

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on Monday, May 18, 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, Highway Superintendent Peter Ripperger, Kellard and Sessions Engineer Joseph Cermele, Parks and Recreation Superintendent Dana Mayclim and Confidential Secretary/Benefits Coordinator Mary Hafter.

Mr. Parsons called the meeting to order at 7:35 p.m.

PLEDGE OF ALLEGIANCE

Supervisor Parsons led the Pledge of Allegiance to the flag.

PUBLIC COMMENT PERIOD

There were no public comments.

CORRESPONDENCE

MEMORIAM – Alfred DelBello

Mr. Parsons stated that town resident, Alfred DelBello, passed away on Friday, May 15, 2015. Mr. DelBello was a past Mayor of Yonkers, a three time Westchester County Executive and the Lt. Governor under Mario Cuomo Senior. Mr. Parsons requested town flags be flown at half mast.

HIGHWAY – Commendation

Mr. Parsons stated that he received a letter from town resident, Stanley Weil, praising the excellent job that Highway Superintendent Peter Ripperger and the highway department did over this past winter. Mr. Parsons also stated that he has received several words of praise from other residents regarding the outstanding job that the highway department did over this brutal winter.

CONSENT AGENDA

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted 4-0 to approve meeting minutes and the Board voted 5-0 to receive and file a departmental report.

MINUTES - Approved

On the above motion and second, the minutes of the May 4, 2015, Town Board meeting were approved.

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

REPORTS – Monthly Report

On the above motion and second, the April reports from the Planning Department was received and filed.

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

PUBLIC HEARING – Change in Zoning Law 220-2 Regarding Multi-Family Residence District (7:39 – 7:58 p.m.)

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.

Mr. Parsons stated he wanted to make it clear that the hearing was to take comments on a zoning change to allow multifamily housing in sections of town zoned non-residential. The proposed change would include affordable housing and middle income housing and on a permanent basis.

A statement was delivered by the League of Women Voters of Bedford, Lewisboro and North Salem’s President Harry MacLaughlin. The following was read into the minutes:

We applaud the efforts of the Lewisboro Town Board to have zoning code changes proposed to include apartments over shops and to legalize other existing accessory apartments to increase the supply of affordable housing. Now is the time to pass such an amendment to the housing code. This is in conjunction with our State and County League's support position for affordable housing. We urge the Town to pass an ordinance to allow construction of federally mandated affordable housing.

We realize that our civic leaders face constraints on new building caused by DEC and potable water needs of the NYC reservoirs located throughout our town. The local League also realizes that lack of sewers, sewage treatment plants and public transportation hamper our town planning efforts in regard to placement of affordable housing. Rather than levy half million dollar fines on Lewisboro, we agree with County Executive Rob Astorino and our County Legislator Peter Harckham that the funds be kept locally and used to help overcome the infrastructure barriers alluded to earlier. The League of Women Voters believes in the efficacy of carrots rather than sticks to accomplish challenging civic goals.*

**alludes to NYS LWV '99 position to support incentives to encourage communities to accept their share of responsibility for providing housing for low and moderate income families. Lewisboro is only 1 of 2 towns in Westchester that has not yet passed an affordable housing ordinance.*

Jonathan Monti, a Goldens Bridge resident asked if the multifamily housing would only pertain to the four zones that they were referring to and the Board replied yes.

Dean Travalino, Spring Street, South Salem resident stated that he thought this version has many changes that were positive including what the League of Women Voters said incentivizing people to build some of these houses. He thinks it is also positive that the town is keeping both types of housing; the workforce affordable and the federal housing in the law.

Mr. Travalino did have one concern and that was the idea of one size fits all. He feels that there is a wide disparity between campus commercial districts, where the minimum size is 20 acres, to general business and/or retail business zones like those in the South Salem hamlet, are three different types of animals. Mr. Travalino stated that he did not want to appear as a NIMBY but had met with several proponents of a small HUD housing project proposed for acreage in the hamlet. He stated that it looks like the proposal changes the minimum required from 14 acres down to seven acres and doubles the density from 2 units per acre to four units per acre. He stated that this could lead to a project on seven acres ending up with 34 units, more housing than currently exists in the entire historic South Salem hamlet. Bottom line is he does support the changes if it is scaled properly.

