

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on July 14, 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, Highway Superintendent Peter Ripperger, and Confidential Secretary/Benefits Coordinator Mary Hafter.

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.

PUBLIC COMMENT PERIOD

There were no public comments.

CONSENT AGENDA

MINUTES - Approved

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

On above motion and second, the Board voted 3-0 to approve the Town Board meeting minutes of June 30, 2014.

THE VOTE:	Yes	- Pappalardo, Parsons, Welsh	(3)
	No	- None	(0)
	Absent	- DeLucia, Kelly	(2)

REPORTS – Monthly Reports

On the above motion and second, the Board voted 3-0 to accept and file the June reports from the Planning Board and Police Department.

THE VOTE:	Yes	- Pappalardo, Parsons, Welsh	(3)
	No	- None	(0)
	Absent	- DeLucia, Kelly	(2)

CABARET LICENSE – Renewal Issued for Smith Ridge Catering

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

THE VOTE:	Yes	- Pappalardo, Parsons, Welsh	(3)
	No	- None	(0)
	Absent	- DeLucia, Kelly	(2)

RESOLUTION

RESOLVED, that the Town Clerk be and hereby is authorized to issue a cabaret license to Smith Ridge Catering LLC for a period of one year.

*Frank Kelly arrives at 7:37

POLICE DEPARTMENT – Charitable Donation

The police department received a 2014 charitable donation in the amount of \$3,000 to be used for general purposes.

TOWN PROPERTY – Computers for Police Department Vehicles

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

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

RESOLUTION

RESOLVED, that the Lewisboro Police Department will use a 2014 charitable donation in the amount of \$3,000 for air cards for the computer systems in the current police vehicles.

*Peter DeLucia arrives at 7:43

TOWN PROPERTY – Two Way Radio Communications Equipment

The town has an emergency radio system that is used on a daily basis by the Highway and the Police departments. There are a few upgrades that are being offered by Metrocom. At the same time, we would trade in the repeaters from Farvue Farms that we no longer use and the town would obtain a credit for those.

Mr. Kelly asked Mr. Ripperger if this new radio would cover the whole town since he knows that there have been issues reaching the Vista area with these radios. The existing system is approximately 8 years old and there have been problems with it in the past. The current system is

not optimal. Mr. Pappalardo asked what assurances we have that the new system will work any better.

Mr. Ripperger suggested that we have a representative from Metrocom come to an upcoming Town Board meeting, along with Joe Posadas, the police department and the fire departments. Mr. Ripperger will also ask Mr. Posadas if he has any other suggestions about other providers, etc.

This will be discussed further at an upcoming meeting.

PUBLIC HEARING - Paving on Schoolhouse Road

Mr. Parsons called the public hearing to order. There was no objection to the time or form of the public notice (attached).

Mr. Parsons invited Mr. Raul Verna, Executive Director of the East of Hudson Watershed Corporation, to explain the paving that would cover the portion of Schoolhouse Road, from mailbox #38 to #41, approximately 200 yards. This portion would be paved as part of a phosphorus runoff control project proposed by the East of Hudson Watershed Corporation (EOH). The project would consist of paving 750 linear feet of the dirt road near the Route 121 end, along with adding a new drainage system and retention basin (see attached drawings).

Mr. Verma described the project as aimed at phosphorus reduction over five years, a requirement of meeting heightened state runoff control mandates. Financing for the project will come from EOH. Supervisor Parsons explained that paving was needed to help control sediment and phosphorus that comes down from the steep portion of the road.

Mr. Parsons called for comments from the public. A letter was sent to each resident of Schoolhouse Road announcing the Public Hearing.

Edward Kelly stated that he totally supports the paving of Schoolhouse Road. He feels that Schoolhouse Road was originally intended to be a country road but it is no longer a country road. The traffic count is horrendous and it has become a dangerous road.

Tom DiPaola said that he also supported the project. He said that the road is ultra dangerous and people often end up in the ditches that form alongside, which he claims to be a foot deep on each side when it rains. Mr. DiPaola shared a picture of the road in front of his driveway with the Town Board. Mr. DiPaola feels the whole road needs to be paved and that the second hill should also be considered for paving.

John Breglio stated that he felt something had to be done about the road even though he did not initially support paving, but he will support the paving if this will work. Mr. Breglio stated that he has some reservations about paving creating an even greater problem because the road needs a much better drainage system but if this is the only solution we have, then he supports it.

