

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on August 25, 2014, 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 attending was the Attorney for the Town Jennifer Herodes, Facilities Maintenance Manager Joel Smith, Comptroller Leo Masterson, Park and Recreation Superintendent Dana Mayclim, Deputy Highway Superintendent Joe Posadas 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

OAKRIDGE WATER AND SEWER DISTRICT – Conant Valley Estates

(This discussion started at 7:34 p.m. and continued until 8:11 p.m.)

Several residents from Conant Valley Estates came to discuss the very high water and sewer bills which they are receiving as being part of the Oakridge water and sewer system.

Greg Schwartz, of Split Rock Road, stated that he was in attendance with many of his neighbors to address an issue that they feel is extremely unfair regarding their neighborhood being disproportionately taxed for the Oakridge water and sewer system.

Mr. Schwartz said that Conant Valley Estates has 22 homes and shares water and sewer services with Oakridge condos, a development on Route 123 with approximately 327 units. He also stated that the Oakridge water facility fell into disrepair around 2009, through no fault of the people in his community and the town had to take it over. Investments were made to fix the plant and to pay for them the town issued a bond.

Mr. Schwartz said that what he and his neighbors take issue with is that somehow the decision was made to apportion the repayment for the Oakridge sewer bond based on property values and not on usage. He feels that this is odd and not customary and that it forces a disproportionate amount of the tax burden on a very small number of people. Mr. Schwartz reported that some of the homeowners are paying \$6,000 to \$8,000 per year for the privilege of using this water and they have no other choice. He continued to say that in their quarterly bills there is a fixed component that is 2.25 times the fee that an Oakridge resident would be charged, regardless of how much water they actually use.

Mr. Schwartz cited a 1991 report by J. Robert Folchetti & Associates that evaluated the expansion of the Oakridge sewer and water districts prior to the construction of Conant Valley Estates, referencing a recommendation that Conant Valley residents and Oakridge residents share the same billing rates as they are provided with the same service.

Mr. Schwartz also stated that he sent the Board an email on August 13, 2014, however, no one responded to him.

Mr. Schwartz along with Cynthia Daniels, Connie Kahn, Jim Williams and Stephen Fry asked the board how the decision was made to base the bond payback on property values, why this was considered fair and how this can be changed.

Supervisor Parsons said the decision to base the payback on property values was made before his time on the board and that one of the problems is that he does not know any way out of it.

One resident stated that approximately 3 years ago they received a letter stating that they would be receiving a substantial increase in their water bill and 3 days later she received a bill for \$5,000 which needed to be paid within 30 days. She also stated that this is destroying their property values.

Mr. Schwartz also said that the Oakridge condos received almost \$400,000 in school tax relief with part of it rebated back since 2009 due to the extra burden of the water/sewer taxes but that Conant Valley Estates was not included in that relief.

Mr. Pappalardo thanked all for coming to the meeting and said that he is hearing three central complaints which include inadequate notice to the bond, allocation and that there is an argument in equity and disclosure of the bond.

Counsel suggested that if they wanted to look over the bond, they needed to follow the proper channel of filing a FOIL request with the Town Clerk, which Mr. Schwartz said that he would do the following day.

One resident said that they were looking for equity and if they didn't receive it then they would sue the town.

Mr. Parsons stated that right now Conant Valley Estate residents can take action by going to the assessor and grieving their taxes, which most have done already. Changing the system that is already in place would be another story.

Mr. Parsons suggested that Mr. Schwartz make a FOIL request through the Town Clerk for the other items that he was looking for and that Mr. Schwartz should call Mr. Parsons the next morning. They will set up a future meeting and counsel suggested that the Assessor also be present.

CONSENT AGENDA

MINUTES - Approved

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

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

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

REPORTS – Monthly Report

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

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

SOUTH SALEM PRESBYTERIAN CHURCH CEMETERY – New York State Register of Historic Places & Nomination to National Register of Historic Places

Mr. Parsons stated that he received a letter from the New York State Office of Parks, Recreation and Historic Preservation stating that the South Salem Presbyterian Church Cemetery has been placed on the New York State Register of Historic Places and it has been nominated to the National Register of Historic Places. If the Keeper of the National Register approves the nomination, the property would be listed on the National Register. The town will be notified when the decision is made.