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 Multi-Family resident district, is now closed.

Mr. DeLucia agreed with Mr. Travlino’s statements regarding the density. He feels that the town has to look at certain zones where there might be issues and head them off.

Mr Parsons said he was discussing the newly revised ordinance at Tuesday night’s Planning Board meeting and would report back to Town Board members.

PUBLIC HEARING – Change in Chapter 92-4(I) Entitled Building Permits (7:58 – 8:01 p.m.)

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.

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 regarding the proposed amendment to the Town Code of the Town of Lewisboro, Chapter 92-4(I) Entitled Building Permits, is now closed.

TOWN CODE – Building Permits

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 Chapter 92-4(I) Entitled Building Permits of the Code of the Town of Lewisboro has been amended as follows and will be known as Local Law 2-2015:

TOWN OF LEWISBORO
 LOCAL LAW NUMBER 2-2015 OF THE TOWN OF LEWISBORO
 AMENDMENTS TO CHAPTER 92 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 92, Section 92-4(I), entitled “Building Permits,” is hereby amended and enacted to read as follows:

§ 92-4. Building permits.

- (I) Time limits. Building permits shall become invalid unless the authorized work is commenced within three (3) months following the date of issuance. Building permits shall expire eighteen (18) months after the date of issuance, except that certain projects may receive a six (6) month extension, if reasonable, in the sole discretion of the Building Inspector. A building permit which has become invalid or which has expired pursuant to this subsection may be renewed for a period of twelve (12) months upon application by the permit holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

The first renewal of a permit shall cost the same as the cost of the initial permit plus 25% additional cost for each and every permit. The second renewal of a permit shall cost double the fee of the first renewal of the permit. The third renewal of a permit shall cost triple the fee of the first renewal of the permit. The fourth renewal of a permit shall cost quadruple the fee of the first renewal of the permit. Each renewal after the fourth renewal shall cost the same fee as the fourth renewal. Building permits may be renewed without a fee for units in a multifamily residential development that remain incomplete due to the fact that the items remaining to be completed are to be selected by a purchaser of such unit, as long as such unit is being actively marketed for sale.

Section 2. 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.

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 the Echo Farm Team for a “Relay for Life” fundraiser to be held at the Town Park on Friday, May 29th, 2015.

STORMWATER - Annual Report (8:02 – 8:18 p.m.)

Joe Cermele, from Kellard Sessions, presented the Town’s annual stormwater report. The report provides required documentation to New York State of what the Town has done and what it plans to do toward compliance with its stormwater permit, also known as an MS-4. The Annual MS4 Report is for the 2014-2015 reporting period of 3/10/14 thru 3/9/15. Upon acceptance by the Town Board, the report is to be signed by the Supervisor and filed with the New York State Department of Environmental Conservation prior to June 1.

The current permit (GP-0-10-002) expired April 30, 2015. The GP-0-15-003 is a 2 year interim permit (May 2015 – April 217) issued to allow time for resolution of a Pending Article 78 Petition challenging provisions of GP-0-10-002 filed in 2010 by environmental organizations.

Mr. Cermele stated that Lewisboro is located within 7 sub-watershed basins. Five basins within the NYC Watershed which is a phosphorous restricted watershed and there are heightened stormwater requirements. The seven are Croton River East, Cross River, Cross River East, Titicus River, Waccabuc River and the 2 basins located outside of the NYC watershed are Mill River and Silvermine River.

He spoke about the 6 MCMS or the minimal control measures.

The first minimum control measure is public education and outreach. Direct mailing, emails blasts, and television spots have helped with educating the public.

The second minimum control is public involvement and participation. Several Stormwater meetings have been held which have been posted on the town’s website and bulletin boards.

