

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on Monday, March 23, 2015, 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, Daniel Welsh
Town Clerk - Janet Donohue
Absent - John Pappalardo

Also attending was the Attorney for the Town Jennifer Herodes, Facilities Maintenance Manager Joel Smith, Highway Superintendent Peter Ripperger, Comptroller Leo Masterson and Confidential Secretary/Benefits Coordinator Mary Hafter.

Mr. Parsons called the meeting to order at 7:36 p.m.

PLEDGE OF ALLEGIANCE

Supervisor Parsons led the Pledge of Allegiance to the flag.

PUBLIC COMMENT PERIOD

There were no public comments.

COMMUNICATIONS

VETERAN’S EXEMPTION – Approved by Board of Education

Mr. Parsons informed the Board that the school Board of Education did approve the Veteran’s Tax Exemption. Mr. Parsons thanked Bob Castelli and Frank Kelly for their involvement with this.

CONSENT AGENDA

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 3-0 to approve the Town Board meeting minutes of March 9, 2015.

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

*7:42 p.m. Peter DeLucia arrives

EAGLE SCOUTS – Approve Project at Town Park (7:37 p.m. – 7:44 p.m.)

Vista Troop 101 Boy Scout Donald Moore made a presentation to the Board asking for their approval of his Eagle Scout project that will be done at the Town Park.

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

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

RESOLUTION

RESOLVED, that the Town Board does approve the Eagle Scout project submitted by Vista Troop 101 Boy Scout Donald Moore to be done in the Lewisboro Town Park to include the construction of a small informational kiosk, two trail closed signs with posts, a directional sign for the Eastern Blue Trail, erosion reducing check dams, and the replacement of a damaged trail bridge across intermittent wash crossing.

OPEN SPACE AND PRESERVES ADVISORY COMMITTEE – Seeks Approval of New Trail Work at Leon Levy Preserve (7:45 p.m.- 7:54 p.m.)

George Scott, from the Open Space and Preserves Advisory Committee (OSPAC), asked the Board for approval to continue work on the Leon Levy Preserve by extending the yellow trail by two tenths of a mile, which will take hikers to an overlook of the gorge on the other side.

He also asked permission to flag portions of the property across the street from Leon Levy, thirty feet due North, towards Route 35, on the opposite side of Route 123. Mr. Scott was hoping the Board could seek approval from the New York State DOT to put a cross walk leading over to this area. Mr. Welsh asked if they could also flag where they would like to put the walkway and Mr. Scott replied yes. Mr. Scott said that they do this on the Appalachian Trail so he feels it should be happening here and that it shouldn't be an issue with DOT.

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

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

RESOLVED, that the Town Board does approve the plan proposed by George Scott for adding to the trails at the Leon Levy Preserve and reconnoitering the possibility of trails on the east side of Route 123.

OPEN SPACE AND ORESERVES ADVISORY COMMITTEE – Waive Fees for Trail Work at Leon Levy

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

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

RESOLVED, that any Town fees associated with the Leon Levy project on the east side of Route 123 will be waived.

HIGHWAY – Impact on Budget Due to Weather (8:00 p.m. – 8:36 p.m.)

Highway Superintendent Peter Ripperger attended this Town Board meeting to discuss his budget due to the weather of this winter. Mr. Parsons stated that for the last 7 years, the median number of all salt runs for the whole calendar year has been 35. Since January 1, 2015 alone, we have done 57 salt runs. A total of 17,500 miles of salt runs and plow runs have been completed. In addition, the melt has resulted in a 108 truckloads of stone and gravel used to stabilize the dirt roads. To date, we have overspent the 2015 snow related budget by \$116,000, which also includes overtime. Mr. Parsons stated that they still need to be concerned about snow and ice in the last quarter of 2015.

Mr. Parsons stated that they had \$50,000 unallocated reserve for highway, which they thought would cover any overage for the winter months for highway. Now they will be left with approximately \$53,000 to pave the roads, which won't cover much. Mr. DeLucia asked Mr. Ripperger if he had heard of any figures with regards to the Consolidated Local Street and Highway Improvement Program (CHIPs) and the answer was no.

