

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on Monday, April 20, 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, John Pappalardo, Daniel Welsh
Town Clerk - Janet Donohue
Absent - None

Also attending was the Attorney for the Town Jennifer Herodes, Facilities Maintenance Manager Joel Smith, Comptroller Leo Masterson and Parks and Recreation Superintendent Dana Mayclim.

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.

CORRESPONDENCE

COMMENDATION – LVAC Member Riley DeJong

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

WHEREAS, Riley DeJong is a twenty year old nursing student, attending Hunter College in New York City, and also an Emergency Medical Technician and Crew Chief with the Lewisboro Volunteer Ambulance Corps, where she has earned a reputation for being smart and hardworking, and

WHEREAS, on the evening of February 3, 2015 she was travelling home from class, a passenger seated at the very front of a northbound Metro-North commuter train, when it struck a passenger car in Valhalla, and the third rail intruded into the cabin, resulting in the death of six people seated behind her, and

WHEREAS, Riley DeJong did not leave the accident scene to avoid the fire, odors of gas, or cries of the badly injured; she instead, at great personal risk, used her rescue experience and life-saving

skills to aid others in desperate need, and then substituted as acting Crew Chief on an ambulance caring for patients being transported to Westchester County Medical Center, and

WHEREAS, these actions saved life and limb, and are deserving of public gratitude and praise, now

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Lewisboro, in recognition of the outstanding actions of this citizen of the Town of Lewisboro, does hereby offer the thanks of its populace to Riley DeJong, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be spread upon the issuance of the minutes of this April 20, 2015 Town Board Meeting for future generations to see, and that a copy of this Resolution be presented to Riley DeJong.

COMMENDATION – Highway Department

Mr. Parsons read a note of thanks from a resident of Pettit Lane to the Highway Superintendent Peter Ripperger and the entire Highway Department for a job well done over this entire winter season.

COMMENDATION – Police Officer

Mr. Parsons shared with the Town Board that Officer David Alfano had two letters of commendation in the State Trooper Newsletter.

CONSENT AGENDA

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 4-0 to approve meeting minutes from the April 6, 2015 Town Board meeting.

MINUTES - Approved

On the above motion and second, the minutes of the April 6, 2015, Town Board meeting were approved.

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

PUBLIC HEARING – Change in Zoning Law Regarding Bed and Breakfasts, Hotels and Inns

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 comments from the public.

Mr. Parsons did note that Ed Burroughs, Commissioner of the Westchester County Planning Department had reviewed the ordinances, saw no problem and stated in a letter that this action is a matter for local determination in accordance with the town’s community planning and zoning policies.

The Planning Board will be meeting tomorrow so Mr. Parsons would like to wait to pass this local law until they have had a chance to review the amendments.

Mr. DeLucia stated that a few residents had asked him about common/shared driveway. Jennifer Herodes, Attorney for the town stated that this would be handled at the application level through the Planning Board’s process of evaluating the property and circumstances. Mr. Parsons stated that the Planning Board is given very wide discretion. Ms. Herodes feels that this is a better way to handle than to legislate to it since every case will be different.

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)

RESOLVED, that the public hearing regarding the proposed amendment to the Town Code of the Town of Lewisboro, Chapter 220 – Zoning, with regard to ordinances pertaining to Hotels, Bed and Breakfasts’ and Inns, is now closed.

WILD OAKS WASTEWATER FACILITY- Smoke Testing for Inflow-Infiltration (7:44-7:55 pm)

Bill Bright of Delaware Engineering addressed the Board regarding the Wild Oaks sewer leak testing. New York Rural Water Association will conduct two days of testing, at no cost to the town, to find any leaks in the sanitary sewer system. The dates have been set for April 28th and April 29th, 2015.

Delaware Engineering is charged with oversight of the Wild Oaks water and sewer facilities and systems. Mr. Bright expressed that the system is leaking and they need to do this testing to find the leak.

Mr. Bright explained that the purpose of the test is to reduce the operating cost of the system by minimizing the amount of storm and surface water being processed. Currently the snowmelt and rain are doubling the volume.

The tests will include the blowing of non-toxic smoke into the system to reveal leaks that allow storm water and other surface water to enter. A record will be made of any discovered leaks. The smoke leaves no residue or stains and has no effects on plants or animals. Mr Bright said that the odor is distinctive but not unpleasant. The smoke and odor last only a few minutes.

