

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on June 2, 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 Anthony Mole', Facilities Maintenance Manager Joel Smith, Comptroller Leo Masterson, Parks and Recreation Superintendent Dana Mayclim and Confidential Secretary/Benefits Coordinator Mary Hafter.

Mr. Parsons called the meeting to order at 7:37 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. Kelly, seconded by Mr. Pappalardo, 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 19, 2014.

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

REPORTS – Monthly Reports

On the above motion and second, the Board voted 4-0 to accept and file the May report from the Police Department.

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

*Mr. DeLucia arrives at 7:56 p.m.

ANNUAL FINANCIAL UPDATE - Comptroller

Comptroller, Leo Masterson, handed out a copy of the 2013 Annual Financial Report, which is also on the town’s website. He also handed out a projection worksheet that he worked on for this year. Using the criteria provided by the state, Mr. Masterson noted that the town’s rating went from *Moderate Fiscal Stress* in 2010 and 2011, to *Susceptible Fiscal Stress* in 2012, to *No Designation* in 2013, which is the preferred rating.

The Board agreed that this was very good news. They are hopeful that the state’s audit of the town’s books will confirm Mr. Masterson’s opinion.

SMALL CITIES CONSORTIUM – Do Not Join

Supervisor Parsons received a letter from the County Executive stating that they will no longer participate in Westchester Urban County Consortium Cooperation Agreements that were executed in 2005 and were renewed in 2008 and 2011. The existing agreements will keep the Consortium in effect until April 30, 2015. After this date, our municipality will be eligible to apply to New York State for participation in the Small Cities Community Development Block Grant program. Supervisor Parsons feels that it is not necessary to join a consortium of towns who plan to apply as a group since we as a town have never directly received any funding from it. The Board agreed.

COMPOSTING TOILETS – Accept Bid

The Town received one bid in the amount of \$59,623 from Clivus Multrum, Inc. for one double unit installed. The composting toilets take approximately six weeks to build so they should be installed in August. The Board thanked Dana Mayclim for all of her hard work with this project.

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

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

RESOLVED

RESOLVED, that the Town Board approves the bid from Clivus Multrum, Inc. in the amount of \$59,623 which is the cost of the unit plus set up and be it further

RESOLVED, that the Town Board approves the maintenance fee in the amount of \$1,500 which will be in effect for the first 15 months, expiring December 31, 2015.

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 at 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 and meets. Representatives from the New Canaan YMCA met with Supervisor Parsons, Councilman DeLucia and Parks and Recreation Superintendent Dana Mayclim to explore the possibilities.

The pool and diving area would be bubbled which would include a heater, generator, and locker rooms. A permit and installation would be necessary and these expenses would be covered by the New Canaan YMCA. They would have sole use of the bubble for 2015/2016. Going forward, our town would then take over and be responsible for expenses but would also make the profit by giving swim lessons, renting it out for the high school swim team, etc.

The Board agreed that a first class business plan needs to be put in place if the bubble does get erected since there will be an ongoing cost and profit.

The contractor will be meeting Dana Mayclim in the very near future.

WILD OAKS SEWER PLANT – Flood Insurance Needed

Comptroller, Leo Masterson, did receive a new premium quote for the flood insurance for the Wild Oaks sewer plant which is \$12,009 for \$500,000 for flood loss coverage per year. The Board agreed that they should hear from the Wild Oaks residents. A mailer will be sent and a meeting date will be set with the Wild Oaks residents to discuss the insurance.

TOWN PROPERTY – Town Park

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)

RESOLVED

RESOLVED, that the Town Board does authorize the Lewisboro Elementary School, who is having a year-end celebration, to use the Town Park parking lot for a shuttle service on Friday, June 20, 2014 from approximately 4 – 6 p.m.

TOWN CODE - Amendment to Chapter 220, Section 220-26(F)(I), Section 220-26(F)(7)(c) and Section 220-26(F)(8)(c) entitled “Middle-income dwelling units,” of the Code of the Town of Lewisboro, to require that prior to transfer of ownership, the Housing Committee shall review the form of the deed to ensure that the appropriate deed

restriction is contained in the deed, and to only require the reexamination of rental family’s income.