Mr. Parsons proposed borrowing \$400,000 for road paving and repairs for the remainder of 2015. He stated that the town had a bond anticipation note (BAN) coming up for renewal soon and he wanted to put any newly borrowed money with the existing amount to reduce transaction costs. He also feels that they may need to abandon the Cornell plan for this year only and just go with the roads that are extremely bad.

Mr. DeLucia stated he didn't feel that \$400,000 was enough and suggested \$800,000. Mr. Ripperger said that with the extra money they could cut out sections of the road and redo them. Mr. Welsh also agreed with spending more stating that the condition of the roads was almost a disaster recovery situation.

Mr. Kelly suggested a one-time special assessment on the taxpayers for road repairs. He stated that everyone seems to agree that the roads need to be fixed and this might be something to consider. Mr. Kelly asked the town attorney to find out if this is something that the town can do and second, he would like to know how, if at all, a non-recurring assessment would affect the tax cap rules. He said that it may turn out that we will simply have to bond for the purpose, but he would like to explore all options available. Counsel will look into this possibility and will report back.

Mr. Ripperger stated that within two weeks, he could have an assessment and detailed plan to the Board regarding the roads. He will also give a recommendation on dirt roads which are taking a lot of the town's resources. Mr. Ripperger also stated that the Cornell intern took seven weeks to evaluate the town's roads. Mr. DeLucia wondered if the Cornell intern could come back to our area to take a quick tour around and make suggestions. Mr. Ripperger will call the Cornell Director.

Mr. Welsh feels that this is a very important decision that the Board has to make and it has financial implications if they go too low.

Mr. Parsons said that he was open to compromise on the borrowing amount. The Board stated that the town was dealing with a border line disaster that would have a negative impact on home values if not addressed quickly.

After further discussion, the Board decided on the amount of \$600,000.

FINANCE – BANs for Highway Road Reconstruction

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

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

RESOLUTION

WHEREAS, all conditions precedent to the financing of the capital purpose hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital purpose; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Lewisboro, Westchester County, New York, as follows:

Section 1. For the purpose of paying the cost of road reconstruction, in and for the Town of Lewisboro, Westchester County, New York, including incidental expenses in connection therewith, a class of objects or purposes, there are hereby authorized to be issued up to \$600,000 bonds of said Town pursuant to the provisions of the Local Finance Law

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$600,000, and the plan for the financing thereof shall be by the issuance of the \$600,000 bonds authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years pursuant to subdivision twenty of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds authorized will not exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Lewisboro, Westchester County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent such appropriation is not made from other sources, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Lewisboro, Westchester County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for

sale, conduct the sale, and award the bonds in such manner as the Supervisor shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution, which takes effect immediately, shall be published in summary in *The Lewisboro Ledger*, the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law

COMMUNITY CHOICE AGGREGATION ENERGY PROGRAM – Participation in Pilot Program

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

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

RESOLUTION

WHEREAS, Sustainable Westchester, Inc., a not-for-profit organization comprised of several municipalities in Westchester County, including the Town of Lewisboro, sought approval of a demonstration community choice aggregation (“CCA”) program in Westchester County, which would allow local governments to participate in a Sustainable Westchester program to procure energy supply from energy service companies (“ESCOs”) for the residents of the municipalities, and

WHEREAS, on February 26, 2015, the Public Service Commission of the State of New York approved implementation of the first community choice aggregation (“CCA”) pilot program in New York State, which allows Sustainable Westchester to put out for bid the total amount of natural gas or electricity being purchased by local residents or small businesses, and

WHEREAS, the program is intended to provide consumers with the ability to lower their overall energy costs, and

WHEREAS, the potential benefits of CCA programs include price stability for a fixed contract term, lower prices, more favorable contract terms, and the ability to design a program that reflects local preferences and needs, including a preference for cleaner power sources, and

WHEREAS, the Westchester pilot program is intended to include residential and small non-residential customers, and to permit the aggregation of both electric and natural gas purchases, and

