

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on Monday, January 25, 2016, 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 Anthony Mole', Police Chief Frank Secret and Facilities Maintenance Manager Joel Smith.

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

There were no public comments.

PUBLIC HEARING – Chapter 220, Section 220-2, Middle Income Families

Supervisor 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.

The local law would be to amend the property income to a yearly income of 2% of the fair market value of the investment which shall be included in the family's aggregate income, as opposed to the current 8%.

There were no comments from the public.

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

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

RESOLUTION

RESOLVED, that the public hearing for Chapter 220, Section 220-2, Middle Income Families, is now closed.

TOWN CODE – Chapter 220, Section 220-2, Middle Income Families

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

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

RESOLVED, that the Town Board adopted Local Law 1-2016 to read as follows:

TOWN OF LEWISBORO
 LOCAL LAW NUMBER 1-2016 OF THE TOWN OF LEWISBORO
 AMENDMENT TO CHAPTER 220, SECTIONS 220-2(B)
 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 220, Section 220-2(B), entitled “Definitions and word usage,” is hereby amended to amend the definition of Middle Income Families” to read as follows:

§ 220-2. Definitions and word usage.

- B. For the purposes of this chapter only, certain words and terms used herein are defined as follows:

MIDDLE INCOME FAMILIES –

- (1) Families whose aggregate income, including the total of all current annual income of all family members from any source whatsoever at the time of application, but excluding the earnings of working minors (under 21 years of age) attending school full-time, shall not exceed the following multiple of the median annual Town-paid wages of all full-time employees of the Town of Lewisboro during the preceding calendar year:

Size of Family (persons)	Multiple of Median Annual Town-paid wages
1	0.9
2	1.1
3	1.3
4	1.4

5	1.6
6	1.7
7	1.9
8 or more	2.0

- (2) Property income. For property or other investments which are not returning dividends, rents or other measureable income (excluding normal household personal possessions), a yearly income of 2% of the fair market value of the investment shall be included in the family’s aggregate income.

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 immediately upon filing in the Office of the Secretary of State of the State of New York.

*Frank Kelly arrives at 7:36 p.m.

COMMUNICATIONS

CONSENT AGENDA

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to approve meeting minutes and to receive and file departmental reports.

MINUTES - Approved

On the above motion and second, the minutes of the January 4, 2016 Town Board meeting were approved.

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

REPORTS – Monthly Reports

On the above motion and second, the December 2015 and year end report from the Police Department were received and filed.

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

NORTH EAST WESTCHESTER SPECIAL RECREATION INTERAGENCY AGREEMENT –
 Authorize Supervisor to Sign

On motion by Mr. DeLucia, seconded by Mr. Pappalardo, 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 authorize the Supervisor to sign the 2016 North East Westchester Special Recreation Interagency Agreement subject to review by counsel.

PUBLIC HEARING – Date Set for Chapter 220, Section 220-10 (A) Building Lots Hearing

The public hearing for “Building Lots” which was on the agenda for tonight’s meeting had to be postponed since further drafting work on the law needed to be done.

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 of the Town of Lewisboro will hold a public hearing on February 8, 2016 at 7:30 p.m., or soon thereafter as time permits at the Lewisboro Town House, 11 Main Street, South Salem, New York for the purpose of hearing the public with regard to a proposed local law to amend Chapter 220, Section 220-10(A), entitled “Building Lots” to include “Accessory buildings, structures and/or uses shall only be permitted and located on the same lot as a duly authorized principal building, structure and/or use to which it is accessory, or on a lot under the same ownership that is adjoining or across the street from said lot” and Section 220-10(E) to include “for any new lot created by subdivision.”

PUBLIC HEARING – Date Set for Amendment to Zoning Map for 469 and 471 Smith Ridge Rd.

On motion by Mr. Parsons, 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

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Lewisboro, will hold a public hearing on February 8, 2016, at 7:30 p.m. or soon thereafter as time permits, at the Lewisboro Town House, 11 Main Street, South Salem, New York for the purpose of hearing the public with regard to the amendment of the Zoning Map for 469 Smith Ridge Road and 471 Smith Ridge Road, South Salem, NY, from Retail Business (RB) to General Business (GB).