The third minimum control measure is illicit discharge detection and elimination. The town has six hundred and ninety four out falls. These have all been mapped out on GIS (Geographical Information System).

The fourth minimum control measure is the construction site stormwater runoff control. The town has updated the stormwater ordinance to reflect updates to the general permit, as well as implement a local stormwater permit for disturbances greater than five thousand square foot town-wide.

The fifth minimum control measure is post-construction stormwater management. The town participates in the Croton Kensico Watershed Intermunicipal Coalition (CKWIC) regarding retrofitting programming and other aspects of regional stormwater cooperation. The town will continue to inspect stormwater management practices and report on condition.

The sixth and final minimum control measure is stormwater management for municipal operations. This refers to good housekeeping for the town. For example, the salt dome, parking lots, roadway being swept, catch basins being cleared, etc.

Joe Cermele thanked members of the stormwater committee which included Paul Lewis, Janet Anderson, Peter Ripperger and Joel Smith for all of their hard work on these projects and reports.

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

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

RESOLUTION

RESOLVED, that the Town Board does hereby accept the Annual (MS4) Storm Water Management Report and be it further

RESOLVED, that the Supervisor be and hereby is authorized to sign the Town's Stormwater Management Report by June 1st, 2015.

STORMWATER – Stormwater Pollution Prevention Plan (SWPPP) (8:19 – 8:27 p.m.)

Joe Cermele from Kellard Sessions also presented the Town Stormwater Pollution Prevention Plan (SWPPP) to the Town Board. He stated that it is a growing document. This is prepared in accordance with the general permit for stormwater discharge from the Municipal Separate Storm Sewer Systems (MS4s). It is specifically in response to the Minimum Control Measure (MCM) 6, which is pollution prevention and good housing keeping for municipal operations.

He continued to explain that it was developed to address municipal operations and facilities that contribute or potentially contribute phosphorous including street maintenance, stormwater systems, vehicle and fleet maintenance, park and open space maintenance and municipal building maintenance.

The plan provides a protocol for maintenance and operation of various town facilities and a means to inspect, record, report and repair. The general permit requires that the plan be assessed at a minimum three year frequency and updated or amended as required. The town Stormwater Committee created a Pollution Prevention Team to review the SWPPP annually.

Mr. Parsons will circulate the report to the appropriate department heads. The Town Board members already have this and they will resolve to accept this at the next town board meeting.

HIGHWAY- Road Paving (8:27 p.m. – 8:44 p.m.)

Highway Superintendent Peter Ripperger stated that at this point there is a company in the area called Gorman who is doing crack sealing as preemption over about 21 miles of good roads. This is to prevent these roads from pulling up next year. These roads include Spring Street, Elmwood Road, West Lane, West Road, Lake Kitchawan Drive, Chapel Road, Oscaleta Road, Main Street, Bouton Road, Ridgefield Avenue, Mead Street, Rock Shelter Road, Five Ponds, Mt. Holly East, Holly Hill Lane, and Michele Estates. The crack sealing will cost approximately \$80,000.

Mr. Ripperger and Mr. Parsons toured all of the town roads. The roads to be considered for paving are among those in the worst condition. They include Upper Lake Shore Drive, Lake View Pass, Deer Field (parts), Out Post, Big Rock Loop, South Mt. Pass, South Mountain, Woods Ridge, Forest Range, Increase Miller Road, Stewart Road, Captain Lawrence Drive, Mark Mead Road, and Tri-Brook Drive. The estimated paving will cost approximately \$346,112 for 5 miles of roads.

Drainage will be added to Tri Brook Drive and Timberwood at an estimated cost of \$25,000. The contractor did not properly add drainage. The road was built in 1974. Every basin top has to be replaced and a lot of the basins will be replaced. New curbing has to be put in place as well.

Mr. Ripperger also stated that 500 feet of Schoolhouse Road will be blacktopped as a joint project with the East of Hudson (EOH). The town will pay \$75,000 and so will EOH.

