

## MINUTES OF TOWN BOARD MEETING HELD ON JULY 26, 2021

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on July 26, 2021, at 7:30 p.m. at the former Lewisboro Elementary School Gymnasium, 79 Bouton Road, South Salem, New York.

### PRESENT:

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

Also attending was the Attorney for the Town Gregory Folchetti, Facilities Maintenance Manager Joel Smith and Police Officer Glen Zemanek.

Approximately 40 residents/observers attended the live meeting and approximately 36 participated via Zoom.

Supervisor Parsons called the meeting to order at 7:30 p.m.

### EMERGENCY PROCEDURE

Supervisor Parsons noted the exits to be used in the event of an emergency.

### PLEDGE OF ALLEGIANCE

The Supervisor led the Pledge of Allegiance to the flag.

### COMMUNICATIONS

Supervisor Parsons stated the following:

*The overwhelming consensus is that strict discipline needs to be observed in Board Meetings so I will ask that:*

- 1. The Board members only answer questions and comments from the audience during the Polling of the Board section of the meeting.*
- 2. I plan to enforce silence by residents except during Public Hearings and Public Comment periods.*
- 3. If someone in the audience breaks this rule then, if the individual does not heed the chair, I will ask a police officer to escort that individual from the room.*

### PUBLIC COMMENT PERIOD I

There were no public comments.

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### COMPREHENSIVE PLAN/MASTER PLAN STEERING COMMITTEE – Update (7:32 – 7:48 p.m.)

Comprehensive Steering Committee member Larry Mango made the following quarterly update presentation:

*Katherine McGinn, Chair*

*Members: Charlene Indelicato, Larry Mango, Mark Robbins, and John Wolff*

*Ciorsdan Conran, Administrator for the Committee*

*Would like to thank the town board members Dan Welsh and Jane Crimmins for their observations and active participation to date, and to Planning Board Chair Janet Anderson.*

*In the time I have here I would like to update the Town Board of the Committee's*

- *Work to date*
- *Project Outline*
- *Next steps*
- *Finally, - Questions.*

*If that is agreeable, I can get started with the update from the Steering Committee.*

#### **WORK TO DATE**

- *March 12 - Began weekly work sessions via Zoom and discussed the work platform, Committee's role, and considered best practices*
- *April - Broadcasting our meetings on Town YouTube Channel and recorded on YouTube. The website has the minutes, timeline, to-do list and assignments. The Master Plan needs to reflect the desires of the Lewisboro community.*

#### *o Mission statement:*

- *“Engage the Lewisboro community in order to inform the future of our town and capture this vision in an updated Comprehensive Plan.”*
- *“Ensure fair and equal opportunities for all members of the community to provide input throughout the multi-year process.”*

#### *o Steering Committee:*

- *Master Plan update is a significant endeavor*
- *Will require significant resources and an extended timeline*
- *Requires professional planners and facilitators*
- *Beyond the resources and capabilities of the committee.*

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*o Recommendation: An independent consultant to facilitate community input, synthesize community input, and come up with recommendations.*

- *May --*

*o Launched an initial public kick-off meeting on May 25th via Zoom.*

*o Launched community survey - initial effort to get community input*

*o Begin work on RFP to planning firms (to understand costs).*

*o Identify potential grants (to understand funding).*

- *June and July --*

*o Members of committee worked on assignments, generally*

*o Survey*

*o RFP*

*o Grant Applications*

### **PROJECT OUTLINE**

- *Three phases:*

*o Introductory,*

*o Community Engagement*

*o Plan Update.*

- *Currently: INTRODUCTORY PHASE.*

*o Community survey*

*o Consultant search, recommendations to Boards; then hire*

*o Consultant preliminary review*

*o We expect this phase to last into Spring 2022, timeline subject to change.*

- *NEXT PHASE: COMMUNITY INVOLVEMENT PHASE.*

*o After Spring 2022 after a consultant is engaged.*

*o Significant community outreach and engagement to fully investigate community issues and opportunities.*

*o Consultant facilitates community involvement; Committee involved.*

- *community events & interviews,*

- *formation of subcommittees,*

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- *community vision statement.*

- o Fair & equal opportunities for all community members to get involved.*

- o Sessions with consultant & Town Board, Planning Board, ZBA and each of the Town Councils & Committees. We've been in touch with the Chairs.*