VISTA FIRE DEPARTMENT 75TH ANNIVERSARY PARTY – Request the Use of Onatru Farm

Mr. Parsons stated that the Vista Fire Department will be celebrating their 75th Anniversary this year and they were asking if they could use Onatru Farm Park for the celebration on Saturday, September 17, 2016.

The Board suggested that we find out some specifics; where specifically in the park they are looking at holding the event, how many people, the hours of the celebration, etc. The Board is fine with them using the park, but they also feel that any type of recreational games (soccer, etc.) should not be disrupted.

Mr. Parsons will speak with them to get a better of sense of what they are looking for.

SUPERVISOR’S BUSINESS AND TOURISM COMMITTEE – Discussion

Mr. Parsons stated that he is working on getting a Business Advisory group together which initially consists of the following business owners in town:

- Bruce Capua of Stillwell Stair Builders in Goldens Bridge
- Peter Cipriano of Copia Garden Center in Vista
- Tom Gossett of Gossett Brothers in South Salem
- Guy Hodges, The Bee Guy from Kitchawan
- Mike Novak of Cross River Wines
- Scott Roveto of Little Feet Child Care of Goldens Bridge
- Bill Swartfager of AIA in Cross River
- Chuck Tator of Tator’s Garage in South Salem.

Mr. Parsons asked these business owners to feel free to invite other business owners that they know from town. Mr. Parsons stated that he plans to hold the first meeting in either the second or fourth week of February on a Tuesday or Thursday evening.

Mr. Parsons expressed to the business owners that his objective is to find ways that Town Government can contribute to a more business friendly environment in our Town.

Mr. DeLucia stated he thought there should be a tourism side to it as well. Mr. DeLucia suggested including an attorney, a real-estate person (Ken Sobel was mentioned), and a restaurateur (Sue Vales of the Horse and Hound was mentioned). Mr. DeLucia suggested possibly having a restaurant week and reiterated that he would like to see improved signage promoting businesses in our town.

Mr. Parsons will reach out to the individuals mentioned tonight to see if they are interested.

GOLDEN’S BRIDGE COMMUNITY HOUSE PRIVACY FENCE – Discussion

Mr. Parsons stated that a neighbor of the Golden’s Bridge Community House inquired if the town would be willing to put up a privacy fence on one side of the building and they would split the cost with the town. Mr. Parsons stated that the quote that Mr. Smith received from the homeowner was \$8,000 – \$10,000. The Board discussed this and said that they would take it under advisement in an upcoming budget.

SEPTIC ORDINANCE – Discussion Re Correction

Back in 2011, Local Law 4-2011 was passed which amended the Code of the Town of Lewisboro to include a new chapter entitled “Maintenance of Separate Sewage Disposal Systems/On-site Wastewater Systems”.

When debating the law, there were two versions that were drawn up and the incorrect version was submitted to the Secretary of State and to General Code. The wording of the current ordinance states that it applies only to parts of the town that lie in the watershed, however, the version which should have been submitted should have stated that the ordinance applies to the entire town.

The town attorney stated that he will send in the correct version of Local Law 4-2011 to the Secretary of State, along with the minutes of the January 25, 2016 town board meeting noting the Town Board discussion. He will then direct the Town Clerk when to send in the corrected version to General Code, to place on the website. The resolution and corrected version of law is as follows:

On motion by Mr. Welsh, 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 and direct that a corrected local law filing be sent to the New York Secretary of State, for Local Law 4 of 2011, in which the incorrect version

of the local law was sent to the Secretary of State for filing rather than the version that was actually adopted by the Town Board.

Correct Version of Local Law 4-2011 – Septic Ordinance

Section 1. A new Chapter --- to be entitled "Maintenance of Separate Sewage Disposal Systems/On-site Wastewater Systems" is hereby added to the Town Code of the Town of Lewisboro to read as follows:

§ ---1. Purpose and Intent.

The Town of Lewisboro hereby finds that it is necessary to the health, safety and welfare of the residents of the Town of Lewisboro that separate sewage disposal systems operate and be maintained in a manner that will prevent, to the extent possible, hazards to the public health and to protect the drinking water supply of the Town of Lewisboro and drinking water supplies which pass through the Town of Lewisboro.

