

## MINUTES OF THE TOWN BOARD MEETING HELD ON APRIL 26, 2021

In accordance with the Governor's March 13, 2020 Executive Order 202.1, until further notice meetings will be held via videoconferencing. The meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held via video conference (ZOOM) on April 26, 2021 at 7:30 p.m. due to the COVID-19 Virus.

### PRESENT:

Supervisor	Peter Parsons
Council Members	Jane Crimmins, Tony Gonçalves, Richard Sklarin and Daniel Welsh
Town Clerk	Janet L. Donohue
Absent	None

Also attending was the Attorney for the Town Gregory Folchetti, Facilities Maintenance Director Joel Smith, and Confidential Secretary/Benefits Coordinator Mary Hafter.

Approximately 47 participants were on the call.

Supervisor Parsons called the meeting to order at 7:33 p.m. and read the following statement:

*I am Supervisor Peter Parsons, and I call to order the Town of Lewisboro Town Board meeting for Monday, April 26, 2020 at 7:33 pm. Before I go any further, I want to confirm that Joel has started recording this meeting. In accordance with the governor's executive order #202.1, this meeting is being conducted via Zoom. That link has been provided to the public so they can view the meeting and we have confirmed that the feed is active and working. I have confirmed with Janet Donohue, our Town Clerk, that the meeting has been duly noticed and legal notice requirements fulfilled. Notice has been placed on the Town of Lewisboro website and included in the email distributions from the Town.*

*With me on this Zoom conference meeting from the Town of Lewisboro are:*

- Members of the Town Board: Jane Crimmins, Tony Gonçalves, Richard Sklarin and Dan Welsh. We have a quorum and can vote on any matters that come before the board.*
- Town Attorney Gregory Folchetti*
- Town Clerk Janet Donohue*
- Joel Smith Facilities Maintenance Director*

*At the public comment periods we ask that only the following persons will be permitted to speak:*

- Residents of the Town of Lewisboro or Katonah-Lewisboro School District*
- Owners of property in the Town of Lewisboro*
- Employees of the Town of Lewisboro*

*If you want to speak at the public hearing or make a public comment, please raise your hand at the appropriate time. To do that, if you are on zoom, put your curser at the bottom of the window and you should see an image of people labeled participants. Click on that to get a panel on the right-hand side, with icons at the bottom. You can then click raise hand. Participants who have raised their hand will show up on the host screen in the order that you raise your hand. The host will then unmute you and tell you that you have the floor. You may also have to unmute yourself if your microphone is not active. If you dialed in on a phone, you can raise your hand to indicate*

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*you want to talk by pressing \*9. We will ask people to give their name and which hamlet they live in upon entering, and to keep their comments to 2 minutes (our Town Clerk will be keeping time and you will hear a timer at the end of the 2 minutes). If someone is disrespectful or uses profanity at this meeting, they will be asked to leave the virtual meeting, just as they would be asked to leave a physical meeting. Please remember that your camera is on and profanity will not be tolerated in any form, including gestures and acronyms and comments are limited to policies and not to attack individual people.*

### PLEDGE OF ALLEGIANCE

The Supervisor led the Pledge of Allegiance to the flag.

PUBLIC HEARING - Chapter 220 Zoning, 220-16L Seasonal Outdoor Restaurant Seating (7:35–7:42 p.m.)

Supervisor Parsons called the public hearing to order for a proposed local law of the Town Code of the Town of Lewisboro which would add Chapter 220 Zoning, 220-16L Seasonal Outdoor Restaurant Seating. There was no objection to the time or form of the public notice (attached).

Supervisor Parsons asked for comments from the public.

Adam Ochs, Vista resident, suggested that since the local businesses have been through challenging times these past 13 months he would like the Board to consider eliminating the termination date of December 31, 2021 and to keep it open ended. He stated that this is because we do not know where the direction of Covid 19 is going and additionally December 31, 2021 is New Year's Eve, just before the New Year's Day holiday. Mr. Ochs also asked if consideration be given to build upon this amendment to include all our businesses in town, besides the dining businesses and delis.

