

## MINUTES OF TOWN BOARD MEETING HELD ON SEPTEMBER 13, 2021

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on September 13, 2021, at 7:30 p.m. at the Lewisboro Library, 15 Main Street, South Salem, New York.

### PRESENT:

Deputy Supervisor	Tony Gonçalves
Council Members	Jane Crimmins, Richard Sklarin, Daniel Welsh
Town Clerk	Janet Donohue
Absent	Peter Parsons

Also attending was the Attorney for the Town Gregory Folchetti, Facilities Maintenance Manager Joel Smith, Police Officer Erika Holze, and Confidential Secretary/Benefits Coordinator Mary Hafter.

Approximately 9 residents/observers attended the live meeting and approximately 31 participated via Zoom.

Deputy Supervisor Gonçalves called the meeting to order at 7:33 p.m.

### EMERGENCY PROCEDURE

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

### PLEDGE OF ALLEGIANCE

The Deputy Supervisor led the Pledge of Allegiance to the flag.

### COMMUNICATIONS

Deputy Supervisor Gonçalves 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.*
- 4. Please do not go on Zoom while you are in this room as it destroys our capabilities of recording the meeting.*
- 5. Please no yielding of your time to anyone else.*

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### PUBLIC COMMENT PERIOD I

One resident spoke during the first public comment period.

### MAILING

A resident stated that after living here for 37 years he has never seen such a disgusting display of sending out scurrilous literature attacking Alison Biddle. He feels that the town should make a statement that they will not allow this to happen in our town.

### CONSENT AGENDA

#### MINUTES & REPORTS - Approved

On motion by Mr. Welsh, seconded by Mr. Sklarin, the minutes of the August 9, 2021 Town Board meeting were approved and the August, 2021 monthly reports for the Building & the Police Departments were received and filed.

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

#### CABARET LICENSE – Renewal Issued to LeChateau

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

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

### RESOLUTION

RESOLVED, that the Town Board does hereby authorize renewal of a cabaret license for LeChateau for a period of one year, subject to the Building Reports being received.

#### ALTICE/CABLEVISION FIBER OPTIC CABINET – Town Property on Spring Street

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

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

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RESOLUTION

RESOLVED, that the Town Board does approve the installation of an Altice/Cablevision Fiber Optic Cabinet at 1 Spring Street along with screening plantings.

REFUSE – New License Issued to CRP Sanitation

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

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

RESOLUTION

RESOLVED, that the Town Clerk is authorized to issue a Commercial refuse license to CRP Sanitation, for a period of one year ending September 13, 2022.

COMPREHENSIVE PLAN/MASTER PLAN STEERING COMMITTEE – Request for Proposal

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

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

RESOLUTION

RESOLVED, that the Town Board approves the Comprehensive Plan Steering Committee's Request for Proposal (RFP) for consulting services to be publicized and distributed and be it further

RESOLVED, that the Town Board approves the Request for Proposal (RFP) cover letter and notice of publication and be it further

RESOLVED, that the Town Board authorizes the Town Clerk to transmit/mail the Request for Proposal (RFP) to identified recipients.

OUTDOOR DINING - Extension (7:40 – 7:46 p.m.)

The Board discussed extending the outdoor dining law to 12/31/2022. It currently is set to expire on 12/31/21. Town Attorney, Greg Folchetti, stated that it is mandatory that this be referred to the Planning Board. The Board decided that it would have a public hearing on October 25, 2021.

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### PUBLIC HEARING ANNOUNCED – Outdoor Dining Legislation

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

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

### NOTICE OF HEARING

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Lewisboro will hold a public hearing on October 25, 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 to amend Chapter 220 Zoning, 220-16L Seasonal outdoor restaurant seating. 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.

### ELECTRIC VEHICLE CHARGERS – Proposal

The Board discussed the proposal for electric vehicle chargers (see attached) to be installed on town properties around town. There are a total of 16 chargers and 32 ports and these are Level 2 chargers.

Mr. Welsh stated that there are two grants that the Town can apply for which would pay for the installation of the EV chargers. The town would pay the initial outlay and get that money back. He also stated that come 2035, all cars sold in New York state will need to be electric.

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

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

### RESOLUTION

RESOLVED, that the Town Board does authorize the Supervisor or Deputy Supervisor to sign the electric vehicle charger's agreement.

### LIBRARY FAIR – Waive Permit Fee for Tent

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

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

MINUTES OF TOWN BOARD MEETING HELD ON SEPTEMBER 13, 2021

RESOLUTION

RESOLVED, that the Town Board does authorize the Building Department to waive the permit fee for the large tent that will be installed at Onatru Farm for the Library Fair which will be held on September 18, 2021.

PUBLIC COMMENT PERIOD – Amendment of Guidelines (8:04 – 8:38 p.m.)