AUDIT – Auditor’s Report for 2013

The Town Board met with Rob Daniele, an auditor from the firm of O’Connor Davies, LLP to review their audit of the Town’s finances for the year 2013. (Copy of audit attached.)

The auditor’s opinion concluded that the 2013 budget was prepared and maintained very well and that the town needs to continue to keep the fiscal discipline.

Mr. Daniele thanked Mr. Parsons and Mr. Masterson for their cooperation and timely information.

Mr. Daniele stated that the auditors gave the Town of Lewisboro an unmodified opinion which means that the town has stated their financial reports fairly.

Mr. Daniele reported that there were no significant deficiencies but there were a few control deficiencies which they went over with management and they have been implemented. Mr. Welsh asked for the control deficiency report and Mr. Daniele said that our Comptroller could provide him with the report.

REFUSE LICENSE – AAA Carting and Rubbish Removal, Inc.

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 Clerk is hereby authorized to issue a Commercial and Residential refuse license to AAA Carting and Rubbish Removal, Inc., for a period of one year ending August 25, 2015, pending a violation for conducting business in the Town of Lewisboro without a license.

PUBLIC HEARING– No Commercial Traffic on Spring Hill Lane

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.

John Cooley, a resident who lives on Route 123 and whose driveway is right across from Spring Hill Lane, feels that this is a great start but also feels that Spring Hill Lane should be a one way street.

The Board felt a first step would be to prohibit commercial traffic on that road and prohibiting no left or right hand turn on to Spring Hill Lane. The later has to be handled by the state and the Board has sent a letter to the state.

Mr. Cooley feels that the undergrowth on either side of the bottom of the road should be cut back. Mr. Posadas, Deputy Highway Superintendent, stated that this needs to be handled by the state. Mr. Parsons asked Mr. Posadas to put a phone call into the state to get this growth trimmed as soon as possible. Mr. Posadas stated he would call the state the next day.

Mr. Pappalardo suggested that the trimming might be a good Lions/Leo club project, however, Mr. Parsons stated this may be too dangerous of an intersection.

Mr. Cooley also suggested possibly putting signage, with an arrow, indicating the best way to New Canaan.

On motion by Mr. Parsons, 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 public hearing regarding the proposed amendment to the Town Code of the Town of Lewisboro, Chapter 212-27.1 Vehicles and Traffic, Schedule VIA, to include no commercial vehicles on Spring Hill Lane, is now closed.

TOWN CODE- Amendment to Chapter 212-27.1 Vehicles and Traffic, Schedule VIA, Commercial Vehicles Excluded

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 25, 2014, adopt Local Law No. 4-2014, which amends Chapter 212-27.1 Schedule VIA: Commercial Vehicles Excluded, of Chapter 212: Vehicles & Traffic of the Town of Lewisboro as follows:

LOCAL LAW NUMBER 4-2014 OF THE TOWN OF LEWISBORO

SECTION 1 -- TITLE

This Local Law shall be known as 2014 Amendments to Section 212-27.1 Schedule VIA: Commercial Vehicles Excluded, of Chapter 212: Vehicles & Traffic.

SECTION 2 -- ADOPTION

Now therefore be it enacted by the Town Board of the Town of Lewisboro Local Law 4-2014 that this law shall take effect immediately upon its passage:

SECTION 3 – VEHICLES & TRAFFIC

**Amend §212-27.1 – Schedule VIA: Commercial Vehicles Excluded**

- A. No commercial vehicle, except as listed below, shall be driven or operated on the following roads or parts of roads:

<b>Name of Street</b>	<b>Location</b>
Chapel Road	Entire length
Kitchawan Road	Entire length
Meadow Street	Entire length
Old Bedford Road	South of Railroad Avenue
Park Avenue	Entire length
Ridgefield Avenue	Entire length
Schoolhouse Road	Entire length
Spring Hill Lane	Entire length
Todd Road	Entire length

B. The restrictions or exclusions set forth in Subsection A above shall not apply to:

- (1) Vehicles owned or leased by residents of the road driving to and from their residences on the road;
- (2) Vehicles delivering to and/or picking up from residences or rendering services to or relating to residences located on the road;
- (3) Vehicles on Town of Lewisboro or school district business; and
- (4) Emergency vehicles.