Supervisor Parsons stated that while those are good ideas, if they made that change, then there would be a significant delay because they would have to go back to square one. Mr. Gonçalves stated that the Board would like to look at other things that they could potentially be doing, and then make another amendment as a result of creating other ideas.

Mr. Sklarin asked if the amount of seating would change. Town Attorney Greg Folchetti stated there will be no additional seating; the count would not be amended by this local law.

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

THE VOTE:	Yes	- Parsons, Crimmins, Gonçalves, Sklarin, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

### RESOLUTION

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RESOLVED, that the public hearing to add Chapter 220 Zoning, 220-16L Seasonal Outdoor Restaurant Seating, is now closed.

TOWN CODE – Chapter 220 Zoning, 220-16L Seasonal Outdoor Restaurant Seating

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

THE VOTE:	Yes	- Parsons, Crimmins, Gonçalves, Sklarin, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

TOWN OF LEWISBORO

LOCAL LAW NUMBER 04-2021 OF THE TOWN OF LEWISBORO

CHAPTER 220 Zoning, 220-16L OF THE LEWISBORO TOWN CODE

as published and noticed and in compliance with the provisions of the State Environmental Quality Review Act.

BE IT ENACTED by the Town Board of the Town of Lewisboro, County of Westchester, State of New York as follows:

SECTION 1 : AUTHORITY

This chapter is adopted pursuant to the authority, of Article 2, §10 of the New York State Municipal Home Rule Law.

SECTION 2 : AMENDMENT OF CHAPTER 220

Chapter 220 of the current Code of the Town of Lewisboro entitled “Zoning” is hereby amended by the addition of subsection “L” to Section 220-16

220-16. Seasonal Outdoor Restaurant Seating.

- L.** Notwithstanding the above, outdoor restaurant seating shall be permitted through to December 31, 2021 in accordance with the following:
- (1) The provisions of Section 220-16(B) are suspended in that a full site plan shall not be required for outdoor restaurant seating. The Planning Board shall provide for an expedited review of outdoor dining applications without a public hearing and shall accept a sketch plan or other design drawing deemed acceptable by the Planning Board to sufficiently describe the area to be used for outdoor dining.
  - (2) The provisions of Section 220-16(E)(1), (3) and (4) are suspended in order to allow parking areas to be used for outdoor restaurant seating to the extent same may be set up in a safe area away from the flow of traffic, and to suspend the landscape buffer and minimum yard area requirements set forth therein.

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- (3) The provisions of Section 220-16(G) are suspended to allow outdoor restaurant seating without required screening and buffering. However, the Planning Board may require sufficient screening or buffering that it may deem appropriate for each seating area.
- (4) Any such outdoor restaurant seating that is approved pursuant to this section shall remain in compliance with all Westchester County Department of Health and New York State codes, rules, regulations and guidelines.
- (5) Except as modified herein, all other provisions of Section 220-16 shall continue to apply to outdoor restaurant seating.

### SECTION 3 – HOME RULE

Nothing in this Local Law is intended or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town's discretion in setting fees and charges in connection with any applications requiring Town approval.

### SECTION 4 – SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Lewisboro hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

### SECTION 5 – EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

### NOTICE OF ADOPTION IN RECORD REVIEW ON APRIL 30, 2021

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Lewisboro did at a public hearing on April 26, 2021 at 7:30 p.m., adopt a Local Law of the Town Code of the Town of Lewisboro amending Chapter 220 Zoning, 220-16L Seasonal outdoor restaurant seating as published and noticed and in compliance with the provisions of the State Environmental Quality Review Act.

MINUTES OF THE TOWN BOARD MEETING HELD ON APRIL 26, 2021

PUBLIC HEARING – Chapter 217, Wetlands and Watercourses (7:42 p.m.)

Supervisor Parsons called the public hearing to order for a proposed local law of the Town Code of the Town of Lewisboro which would add Chapter 217, Wetlands and Watercourses. There was no objection to the time or form of the public notice (attached).