Ms. Crimmins stated that she made a few changes to the Rules of Order that were adopted in 1998 (which replaced the “Roberts Rules of Order”), specifically to the “procedure for making a public comment” and “procedure to deal with disruptive persons”. Ms. Crimmins stated that the original resolution does not make good sense and is not current. She would like to put in what works and what is currently being done and get rid of the conflicting language. She stated that she has included better grammar and more inclusive language that is clean and clear.

Mr. Sklarin feels that with this amendment there is no room for follow up between the Board members and public. He would like there to be some follow up with a resident’s comment and flush out ideas during a meeting. Ms. Crimmins stated that she does not think a town board meeting was the correct venue to develop new ideas and that she and Mr. Sklarin have a fundamental disagreement with the first amendment.

Ms. Sklarin agrees that meetings need decorum and people should be civil and if they are not, then they should not be part of the meetings. The enforcement was a problem and now that the supervisor has clamped down on this the meetings have run well. But Mr. Sklarin does not feel that they need to overregulate and that a little bit of common sense and civility will address a lot of things that they are trying to get done.

Ms. Crimmins stated that relying on others common sense does not work for her and it doesn’t work for other people, and they fundamentally disagree.

Mr. Sklarin feels that the current statement under the 1999 disruptive persons is fine and that sometimes less is more. Enforcement is key.

Mr. Welsh and Deputy Supervisor Gonçalves stated that they were in agreement with the amended resolutions but did feel that “if a speaker is from Zoom they must use the ‘chat’ function and the comment will be read aloud by the Town Clerk” be removed.

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

THE VOTE:	Yes	- Crimmins, Gonçalves, Sklarin, Welsh	(3)
	No	- Sklarin	(1)
	Absent	- Parsons	(1)

## MINUTES OF TOWN BOARD MEETING HELD ON SEPTEMBER 13, 2021

### RESOLUTION

RESOLVED, that the following procedure and rules for the Public Comment Period and disruptive persons at Town Board meetings are hereby adopted and will replace the resolution that was adopted at the June 15, 1999, Town Board meeting.

#### Procedure for making a public comment:

1. If the speaker is in-person and able bodied, they sign-in upon arrival and will be called upon in the order in which they arrived.
2. When called upon, the speaker is expected to walk to the designated speaking location, introduce themselves with their first name, last name and speaker status: resident (town or KLSD), business owner, employee, and/or property owner. Accommodations will be made for those who require them and may be made upon request.
3. Each speaker is given 3 minutes and cannot yield their time to another individual.
4. These topics are not for public discussion:
  - a. Personnel issues regarding a particular employee or employees
  - b. Issues which are or should properly be the subject of police investigation
  - c. Labor relations issues relating to collective bargaining
  - d. Issues relate to pending litigation
  - e. Civil matters between residents

#### Procedure to Deal with Disruptive Persons:

It shall be the duty of the Supervisor, and the Deputy next, to preserve order and decorum at public meetings

1. The speaker is told that they are out of order and is directed to yield the floor.
2. If the speaker persists, they are told again that they are out of order and asked to sit down (or remain seated). A reminder is given that refusal to oblige will invite a police escort from the building for the remainder of the meeting.
3. If the speaker persists, they will be ordered off the premises and a police officer will escort them out.
4. It shall then be made clear that disorderly conduct is against the law in New York State and repeat offenders may be prosecuted.

#### SALT DOME – Wood Mulching Update (8:39 – 8:41p.m.)

Mr. Sklarin updated the public on where the town was with the salt dome mulching area. He explained that historically the town had an agreement which had been in place however the town effectively suspended that agreement to try and get things figured out and get things back to where they should be.

Mr. Sklarin stated that with the assistance of Hickory Homes, the mulch pile that has been there has gradually been brought down. A rock wall was also installed by Hickory Homes so there was improvement aesthetically as well as making more space.

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Currently the excavators are in there trying to bring down the mulch pile a little bit more. The next step will be to prepare a request for proposal (RFP) which he should have ready by the next meeting.

### NEIWPC AGREEMENT - Authorize Supervisor or Deputy to Sign

Deputy Supervisor Gonçalves stated that currently the town has an engineering study that is being paid for by the New York City DEP to study Lakes Waccabuc, Kitchawan and Truesdale. They are adding Lakes Oscaleta and Rippowam to that study. The town has a verbal agreement from the DEC to move forward but they are waiting for a formal approval from the New England Interstate Water Pollution Control Commission to broaden the scope of the study to include more lakes.

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

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

### RESOLUTION

RESOLVED, that the Town Board authorizes the Supervisor or his Deputy to sign the NEIWPC agreement to expand the Barton & Loguidice study to include Lakes Oscaleta and Rippowam, contingent on funding.

