

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on Monday, August 24, 2015, 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, Comptroller Leo Masterson, Highway Superintendent Peter Ripperger and Confidential Secretary/Benefits Coordinator Mary Hafter.

Mr. Parsons called the meeting to order at 7:33 p.m.

PLEDGE OF ALLEGIANCE

Supervisor Parsons led the Pledge of Allegiance to the flag.

PUBLIC COMMENT PERIOD

There were no public comments.

COMMUNICATIONS

WACCABUC – Historic District

Mr. Parsons received a letter from the New York State Office of Parks, Recreation and Historic Preservation informing the town that the Waccabuc Historic District was listed on the National Register of Historic places as of July 28, 2015.

HIGHWAY- Paving Schedule

Supervisor Parsons stated that most of the paving on the roads in the Lake Katonah area have been completed. The town will reassess what monies are left and then continue with the roads that are next on the schedule, including Tri-Brook Drive and possibly Mark Mead Road.

OPEN SPACE PRESERVES ADVISORY COMMITTEE – David Gordon

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)

WHEREAS, DAVID GORDON is a citizen of Lewisboro, New York, who has just graduated from John Jay High School and is now entering his freshman year at the University of Pennsylvania, and

WHEREAS, DAVID GORDON has completed more than two extraordinarily productive years as a member of the Open Space and Preserves Advisory Committee during which time he increased the effectiveness of that Committee by working with his father as secretary to that Committee, and

WHEREAS, DAVID GORDON used his GPS programs to create a map of the Old Field Preserve and its trails, and

WHEREAS, DAVID GORDON showed his leadership ability by being the driving force in the creation of the Trail through Michelle Estates which will be a critical link in the Town's trail system and allow John Jay High School to host competitive cross country meets, and

WHEREAS, these achievements are worthy of public notice, now therefore,

BE IT RESOLVED, that the Town Board of the Town of Lewisboro, in recognition of these contributions of this citizen of the Town of Lewisboro, does hereby offer the congratulations of its populace to DAVID GORDON, and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of the August 24, 2015 Town Board Meeting for future generations to see and that copies of this resolution be presented to DAVID GORDON and his parents.

PUBLIC HEARING – Amendment to Zoning Map for 469 & 471 Smith Ridge Road (7:38-7:59 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.

See letters (attached) from residents regarding the re-zoning of this property (Smith-Bowen and Ripperger). Mr. Ripperger was there to read his letter in person.

Mr. Sirignano, Attorney for his client Visnor Property LLC who owns 469 and 471 Smith Ridge Road, addressed the Board. Mr. Sirignano stated that his client feels that his property is underutilized and wants it rezoned to general business (GB) as opposed to retail business. They feel this would improve the tax rolls and be consistent with the Master Plan. This area is known as the lower Vista hamlet.

By rezoning into GB from RB zoning, they feel that at least the front 250' could be used for a business such as a car dealership. Mr. Sirignano stated that their thinking is that if they rezone to general business it would provide an incentive for investment; either by the current owner or a subsequent owner of the property.

Mr. Sirignano says that they want to hear from the public and they want to be good neighbors. Mr. Sirignano stated that he believes the Planning Board rejected the application because they had

a tough time getting their arms around the petition since the applicant had no current plans. The Zoning Board had a mixed report. One interesting compromise that one of the Zoning Board members suggested was to have a buffer between the rear border and the neighbors that could not be rezoned as GB.

Mr. Parsons stated that this addresses the rear of the property, but not the property directly next to the church. Mr. Sirignano stated that they are willing to discuss a buffer zone here as well.

Mr. Ripperger who has lived next door to the church for 32 years read the attached letter at the meeting. He asked the Town Board to do a site walk and look at the property. The fence is a mismatch of several types of fences, graffiti smears the fence, plows and other unsightly items are stored in the back. He also stated that there was never a buffer zone with some falling down fence.

Mr. Parsons then read the Bowen-Smith letter, which is attached.

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 public hearing for the proposed local law amending the Zoning Map for 469 & 471 Smith Ridge Road, is closed.

Mr. Parsons stated it would be a lot easier for him to vote in favor of this if he knew what he was voting in favor of.

Mr. Pappalardo would like to see an amended petition given to the Planning Board and then the Town Board would look at it again. The Board asked Mr. Ripperger if he would agree to the buffer and he said yes, he would be willing to negotiate with Visnor regarding the specifics of the buffer.

Mr. Sirignano agreed to submit an amended rezoning application that includes buffer zones between the proposed general business area and the residential area.

CONSENT AGENDA

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 4-0 to approve meeting minutes and to receive and file departmental reports.

MINUTES - Approved

On the above motion and second, the minutes of the July 27, 2015 Town Board meeting were approved.



BOND REVISION – BANS for Highway Reconstruction

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

A RESOLUTION AMENDING THE BOND RESOLUTION DATED MARCH 23, 2015, AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OF THE TOWN OF LEWISBORO, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF ROAD RECONSTRUCTION, IN AND FOR SAID TOWN, TO REMOVE THE REQUIREMENT THAT THE BONDS HAVE A MAXIMUM MATURITY LIMITED TO FIVE YEARS.

WHEREAS, by bond resolution dated March 23, 2015, the Town Board of the Town of Lewisboro, Westchester County, New York, authorized the issuance of \$600,000 bonds of said Town to pay the cost of road reconstruction, including incidental expenses in connection therewith, in and for the Town of Lewisboro, Westchester County, New York; and

WHEREAS, the Town Board now wishes to increase the maximum maturity of said bonds from the five years provided in said bond resolution to the fifteen year maximum maturity permitted by the Local Finance Law of the State of New York; and

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; NOW, THEREFORE, BE IT

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

Section A. The bond resolution of this Town Board dated and duly adopted March 23, 2015, authorizing the issuance of \$600,000 bonds to pay the cost of road reconstruction, including

incidental expenses in connection therewith, in and for the Town of Lewisboro, Westchester County, New York, is hereby amended, in part, to read as follows:

“Section 3. It is hereby 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 exceed five years.