WHEREAS, Sustainable Westchester, Inc. will issue a request for proposals to suppliers to provide energy to participants, and will then award a contract, and

WHEREAS, Sustainable Westchester, Inc. or the Town of Lewisboro will request individual customer data from the utility, and the selected supplier will then notify the bundled customers of the contract terms and the customer’s opportunity to opt-out of the program within twenty (20) days;

NOW THEREFORE, BE IT RESOLVED, that the Town of Lewisboro shall enter into an agreement to participate in a Sustainable Westchester program for its residents and business consumers who are not currently purchasing electricity from an energy service company (ESCO), only if: 1) the default price is guaranteed to be consistently less than the utility price for the same period; or 2) the default price is fixed at a level that is less than the average utility price for the same commodity, for the same customer class, over the preceding twelve month period; or 3) the default price is at first set at a level that is less than the average utility price for electricity, for the same customer class, over the preceding twelve month period, and only floats upward by less than twenty-five percent (25%) of the price increases implemented by the utilities, and

BE IT FURTHER RESOLVED that the Supervisor of the Town of Lewisboro is hereby authorized to execute any and all documents to give effect to this resolution as submitted and reviewed by counsel.

FUNDRAISER – Town Property

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

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

RESOLUTION

RESOLVED, that the Town Board authorizes SEPTA (Special Education Parent Teacher Association) to hold its Second Annual Field Day Fundraiser at the Lewisboro Town Park on May 30, 2015 with the same terms as the previous year.

BED AND BREAKFAST– Discuss Draft Ordinance (8:37p.m. – 8:41 p.m.)

The Board had asked our town attorney, Anthony Mole´ to re-draft a local law for the Bed and Breakfast with a few changes that were discussed at the last meeting. The Board looked over the draft and they were satisfied with the changes. The public hearing is still set for Monday, April 20, 2015.

HOTELS AND INNS – Discuss Zoning Changes (8:42 p.m. – 8:55 p.m.)

The Board continued the discussion on hotels and inns. Locations of where hotels and inns were allowed were discussed. The Board wanted a statement saying that if these hotels and inns were not in a special character district it would still need to be approved by the Architectural and Community Review Council (ACARC). The Board also decided to re-work the definition of hotel to include the word inn.

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

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

RESOLUTION

RESOLVED, that the Town Board agrees to move forward with the hotel ordinance which will include revisions stating that if hotels and inns were not in a special character district they would still need to be approved by the Architectural and Community Review Council (ACARC) and the definition of hotel would be re-worked to include the word inn.

CLAIMS – Authorized for Payment

On motion by Mr. Kelly, seconded by Mr. Welsh, the Board voted 4-0 to authorize payment of the Town’s bills in the amount of \$419,484.22.

POLLING OF BOARD

GOLDENS BRIDGE WORKSHOP – Anderson Road

Mr. Welsh announced that in Goldens Bridge they were going out the next day to look at one of the micro projects, the Anderson Road cut through connection. This could be a volunteer project. He will keep the Board updated on this project.

GARBAGE – Pay as You Throw Program

Mr. Welsh contacted the person in charge of the “Pay as You Throw” program asking her for a draft proposal of the details, etc. He will keep the Board updated.

CHARITY RACE- Moved Location

Mr. Parsons informed the Board that a charity race that was originally approved by the Town Board to be held at the Lewisboro Elementary School will now be held at the Meadow Pond School.

TOWN PROPERTY - Bubbled Pool

Mr. DeLucia stated that New Canaan is again approaching the Town of Lewisboro to further discuss the possibility of erecting a bubble over the Town Pool. Mr. DeLucia feels that this would be a great revenue generator. He will keep the Board updated.

MEETINGS – Date Set

There will be a Town Board meeting on Monday, April 6, 2015 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, NY.

ADJOURNMENT

On motion by Mr. DeLucia, seconded by Mr. Parsons, the Board voted 4-0 to adjourn at 9:01 p.m.

Janet L. Donohue
Town Clerk