

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on August 12, 2013, at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York.

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

Also in attendance were the Attorney for the Town Anthony Mole', Highway Superintendent Peter Ripperger, Deputy Highway Superintendent Joe Posadas and Comptroller Leo Masterson.

Mr. Parsons called the meeting to order at 7:33 p.m.

PLEDGE OF ALLEGIANCE

Supervisor Parsons led the Pledge of Allegiance to the flag.

PUBLIC COMMENT PERIOD

There were no public comments.

CONSENT AGENDA

On motion by Mr. Kelly, seconded by Mr. Welsh, the Board voted 4-0 to approve the Town Board minutes of July 29, 2013 and the Building, Planning and Police Department Reports for July, 2013.

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

MINUTES - Approved

On the above motion and second, the Board voted 4-0 to approve the Town Board minutes of July 29, 2013.

REPORTS – Monthly Reports

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

PUBLIC HEARING - Proposed amendment to Article 6, Chapter 212-28 Schedule VII, of the Code of the Town of Lewisboro to allow parking on the west side of Mead Street, beginning at a point two hundred seventy (270) feet south of Chapel Road and continuing for a further one hundred (100) feet south on Mead Street.

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.

Susan Henry, a Mead Street, Waccabuc resident, expressed concerns about the number of cars parked and perhaps boats that might appear. Ms. Henry asked how many cars the new parking area would contain. Mr. Parsons expressed approximately ten. Mr. Parsons also noted the area is already being used for parking by preserve visitors.

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

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

RESOLUTION

RESOLVED, that the public hearing for the proposed amendment to Article 6, Chapter 212-28 Schedule VII, of the Code of the Town of Lewisboro to allow parking on the west side of Mead Street, beginning at a point two hundred seventy (270) feet south of Chapel road and continuing for a further one hundred (100) feet south on Mead Street, is now closed.

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

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

RESOLUTION

RESOLVED, that the Town Board of the Town of Lewisboro did, at a public hearing held on Monday, August 12, 2013, adopt Local Law No. 8-2013 which amends Article 6, Chapter 212-28 Schedule VII, of the Code of the Town of Lewisboro, as follows:

**LOCAL LAW NUMBER 8-2013 OF THE TOWN OF LEWISBORO**

**SECTION 1 -- TITLE**

This Local Law shall be known as 2013 Amendments to Section 212-28 Schedule VII: Parking Prohibited at All Times, of Chapter 212: Vehicles & Traffic.

**SECTION 2 -- ADOPTION**

Now therefore be it enacted by the Town Board of the Town of Lewisboro Local Law 8-2013 that this law shall take effect immediately upon its passage:

**SECTION 3 – VEHICLES & TRAFFIC**

Section 212-28 of Chapter 212, Vehicles & Traffic, is hereby amended to allow parking along a certain portion of Mead Street on the list of no parking locations:

**Amend §212-28 – Schedule VII: Parking Prohibited at All Times.**

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Mead Street	East	From Tarry-a-Bit Road to the North Salem Town Line
Mead Street	West	From Tarry-a-Bit Road to the North Salem Town Line, excluding a 100 foot section of Mead Street beginning at a point 270 feet south of Chapel Road and continuing in a southerly direction for a distance of 100 feet from said point.

**SECTION 4 – HOME RULE**

Nothing in this Local Law is intended, or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town’s discretion in setting fees and charges in connection with any applications requiring Town approval.

**SECTION 5 -- SEVERABILITY**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town of Lewisboro hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**SECTION 6 – EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

FINANCE – Comptroller Update

Town Comptroller, Leo Masterson, presented a first-half financial update to the Board, indicating that the Town revenues, exclusive of real estate taxes, would show an increase of approximately \$140,000 for 2013, based on projections from numbers in the first half of the year. Mr. Masterson expressed that most of the \$140,000 comes from an increase in real estate sales transactions. With more homes being sold, the Town is receiving extra county mortgage tax revenues.

Supervisor Parsons said he was cautious about projecting revenue from this source since mortgage tax receipts tend to jump around a lot so we need to be cautious in the handling of this particular forecast.

On the revenue side the Town will also be receiving an additional sixty four thousand as a result of the settlement of a lawsuit with Cablevision involving franchise fees.

On the expense side is approximately \$147,000 of unanticipated expenses. These include \$53,000 to cover changes in employee costs for medical coverage, \$48,000 to cover compensatory time owed to departing employees and \$23,000 to repair the town’s highway sweeper.

JUSTICE COURT – Authority to Apply for Grant

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

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

RESOLUTION

RESOLVED, that the Lewisboro Justice Court be and hereby is authorized to apply for a grant in the sum of us to \$30,000 from the Office of the Court Administration.

TOWN HISTORIAN – Presentation

The Town Historian, Maureen Koehl, made a presentation to the Board and discussed the idea of expanding the Historian’s space at Onatru Farm Park. Ms. Koehl said that the space for her office is on the first floor of and is very crowded. The adjacent room is available and would allow her to have more room for her files and archives and to also set up a display of Onatru and Lewisboro artifacts that are now in boxes. She feels that this would be a perfect place for a historical display.