#### 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.

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.

Joe Posadas, Deputy Highway Superintendent, along with a representative from Metrocom reported to the Board.

The Board wants to make sure that the radio frequency is improved so that all necessary parties that use this system can speak to one another across the town.

These upgrades/updates should help to improve the communications in town. No upgrades have been performed in the last six years.

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 of the Town of Lewisboro authorizes to spend up to \$2,500 on two-way radio communication upgrades.

PUBLIC HEARING POSTPONED - Amendment to Master Plan; Bicycle & Pedestrian Walkway Plans

On motion by Mr. Parsons, 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 of the Town of Lewisboro, will hold a public hearing on September 8, 2014, at the Lewisboro Town House, 11 Main Street, South Salem, New York, for the purpose of hearing the public with regard to amending the Master Plan to include a Bicycle and Pedestrian Walkway Plan.

VERIZON ANTENNA MODIFICATION – Authorize Supervisor to Sign Letter of Consent

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 authorizes the Supervisor to sign a letter of consent for an antenna modification by Verizon.

ONATRU FARM - Increase Rental Price for Two-Bedroom Unit

On motion by Mr. Parsons, 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 an increase of \$10/month in rental price of the Onatru two-bedroom cottage beginning October 1, 2014, which brings the monthly rent to \$960/month.

FINANCE – Budget Trends

Comptroller, Leo Masterson, discussed budget trends by department (8:35 - 8:57 p.m.). See the attached sheet titled “Town of Lewisboro; Actual to Budget Four Year Study – Takeaways; 2010 – 2013”

LAKE KITCHAWAN FILTER – Matching Funds for County 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 Town Board does authorize the modification of the Lake Kitchawan filter using matching funds for the county grant with the work being undertaken by Duff Price Excavating, LLC in compliance with the plan done by Kellard Sessions Engineering at a cost of \$17,250 with some materials to be furnished by Lewisboro Highway Department from existing stocks.

CLAIMS – Authorized for Payment

On motion by Mr. Kelly, seconded by Mr. Pappalardo, the Board voted 4-0 to authorize payment of the Town’s bills in the amount of \$251,080.64.

TOWN EMPLOYEES AND OFFICIALS – Zoning Board Chair

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 appoint Robin “Duff” Price as Chairperson of the Zoning Board of Appeals effective August 25, 2014.

POLLING OF THE BOARD

HISTORIAN – Congratulations

Mr. Pappalardo congratulated our town Historian, Maureen Koehl, on a job well done in obtaining the classification of the Presbyterian cemetery.

BUDGET – Budget Trend and Process

Mr. Pappalardo is very happy with the budget process and with the 4-5 year budget forecast. He thanked Mr. Kelly for this idea and thanked our Comptroller for the implementation. Mr. Kelly also agreed that this is a great start.

SCHOOL – Returning Students

Mr. Pappalardo said that kids are returning to school and it can be a very stressful time for both the students and the parents. Please have a presence in your child’s education.

GOLDENS BRIDGE STREET DESIGN WORKSHOP – Goldens Bridge Community House

Mr. Welsh announced a Goldens Bridge Street Design Workshop that would be held at the Goldens Bridge Community House on September 30, 2014. Both the MTA and the DOT will be in attendance.

SUSTAINABLE WESTCHESTER – Merger Complete

Mr. Welsh announced that the merger between NWEAC and SWEAC has been legalized to become “Sustainable Westchester”.

HIGHWAY – Paved Roads

Mr. Parsons stated that several roads have been paved which include Laurel, Conant Valley, Kitchawan and Cross Pond. Bokay will be completed in a few weeks. Oscaleta and Lower Salem Road will be resealed in a few weeks along with Avery and Butternut. Cornwall Court will have to go out to bid.

MEETINGS – Dates Set

There will be a Town Board Work Session meeting on Monday, September 8, 2014 at 7:30 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 at 9:14 p.m. to discuss personnel and legal 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. Kelly, the Board voted 4-0 to adjourn at 10:10 p.m.

Janet L. Donohue  
Town Clerk