



**TOWN OF LEWISBORO
TOWN BOARD MEETING 7:30 P.M.
AGENDA
LEWISBORO LIBRARY
MONDAY, NOVEMBER 22, 2021**

- I. COMMUNICATIONS Presentation of Proclamations -Assemblyman Chris Burdick**
- II. CONSENT AGENDA**
 - a. Approval of Minutes of November 8 and 15, 2021**
- III. OLD BUSINESS**
 - a. Discussion of Waiver of Insurance for Goldens Bridge Pocket Park**
 - b. Resolution Approving Final Release of Performance Security to Smith Ridge/Laurel Ridge, Subject to Final and Unconditional Acceptance of the Phase III Improvements by the Oakridge Water and Sewer Districts, Memorialized and Confirmed to the Satisfaction of the Town Attorney and Planning Board Attorney**
 - c. Resolution Supporting Westchester County's Declaration of Climate Emergency**
- IV. NEW BUSINESS**
 - a. Resolution to Approve Mayfield Sanitation LLC's Application to Collect and Dispose of Refuse and Recyclables**
- V. PUBLIC COMMENT PERIOD**
- VI. APPROVAL OF CLAIMS**
- VII. POLLING OF THE BOARD**
- VIII. ANNOUNCEMENTS**

Town Board Meeting THURSDAY, December 9, 2021, at 7:30 p.m., at the Lewisboro Library.

MOTION TO GO INTO EXECUTIVE SESSION

Town Board Meetings Accessibility: The Town of Lewisboro is committed to providing equal access to all its facilities, services, and activities to the fullest extent possible. The Town House, Cyrus Russell Community House, Onatru Farmhouse, and the Bouton Road Town Offices are accessible to persons with physical handicaps. If anyone who wishes to attend any meeting of the Town Board has special needs, please contact the Supervisor's Office (763-3151) at least one week before any scheduled in-person meeting, and we will try to accommodate whenever possible.

Join Zoom Meeting

<https://zoom.us/j/92508262445?pwd=ME9QQm1DZFJVdnZyaWJSM3NqYUF3QT09>

Meeting ID: 925 0826 2445

Passcode: 504105

Dial by your location

+1 929 205 6099 US (New York)

Meeting ID: 925 0826 2445

Passcode: 504105

NOV 17 2021

Town Clerk
Town of Lewisboro

**RESOLUTION
LEWISBORO PLANNING BOARD**

**RELEASE OF PERFORMANCE SECURITY -
SMITH RIDGE HOUSING, LLC/LAUREL RIDGE DEVELOPMENT, INC.
450 OAKRIDGE COMMONS, SOUTH SALEM, NY**

**Sheet 49M, Block 9830, Parcels 315-324
Cal. #6-02 P.B.**

November 16, 2021

WHEREAS, Smith Ridge Housing, LLC (“Smith Ridge”) and Laurel Ridge Development, Inc. (“Laurel Ridge”) are the owner/developer of certain property located on the northerly and westerly side of Oakridge Drive (a private access road within the Oakridge condominium complex located on the westerly side of Smith Ridge Road [NYS Route 123] in the Hamlet of Vista, Town of Lewisboro, Westchester County, New York), which is partially designated Sheet 49M, Block 9830, Parcels 315-324 on the Tax Map of the Town of Lewisboro; and

WHEREAS, by Resolution adopted on October 2, 2010, the Planning Board granted Wetland Activity Permit Approval, Stormwater Permit Approval and Site Development Plan Approval authorizing the construction of a multifamily housing development now known as Laurel Ridge Townhomes; and

WHEREAS, the Planning Board thereafter amended these Site Development Plan Approval by Resolutions adopted on July 11, 2011, June 12, 2012, August 14, 2012, September 24, 2012, September 17, 2013, July 15, 2014, November 18, 2014, February 17, 2015, June 21, 2016, November 15, 2016 and October 19, 2021; and

WHEREAS, the approval, as amended, required Smith Ridge/Laurel Ridge to construct certain water and sewer mains, laterals and the necessary valves, hydrant fittings and appurtenances, which are to be conveyed to the Oakridge Water District and Oakridge Sewer District in accordance with plans approved by the Planning Board; and

