

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on January 29, 2009 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York.

PRESENT: Supervisor - Edward Brancati
Councilmen - Peter DeLucia, Bruce Pavalow*, Al Perruzza, Daniel Welsh
Town Clerk - Kathleen G. Cory
Town Attorney - Jessica Bacal

Also attending was Deputy Supervisor Joann Vasi, Facilities Maintenance Manager Joel Smith and Town Planning Consultant Jan Johannessen.

Mr. Brancati called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

The Supervisor led the Pledge of Allegiance to the flag.

CODE – Chapter 220-Zoning – Discussion re Proposed Legislation re Private Nature Preserves

The Board met with the Town Planner and representatives of the Wolf Conservation Center and Bedford Audubon Society to discuss proposed legislation regarding private nature preserves. The attached draft legislation was reviewed.

Mr. Johannessen explained that the legislation as drafted would permit private nature preserves in most zoning districts by special permit. The definition of a private nature preserve is “a parcel of land owned and/or operated by a 501(c)(3) not-for-profit organization and dedicated to the promotion of greater public understanding, awareness and appreciation of the natural environment through environmental and or agricultural education programs or passive recreation activities.”

Mr. Johannessen reviewed other provisions of the proposed ordinance such as Site Standards, Traffic Controls, Conditions of Operation.

It was decided to strike the section requiring the permit holders to pay for inspections since the inspectors are already Town employees. It was also decided to remove the limitation on two inspections per year. The section concerning the term of the permit was considered, and the Board decided to allow an initial term of two years, and then ten years thereafter.

Attorney Alfred DelBello representing the Wolf Conservation Center and Jim Nordgren, Bedford Audubon Society Director discussed the provisions of the draft ordinance and language was revised in accordance with those discussions.

Mr. DelBello congratulated the Board for their work on this ordinance and to allow the nature preserve uses in Town. He said every provision in the draft is pertinent and relevant. Regarding the definition of private nature preserve, he asked for the word “wildlife” to be inserted. The

Board reviewed the records retention period and decided on 10 years to coincide with the permit term.

Mr. DelBello also suggested a change in the wording of Section H. which as written would prohibit the Town from enforcing a building code, fire code or other code violation, not just the zoning violation.

Mr. Nordgren thanked the Board for their efforts. He noted that while their name is “Bedford” Audubon, they have a headquarters in a donated home on Todd Road in the Town of Lewisboro. He said they have been unable to run any programs since they are located in a residential zone. The proposed amendment will allow them to do what they want to do and provide a good service to the public.

As an example, Mr. Nordgren said they will hold a demonstration on stormwater prevention/wetland buffer planting by the New York State Department of Environmental Conservation in May. They will also have a demonstration garden for native plants and would like to hold educational sessions. He thanked the Board for changing the draft ordinance so they are not responsible for any animal waste except that of animals under care. Mr. Nordgren said they were also concerned that they would be required to pave large areas for parking, but an updated version of the law leaves that to be determined by the approving agency rather than by set formula.

Dean Travalino of South Salem commented regarding major or collector roads. He said the Town’s master plan lists what roads are considered major or collector roads. If Todd Road is a major or collector road he wouldn’t be too willing to drop the word “collector” roads. Mr. Brancati suggested using “major or collector” roads. He added that Mr. Travalino worked very hard on the ordinance and thanked him for his contribution. Mr. DeLucia said it is important to remember that the nature preserve uses are about education, and it is also important to get this legislation into the Town Code.

After an extended discussion of the term “passive recreation”, it was decided to remove that language from the definition of private nature preserve.

Mr. Brancati said the Board will set the public hearing tonight, and once the revised draft is prepared they will formally authorize the required referrals.