The Board asked Mr. Bright about smoke entering residents’ homes. He responded that the smoke should not enter homes but if it does it is probably due to inadequate, defective or improperly installed vents connected to the building. Other causes could be traps under sinks, tubs, basins, showers, floors and drains all of which might be due to these items being defective or improperly installed or missing. Another reason why smoke might get in is if the seals of the building’s sewer system are damaged, defective, have plugs missing or are improperly installed.

The Supervisor will send out a letter on Tuesday, April 21, 2015 to the 109 residents informing them of the upcoming testing. Door tags will also be hung on each resident’s door and the Goldens Bridge fire department will be notified.

On motion by Mr. DeLucia, 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 New York Rural Water Association is authorized to move ahead with the smoke test at Wild Oaks on April 28 & 29, 2015 and be it further

RESOLVED, that the Town Board does authorize the Supervisor to sign an agreement with New York Rural Association as reviewed by counsel.

LEON LEVY PRESERVE – Accept Grant on Behalf of Jerome Levy Foundation

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

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

RESOLUTION

RESOLVED, that the Town Board does accept a grant of \$1,000 on behalf of the Jerome Levy Foundation to erect maps and signage in the Leon Levy Preserve.

WESTCHESTER LAND TRUST – Removal of Invasive Plants at the Leon Levy Preserve

Mr. Parsons informed the Board that the work to remove invasive plants at the Leon Levy Preserve will start this week. A resolution was passed in 2013 that approved this removal.

DRUG ABUSE PREVENTION COUNCIL – Authorize Supervisor to Sign Contract

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

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

RESOLUTION

RESOLVED, that the Supervisor be and hereby is authorized to sign the 2014 Drug Abuse Prevention Council agreement not to exceed \$6,500.

FUNDRAISER – Town Property

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 a request from a resident for a “Relay for Life” fundraiser to be held at Onatru Pavilion on Monday, May 18th, 2015.

KATONAH-LEWISBORO SCHOOL DISTRICT – Authorize Supervisor to Sign

On motion by Mr. Kelly, 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 does authorize the Supervisor to sign the agreement between the Katonah-Lewisboro School District and the Town of Lewisboro to use the Lewisboro Elementary school parking lot as a summer bus camp stop.

HIGHWAY- Discuss No Parking on Town Roads During Winter Months

Mr. Parsons stated that during the winter months this year, there were problems with cars parking on the roads while highway was trying to plow and salt. The Board thought that a similar law was passed years ago but Mr. Parsons stated that it was for snow emergencies only.

Mr. Parsons is suggesting that we adopt exactly the same law that North Salem adopted that includes no parking on the roads from November 15 through April 1, from 11 p.m. to 7 a.m. with the threat of towing in the ordinance.

Mr. DeLucia asked about ticketing the cars. Town Attorney, Jennifer Herodes, stated the town can enforce it any way they decide. Mr. Kelly asked about parking on the roads during a party in a snow storm. Do all the cars get towed?

Mr. Pappalardo asked what happens if the highway department plows or salts during the day. Are cars allowed to be on the roads during the day? Also, what constitutes a snow emergency? Ms. Herodes stated that the problem is defining a snow storm.

Mr. DeLucia suggested that the Board invites the Highway Superintendant and the Police Chief in to discuss what their thoughts would be on the easiest way to rectify this situation. Mr. Parsons will try to coordinate this at a work session when they discuss the state of the roads.

REFUSE – Pay As You Throw Program

Mr. Welsh has been working with Kristen Brown of Waste Zero, Inc. about the possibility of a refuse collection system called Pay-As-You-Throw (PAYT). Mr. Welsh explained that the new system would be based on rolling costs into a special bag to be made available at local stores. He also stated that municipalities that have adopted this system have seen waste volumes go down by about 40%, recycling rates go up and totals costs go down.

On motion by Mr. Welsh, 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 in order to facilitate the full exploration of the possibility of adopting a “Pay As You Throw” waste management contract for the town, the Town Board authorizes Kristen Brown of Waste Zero Inc. to contact the refuse companies licensed to provide waste hauling services in the Town to obtain such cost, statistical information etc., as may be helpful in the process of preparing a Request for Proposal (RFP) and be it further

RESOLVED, that the Town Board requests the Town Clerk to forward a copy of this resolution to those companies to alert them of this authorization.