### PUBLIC COMMENT PERIOD II (8:41 – 8:54p.m.)

A total of seven residents spoke during public comment period II. Subjects included the following:

### AMENDMENT OF GUIDELINES FOR PUBLIC COMMENTS/PUBLIC HEARINGS

A total of 5 residents commented on the amendment of guidelines which was discussed earlier in the meeting. Some found the comment “lack of common sense” insulting, they feel that the board is trying to silence the community and that this is not the American way. Another resident stated that maybe if the fuse was not lit back in June of 2020 on Zoom the rules would not have to come into play and this would not be an issue. Another resident stated that “Roberts Rules of Orders” addresses all these issues. She also suggested that the Board reach out to other towns to see how they handle similar situations during meetings and what their rules are.

### INTERNET SERVICE

A resident asked about bringing more internet service into the town and improving the current service.

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### NEIWPC AGREEMENT

A resident stated that it was nice that the lake study was expanded, however there are two other lakes in town that should also be included: Lake Katonah and Timber Lake. Perhaps the study should be broadened to include these two lakes.

### ELECTRIC VEHICLE CHARGERS

Two residents asked about why there were no EV chargers planned for Goldens Bridge. Another resident asked for a clarification as to how many uses need to happen for the EV chargers to pay for itself.

### SALT DOME

A resident did thank the board for the action that was taken at the salt dome.

### CLAIMS – Authorized for Payment

On motion by Deputy Supervisor Gonçalves, seconded by Mr. Welsh, the Board voted 4-0 to authorize payment of the Town's bills in the amount of \$271,968.17.

### POLLING OF BOARD AND ANNOUNCEMENTS

#### LIBRARY FAIR – Volunteers Needed

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

### ELECTRIC VEHICLE CHARGERS

Mr. Welsh stated that it takes about 1.75 hours per day of charging on each charger on the EVs to break even.

### VISTA FIREHOUSE – 9/11 Ceremony

Mr. Sklarin thanked the Vista Firehouse for a very moving 9/11 ceremony.

### SOFTBALL FUNDRAISER

Deputy Supervisor Gonçalves stated that there will be a softball fundraiser on Sunday, September 19<sup>th</sup> at the Town Park at 10 am. Proceeds will be going to the Community Center of Northern Westchester.



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### COMPREHENSIVE STEERING COMMITTEE – Mailer & Survey

Ms. Crimmins stated that the Comprehensive Steering Committee is conducting surveys which can be found on the website and at all of the town offices and library. She urged all to fill out the surveys. Ms. Crimmins also thanked Town Clerk Janet Donohue for sending out the RFP requests.

### SUPERVISOR

Deputy Supervisor Gonçalves stated that he spoke to Supervisor Parsons today and that he is doing well after his procedure.

### AFFORDABLE HOUSING

Deputy Supervisor Gonçalves stated that there is an affordable housing unit that is in Goldens Bridge on Park Road at the former St. Michael's Church for \$900 per month. The gross income for one person is \$44,650 and for two people is \$51,000. It is handicap accessible.

### INTERNET SERVICE

Deputy Supervisor Gonçalves stated that Optimum is extending their service called Fiber to the Home. Verizon is also hoping to expand in Goldens Bridge. The wireless survey was part of the wireless master plan that was paid for by the County. And they hope to have this plan finished soon.

### AMENDMENT OF GUIDELINES FOR PUBLIC COMMENTS/PUBLIC HEARINGS

Deputy Supervisor Gonçalves stated that residents can still speak at meetings and noted that there is a clause in the town's meeting laws that states the rules of the public comment period can be temporarily suspended with the supervisor's approval. This would allow for additional discussion of a topic.

### MEETING – Date Set

An upcoming meeting of the Town Board will include a meeting on Monday, September 27, 2021, at 7:30 p.m. at the Lewisboro Library, 15 Main Street, South Salem, New York.

### EXECUTIVE SESSION – To Discuss Personnel Issues

On motion by Deputy Supervisor Gonçalves, seconded by Ms. Crimmins, the Board voted 4-0 to go into executive session at 9:07 p.m. to discuss personnel issues.

On motion by Mr. Welsh, seconded by Mr. Sklarin, the Board voted 4-0 to come out of executive session at 9:21 p.m.

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TOWN OFFICIALS AND EMPLOYEES – Deputy Receiver of Taxes

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

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

RESOLUTION

RESOLVED, that Anna Bauts, be and hereby is appointed the Deputy Receiver of Taxes, at a yearly salary of \$55,000.00 effective September 3, 2021.

TOWN OFFICIALS AND EMPLOYEES – Police Chief

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

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

RESOLUTION

RESOLVED, that the Town Board does approve to reduce Chief David Alfano's probation period to conclude on November 5, 2021 (this resolution replaces the August 23, 2021 resolution).

ADJOURNMENT

On motion by Deputy Supervisor Gonçalves, seconded by Mr. Sklarin, the Board voted 4-0 to adjourn at 9:25 p.m.

Janet L. Donohue  
Town Clerk