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

THE VOTE:	Yes	- Brancati, DeLucia, Perruzza, Welsh	(4)
	No	- None	(0)
	Absent	- Pavalow	(1)

RESOLUTION

RESOLVED, that the Town Board does hereby set a public hearing regarding a proposed local law amending Chapter 220 Zoning, of the Code of the Town of Lewisboro concerning private nature preserves for March 19, 2009 at 8:00 p.m. at the Town House.

(Mr. Pavalow arrived at 8:35 p.m.)

Mr. Johannessen will prepare an updated draft of the ordinance which will incorporate the suggestions made at this meeting.

CLAIMS – Authorized for Payment

On motion by Mr. DeLucia, seconded by Mr. Perruzza, the Board voted 5-0 to authorize payment of claims in the amount of \$226,115.68.

JUSTICE COURT – Authorize Court Clerk’s Attendance at Conference

On motion by Mr. Brancati, seconded by Mr. Perruzza, the Board voted as follows:

THE VOTE:	Yes	- Brancati, DeLucia, Pavalow, Perruzza, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that Elizabeth DeFaber be and hereby is authorized to attend the Association of Towns’ 2009 Training School and Annual Meeting for Court Clerks at a cost not to exceed \$250.00.

OAKRIDGE WATER AND SEWER DISTRICTS – Authorize Contract re Clarifiers

Mr. Brancati advised the Board that during the upgrade of the Oakridge water and wastewater treatment plant only clarifiers #1 and #2 were not touched. Clarifier #2 has just broken. The general contractor on the job, Milnes Company submitted a quote to repair the broken one and to upgrade clarifier #1. It was noted that the clarifier is an important component of the system so repair is crucial. Mr. Brancati noted that the Town is still under budget on the upgrade.

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

THE VOTE:	Yes	- Brancati, DeLucia, Pavalow, Perruzza, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does hereby authorize an agreement with Milnes Corp. to repair the damaged clarifier at the Oakridge water and wastewater treatment plant Phase I at a cost not to exceed \$14,250.

Mr. Brancati reported on a request he filed with the governor for \$5,000,000 of funding for Town projects. There is an effort to identify projects that are “shovel-ready” in order to quickly stimulate the economy.

TOWN OFFICES – Discussion re Weather-Related Changes in Office Hours

The Board discussed their procedure for handling Town office hours during stormy weather. Mr. Brancati said there is no criteria in Town Law. The Board agreed to formalize the process for making a determination whether to modify office hours during bad weather. Mr. Brancati said the current procedure is for the Highway Superintendent to evaluate the roads and the forecast and make a decision and for the Deputy Supervisor to notify everyone.

After discussion the Board decided that the Supervisor will develop some criteria on which the Supervisor will make the decision regarding office hours during bad weather. He will get information from the Highway Superintendent, make a decision and then notify the Board members of that decision. The Deputy Supervisor will then notify all staff.

EXECUTIVE SESSION – Lease, Purchase, Sale of Real Property, Employment History

On motion by Mr. Pavalow, seconded by Mr. DeLucia, the Board voted 5-0 to go into executive session to discuss the lease, purchase or sale of real property and the employment history of a particular person.

On motion by Mr. Pavalow, seconded by Mr. DeLucia the Board voted 5-0 to come out of executive session.

TOWN OFFICIALS AND EMPLOYEES – Recalculation of Leave Time

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

THE VOTE:	Yes	- Brancati, DeLucia, Pavalow, Perruzza, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does hereby approve the recalculation of accumulated leave time for those employees who have been converted from a 32.5 hour work week to a 35-hour work week such that a day earned equals a day taken.

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

THE VOTE:	Yes	- Brancati, DeLucia, Pavalow, Perruzza, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does hereby remove the second paragraph of the section entitled "Option to Decline Health Coverage" in the Town of Lewisboro Employee Handbook adopted December 18, 2008.

ADJOURNMENT

On motion by Mr. DeLucia, seconded by Mr. Pavalow the Board voted 5-0 to adjourn at 10:21 p.m.

Kathleen G. Cory
Town Clerk