

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on May 19, 2014, 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
Absent - None

Also attending was the Attorney for the Town Jennifer Herodes, Highway Superintendent Peter Ripperger, Facilities Maintenance Manager Joel Smith, Kellard and Sessions Engineer Joseph Cermele and Confidential Secretary/Benefits Coordinator Mary Hafter.

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

There were no public comments.

CONSENT AGENDA

MINUTES - Approved

On motion by Mr. Parsons, seconded by Mr. Welsh, the Board voted to approve meeting minutes and to receive departmental reports.

On above motion and second, the Board voted 4-0 to approve the Town Board meeting minutes of May 5, 2014.

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

REPORTS – Monthly Reports

On the above motion and second, the Board voted 4-0 to accept and file the April reports from the Building Department.

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

*Mr. Kelly arrives at 7:41 p.m.

NOISE ORDINANCE – Waiver of Noise Ordinance for Lake Waccabuc Association

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

THE VOTE:	Yes	- DeLucia, Kelly, Parsons, Pappalardo	(4)
	Abstain	- Welsh	(1)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does hereby waive provisions of the Noise Ordinance for a neighborhood party to be held by the Lake Waccabuc Association on June 14 from 6:30 p.m. to 11:00 p.m.

E-Z PASS – Authorize Sale of E-Z Passes

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

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

RESOLUTION

WHEREAS, Town Clerk, Janet L. Donohue has presented an offer to the Town Board of the Town of Lewisboro an opportunity of offer the retail sale of E-Z Pass Toll Passes through the New York State Thruway Authority, and

WHEREAS, the Town Clerk of the Town of Lewisboro will purchase E-Z Pass tags for the cost of \$21.00 per tag from the Thruway Authority for resale at a cost of \$25.00 per tag, allowing the Town of Lewisboro to keep \$4.00 per sale, therefore

BE IT RESOLVED, that the Town Board of the Town of Lewisboro hereby authorizes the Town of Lewisboro Town Clerk to sell E-Z Pass Tags in the Town Clerk’s office provided all legal requirements are complied with.

NORTHERN WESTCHESTER ENERGY ACTION CONSORTIUM (NWEAC) – Approve Dues

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

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

RESOLUTION

RESOLVED, that the Town Board does approve the payment of \$1,000 in membership dues to be paid to the Northern Westchester Energy Action Consortium.

STORMWATER - Annual Report

Joe Cermele, from Kellard Sessions, presented the Town's annual stormwater report. The report provides required documentation to New York State of what the Town has done and what it plans to do toward compliance with its stormwater permit, also known as an MS-4. The Annual MS4 Report is for the 2013-2014 reporting period of 3/10/13 thru 3/9/14. Upon acceptance by the Town Board, the report is to be signed by the Supervisor and filed with the State prior to June 1. He spoke about the 6 MCMS or the minimal control measures.

The first minimum control measure is public education and outreach. Direct mailing, emails blasts, and television spots have helped with educating the public.

The second minimum control is public involvement and participation. Several Stormwater meetings have been held which have been posted on the town's website and bulletin boards.

The third minimum control measure is illicit discharge detection and elimination. The town has six hundred and ninety four out falls. These have all been mapped out on GIS (Geographical Information System).

The fourth minimum control measure is the construction site stormwater runoff control. The Town has updated the stormwater ordinance to reflect updates to the General Permit, as well as implement a local stormwater permit for disturbances greater than five thousand square foot Town-wide.

The fifth minimum control measure is post-construction stormwater management. The Town participates in the Croton Kensico Watershed Intermunicipal Coalition (CKWIC) regarding retrofitting programming and other aspects of regional stormwater cooperation. The Town will continue to inspect stormwater management practices and report on condition.

The sixth and final minimum control measure is stormwater management for municipal operations. This refers to good housekeeping for the Town. For example, the salt dome, parking lots, roadway being swept, catch basins being cleared, etc.

The current permit expires in May 2015. One more reporting year is required prior to that, which would be March 2015. It is expected that similar requirements would continue with the new permit.

The Board thanked Joe Cermele for his hard and thorough work, along with thanking particular members of the stormwater committee which included Paul Lewis and Janet Anderson.