This local law is intended to implement the provisions of Part IX.A.3.b of the New York State Department of Environmental Conservation, SPDES General Permit GP-0-10-002 ("Permit") for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) effective May 1, 2010, which require that the Town implement and enforce a program to ensure that separate sewage disposal systems/on-site wastewater treatment systems are inspected and, where necessary, maintained or rehabilitated as required by Part LX.A.3.b of the Permit and/or similar provisions in successor Permits.

§ ---2. Definitions.

SEPARATE SEWAGE DISPOSAL SYSTEM/ON-SITE WASTEWATER TREATMENT SYSTEM - a system or facilities or means for the treatment or modification or ultimate disposal of waterborne sewage or domestic wastes or trade wastes or offensive material, regardless of location with respect to any building or structure or premises thereby served, including but not limited to septic tanks. Such system shall include, but shall not be limited to, facilities for the treatment or modification or required control of harmful or deleterious substance, as defined in 5873.721 of the Westchester County Sanitary Code, before subsurface discharge.

SEPTAGE COLLECTOR - an individual or entity licensed by the Westchester County Commissioner of Health who engages in the performance of any one (1) or more of the following services, or who offers to provide any one (1) or more of the following services for a fee, in Westchester County, with respect to separate sewage disposal systems: evacuation, removal, collection or transportation of septage.

SEPTAGE - the contents of a septic tank or other Separate Sewage Disposal System/On-site Wastewater Treatment System which receives sanitary sewage waste.

INSPECTION - the evacuation and removal of septage from a Separate Sewage Disposal System/On-site Wastewater Treatment System and subsequent reporting by a Septage Collector

that is licensed by the Westchester County Department of Health pursuant to §5873.722, §873.724 and §873.726 of the Westchester County Sanitary Code.

APPEALS AUTHORITY - the Building Inspector.

§ ---3. Inspection requirements.

- A. Beginning on May 1, 2011, the owner of any parcel of land located within the Town of Lewisboro which relies upon a Separate Sewage Disposal System/On-site Wastewater Treatment System for the treatment or modification or ultimate disposal of waterborne sewage or domestic wastes or trade wastes or offensive material, with respect to any building or structure thereon, shall cause an inspection to be performed on said Separate Sewage Disposal System/On-site Wastewater Treatment System at a minimum frequency of once every five (5) years.
- B. Upon the completion of any inspection, every owner shall maintain a copy of the record of such inspection as required by Section 873.724 of the Westchester County Sanitary Code, which will be provided to the owner by the Septage Collector, for a minimum of six (6) years.

§ --- 4. Waivers Variance.

The Appeals Authority shall not grant a waiver or exemption from any of the requirements of this local law provided, however, that the Appeals Authority may vary the time requirements as referenced within this local law, upon the submission and consideration of evidence which may necessitate an extension of time to comply with all aspects of this local law. Such extension shall not exceed one hundred eighty (180) days.

§ --- 5. Enforcement and penalties.

Any owner of a parcel of land which is located within the Town of Lewisboro serviced by a Separate Sewage Disposal System/On-site Wastewater Treatment System that violates the provision of this local law, shall be guilty of a violation, and shall be subject to a penalty as follows:

- (1) The Building Inspector shall first issue a written notice of violation to the owner informing the owner of the anticipated imposition of penalties if the violation is not corrected within 30 days.
- (2) If the violation is not remedied within 30 days, the owner shall be subject to a fine not to exceed \$200.00 for each violation. Thereafter, beginning on the 31st day of the continuing violation, the owner shall be subject to a fine in the amount of \$200.00 for each fourteen (14) day period until the violation is remedied and can be verified in writing by the Building Inspector.

§ --- 6. Compliance With Other Laws.

Compliance with this local law shall not be deemed compliance or approval of the municipality under any other rules, regulations, codes or laws including, but not limited to, Article VIII of the Westchester County Sanitary Code.

§ --- 7. Severability.

In the event of that any provision of this local law shall be held unconstitutional or unlawful, the remaining provisions in this local law shall remain in full force and effect.

Section 2. This local law shall take effect immediately upon its adoption and filing in the office of the Secretary of State.