Supervisor Parsons stated that they received a set of comments from the Planning Board and what he would like to do is possibly incorporate these comments/changes into a new law at a later meeting. However, the urgency now is to reduce the bottleneck in the Building Department that currently exists. Ms. Crimmins stated that in her opinion the Planning Board comments were significant and substantial and made the law much better. Supervisor Parsons stated that he would be willing to incorporate the changes into another proposed law at the next meeting but would like to pass this proposed law this evening.

Supervisor Parsons asked for comments from the public.

Dean Travalino, South Salem resident feels that these are great changes and that they are long overdue. Mr. Travalino also suggested looking at a 25' buffer for items. Lewisboro has a 150' buffer where most other towns do not. And maybe an exception from smaller wetlands, except for vernal pools.

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

THE VOTE:	Yes	- Parsons, Crimmins, Gonçalves, Sklarin, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the public hearing to add Chapter 217, Wetlands and Watercourses, is now closed.

TOWN CODE – Chapter 217, Wetlands and Watercourses

On motion by Supervisor Parsons, seconded by Ms. Crimmins, the Board voted as follows:

THE VOTE:	Yes	- Parsons, Crimmins, Gonçalves, Sklarin, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

TOWN OF LEWISBORO

LOCAL LAW NUMBER 05-2021 OF THE TOWN OF LEWISBORO

CHAPTER 217, Wetlands and Watercourses of the Lewisboro Town Code

as published and noticed and in compliance with the provisions of the State Environmental Quality Review Act.

BE IT ENACTED by the Town Board of the Town of Lewisboro, County of Westchester, State of New York as follows:

**SECTION 1: AUTHORITY**

This chapter is adopted pursuant to the authority, of Article 2, §10 of the New York State Municipal Home Rule Law.

**SECTION 2: AMENDMENT OF CHAPTER 217**

Chapter 217 of the current Code of the Town of Lewisboro entitled “Wetlands and Watercourses”, specifically Section 217-5(B) is hereby amended to now read as follows:

**B.** Allowable activities and uses not requiring a permit or clearance form. The following activities and uses may be conducted without a permit or clearance form being issued pursuant to the standards and procedures of this chapter, to the extent that they are not prohibited by this or any other law, or ordinance, rule or regulation; and such activities do not require structures, grading, filling, draining or dredging, except as allowed below:

- (1) Normal ground maintenance of existing landscaped areas and residential gardens, including mowing of existing law areas and the trimming and removal of dead or diseased vegetation.
- (2) Selective cutting, provided stumps are left in place and work is accomplished without the assistance of any motorized vehicle.
- (3) Repair or replacement, in-kind, of walkways, terraces, patios, walls, seawalls, fences, driveways and roadways, provided that the height, size and/or spatial extent (i.e., no increase in the area beyond the existing footprint) of the affected area does not change and appropriate erosion are maintained.
- (4) Public health activities, orders and regulations of the Westchester County District of Health and/or New York State District of Health for emergencies only, with prior notification to the Planning Board.
- (5) Recreational activities, not involving new or expanded land disturbances or structures, and recreational fishing, hunting, swimming and boating as otherwise permitted or allowed.
- (6) Activities of farmers and other landowners as set forth in § 24-0701(4) of the Environmental Conservation Law.
- (7) Normal building or structure maintenance activities, including periodic pumping of septic tanks and interior and building or structure exterior repairs and improvements which do not enlarge or expand the building or structure, or require excavation, filling, or other similar disturbances and alterations (temporary or permanent).

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(8) Seasonal installation and removal of docks (does not include the construction or installation of new, expanded or enlarged docks).

(9) Normal maintenance and repair of existing swimming pools, tennis courts and other existing recreational facilities. The development or establishment of new or expanded recreational facilities and/or uses is a regulated activity.

(10) Withdrawals of water through a dry hydrant by a fire district in response to a fire emergency and for firefighting training purposes.