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)

RESOLVED

TOWN OF LEWISBORO
 LOCAL LAW NUMBER 1-2014 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 220-26(F)(1), entitled “Middle-income dwelling units,” is hereby amended to read as follows:

§ 220-26(F). Middle-income dwelling units.

- (1) Distribution. Such units shall be available for sale, resale or continuing rental only to middle-income families, as defined in §220-2 of this chapter. Such units shall be physically integrated into the design of the development in a manner satisfactory to the Planning Board and shall be distributed among efficiency, one-, two-, three- or four-bedroom units in the same proportion as all other units in the development unless a different proportion is approved by the Planning Board as being better related to the housing needs, current or projected, of the Town of Lewisboro.

Section 2. Chapter 220, Section 220-26(F)(7)(c) and Section 220-26(7)(d), entitled “Middle-income dwelling units,” is hereby amended to read as follows:

§ 220-26(F). Middle-income dwelling units.

(7) Continued eligibility.

(c) In the case of owner-occupied middle-income dwelling units, the title to said property shall be restricted so that in the event of any resale by the home buyer or any successor, the resale price shall not exceed the then-maximum sales price for said unit, as determined in accordance with Subsection F(4) of this section, or the sum of the following, whichever is greater:

[1] The actual purchase price of the unit by the home buyer.

[2] The value not to exceed original cost of any fixed improvements made by the home buyer, and not included within Subsection F(7)[1] above.

[3] Reasonable and necessary expenses incidental to the resale.

The form of the deed for the transfer of any such units is subject to the review of the Housing Committee prior to such transfer, to ensure that the appropriate restriction is included in the deed.

(d) Each year the renters and owners of the middle income dwelling units must complete and submit to the Building Department within 10 days of receipt or by the deadline set forth in the survey, whichever is later, a completed survey as provided by the Housing Committee. Failure to submit the completed survey shall be a violation of this chapter.

Section 3. Chapter 220, Section 220-26(F)(8)(c), entitled “Middle-income dwelling units,” is hereby amended to read as follows:

§ 220-26(F). Middle-income dwelling units.

(8) Administration.

- (c) The Town Housing Committee shall certify as eligible all applicants for rental or sales of middle-income dwelling units and shall annually reexamine or cause to be reexamined each rental family’s income.

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

LICENSE AGREEMENT – Authorize Supervisor to Sign

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

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

RESOLVED

RESOLVED, that the Town Board does authorize the Supervisor to sign the license agreement with the Jerome Levy and/or the Leon Levy Foundations for the stabilization work on the Black Mansion which is located on the Leon Levy Preserve.

DOG CONTROL ORDINANCE – Voice Command, Fee Structure and Permits for Lessons on Town Property

Greg Monteleone, Town Prosecutor, approached the Board regarding the wording in our Town Code as it pertains to dogs. Currently, the dogs are prohibited to “Run at large unless the dog is restrained by an adequate leash or unless it is accompanied by its owner or a responsible adult able to control it by command.” Mr. Monteleone would like the phrase, “or unless it is accompanied by its owner or a responsible adult able to control it by command” taken out of the code.

Mr. Monteleone would also like to see the late fees increased for those individuals who do not renew their dog license on time. A lot of work goes into sending out renewals, delinquent

notices, phone calls, and issuing tickets and he feels that the Town should be charging more than \$5/month, after a thirty day grace period.

Ms. Mayclim also brought up a situation regarding a resident who gives dog lessons at Onatru Park over by the garden area. The resident said that she has been giving these lessons here for the past twenty years and it has never been an issue. The police showed up while she was giving lessons last Sunday and told her she was not allowed to give lessons on Town Property and that she would have to discuss the situation with the Town. The resident spoke with Ms. Mayclim and asked her what she needed to do to get the proper permit. Ms. Mayclim asked the resident if she had insurance for her business and her reply was no.

The Board discussed the possibility of having the resident do her dog training as a class through the Parks and Recreation department. Ms. Mayclim did not feel comfortable with this as she does not feel she is qualified to tell if the dogs that the people would be bringing to the class would qualify for beginning, intermediate or advanced training.