- *Finally, THE PLAN UPDATE PHASE.*

- o We expect this will take place late in 2022 or into 2023.*

- o Timeline can change.*

- o As Comp Plan update takes shape: public hearings / additional input.*

- o Any updated Comp Plan will be a "DRAFT" and would only be a recommendation to the Town Board.*

- o Town Board approves (or not).*

- *Ongoing activities:*

- o Quarterly updates to Town Board (like this one)*

- o Regular meetings broadcast via YouTube*

- o CMPSC page on the Town website - resources, survey link, project information, meeting minutes and agendas.*

### *NEAR TERM NEXT STEPS*

- *Kickoff survey*

- o Current number of responses (online / paper surveys): 320+/-*

- o Town communications (website, newsletter, library newsletter, parks & rec senior program)*

- o Town-wide postcard mailer. (goal: vote tonight on approval of funds for postcards +/- \$2K)*

- o Goal: 800 responses.*

- o Survey open as long as necessary, so that when consultant starts they'll have a robust view into Town resident priorities*

- *Applying for the NY State Consolidated Funding Grant \$40K.*

- o CMPSC liaisons with other committees to finish application*

- o Look for additional grants*

- *Issuing the RFP for consultants*

- o Draft RFP has been circulated, Jan Johannessen and Jud Siebert have provided feedback*

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*o We request that the Town Board officially share the Draft with the Planning Board, Zoning Board of Appeals and the Architectural & Community Appearance Review Council – feedback will be due back by August 26*

*o Our goal is to have the Board officially approve the RFP for issuance in September, then the Steering Committee will distribute it and post it to the appropriate forums.*

*o We've begun discussing the format for a committee to review responses to the RFP and make a recommendation to the Town Board, but for now that is very early stages.*

The Board thanked Mr. Mango for his presentation and all the work that he and the committee are doing.

### GRANT APPLICATION – Approved

On motion by Mr. Welsh, 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 approve the Supervisor to sign the grant application for the CFA Smart Growth Grant for Mid-Hudson in the amount of \$43,000.

### CITY SCAPE CELL TOWERS – Presentation (7:49 – 8:37 p.m.)

Susan Rabold, from City Scape Cell Towers, made a detailed presentation (see attached). Mr. Gonçalves asked if there were any questions from the audience. There were two attendees that had a few questions. The first pertained to the presentation and if it would be on our website and the answer was yes. He also asked if the poll had a mechanism in place to regulate filling out more than one poll and Ms. Rabold stated that it would be one per email address. Another resident asked if there was any evidence of health effects as it pertained to 5G. Ms. Rabold stated that there are reports on the internet however she cannot speak to the studies. The Board thanked Mr. Rabold for her presentation.

### LIBRARY FAIR – Presentation (8:34 – 8:38 p.m.)

The Lewisboro Library Fair Coordinator, Julie McCaffrey, updated all on the Lewisboro Library Fair which is scheduled to take place at Onatru Farm on Saturday, September 18, 2021. The Fair has something for everyone – games, music, a car show, food trucks & booths, a Beer Garden and tons of shopping at the Book Sale, Attic Treasures and vendor booths. The shopping starts at the Pre-Sales held the Thursday and Friday prior to the Fair and continues into Sunday with an After-Sale. Ms. McCaffrey also stated that there would be no toys this year. Donation drop off days are Saturday August 14, 21 and 28. Donations can be dropped off at Onatru Farm from 9 am to 1 pm on these days only. Volunteers will be there to accept donations on these dates and times only.

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She invited all to visit their website at [www.lewisborolibrary.org](http://www.lewisborolibrary.org) to obtain more information regarding the fair.

### CABARET LICENSE – Renewal Issued for Waccabuc Country Club

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 hereby authorize renewal of a cabaret license for Waccabuc Country Club as submitted.

### TOWN PROPERTY – Rescind Resolution to Sell Two Main Street Parcels (8:42 – 8:47 p.m.)

Mr. Sklarin would like to rescind the resolution to sell two town owned Main Street Parcels. He feels that the Tax Assessor records were not brought up to date after the properties were declared wetlands decades ago and subject to the Town wetlands buffer of 150 feet. He stated that this will be rectified by the Tax Assessor, so the Town records are up to date and accurate. He would like these records placed on the Town website. In short, Mr. Sklarin would like to see three things happen: 1. He would like the town Assessor to go through and update the current assessments on town owned properties, which totals approximately 40 parcels. 2. He would like to see this information on the website and 3. He would like the Town Board to reevaluate how they sell town owned properties.