(11) Repairs to, and testing and maintenance of a dry hydrant by a fire district.

(12) Installation of sheds not exceeding 144 s.f. in footprint located within the wetland buffer area provided that no tree removal or installation of utilities is proposed and the maximum cut or fill is limited to no more than an increase or decrease of two feet from the elevation of existing grade.

(13) Installation of emergency generators and associated trenching within the wetland buffer area but not including the installation of underground propane tanks.

(14) Removal of underground fuel storage tanks.

(15) Construction of a deck, porch or fence accessory to a single-family residence and located within the wetland buffer area, utilizing hand-dug support posts, provided there is no machine activity or grading, and excess fill is removed or spread under deck, porch or fence and stabilized.

## SECTION 3: AMENDMENT OF CHAPTER 217

Chapter 217 of the current Code of the Town of Lewisboro entitled “Wetlands and Watercourses”, specifically Section 217-5(C) is hereby amended to now read as follows:

**C.** Regulated activities requiring an activity implementation permit.

(1) The following regulated activities shall require an activity implementation permit as issued by the Wetland Inspector:

(a) All authorized regulated activities pursuant to an approved activity permit, as issued by the Planning Board.

(b) Swimming pools accessory to a single-family residence located no closer than 50 linear feet to a wetland or watercourse, including associated grading.

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- (c) Terrace or patio accessory to a single-family residence, with a ground footprint area of less than 500 square feet and located no closer than 50 linear feet to a wetland or watercourse, including associated grading.
- (d) Repair of existing septic disposal facilities.
- (e) Permitted single-family residential building additions, structural alterations, replacements, or detached accessory structures not exceeding a ground footprint area of 600 square feet and located no closer than 50 linear feet to a wetland or watercourse, including associated grading, provided that associated grading or land disturbance is less than 10,000 square feet in spatial extent and maximum fill or cut is limited to no more than an increase or decrease of two feet from the elevation of existing grade.
- (f) Permitted single-family residential accessory use located no closer than 100 linear feet to a wetland or watercourse, including associated grading, provided associated grading or land disturbance is less than 10,000 square feet in a spatial extent and maximum fill or cut is limited to no more than an increase or decrease of two feet from the elevation of existing grade.
- (g) The installation of a dry hydrant by or under the authority of a fire district, provided such dry hydrant is used for firefighting purposes and firefighting training purposes.
- (h) Any activity requiring Planning Board review and approval which the Planning Board duly refers to the Wetland Inspector for disposition, including any conditions thereto.

(2) At the discretion of the Wetland Inspector, the review and approval of any of the regulated activities set forth in Subsection C(1) above may be referred to the Planning Board for its review and action.

(3) Appeals of decisions by the Wetland Inspector shall be made to the Planning Board in writing within 30 days. The Planning Board may review all appeals in accordance with the procedures pertaining to an activity permit.

## SECTION 4 – HOME RULE

Nothing in this Local Law is intended, or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town's discretion in setting fees and charges in connection with any applications requiring Town approval.

## SECTION 5 – SEVERABILITY



## MINUTES OF THE TOWN BOARD MEETING HELD ON APRIL 26, 2021

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Lewisboro hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

### SECTION 6 – EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

#### NOTICE OF ADOPTION IN RECORD REVIEW ON APRIL 30, 2021

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Lewisboro did at a public hearing on April 26, 2021 at 7:30 p.m., adopt a Local Law of the Town Code of the Town of Lewisboro amending Chapter 217 Wetlands and Watercourses as published and noticed and in compliance with the provisions of the State Environmental Quality Review Act.

### MEMORIAL DAY SERVICE – Update

John Lemke, the Chairperson of the Veteran's Advisory Committee updated the community on the Memorial Day Service that will be held in front of the Town House on May 31, 2021. The ceremony will be the same as previous years, however, Mr. Lemke would like to start at 11a.m. so that it can end at noon because now that we have a flagpole the official protocol for Memorial Day is to have the flag at half-staff from sunrise to noon on Memorial Day, and then raise it.