Ms. Koehl showed the Board some pieces of Onatru history, including a foot warmer and a bronze grass sprinkler in the shape of a frog. These are just a few of the items that she had on hand and has been offered many more from the descendants of Mrs. Poor, who originally owned Onatru Farm.

Ms. Koehl said that the space, which is approximately 16x16 feet, could contain a lot of historical artifacts and be a good place for school children to visit to learn something of the history of Onatru and the Town.

Mr. Parsons said that he would be inclined to go along with this because we have always agreed to put town offices only on the second floor of the building with the lone exception of the town historian. Mr. Welsh agreed and said he didn't see any harm in it and there is no capital investment involved. Mr. Pappalardo said that she made a very convincing argument.

The Board agreed to consider the move but does have to finalize what is going to happen before they move forward with the Town Historian's request.

TOWN CODE – Discussion of Regulation of Temporary Storage Containers (PODS)

The Board decided to pursue drafting legislation to regulate the use of temporary storage containers on private property. At present, the containers are completely unregulated.

Mr. Parsons will look at what other towns are doing, draft some regulations and bring them back to the board for discussion.

HIGHWAY – Cornell Local Roads Program Presentation by intern Meghan Collins

The Cornell Local Roads Program intern, Meghan Collins, made a presentation to the Board regarding the Lewisboro Roads (see attached). Ms. Collins worked with the Highway and Deputy Highway Superintendents over the summer to inventory the town's paved roads, visually assess their condition, develop maintenance and rehabilitation alternatives to restore the quality of the roads, assign repair alternatives to each road in the network, prioritize repair and maintenance needs, develop an organized strategy to accomplish road quality goals, and generate a five-year report and budget to carry out repairs and maintenance.

Ms. Collins said that the plan that they have developed focuses on the next five years with a budget of \$480,000 per year. Between 2014 and 2018, the town could complete about 24 miles of road. She also stated that if this plan were followed, 32% of the roads in Lewisboro would be repaired to good condition within the next five years. By following this plan, the town can begin to return all the roads with severe damage to the quality of roads with minimal damage.

Ms. Collins suggested that one town highway employee be trained to use the CAMP-RS (Cornell Asset Management Program-Road Surfaces) program and the roads be re-evaluated at least every five years.

Board members and the Highway Department thanked Ms. Collins for her hard work. Highway Superintendent, Peter Ripperger spoke in favor of cold-in-place road resurfacing, a method that chops up and recycles existing deteriorated asphalt, mixes it with strengthening substances and then lays it back down with a new top coat. Mr. Pappalardo asked about the life of cold-in-place. Mr. Ripperger replied that it can go eight years without touching it.

Talks will continue regarding the roads and will be discussed further in the upcoming budget discussions.

WESTCHESTER COUNTY FIRING RANGE – Authorize Police Chief to sign Agreement

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

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

RESOLUTION

RESOLVED, that the Town Board does authorize the Police Chief, Frank Secret, to sign the agreement between the County of Westchester and the Town of Lewisboro allowing the use of the County’s firing range, in an amount not to exceed six hundred dollars.

CABLEVISION/FRANCHISE FEE OBLIGATION – Authorize Supervisor to sign Agreement

The Board thanked Dean Travalino, who worked tirelessly on this agreement and also Ed Brancati Jr., who was the Supervisor at the time who authorized the go ahead of this lawsuit. The Town will recover sixty four thousand due to the company’s earlier miscalculations in franchise fees.

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

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

RESOLUTION

RESOLVED, that the Town Board does authorize Supervisor Parsons to sign the settlement and release between Cablevision and the Town of Lewisboro with regard to the Franchise Fee Obligation.

TOWN PROPERTY – Authorize Bike Tour to use Town Roads

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

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

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the Familial Dysautonomia (FD) Cycle Tour to utilize Lewisboro roadways on Sunday, September 22, 2013, after reviewed by counsel and provided that the Chief of Police is in agreement.

SCHOOL RESOURCE OFFICER – Authorize Supervisor and Chief of Police to sign agreement with Katonah-Lewisboro School District

The Board discussed the agreement with the Katonah-Lewisboro school district as it pertains to the school resource officer, subject to the review of the mechanics of the agreement from the Comptroller and the Town Attorney. The Board would also like to see a separate schedule referring to the grant number and the aging schedule and time. The agreement will be re-written and will be discussed again at the August 24<sup>th</sup> meeting.

CLAIMS – Authorized for Payment

On motion by Mr. DeLucia, seconded by Mr. Pappalardo, the Board voted 4-0 to authorize payment of the Town's bills in the amount of \$250,289.19, pending the \$10,118.00 for Kristin Spiros, which was later released.

PACE UNIVERSITY – Grant Application

Councilman Welsh announced that he will not be working with Pace University on the grant application that he referred to at the previous meeting. The proposal that they gave them was eighteen months and he felt it would be difficult to come together and difficult to manage for eighteen months.

MEETINGS – Dates Set

There will be a Town Board work session on Monday, August 26, 2013 and Monday, September 9, 2013 at 7:30 p.m. at the Lewisboro Library, 15 Main Street, South Salem, NY.

EXECUTIVE SESSION – Personnel and Litigation Issues

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 4-0 to go into executive session to personnel and litigation 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. Pappalardo, the Board voted 4-0 to adjourn at 10:25 p.m.

Janet L. Donohue  
Town Clerk