PARKS AND RECREATION – Clay for Lewisboro Baseball Association (LBA)

Mr. DeLucia stated that the LBA has held many fundraisers with the proceeds going towards upgrades to the local baseball fields. These upgrades included replacing the railroad ties at the Town Park by the bleacher seats and putting money into the fields at Vista and at Fox Valley. The town has been very fortunate that the LBA and other organizations have done so much work on the fields. Mr. DeLucia stated that we as a town have not had to put in a lot of money towards these projects.

The LBA is now coming to the end of their project and they are coming up about \$10,000 short on the replacement of clay. The Parks and Recreation department does not have this money built

into their budget for this project. Mr. DeLucia is asking that we appropriate this money from the general fund.

Mr. Pappalardo suggested that they ask the president of the LBA, Adam Giardina, to come to a board meeting and give a presentation relative to what was done, what the cost contribution of the LBA was and what the money is needed for.

BUILDING DEPARTMENT- Deputy Building Inspector Car

Mr. Parsons stated that in the 2014 budget, the Board had approved \$390/month towards the lease of vehicle for the Building department. He also stated that he was able to find a low mileage lease of a Chevy Equinox AWD vehicle for a monthly fee of \$280.

Mr. DeLucia stated that he had received numerous complaints about the fact that the Deputy Building Inspector wears Bermuda shorts. Mr. DeLucia feels that wearing shorts is disrespectful to the position and to the town.

Mr. DeLucia asked Ms. Mayclim, the Parks and Recreation Superintendent, if her department puts on more than ten thousand miles per year. She replied that since they are currently down by one car, that yes, they have put more than 10,000 miles on the Jeep. But once they get the new senior car, they typically put less than 10,000 miles on the Jeep.

Mr. DeLucia suggested that the Parks and Recreation Jeep be given to the Building Department to use and the Equinox be leased for the Parks and Recreation department to use.

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 authorizes a lease agreement on a new Chevy Equinox All Wheel Drive vehicle on a low mileage lease at a cost of approximately \$280/month. This vehicle will be used by the Parks and Recreation Department and their Jeep will be used by the Building Department.

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 \$295,208.35.

POLLING OF BOARD

CROSS RIVER TRAILS – Progress

Mr. Welsh informed the Board that the Cross River Trails is still in the works. Mr. Welsh will be meeting with the Cross Country Coach who has been in touch with the Booster Club and the Department of Environmental Conservation.

FIVE YEAR PLAN – Preliminary Look

Mr. Kelly asked about the five year plan. He would like to see this soon.

HIGHWAY – Overview of Roads

Mr. Pappalardo would like to see a detailed plan on the road repairs and paving. He would like to see this plan prior to a town board meeting. Mr. Parsons stated that he and the Highway Superintendent have driven around town noting all of the roads and their conditions. The Cornell Study may have to be adjusted a bit to accommodate roads that have become more damaged over this past winter. The Board will need to work on how to balance the funds with the needs.

LEWISBORO BASEBALL ASSOCIATION – Thank You

Mr. DeLucia wanted to thank the Lewisboro Baseball Association again for all the work that they do on the town fields. Mr. DeLucia also thanked the Vista and Goldens Bridge Fire Departments for watering the sod at the fields. Mr. DeLucia also suggested that in the future we put something on the books that if a request comes from the Superintendent of Parks and Recreation or the Deputy Supervisor, that work can be done on town property with no issues.

LEWISBORO LIBRARY – Congratulations

The Board congratulated the Lewisboro Library on the completion of the renovated library. The grand opening of the library will be held this weekend on April 25 and 26th. A lot of hard work went into this and it has finally paid off. The Board invited residents to visit the new library.

GOLDENS BRIDGE WORKSHOP – Meeting

Mr. Welsh announced that there will be another meeting on Tuesday, April 21, 2015 at 7 pm at the Goldens Bridge Community House.

MEETINGS – Date Set

There will be a Town Board meeting on Monday, May 4, 2015 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, NY.

EXECUTIVE SESSION – To Discuss a Potential Legal Issue

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 5-0 to go into executive session at 8:41 p.m. to discuss a potential legal issue.

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 5-0 to come out of executive session at 9:29 p.m.

ADJOURNMENT

On motion by Mr. Parsons, seconded by Mr. Welsh, the Board voted 5-0 to adjourn at 9:30 p.m.

Janet L. Donohue
Town Clerk