On motion by Mr. Sklarin, seconded by Supervisor Parsons, 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 hereby rescind the two June 28, 2021 resolutions that were made authorizing the sale of real property located on Main Street, South Salem, Lewisboro, Westchester County, New York, and designated as Town of Lewisboro Tax Map Numbers 10819-25-32B and 10819-26-32B.

### NYSERDA GRANT - Presentation (8:48 – 9:10 p.m.)

Robert Fischman, Chair of the Sustainability Committee, made a presentation regarding a NYSERDA Grant entitled “Sustainable Lawn Care in Lewisboro” which pertains to gas powered leaf-blower trade in initiative (see attached).

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A resident stated that Grants run out and the cost of what is implemented is passed on to the residents. He also stated that battery operated blowers are expensive and made in China. The resident got into a verbal exchange with another attendee and was asked by the Town Board to be removed from the meeting and was escorted out.

On motion by Mr. Sklarin, seconded by Supervisor Parsons, 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 hereby authorize the Lewisboro Sustainability Advisory Committee to use the NYSERDA Clean Energy Communities Designation Grant to operate an electric battery powered lawn care equipment campaign to reduce greenhouse gas emissions in Lewisboro and be it further

RESOLVED, that the \$750 consulting fee for services from the American Green Zone Alliance will be allotted from the sustainability funds earned by the town for signups under the Sustainable Westchester community solar program.

### WESTCHESTER POWER PROGRAM – Renewal (9:11 – 9:16 p.m.)

Mr. Welsh briefly went through what is included in the Westchester Power Memorandum of Understanding. They started in 2015 with 20 municipalities and they are now up to 28. He also talked about the new innovations and the bidding process.

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

THE VOTE:	Yes	- Parsons, Crimmins, Gonçalves, Sklarin	(4)
	No	- None	(0)
	Abstain	- Welsh	(1)

### RESOLUTION

RESOLVED, that the Town Board does approve the Westchester Power Participation Memorandum of Understanding and be it further

RESOLVED, that the Town Board does authorize the Supervisor to sign the MOU.

### EMERGENCY REPAIR – Parks & Recreation Retaining Wall

Supervisor Parsons read a letter from the Town Engineer, Joseph Cermele stating that an emergency repair is needed on the retaining wall that is located in the Town Park adjacent to the baseball field.

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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)

### RESOLUTION

RESOLVED, that the Town Board does hereby authorize the emergency repairs to the Town Park retaining wall adjacent to the baseball field with a cost not to exceed \$30,000.

### GAS STATION LAW – Discussion

Supervisor Parsons stated that in the past meetings the Board has discussed a revision to the gas station law and that those revisions have been forwarded to the County Planning Board and the Town Planning Board. Supervisor Parsons stated that they have heard back from both and would like to schedule a public hearing at the next Town Board meeting.

### PUBLIC HEARING ANNOUNCED – Gas Station 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

### NOTICE OF HEARING

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Lewisboro will hold a public hearing on August 9, 2021, at 7:30 p.m., or soon thereafter as time permits, at the Lewisboro Library, 15 Main Street, South Salem, New York, 10590, for the purpose of hearing the public with regard to a proposed local law of the Town Code of the Town of Lewisboro which would amend Chapter 220; Zoning; 220-43.7 Gasoline Service Stations. At said hearing all interested persons are invited to attend and will be heard. The Town of Lewisboro is committed to equal access for all. Anyone needing accommodations to attend or participate in this meeting is encouraged to call the Town Clerk's office at 914-763-3511 in advance.