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

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

RESOLUTION

RESOLVED, that the Town Board does hereby accept the Annual (MS4) Storm Water Management Report and be it further

RESOLVED, that the Supervisor be and hereby is authorized to sign the Town’s Stormwater Management Report.

PUBLIC HEARING - Date Set for Cablevision Franchise Renewal Agreement

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

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

RESOLUTION

RESOLVED, that the Town Board of the Town of Lewisboro, will hold a public hearing on June 16, 2014, at 8 p.m. at the Lewisboro Town House, 11 Main Street, South Salem, New York, for the purpose of hearing the public with regard to the renewal of the franchise of Cablevision Systems Westchester Corporation in the Town of Lewisboro. A copy of the proposed franchise renewal agreement is available for review in the Town Clerk’s office.

SEPTIC SYSTEMS – Notification of Homeowners Inspection Requirements

The Board discussed the inspection requirements for septic systems, which is noted in the Lewisboro Town Code 183-3. The law states that each septic owner is responsible to have their systems inspected every five years. Supervisor Parsons showed an example of the notifications that the towns of Pound Ridge and Bedford used to make their residents aware of the requirements. The Board will explore the cost of a simple mailer. They will also look at the possibility of including information in the receipts that the Receiver of Taxes sends out. They also talked about handing out the information at the fireworks on June 28 and getting sponsorships from the two major septic pumpers in town, Vogler and Westchester Septic.

PUBLIC HEARING –

HIGHWAY – Paving on Boway Road (from Spring Street to 25 Boway Road)

Mr. Parsons called the public hearing to order at 8:03 p.m. There was no objection to the time or form of the public notice (copy attached). Mr. Parsons called for comments from the public.

Approximately 25 residents were in attendance.

Letters in favor of paving from Michael Knox Boran, Pamela Phillips, George Rickert, and the Lewisboro Stormwater Committee were read by Supervisor Parsons. A letter against the paving from Jane and Howard Epstein, owners of Sassafra Farm was read by Supervisor Parsons (copies attached).

Supervisor Parsons invited both the Highway Superintendent, Peter Ripperger, and the Town Engineer Joe Cermele of Kellard Sessions to comment about the condition of this section of Boway.

Mr. Ripperger said that each year the cost of materials is about \$1,000 and the cleaning of the pipes and drains cost another \$8,000 - \$9,000 per year. The Vortex Separator cannot keep up with the runoff; it is simply overwhelmed. The problem is the pipes then get clogged up again with the next rain. The shoulders on Boway also wash out.

Mr. Cermele said that the amount of dirt and gravel being carried into lake Truesdale through the piping system is exorbitant. The section of the road that the town is considering paving is about 1,000 feet long with a 10% grade, which is a lot for a dirt road. The sediment washes down and out and the catch basins cannot keep up.

Supervisor Parsons stated that our existing drainage system simply doesn't work. He said that we have practically created an island at the south end of the lake.

Supervisor Parsons asked the residents for comments and asked them to limit their comments to 3 minutes.

1. Larkin Glazebrook of Boway Road commented that he has lived on Boway Road for 27 years. He feels that paving would increase its use as a cut through. He feels that the town should look at other options.
2. Mr. and Mrs. Michael Gorman of Truesdale Lake Drive feel that the amount of sediment being deposited into the lake was substantial. They agreed that unless a way could be found to reduce runoff, the road should be paved.
3. Mary Barron, a Boway resident said that she can't get into the driveway because of the deep ruts. She also said that the basins are filled all the time.
4. Howard Epstein, owner of Sassafra Farm on Boway, has lived here for 30 years. He asked why this issue was being raised now. He commented that he feels that paving Boway would accelerate the water flow. He doesn't feel that it would work. He feels that at least you get the absorption with a dirt road. Mr. Ripperger replied that things had changed on Boway over the years because of the fact that more rain is falling than ever before and that we are coping with major storms on a new basis.
5. Tom Christopher, a Boway resident, said that he viewed the possible paving of Boway Road as a campaign to chip away at all of the town's dirt roads. He wondered where the horses would go. He also commented that he feels the runoff issue is nonsense. He continued that he feels Boway has not been properly maintained. He also resents the Town Board pitting residents of Boway against resident of Truesdale Lake. People are getting angry. He feels that this proposal is putting a Band-Aid on cancer.