“ . . . .

“Section 11. Upon this resolution taking effect, the same shall be published in summary in *The Lewisboro Ledger*, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

“Section 12. This resolution is adopted subject to permissive referendum in accordance with Section 35.00 of the Local Finance Law.”

Section B. 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 C. Upon this resolution taking effect, the same shall be published in summary in *The Lewisboro Ledger*, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section D. This resolution is adopted subject to permissive referendum in accordance with Section 35.00 of the Local Finance Law.

NOISE ORDINANCE – Discussion (8:18 – 8:26 p.m.)

The Board discussed the town’s noise ordinance after they received a letter from a town resident, Joshua Fink, who lives in the Lake Truesdale area (see attached letter).

The Town does have a noise ordinance which is Chapter 160 of the Town Code. Mr. Kelly stated that he has been approached by some people regarding the town’s noise ordinance and that many feel that it is subject to interpretation. The Board agreed it needs a little reworking.

Mr. Welsh raised the point about enforcement and how he feels the town can do more to enforce the noise ordinance. Mr. Welsh stated that the Board can tweak the ordinance all they want however he feels it is equally important to enforce the code.

Mr. Parsons agreed and noted that many noise ordinance complaints get kicked over to the state police and that they tend not to respond to them. The Board also agreed that when the police are busy, a noise complaint is not a top priority.

Mr. Kelly also stated that noise disputes are sometimes part of larger disputes between neighbors and that it is difficult for law enforcement to do anything about it because they don’t have any evidence to work with when they arrive.

Mr. Kelly also stated that people tend to complain about the lawn mowers at the dinner hour but then there are people who are just coming home from work and that is the only time they have to do the work around their home.

John Pappalardo feels that the Board needs to include an enforcement piece, then compare our noise ordinance with other successful townships and residents should be able to maintain their own property but be respectful of neighbors.

The Board will get feedback from the Lakes Committee and will also get input from other surrounding towns. Further discussion will resume at a future Board meeting.

LANDSCAPING PLAN – Authorize Supervisor to Sign License Agreement

On motion by Mr. Welsh, 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 hereby authorize the Supervisor to sign the license agreement between Jennifer Cipriano and Pietro Cipriano and the Town regarding the landscaping plan the East Street right-of-way.

MEETINGS – Date Set

There will be a Town Board meeting on Tuesday, September 15, 2015 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, NY.

CLAIMS – Authorized for Payment

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 4-0 to authorize payment of the Town's bills in the amount of \$300,220.05.

POLLING OF THE BOARD –

LIBRARY FAIR – Date Announced

Mr. Parsons stated that the Library Fair will be held at Onatru Farm on Saturday, September 26, 2015 from 10 am to 4 pm. The Fair will be held rain or shine.

PAY AS YOU THROW (PAYT) PROGRAM – Update

Mr. Welsh stated that Waste Zero was the only company that responded to the bid. The Board requested that Mr. Welsh invite his contact from Waste Zero to attend the next Town Board meeting to discuss and possibly negotiate the \$8,000 consulting fee.

GOLDENS BRIDGE - Meeting

Mr. Welsh and others will be meeting with the DEC and Lewisboro Landtrust at the Goldens Bridge Community Center tomorrow at 10:30 a.m. They are going to take a walk on Reservoir Road. Mr. Welsh is trying to get them to be partners with the Town so that Reservoir Road and the extension heading south that goes to the train line can be used as a trail.

MICHELLE ESTATES, JOHN JAY SCHOOL & CROSS RIVER TRAIL PROJECT - Update

Mr. Welsh met with Coach Nohilly regarding the trails project. Mr. Welsh stated that he heard that it was moving along but that they are waiting on the Michelle Estates signature. The Town Attorney will follow up with this. Mr. Pappalardo would like to have a meeting with all that are included and he would like to see a layout of a plan of attack and finally bring closure to this and get this implemented. The Board thanked Mr. Welsh for all of his work on this project.

LEON LEVY PRESERVE – Plaque Presentation

Mr. Parsons stated that there will be a plaque presentation at the Leon Levy Preserve which reads: "Lewisboro thanks the Jerome Levy Foundation for its lead gift to create this Preserve. Major valuable contributions were also made by the Dextra Baldwin McGonagle Foundation, the Westchester Land Trust and the Lewisboro Land Trust together with the volunteers who give many hours of their time to clear and maintain the trails."

This presentation will take place on Saturday, September 19, 2015 at 10:00 am. All are welcome to attend.

EXECUTIVE SESSION – To Discuss Personnel Issues & Real Estate Transactions

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 4-0 to go into executive session at 8:38 p.m. to discuss personnel issues.

CABLE TELEVISION COMMITTEE – Appointment of Member

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 hereby appoint Jim Moreo to the Cable Television Committee for the balance of the term remaining ending December 31, 2015.

GOLDENS BRIDGE COMMUNITY HOUSE – Tenant

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 does hereby authorize the Supervisor to enter into final negotiations for the Goldens Bridge Community House, subject to resolution of utilities negotiations and two month rent abatement provision for rehab by tenant, Katonah Arts Center.

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 4-0 to come out of executive session at 9:49 p.m.

ADJOURNMENT

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 4-0 to adjourn at 9:54 p.m.

Janet L. Donohue  
Town Clerk