### PUBLIC COMMENT PERIOD I

#### HIGHWAY – Wild Oaks

Barbara Mangione, Goldens Bridge resident questioned how and why banning commercial vehicles in Wild Oaks got on the agenda. Ms. Mangione stated several years ago, a speed bump was installed in Wild Oaks which she thought was not allowed in town. And a few years back the parking ban went into effect in the Wild Oaks area as well.

#### SALT DOME – Hickory Homes

Carol Cernak, South Salem resident again brought up the situation at the salt dome. She hoped that the Board and the Attorney were able to see the post on Lewisboro Citizens Facebook page that resident Dean Travalino posted regarding the view from the cemetery to the salt dome area and the impact on the environment. Ms. Cernak feels that proper guidelines of the DEC are not

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being followed. She also feels that this was supposed to be an in-kind agreement so that the town would see a savings of \$15,000 a year but it has turned into a commercial business. She urged all citizens to voice their displeasure and she hopes that this subject will be on an upcoming agenda.

### ETHICS BOARD – Reconvene

Bill Bongiorno, South Salem resident feels that the town needs to reconvene the ethics board and revise the town's code of ethics to require public disclosure of all advisory opinions that concern potential conflicts of our elected officials.

### OAKRIDGE WATER – Oakridge Water District

Marissa Beattie, South Salem resident, feels that there should be an independent study on the Oakridge Water system and that a moratorium on new buildings should be enacted.

### COMMUNICATIONS

#### HERBICIDES - Highway

Supervisor Parsons stated he received a letter from the local NYS DOT announcing that they would be starting seasonal limited targeted vegetation control applications along state roads by guard rails, signs, etc. within 1-2 weeks. Supervisor Parsons stated that there was a meeting a year or two ago when this happened, and he was under the impression that this issue was resolved, meaning no more spraying. Pound Ridge Supervisor, Kevin Hansan sent a letter asking what chemicals would be used and asking whether residents had been notified. Supervisor Parsons also sent a letter supporting Supervisor Hansan's letter and stressing that Lewisboro has banned the use of pesticides on all town properties and town roads and wanted to know why the NYS DOT cannot follow suit. Supervisor Parsons is hoping to hear back from NYS DOT soon.

### CONSENT AGENDA

#### MINUTES - Approved

On motion by Supervisor Parsons, seconded by Mr. Welsh, the minutes from the March 22, 2021 were approved.

THE VOTE:	Yes	- Parsons, Crimmins, Gonçalves, Sklarin, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

### EAGLE SCOUT PROJECT – Approval (8:08 – 8:14 p.m.)

The Board heard a presentation from Eagle Scout candidate Kye Viall regarding his proposed project which consists of constructing and installing three to five wooden benches around the walking trail that encircles the pond at the Town Park, constructing and installing a lending library which will be filled with books and field guides and constructing and installing two signs

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in the park which will also have information about the environment as well as a scavenger hunt for the younger children (see attached).

On motion by Supervisor Parsons, seconded by Ms. Crimmins, the Board voted as follows:

THE VOTE:	Yes	- Parsons, Crimmins, Gonçalves, Sklarin, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

### RESOLUTION

RESOLVED, that the Town Board does authorize the Eagle Scout project of Kye Viall which consists of constructing and installing three to five wooden benches around the walking trail that encircles the pond at the Town Park, constructing and installing a lending library which will be filled with books and field guides and constructing and installing two signs in the park which will also have information about the environment as well as a scavenger hunt for the younger children.

### OUTDOOR SPECIAL EVENTS PERMIT – Permit Issued to Farmer’s Grind

The Farmer’s Grind applied for a yearly outdoor special event permit and listed event dates from June through October, every other Saturday evenings. The Board was informed that two of these dates did conflict with other events in town; July 10<sup>th</sup>, a fundraising event at the Town Park for an updated playground and August 14, the South Salem Fire Department carnival. Farmer’s Grind stated that they are trying to promote the town and do get a lot of traffic from New Canaan and Norwalk.