ROAD DEDICATION AND PERFORMANCE SECURITY REDUCTION - Falcon Ridge
(7:53 – 7:57 pm)

The developer of the Falcon Ridge subdivision off Route 138 in Goldens Bridge is seeking to have the Town Board accept dedication of Falcon Ridge Drive and the open space parcels. They also requested the Town Board and Planning Board for a reduction in the performance security. They asked that the amount on deposit for the Town’s benefit be reduced to \$181,112.30.

The Town Attorney did verify that all improvements associated with Falcon Ridge Drive and the infrastructure for the Subdivision have been fully completed in accordance with the Town’s requirements.

On motion by Mr. Kelly, seconded by Mr. Pappalardo, 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 reduction in the Falcon Ridge Subdivision performance security to \$181,112.30, pending the Planning Board approval and be it further

RESOLVED that the Town Board does authorize the signing of the road dedication, pending the Planning Board approval.

LENGYEL HOUSE (A-HOME) ENERGY UPDATE – Authorization for Westchester County to Reserve Federal QECB Subsidy

The Lengyel House (A-Home) which is located at the intersection of Route 123 and Elmwood Road will get a significant upgrade which it needs.

Mr. Parsons did disclose that he is on the Board of Directors of the Energize Improvement Corporation.

On motion by Mr. DeLucia, seconded by Mr. Welsh, 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 Westchester County to reserve \$72,850.00 of the County’s Qualified Energy Conservation Bonds (QECB) for an energy update to Lengyel House and be it further

RESOLVED that the Town Board does authorize the formal transfer of the \$72,850.00 in the federal subsidy to the energy improvement corporation to act on behalf of the town in supervising this transaction.

MEETINGS – Date Set

There will be a Town Board meeting on Monday, February 8, 2016 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, NY.

CLAIMS – Authorized for Payment

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted 5-0 to authorize payment of the Town’s bills in the amount of \$375,249.61.

POLLING OF THE BOARD –

SUSTAINABILITY – Movie Night

Mr. Welsh reported that the Sustainability movie night at the library was successful.

GOLDENS BRIDGE HAMLET ORGANIZATION – Thank You

Mr. Welsh also mentioned that they have identified a person in town with significant planning skills that is a professional within the industry and they are starting a discussion about the potential of this person helping with the Goldens Bridge work. Mr. Welsh stated that if they contracted with a planning firm it would cost the town several thousand dollars. Mr. Welsh would like to draft out a scope that makes sense for both parties concerned and pay this person a stipend, for example \$4,000.

Mr. Parsons would like Mr. Welsh to continue his discussions with this individual providing that they have their own insurance within the planning profession.

Mr. Pappalardo wanted to thank the Goldens Bridge Hamlet Organization (Jonathan Monti and his group) for all of their significant input.

INTERN – Law Offices

Mr. Pappalardo has someone that approached him who is interested in interning with the town attorney’s law office or with the town justices. Mr. Mole’ will get in touch with Mr. Pappalardo to discuss the details.

LEWISBORO LIONS CLUB – Fundraiser

Mr. Parsons announced the Lions Club Fundraiser which will be held at the Lake Katonah Clubhouse on Saturday, January 30, 2016 from 7-10 p.m.

EXECUTIVE SESSION – To Discuss Appointments, Litigation and Real Estate Transactions

On motion by Mr. Parsons, seconded by Mr. Pappalardo, the Board voted 5-0 to go into executive session at 8:08 p.m. to discuss appointments, litigation and real estate transactions.

On motion by Mr. Parsons, seconded by Mr. Pappalardo, the Board voted 5-0 to come out of executive session at 9:15 p.m.

CONSERVATION ADVISORY COUNCIL – Appointment of Member

On motion by Mr. Parsons, 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 John Wolff hereby appointed as members of the Conservation Advisory Council (CAC) for a two-year term expiring December 31, 2017.

SUSTAINABILITY COMMITTEE – Appointment of Member

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 Michele “Mimi” Cassidy hereby is appointed Member of the Sustainability Committee for a two-year term expiring December 31, 2017.

LEWISBORO POLICE DEPARTMENT – Consultant Hired

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 Town Board does authorize the Lewisboro Police Department to hire Jared Harwayne-Gidansky as a consultant to the Lewisboro Police Department at a rate of \$20/hour with a maximum annual payment of \$5,000 per year.

ADJOURNMENT

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 5-0 to adjourn at 9:17 p.m.

Janet L. Donohue
Town Clerk