They will do the crack sealing first, and paving will take place toward the end of July or beginning of August. Mr Ripperger said that he feels that for the money we are spending this is a great deal and that he is confident the paving contractor that was selected will do a good job. He stated that they will start them out with one mile and make an assessment.

Mr. Ripperger will get all this information pertaining to the roads to the webmaster to put on the website.

The town has a total of \$700,000, including CHIPs funding, in its road repair and paving budget for 2015 and the total amount projected to be used, including the winter damage repairs, will leave a cushion of \$100,000.

The Board would like to have a Cornell intern back next year, which will be 3 years from the first time they came, to give us their report.

REFUSE – Pay As You Throw Program from Waste Zero (8:45 p.m. – 9:14 p.m.)

Mr. Welsh has been working with Kristen Brown of Waste Zero, Inc., a Raleigh, N.C. company, 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 50%, recycling rates go up and totals costs go down.

Mr. Welsh stated that the \$30 to \$60 per month paid for private contracts represents \$360 to \$600 per year per household. He continued that initial surveys by WasteZero show the annual cost realized by an aggregated contract should fall between \$185 and \$320 per household and that across approximately 4,000 Lewisboro households, savings should start at \$160,000 annually.

Mr. Welsh also stated that a centralized contract would rationalize routes versus the current situation where multiple haulers run duplicate routes through a given neighborhood.

The PAYT program would be funded through the purchase of special refuse bags at designated retailers. The income from the bags would be run through a dedicated account. WasteZero administrative fees would then be paid from that account. Bags would cost around \$2 each and there would be several sizes of bags. The bags would be sold in a few local stores, which Mr. Welsh said would increase traffic into local establishments. The fewer bags purchased and used, the lower the cost of refuse disposal to each household.

Moving forward, WasteZero is proposing a consulting arrangement that would develop a waste “snapshot”; provide program recommendations; provide a benefit analysis; educate town government about the program and provide an outreach strategy for residents; assist in drafting a Request for Proposals (RFP) to solicit bids for collection and disposal; coordinate with a PAYT program; and assist in reviewing incoming bids, as appropriate.

WasteZero’s fee would be \$8,000 and is refundable if Lewisboro adopts the program within nine months and signs a five-year program management agreement.

Mr. Welsh asked the Board to review the information on PAYT, the draft consulting agreement, and the overview presentation, and then formulate questions and concerns so the board could aim at putting together a final engagement proposal to go to a vote.

Mr. Welsh said that there was a list of about 14 references that were given to him. He asked each board member to speak to at least one reference for WasteZero and the PAYT program.

Mr. DeLucia stated that this would be a major change and would like to get some feedback on this from the public before the town moves forward. Mr. DeLucia continued by saying that people are creatures of habit, and a lot of residents might be happy with their current situation and not want to change.

The Board decided to post this information on the town website and start to get people informed. Mr. Kelly suggested that a survey be sent out as a way to get feedback from the residents.

Mr. DeLucia suggested that since there was a possible \$8,000 fee associated with this, that this be part of the budgetary process that will begin in August for next year.

METALS/TEXTILES – Recycling Proposal (9:14 p.m. – 9:18 p.m.)

Mr. Welsh stated that Robert Karpel, town resident and Chairperson of the Sustainability, is working to include a textiles recycling program in the recycling center through a company called Spin Green. This would include not only clothing that can be donated, but also soiled material. There is an alert system on the container that alerts Spin Green when the container is full and they will then retrieve the container, weigh it and pay a fee to the town.

Mr. Parsons feels that this is fundamentally a good idea. The Board agreed that this would be a positive item for the town to partake in and they authorized moving forward on this project.

CLAIMS – Authorized for Payment

On motion by Mr. DeLucia, seconded by Mr. Pappalardo, the Board voted 5-0 to authorize payment of the Town’s bills in the amount of \$275,512.04.

ONATRU FARM - Garden Plots for Community Based Services, Inc.