6. Ruth Ossher of Boway Road has been a resident for 28 years and said she had noticed a huge difference in the amount of runoff after the construction of two new houses. She said that now, when there is a heavy rain, huge gullies form in front of their driveway. She continued that she feels that the town is doing the best that they can but the drainage system just can't handle it. She feels that the road needs to be paved.
7. Harold Ossher of Boway Road said that they have loved the dirt road however, it is becoming unbearable. He said that he sympathizes with the horse riders but he hasn't seen a lot of horses lately. He also suggested that if cost becomes an issue, the town could use the extra tax dollars from the new homes.
8. Colleen McLafferty of Boway Road asked why finer screens were not used over the catch basins. Mr. Ripperger explained that the screens are a Department of Transportation (DOT) design. Ms. McLafferty also expressed that she was not comfortable with the road being paved without some strict parameters, including road widths. She doesn't get a sense of where the water would go. Mr. Cermele explained that existing catch basins and roadside swales would be used as opposed to it running down the hill. He reiterated that this needs to be worked out in a design and that the paving will reduce sediment. An engineer will be involved.
9. Mike McLafferty who also lives on Boway feels that the road is a mess and is as hard as a rock. If it can't be redone with new dirt, then he is in favor of paving.
10. Liza Frasier Travalino of Spring Street commented that it will be an inconvenience to pave the road but residents can deal with that. She said that her feeling is that the quality of our dirt roads has been compromised. They will keep riding. They prefer the dirt roads but if runoff is a problem, they can ride the horses on asphalt.
11. Meredith Clark said that in Bedford on Guard Hill Road and on Seminary Road they use speed bumps. Mr. Ripperger responded that we can do grooves but we cannot do speed bumps.
12. Ray Morse of Lakeshore Drive has lived here for 42 years. He is a past member of the town's Lakes Committee and he supports the paving. He said that the delta that is forming could potentially cut off that end of the lake and the problem is getting worse. He also suggested that the town finds out who owns the property on the corner of Lakeshore and Truesdale and possibly a retention pond could be built to catch the water.
13. Chris Looney from Woodway Road asked about putting down crushed asphalt. Mr. Ripperger and Mr. Cermele explained that this was not environmentally friendly.

Councilman Welsh commented that the town's Master Plan talks about preserving as many dirt roads as possible. Mr. Welsh went on to say that you have to look at other concerns. The town will keep dirt roads that are flat and well-maintained as dirt roads and examine what to do with others that present problems.

Councilman DeLucia said that he agrees that the dirt roads in town are as hard as rocks and he wonders if there is a different way of handling them. He did mention that the paving of Chapel Road had the backing of the police and fire departments and the schools and that it has worked out really well.

The Board thanked the public for taking part in the public hearing. This is the beginning of the process. The Board wants to serve the best interests of the town.

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)

RESOLVED, that the public hearing for the paving of the portion of Boway Road from Spring Street to 25 Boway Road, approximately .15 miles, is now closed (9:14 p.m.).

UPDATES ON:

LEON LEVY - Black Mansion

Supervisor Parsons reported that a resident will be financing the stabilization of the Black Mansion, which is somewhat of a liability at this time. The Board thanked the resident for their generosity.

COMPOSTING TOILETS

Supervisor Parsons reported that the composting toilets were approved by the Architectural and Community Review Council (ACARC). He will be going in front of the Planning Board tomorrow. They will be paid for out of the reserve fund that is specifically used for capital improvements in the parks.

PURPLE HEART TOWN SIGN

Supervisor Parsons reported that he is having a difficult time getting the approval from the Department of Transportation to erect the Purple Heart Town sign on the corner of Spring Street and Route 35. He will continue to try to get their approval. Supervisor Parsons was also thinking of the Town House lawn as a possibility.

AFFORDABLE HOUSING PROPOSALS - Meeting with Architectural and Community Review Council (ACARC)

Supervisor Parsons and the Housing Committee will be meeting with ACARC to gain input on affordable housing proposals.

ROUTE 138 – Paving

Supervisor Parsons met with our Congressman Sean Patrick Maloney asking for his help with getting Route 138/Waccabuc Road repaired.

GLOBAL POSTITIONING SYSTEM (GPS) – Update

Supervisor Parsons is working with Nokia to change the input on the GPS. There are too many trucks being directed down incorrect roads, one way roads, dirt roads, etc.