After much discussion it was suggested that the Farmer’s Grind reach out to the two groups, which they plan on doing. A permit was granted for a year.

On motion by Supervisor Parsons, seconded by Ms. Crimmins, the Board voted as follows:

THE VOTE:	Yes	- Parsons, Crimmins, Gonçalves, Sklarin, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

### RESOLUTION

RESOLVED, that the Town Board does authorize the Town Clerk to issue an Outdoor Special Events & Sales Permit to the Farmer’s Grind for a period of one year.

### TOWN CLERK – Minority & Women Owned Enterprise Officer

On motion by Supervisor Parsons, seconded by Ms. Crimmins, the Board voted as follows:

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THE VOTE:	Yes	- Parsons, Crimmins, Gonçalves, Sklarin, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does designate the Town Clerk, Janet Donohue as the minority and women owned enterprise officer for the purpose of Delaware Engineering's submission of NY Water Grants to NYS Environmental Facilities Corporation (EFC).

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### GRANT WRITING COMMITTEE – Discussion (8:28 – 8:36 p.m.)

Mr. Sklarin suggested that with the complex world of grants, he feels that creating a Grant Writing Committee is a good idea. He suggested creating a “Grant Calendar” that the grant committee would work with. It was stated that other towns have contracts with grant writers. Mr. Sklarin envisions this committee, with their talents, reach out to the Town Board and other county and state officials. Mr. Sklarin will create a mission statement and his thought was to have 3-5 members. Supervisor Parsons asked anyone who was interested in being on this grant committee to reach out to the Supervisor. Mr. Sklarin also suggested that the website be updated with any vacancies on any committees/councils.

### HIGHWAY – Wild Oaks Road (8:37 – 8:56 p.m.)

Mr. Sklarin stated that he has lived in the Wild Oaks area for about 23 years and has noticed that GPS sends commercial trucks through the neighborhood as a cut through. These large trucks tend to come through and chop up the round-about traffic circle and the curb. Mr. Sklarin asked that signs stating “No Commercial Traffic” be placed on the state roads at either end of Wild Oaks Road. Mr. Sklarin has discussed this idea with Highway Superintendent Peter Ripperger and that is why it is on the agenda. The hope is to also reduce the size of the circle by a few feet and then work on plantings in the center of the circle. Mr. Gonçalves stated that he personally has been directed to go through Wild Oaks to get to I-684 from his residence.

Supervisor Parsons warned that the State does not like doing this and it was a big problem getting signs up on the state roads when doing this for Kitchawan Road in 2013. Spring Hill Lane was easier as there was accident information to back up the request. Supervisor Parsons also suggested that Mr. Sklarin reach out to the police department to get their feedback as well.

Ms. Crimmins has no problem per se with this request and understands the precipitating issues that led to the request, but it does make her feel a bit uncomfortable that it was brought to the agenda by a Board member that lives in this area and that other residents might like to see this on other roads in their neighborhoods.

On motion by Mr. Sklarin, seconded by Mr. Gonçalves, the Board voted as follows:

THE VOTE:	Yes	- Parsons, Crimmins, Gonçalves, Sklarin, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

### RESOLUTION

RESOLVED, that the Town Board does authorize the Supervisor to send a letter to the State Department of Transportation to obtain their agreement to install “No Commercial Vehicles” at both state road entrances into Wild Oaks Road.

## MINUTES OF THE TOWN BOARD MEETING HELD ON APRIL 26, 2021

### PUBLIC COMMENT PERIOD II

#### SALT DOME – Hickory Homes

Carol Cernak, South Salem resident stated she was appreciative of Mr. Gonçalves help regarding the salt dome situation. Dean Travalino apologized for not copying the Board members on his Facebook posting directly. He was not happy driving by the salt dome on Spring Street or on Route 35, but he was shocked when he went into the South Salem cemetery and saw 20' high berms of dirt and logs. He feels that this has gotten way out of control and that this is a total outrage.