The Board discussed creating a permit for dog lessons and training. They agreed that if a permit was created and issued, certain guidelines by the trainer would need to be met such as proper insurance, proof of vaccinations for all dogs that are being trained, dogs must be licensed in the Town of Lewisboro (non-residents would not be admitted), a list of registrants and a maximum number of dogs would be allowed per class, field activities cannot be going on at the same time of training, specific days and times of the classes would need to be clarified, and they would need to pick up any fecal matter from the dogs.

The Board also needs to discuss who would be handling the permits; the Town Clerk or the Parks and Recreation Department and how much the permits would cost per year.

Ms. Mayclim asked the Board what she should tell the resident in the meantime. The Board responded that as far as any training on town property for the short term, the answer would be that she should cease doing any training on town property. Mr. Pappalardo suggested that the resident come in to discuss this at a future meeting with the Board.

Something needs to be worked into the code. The Board will discuss this further at a future meeting and will get guidance from counsel.

TOWN PROPERTY – Maple Syrup Tapping at Brownell Preserve

Tyge Rugenstein, a representative of Crown Maple Syrup and Madava Farms of Dover Plains, met with the Board to discuss the tap lease process. Madava Farms was purchased in 2007 and is the home of Crown Maple Syrup. Specifically, Mr. Rugenstein expressed that they are interested in tapping the town's maple trees that are located in the Brownell preserve, which contains approximately 118 acres of forested land off Route 138 in Goldens Bridge.

Mr. Rugenstein explained that the leases are generally arranged on a per tap basis. The potential for income depends on the density of maple per acre and other factors. Mr. Rugenstein feels that our town would have about 2,000 taps. The lease fee per tap is \$.50 per tap per year.

The tapping process would last for approximately 3 weeks in the winter and they would aim for a ten year lease.

Tapping is done during late winter and the collection infrastructure stays in place all year. Properly designed tubing systems can be installed in ways that keep roads and trails open and wildlife is not affected by the tubing. Councilman Welsh noted that Brownell Preserve has been approved for mountain biking so he suggested that we should make sure that the maple tapping process would not diminish the Preserves value for biking.

The land being considered for tapping lies in the eastern part of the preserve. The tapping does not injure trees. The amount of sap harvested is a small percentage of the sap that the tree produces and tapping does not impact the health of the trees.

The Board thanked Mr. Rugenstein for his presentation. The Board decided that the next step in considering this proposal would be to walk the Brownell property with a forester from Madava Farms. Mr. Rugenstein also invited the Board and any other interested individuals to visit Crown Maple, Madava Farms, in Dover Plains, NY.

FINANCE – Authorize Borrowing of Funds

The Board discussed potential items that would need to be funded by borrowing money. One of the items was the balance for year 1 of the Cornell Roads program which would total \$174,410. Another item would be paving the portion of Boway from Spring Street to the top of the hill which totals \$60,000. (At this time, Supervisor Parsons stated that he had received four more correspondence regarding the paving on Boway, three who favored the paving and one that did not favor the paving). A third item to be funded would be adding a sleeve culvert on Cornwall Court which totals \$60,000. A fourth item to be funded would be re-surfacing the Town Park Basket Ball Courts which would total \$75,000. Mr. DeLucia and Ms. Mayclim will look at getting bids on installing a blacktop or a cement surface that would be better able to withstand the hard use the courts receive. They will look at starting this work right after camp ends. The final project that would be looked at would be to improve the Onatru water system, at a cost of approximately \$10,000. The water system has always been a problem. Ms. Mayclim stated that the water pressure is badly lacking and something really needs to be done now that the Parks and Recreation has moved to Onatru.

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

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

RESOLVED

RESOLVED, that the Town Board does authorize the Comptroller to bond for a total amount, up to but not to exceed \$400,000 for road repair projects and the repair and upgrade of certain Town facilities.

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 \$93,467.09.

MEETINGS – Dates Set

There will be a Town Board Work Session meeting on Monday, June 16, 2014 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, NY.

EXECUTIVE SESSION – To Discuss Contractual Matters

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to go into executive session at 9:42 p.m. to discuss contractual matters.

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

ADJOURNMENT

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to adjourn at 10:15 p.m.

Janet L. Donohue
Town Clerk