Mr. Parsons stated that the Garden Plots for Community Based Services, Inc. are looking for six challenged adults from their organization to work on two garden plots at Onatru Farm that the Garden Club will assign to them. The individuals will work under the supervision of the garden club and two internal supervisors.

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

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

RESOLUTION

RESOLVED, that the Town Board does authorize the Supervisor to enter into an agreement with Garden Plots for Community Based Services, Inc., who are affiliated with the Lewisboro Garden Club, to allow a number of individuals from this group the opportunity to work, under proper supervision, on two garden plots at the Onatru Farm Community Garden, subject to review by counsel and proper insurance.

LEWISBORO LAND TRUST – Nature Hike at Leon Levy

Dana Mayclim, Parks and Recreation Superintendent, was approached by the Access Nature/Lewisboro Land Trust, who was awarded a grant to allow them to take clients from the Katonah Community Center of Northern Westchester on a guided hike of the Leon Levy Preserve on August 2, 2015. They are asking to use a school bus and driver under our day camp contract, and they will cover all costs associated with this event.

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)

RESOLUTION

RESOLVED, that the Town Board does authorize the Access Nature/Lewisboro Land Trust to use a school bus and driver under our day camp contract, and they will cover all costs associated with this event, subject to review by counsel and appropriate insurance.

TOWN BOARD REPORTS

MUNICIPAL SOLAR BUYERS GROUP – Request for Proposal

Mr. Welsh stated that the aggregated submissions have been made public and he will continue to update the Board on that and there will be a finite response date.

TRAILS – John Jay School

Mr. Welsh met with Coach Nohilly again for the cross country trail by the school and Michelle Estates. A few modifications have been made to the layout and this will go in front of the school board soon. He will continue to keep the Board updated.

GOLDENS BRIDGE COMMUNITY MEETING – Meeting Announced

Mr. Welsh stated that the Goldens Bridge community meeting last weekend went well and they are planning on calling a general community meeting on Sunday, June 14th, 2015 from 3 – 5 p.m.

FIREWORKS – Sponsorships

Mr. DeLucia noted that the fireworks would be held at Onatru Farm on Saturday, June 27, 2015 and that the town was looking for donations from local businesses and residents. They will be acknowledged on t-shirts and on signs posted around town. He thanked everyone who participated in the past and asked anyone who was interested to contact Dana Mayclim, Parks and Recreation Superintendent.

PARKS AND RECREATION – Town Pool

Mr. DeLucia stated that the Town Pool would be opening on Saturday of Memorial Day weekend. He thanked Nicole Stone, Randy Price and the entire pool and parks and recreation staff for a great job getting the pool ready.

HOUSING – Amnesty for Legalizing Apartments

Mr. DeLucia would like to discuss at a future meeting granting amnesty to any resident who wants to legalize any accessory apartments. It can benefit the town by getting a few more dollars in taxes and the homeowners who are looking to sell.

WETLANDS - Committee

There used to be a Wetlands Committee that consisted of Dean Travalino, Ed Delaney and some others. There was talk about things that could be done such as building envelopes around the house, generator permits, and he would like to move forward with this in the fall.

WESTCHESTER COUNTY – Minnows for West Nile Virus

Mr. DeLucia said the county is distributing the mosquito larvae eating minnows again. The county will be handing them out this Wednesday and Thursday. The town has also taken advantage of this for the pond at Onatru.

MEETINGS – Date Set

There will be a Town Board meeting on Monday, June 1, 2015 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, NY.

EXECUTIVE SESSION – To Discuss Contracts and Personnel Issues

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 5-0 to go into executive session at 9:35 p.m. to discuss contracts and personnel issues.

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to come out of executive session at 10:21 p.m.

TOWN OFFICIALS AND EMPLOYEES – Nicole Stone, Provisional Recreation Leader

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 Town Board does promote Nicole Stone to provisional recreation leader at a salary of \$51,871.60 effective June 1, 2015.

ADJOURNMENT

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to adjourn at 10:22 p.m.

Janet L. Donohue
Town Clerk