Teed Welch said that he loved Schoolhouse Road as a dirt road when he bought his home but now the dust had become a terrible problem, creating hazardous driving conditions. He supports this but feels that even more paving should be done.

Letters and emails were also read into the minutes:

Email #1: Thank you for reaching out to us regarding the paving of Schoolhouse Road. Although the continuing dust, ruts and mud are quite inconvenient, there is perhaps an even more serious potential liability. As we all know, several parts of Schoolhouse Road are rather narrow and barely wide enough for two cars to pass. Because of this, many motorists, myself included, drive closer to the center of the road. Last summer a large van proceeding in front of my car produced an extraordinary volume of dust. So much so that I was unable to see an oncoming car until it had passed the van. As usual, I was driving near the center of the road, but I was able to swerve to the right and avoid the oncoming vehicle. This scenario is testament not only to unorthodox driving, but also to the potential liability to our town, should an accident result under these circumstances.

We have lived at 20 Schoolhouse for 22 years and that amounts to 22 years of hoping that our road would someday be paved. Please help the residents of Schoolhouse Road and other residents of Lewisboro who use this road by paving it in its entirety. It's only about a mile long.

Thank you,
Richard Bailey & Dale Schlein

Email #2: Dear Mr. Parsons,

I will not be able to attend the hearing on Monday, but as the owner of the property that serves as a "catch basin" for the road runoff from the top of the hill, I would like to put in my two cents. I have lived on dirt roads for the past 24 years, and love the natural setting. But the road has gotten out of control, and has filled my pond to overflow, and washed out my driveway in the process. I have had it redone six times.

When I moved to this magical town 14 years ago, there were river otters and amazing waterfowl living in that pond. Now the pond is filled with foul water. The ponds are so clogged with road rock etc. that there is no room for the wildlife. Furthermore, 40 years ago there was a diving board because the pond was deep enough in which to swim.

I believe paving a small part of the road might stem the flow of debris from above. If my ponds fill much further, it too will overflow and continually wash out the lower part of Schoolhouse, making it impassible for anyone.

My deed includes an agreement with the town when the easement was given for the catch basins, stating that the town would keep the pond from falling into its current state. But I understand cleaning the pond would cost the town an enormous amount of money, as does the continual re-grading of the road after every storm. I too worry about cars careening down the road and am amazed to admit I am in favor of the paving. But something has to be done. And soon!

Thank you, Jane Amsterdam

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 public hearing for the paving of Schoolhouse Road, from mailbox #38 to #41, approximately 200 yards, is now closed.

Supervisor Parsons said that he believed a clear point of view had been expressed. He stated that what the Town Board heard tonight seems to be a basis for a solution and perhaps it can be extended. Supervisor Parsons responded that the town should first take advantage of the funds being offered by the EOH, which will not come directly from the taxpayers of the town.

When asked about the timing of the work, Mr. Verma said that he believed it could start in early to mid September and be concluded in about two months.

All Board members agreed that the town should move forward with this project and they support the plan.

PUBLIC HEARING - Proposed amendment to Chapter 212-25, Vehicles and Traffic, of the Code of the Town of Lewisboro

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.

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, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the public hearing for the proposed amendment to Chapter 212-25, Vehicles and Traffic, of the Code of the Town of Lewisboro, is now closed.

TOWN CODE – Proposed Amendment for Vehicles and Traffic, Chapter 212-25

On motion by Mr. Parsons, 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 of the Town of Lewisboro did, at a public hearing held on Monday, July 14, 2014, adopt Local Law No. 3-2014, which amends Chapter 212-25, Vehicles and Traffic of the Town of Lewisboro as follows:

LOCAL LAW NUMBER 3-2014 OF THE TOWN OF LEWISBORO

SECTION 1 -- TITLE

This Local Law shall be known as 2014 Amendments to Section 212-25 Schedule IV: Stop Intersections, of Chapter 212: Vehicles & Traffic.

SECTION 2 -- ADOPTION

Now therefore be it enacted by the Town Board of the Town of Lewisboro Local Law 3-2014 that this law shall take effect immediately upon filing with the Secretary of State:

SECTION 3 – VEHICLES & TRAFFIC

Section 212-25 of Chapter 212, Vehicles & Traffic, is hereby amended to add the following street locations to the list of stop intersections:

Amend §212-25 – Schedule IV: Stop Intersections.

