundation for a food truck and family fun night fundraiser on June 6, 2014. Any and all fees will be waived.

WESTCHESTER COUNTY SENIOR’S HALL OF FAME AWARD – Delegate Supervisor to Write Commendation

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

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

RESOLUTION

RESOLVED, that the Town Board delegates the Supervisor to write a commendation for Joseph Simoncini Sr., as the recipient of the Westchester County Seniors Hall of Fame.

NEW YORK SENATE VETERAN'S HALL OF FAME – Induction of Daniel Sant

Mr. Parsons attended the induction of Daniel Sant into the New York Senate Veteran's Hall of Fame on November 21, 2013. Mr. Parsons was very proud to be with an immigrant who made a real contribution to our country and who came back to live the embodiment of the American dream. He is a remarkable man and has an amazing family.

NEW YORK STATE COMPTROLLER - Audit Town Finances

Mr. Parsons mentioned that the town has been informed by the NY State Comptroller, Thomas DiNapoli, that the town finances will be audited.

BOY SCOUTS – Troop 1 Lewisboro

Troop 1 Boy Scouts were in attendance at this evening's meeting to help them fulfill a government merit badge.

PARKS & RECREATION – Winter Celebration

Mr. DeLucia announced that the 7th Annual Winter Celebration will be held at the Lewisboro Town Park on Monday, December 9th, 2013, starting at 6:30 p.m. This is a wonderful free event. The Park & Recreation department asks for a non-perishable food item to be donated.

CLAIMS – Authorized for Payment

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted 4-0 to authorize payment of the Town's bills in the amount of \$32,290.79.

MEETINGS – Date Set

There will be a Town Board meeting on Wednesday, December 18, 2013, at 8 p.m. at the Town House, 11 Main Street, South Salem, NY.

EXECUTIVE SESSION – To Discuss Personnel and Legal Issues

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

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

ADJOURNMENT

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 4-0 to adjourn at 10:04 p.m.

Janet L. Donohue
Town Clerk