### OAKRIDGE WATER DISTRICT – PFAS Treatment Project (9:24 – 9:28 p.m.)

Mr. Gonçalves stated that there are some administrative items that need to be taken care of related to the PFAS Plan which needs to be completed. He stated that this is an important step for when the town applies for the NYS EFC Water Infrastructure Improvement Act Grant. This has to be done in August so that the town is ready for the grant application which may be available as early as September. These items include:



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1. Accept the Map and Plan 202(b) report provided by Delaware Engineering to NYS and Westchester County Dept. of Health.
2. Pass resolution determining the project to be a Type II Action under the NYS SEQ. Type II means we can bypass State Environmental Quality Review Act review. Our planning engineer made the Type II determination
3. Schedule public hearing

OAKRIDGE WATER DISTRICT – Accept PFAS Treatment Project Map & Plan

On motion by Mr. Gonçalves, 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

RESOLVED, that the Town Board does hereby accept the Oakridge Water District PFAS Treatment Project map & plan 202 (b) report.

OAKRIDGE WATER DISTRICT – Project is Type II Action under SEQ. R

On motion by Mr. Gonçalves, 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

RESOLVED, that the Town Board does hereby determine the Oakridge Water District PFAS Treatment Project to be a Type II Action under the State Environmental Quality Review Act (SEQ. R).

OAKRIDGE WATER DISTRICT – Public Hearing

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

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

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PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Town Board of the Town of Lewisboro, Westchester County, New York, will meet at the Lewisboro Library, 15 Main Street, in South Salem, New York, in said Town, on August 9, 2021 at 7:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing relating to the proposed increase and improvement of the facilities of the Oakridge Water District in said Town, consisting of the design and construction of an expansion to the water treatment plant to remove certain chemicals generally known as PFAS, including improvements to the booster pumps, treatment chemicals, valves, meters, and other appurtenances, and related and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$1,939,500, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same. Such cost shall be annually apportioned and assessed upon the several lots and parcels of land within the Oakridge Water District in the manner provided by law and levied and collected in an amount sufficient to pay the principal and interest on said bonds as the same become due.

The map, plan and report, including estimate of cost, relating to this project is on the file in the Office of the Town Clerk where it is available for public inspection during normal business hours.

ALTICE/CABLEVISION FIBER OPTIC CABINET – Town Property on Mead Street

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

THE VOTE:	Yes	- Parsons, Crimmins, Gonçalves, Welsh	(4)
	No	- None	(0)
	Abstain	- Sklarin	(1)

RESOLUTION

RESOLVED, that the Town Board does approve the installation of an Altice/Cablevision Fiber Optic Cabinet at 100 Mead Street by the Pine Croft Meadow Preserve, subject to ACARC approval and notification of neighbors and the Waccabuc Landowner's Council.

PUBLIC COMMENT PERIOD II (9:40 – 9:50 p.m.)

There was a total of four residents who spoke during public comment period II.

TRUESDALE LAKE ASSOCIATION

Robert Cummings, president of the Truesdale Estates Association read the following statement:

*My name is Robert Cummings, I live in South Salem. I am currently the president of the Truesdale Estates Association, Inc. Lake homeowners' association.*

*Tonight, I am speaking about Lake Rights vs. Lake Access. Specifically, lake rights to Truesdale Lake through the Truesdale Estates Association, Inc. owned properties.*

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*Our association (TEA, Inc.) is a homeowner association corporation owning the TEA beach, the TEA boat launch, and the entire 83-acre lake bottom.*

*The TEA, Inc. can only invite property owners from the original TEA, Inc. subdivision to become members. (See map on the Truesdale lake website.)*

*A few weeks ago, the Town Board voted to sell two properties it owns. These two parcels are in the original subdivision of TEA, Inc. and new owners of these properties are eligible to be invited to become members in the TEA, Inc.*

*Some important points:*

- 1. Lake Rights are not the same thing as Lake Access.*
- 2. TEA, Inc. lake access is only for TEA members in good standing.*
- 3. In order to become a member and maintain membership in good standing, a new owner must:*
  - Be invited by the TEA Inc. Board*
  - Pay membership initiation fee plus assessed dues*
  - Continue to pay annual dues payments*
- 4. Failure to pay annual dues results in 1.) membership suspension, then 2.) membership expulsion if dues are not paid.*
- 5. Any member who is expelled cannot rejoin.*
- 6. The TEA will not extend a membership invitation to a property owner seeking to extend their property to more than one household via a sub-association, partnership, LLC, non-profit organization, government entity, corporate ownership, or any other means. One household per property is the limit on membership.*

*If you are looking for more information, please send us an email at [tea@truesdalelake.com](mailto:tea@truesdalelake.com) with specific questions.*