#### CLAIMS – Authorized for Payment

On motion by Supervisor Parsons, seconded by Ms. Crimmins, the Board voted 5-0 to authorize payment of the Town's bills in the amount of \$206,257.06.

### POLLING OF BOARD AND ANNOUNCEMENTS

#### CODE OF ETHICS – Sustainable Westchester

Mr. Sklarin stated that he raised a topic at the last meeting regarding Mr. Welsh's involvement with Sustainable Westchester and he asked the Town Attorney, Greg Folchetti to speak to that. Mr. Folchetti stated that the Board did seek prior advice from then Town Attorney Anthony Molé regarding Councilman Welsh's involvement with Sustainable Westchester and whether there was a conflict between voting. Mr. Molé's opinion was there was no conflict and Mr. Folchetti stated that after reviewing it, he is in agreement that there is no actual conflict with him voting on any of the future agreements or the past agreements.

The standard for conflict is direct financial conflict. The way the group is structured and the way the agreements are structured, this is not necessarily the case. Mr. Folchetti stated that if the Board wants a second opinion, they can reach out to the County Board of Ethics.

Mr. Welsh stated that in the future he will recuse himself if any votes come up. He explained that his role at Sustainable Westchester, a nonprofit organization, is to promote programming that the town participates in as part of the consortium to address climate change and there is no direct benefit to him. Mr. Sklarin thanked Mr. Welsh.

#### CAMP – Special Needs Participation

Ms. Crimmins stated that she has had several residents reach out to her about having children with special needs have the opportunity to attend town camp. Ms. Crimmins would like to discuss with Ms. Mayclim to see how this idea can move forward next year. Supervisor Parsons questioned a specialty camp that the town has an agreement with – Northeast – which is located in Hawthorne. Town resident Matthew Goglia stated that Northeast is a great organization and they do offer a summer camp however it conflicts with the districts extended school year.

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### PARKS & RECREATION - Updates

Mr. Gonçalves stated that Parks & Recreation is having a Zoom call tomorrow regarding trees. The Garden Club, CAC and an Eagle Scout candidate will be presenting.

Tennis and pool registrations are open.

### COVID 19 – Vaccinations

Mr. Gonçalves reported the percentage of residents with at least one vaccination and gave a breakdown by zip code: Cross River 44.8%, Goldens Bridge 55.7%, South Salem 38.8% and Waccabuc 35.1%.

Supervisor Parsons stated that Covid cases do not appear to be going down in Lewisboro. We have been stuck at 32 cases.

### MEETINGS – Dates Set

An upcoming meeting of the Board will include a meeting on Monday, May 10, 2021 at 7:30 p.m. In accordance with the Governor's March 13, 2020 Executive Order 202.1, until further notice, meetings will be held via videoconferencing. More information will follow.

### EXECUTIVE SESSION – To Discuss a Legal Issue

On motion by Supervisor Parsons, seconded by Mr. Gonçalves, the Board voted 5-0 to go into executive session at 9:18 p.m. to discuss a legal issue.

On motion by Supervisor Parsons, seconded by Mr. Gonçalves, the Board voted 5-0 to come out of executive session at 10:34 p.m.

### AGREEMENT - Authorize Supervisor to Sign

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

THE VOTE:	Yes	- Parsons, Crimmins, Gonçalves, Sklarin, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

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RESOLUTION

RESOLVED, that the Town Board does authorize the Supervisor to execute contingent retainer agreement with Kennedy & Madonna, LLP; SL Environmental Law Group P.C.; Douglas & London, P.C.; Levin, Papantonio, Rafferty, Proctor, Buchanan, O'Brien, Barr, Mougey, P.A.; Taft Stettinius & Hollister, LLP; and Kelley Drye & Warren, LLP regarding PFAS litigation.

ADJOURNMENT

On motion by Supervisor Parsons, seconded by Mr. Welsh, the Board voted 5-0 to adjourn at 10:35 p.m.

Janet L. Donohue  
Town Clerk