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 \$553,388.07.

ANNOUNCEMENTS

AWARDS – Women of Distinction

The Board recognized local resident, Sue Vales, who is the recipient of the Third Annual, Senator Greg Ball's "Women of Distinction" Award. The ceremony will be held on May 29, 2014, at Villa Barone Hilltop Manor in Mahopac at 6:00 p.m.

RESIGNATION - Police Officer Peter Blair

Supervisor Parsons announced the resignation of Police Officer Peter Blair effective May 9, 2014. The Board thanked Officer Blair for his thirty years of service.

MEMORIAL DAY- Celebration

Supervisor Parsons announced that the annual Memorial Day parades in Goldens Bridge and South Salem will take place on Monday, May 26. Father Joseph Campo of the St. John's Episcopal Church, South Salem will give the Benediction at the Goldens Bridge parade and the speaker will be retired Major Lee Hughes. At the South Salem ceremony, the Benediction will be given by Father Joseph Campo of the St. John's Episcopal Church, South Salem and the speaker at the Town's ceremony will be Colonel Frank Kelly. Annamarie Sant will sing the National Anthem at both parades and Tom Gossett will again play Taps at both parades. The South Salem Presbyterian Church Fair will take place the same day and includes the annual road races.

LEWISBORO LAND TRUST - Plantings at Town House

Supervisor Parsons thanked the Lewisboro Land Trust for planting beautiful native plants at the Town House, just outside the Receiver of Taxes office. They did obtain the approval of ACARC.

KATONAH-LEWISBORO BUDGET AND BOARD MEMBER VOTE – May 20, 2014

Supervisor Parsons announced that the Katonah-Lewisboro School District 2014-2015 Budget and Board Member vote is Tuesday, May 20 from 6:00 a.m. to 9:00 p.m. He urged all to get out and vote.

MEETINGS – Dates Set

There will be a Town Board Work Session meeting on Monday, June 2, 2014 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, NY.

TOWN BOARD REPORTS

PLAYGROUND – Fox Valley

Supervisor Parsons is working with Sophie Bernier, from the Parks and Recreation Advisory Council (PRAC) on a handicapped accessible playground at Fox Valley Park. There is an opportunity of obtaining a grant so they will continue to work on this.

SAFETY – Driving

Councilman Pappalardo reminded returning college students to be smart and to be safe while driving around town in automobiles.

PUBLIC HEARING – Attendance

The Board thanked the residents who took the time to come out to the public hearing this evening.

RUGBY – Clinics Announced

Councilman Kelly announced that there will be rugby clinics on July 19 and July 26. They will be using US Rugby protocol. They are looking for adult moderators. If anyone is interested, they can contact Councilman Kelly.

BIKING – State Conference

Councilman Welsh announced that he will be attending a state conference on biking.

AWARDS – Women of Distinction

The Board recognized local resident, Sue Vales, who was the recipient of the Third Annual, Senator Greg Ball's "Women of Distinction" Award. The Board felt that Ms. Vales was a fantastic candidate. She will be honored on Thursday, May 29th at Villa Barone in Mahopac, NY.

FIREWORKS – Donations

Councilman DeLucia reminded everyone that the town fireworks will be held at Onatru Farm on Saturday, June 28 and that donations were being accepted at the Parks and Recreation department to help offset the cost.

POOL – Possible Bubble

Councilman DeLucia was approached by the New Canaan swim and dive team to discuss the possibility of putting a bubble over our town pool and dive tank and no cost to our town. The New Canaan YMCA will be doing a renovation on their existing facility and during this time, would need a place to hold practices. Representatives from the New Canaan YMCA will be meeting with Supervisor Parsons, Councilman DeLucia and Parks and Recreation Superintendent Dana Mayclim to explore the possibilities.

WEBSITE – New Town Website

The Board acknowledged the town's new website which was launched on May 1. They thanked the Webmaster, Jennifer Caviola and the Town Clerk, Janet Donohue for their efforts.

EXECUTIVE SESSION – To Discuss Personnel Matters and Contracts

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to go into executive session at 9:41 p.m. to discuss personnel matters and contracts.

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

ADJOURNMENT

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 5-0 to adjourn at 10:16 p.m.

Janet L. Donohue
Town Clerk