## KATONAH LEWISBORO SCHOOL DISTRICT SPECIAL EDUCATION ADVOCACY

*Town resident, Matthew Goglia, read the below statement:*

*Lewisboro Town Board members,*

*Thank you for the opportunity to speak with you this evening.*

*I wanted to make you aware of an issue that has been in the local news recently regarding special education at the Katonah Lewisboro School District. While I understand that the Board does not have jurisdiction over KLSD, this is an issue that impacts many of the citizens of Lewisboro.*

*A couple of months ago, we learned of a non-verbal autistic boy who was physically restrained more than 30 times over a period of two months before his parents were even notified. Some of these restraints lasted up to 20 minutes and had up to 9 adults present. He was restrained twice on his first day in our district. He was 12 years old.*

*We then learned of a KLSD special education teacher who “retired” in early 2020 as a result of abusing her non/minimally verbal autistic and disabled students. The abuse includes choking a child, pushing a child into a wall, and locking children in bathrooms as punishment. These children were 5-7 years old.*

*As a result of these events, we have formed a group called KLSD Special Education Advocacy.*

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*We are a group of over 100 concerned parents (and friends) of children receiving special education services in the district. We are united in our goal of making the district a better place for our kids. This group has decided to advocate for our children by appealing to the BOE, supporting awareness and positive change, lobbying local politicians, and allying with similar advocacy groups.*

*We have 5 main goals:*

- 1. An end to restraints and seclusion in our schools, until a major overhaul is conducted at KLSD*
- 2. Cameras in self-contained classrooms where students are non/limited verbal*
- 3. Autism-specific training for staff*
- 4. Accountability and Transparency (including an immediate self-review by the BOE of these two recent events)*
- 5. Disability representation at the OSS level*

*To date, we have not received a response to these specific goals from either the Superintendent or the KLSD Board of Education.*

*This issue is especially important to me because I am the father of a minimally verbal, autistic, beautiful 6-year old boy, and I will move mountains to protect him. I am here tonight to request that the Lewisboro Town Board write to the BOE demanding a formal response to the goals of our group.*

Another resident made an emotional plea and asked for all to advocate for the children and urged the Board to reach out to the school board.

### EMERGENCY REPAIR – Parks & Recreation Retaining Wall

A resident questioned the \$30,000 and stated that it does not seem like a lot of money and asked about the repair plan. Mr. Gonçalves stated that the \$30,000 was for the retaining wall only.

### 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 \$270,591.74.

### MEETING – Date Set

An upcoming meeting of the Town Board will include a meeting on Monday, August 9, 2021, at 7:30 p.m. at the Lewisboro Library, 15 Main Street, South Salem, New York.

### POLLING OF BOARD AND ANNOUNCEMENTS

#### ADA COMPLIANCE – Administration to Move to 79 Bouton Road

Supervisor Parsons stated that the Highway Department offices need to be ADA compliant and will be moving over to 79 Bouton Road in the near future.

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### LIBRARY FAIR – Volunteers Needed

The Board stated that the Library Fair will be held on September 18, 2021 and will be held once again at Onatru Farm. Anyone interested in volunteering can reach out to the Library Director, Cindy Rubino.

### OAKRIDGE WATER DISTRICT – Presentation on Website

Mr. Gonçalves stated that the presentation that was given to the Oakridge Water District on July 21<sup>st</sup> will be on the website on the Oakridge page.

### EXECUTIVE SESSION – To Discuss Appointments to Committees

On motion by Supervisor Parsons, seconded by Ms. Crimmins, the Board voted 5-0 to go into executive session at 10:00 p.m. to discuss Appointments to Committees.

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.

### OPEN SPACE & PRESERVES ADVISORY COMMITTEE – Appointment of Member

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)

### RESOLUTION

RESOLVED, that the Town Board does appoint Eric Swarthout to the Open Space and Preserves Committee for a 2-year term ending December 31, 2022.

### GRANT ADVISORY COMMITTEE - Appointment of Member

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 appoint Robert Collins to the Grant Advisory Committee for a one-year term ending December 31, 2021.

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ADJOURNMENT

On motion by Supervisor Parsons, seconded by Mr. Sklarin, the Board voted 5-0 to adjourn at 10:56 p.m.

Janet L. Donohue  
Town Clerk