Stop Sign on	Direction of Travel	At Intersection of
West Road	North	Hack Green Road
West Road	South	Hack Green Road

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.

HIGHWAY – New Equipment Cab and Chassis

During the June 30, 2014 meeting, Mr. Ripperger mentioned to the Board that he would like to purchase a new cab and chassis and erect this onto an old body which is still salvageable and has an excellent engine. The cost would be approximately \$14,000/year over a 7 year period. The Board suggested that Mr. Ripperger obtain all the necessary paperwork, which he presented to them this evening.

First Niagara Leasing submitted a proposal to Mr. Ripperger for a 7 year lease which totaled approximately \$76,781.00. The first payment would not be due until 2015 and it would be reflected in the 2015 budget.

Supervisor Parsons feels that this is an opportunity that we should take. If we don't replace this truck we would be running a truck short in the lake areas.

Councilman Welsh asked how much it would cost the town to purchase a complete new truck and Mr. Ripperger replied approximately \$130,000.

Mr. Ripperger stated that this was a truck that he wanted to replace a year ago. Mr. Ripperger offered to take \$10,000 out of his budget.

On motion by Mr. Parsons, 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 approve the proposal from First Niagara Leasing, Inc. for a 7 year lease for a new Terra Star Cab and Chassis to be purchased by the Highway Department for a total amount of \$76,781.11, with the first payment due in 2015.

CLAIMS – Authorized for Payment

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to authorize payment of the Town's bills in the amount of \$176,392.17.

POLLING OF THE BOARD

BIKE AND PEDESTRIAN WALKWAY PLAN – Goldens Bridge

With the news that Route 138 is being repaved, Councilman Welsh did send a letter to the New York Metropolitan Transportation Council (NYMTC) organization asking them for consideration regarding a bike and pedestrian walkway plan in this area. He did receive a response from this organization stating that they have forwarded his letter to the appropriate task force.

FRIENDS OF WESTCHESTER PARKS – Forum

Mr. Welsh stated that The Friends of Westchester Parks is trying to get people and groups interested and organized in the rail trail. He will keep the Board updated on their progress.

COUNTY WORKSHOP – Goldens Bridge Area

Councilman Welsh is trying to coordinate a half day County workshop in the Goldens Bridge area with the Metro Transportation Authority (MTA) sometime late in September. He will keep the Board updated on his progress.

PARKS AND RECREATION DEPARTMENT – Free Rugby Clinics

Councilman Kelly announced free rugby clinics that will take place at the upper Fox Valley field on Saturday, July 19 and July 26, 2014. All are welcome.

EAGLE SCOUT PROJECT – Purple Martins Bird Houses

Councilman Kelly reported that James Kelly has completed his Eagle Scout Project which consisted of building and erecting 3 Purple Martin birdhouses.

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) EXCESS PROPERTY- Excess Property

Mr. Kelly would like to look into reacquiring the excess DEP property, which is adjacent to the town, in a swap. We have some parcels that we may be able to swap with them. Supervisor Parsons will look at the file that was previously put together and the Board will start to work on this in the near future.

PARKS AND RECREATION – Fecal Accidents at Pool

Mr. DeLucia brought up the idea of fining parents who are not adequately using swimmy diapers on their children who are not potty trained and who use the town pool. A few YMCA's do have fines in place, even removing the individual's pool permit. A lot of money is lost between closing the pool, paying the lifeguards, chemicals, etc. By having a fine in place, it could act as an eye opener to parents. Signage could be placed in the front stating the requirements, fines, etc. Further discussion will take place on this subject.

MEETINGS – Dates Set

There will be a Town Board Work Session meeting on Monday, July 28, 2014 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, NY.

EXECUTIVE SESSION – To Discuss Personnel Issues

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to go into executive session at 8:30 p.m. to discuss personnel issues.

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

TOWN OFFICIALS & EMPLOYEES – Special Prosecutor

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 appoints Margaret Clark as special prosecutor to prosecute the pending Estate Motors matter in Lewisboro Justice Court for an amount not to exceed \$1,500.

ADJOURNMENT

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to adjourn at 8:40 p.m.

Janet L. Donohue
Town Clerk