WHEREAS, pursuant to Condition SP39 of the Resolution adopted by the Planning Board on September 24, 2012, amending these approvals, Smith Ridge/Laurel Ridge was required to post a bond or letter of credit in the amount of \$243,770 as performance security for the cost of the water and sewer improvements to be conveyed to the Oakridge Water District and Oakridge Sewer District; and

WHEREAS, pursuant to said Resolution, Smith Ridge executed an undertaking, entitled “Smith Ridge Housing LLC Security Agreement for Construction of Water and Sewer

Improvements to be Conveyed to Oakdridge (*sic*) Water and Sewer Districts,” on August 27, 2013; and

WHEREAS, upon the execution of this undertaking, Smith Ridge/Laurel Ridge tendered the sum of \$243,770 by check payable to the Town of Lewisboro drawn on the account of Laurel Ridge Development, Inc.; and

WHEREAS, these cash proceeds were maintained by the Town of Lewisboro as performance security for completion of the water and sewer improvements; and

WHEREAS, pursuant to the terms of this undertaking, and in accordance with a Resolution duly adopted by the Planning Board on February 17, 2015 following a public hearing authorized by the Town Board, the Town of Lewisboro released the sum of \$190,281 of this performance security on account of the installation of water and sewer improvements for Phase I of the Laurel Ridge Townhome project; and

WHEREAS, pursuant to the terms of this undertaking, and in accordance with a Resolution duly adopted by the Planning Board on November 15, 2016 following a public hearing authorized by the Town Board, the Town of Lewisboro further released the sum of \$26,151 of this performance security on account of the installation of water and sewer improvements for Phase II of the Laurel Ridge Townhome project; and

WHEREAS, the remaining \$27,338 in performance security remains, in the form of cash proceeds, with the Town of Lewisboro for the purpose of insuring satisfactory completion of required water and sewer improvements for Phase III of the Laurel Ridge Townhome project; and

WHEREAS, by letter dated August 16, 2021, from Mr. Philip G. Pine of Laurel Ridge Development, Inc., Smith Ridge/Laurel Ridge requested the release of this \$27,338 on account of the completion of the Phase III (Building 9 through 11) water and sewer improvements; and

WHEREAS, with this written request, Mr. Pine submitted copies of correspondence dated June 8, 2021 from the Westchester County Department of Health (“WCDOH”) confirming completion of the Phase III water and sewer improvements in compliance with WCDOH-issued plans and requirements; and

WHEREAS, Mr. Pine also submitted a copy of an “Approval of Competed Works for Public Water Supply Improvement” dated June 8, 2021 issued by the New York State Department of Health (“NYSDOH”) confirming that the installation of a water main, hydrant and appurtenances to Phase III was in accordance with NYSDOH standards and requirements; and

WHEREAS, following receipt of the August 16, 2021 request, the Planning Board adopted a motion at its October 19, 2021 meeting to notify the Lewisboro Town Board of this application for the release of the aforementioned performance security; and

WHEREAS, upon receipt of notification from the Planning Board, the Lewisboro Town Board, pursuant to Section 195-17(I) of the Lewisboro Town Code, authorized the Planning Board to conduct a public hearing so that it could entertain and act upon the requested partial release of performance security; and

WHEREAS, on November 16, 2021, the Planning Board conducted a duly noticed public hearing concerning the request for final release of this performance security; and

WHEREAS, said public hearing was opened and closed on November 16, 2021, at which time all interested parties were provided an opportunity to be heard; and

WHEREAS, the Planning Board has received confirmation from Kellard Sessions Consulting, P.C., the Town Engineering Consultant, that installation of the water and sewer improvements associated with Phase III of the Laurel Ridge Townhome project have been satisfactorily completed and tested under the supervision of the Town Engineer and have met with WCDOH and NYSDOH approval; and

WHEREAS, the Planning Board received comments from its counsel and consultants with regard to the request for final release of the performance security and duly considered same.

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board finds that the Phase III water and sewer improvements of the Laurel Ridge Townhome project have been satisfactorily constructed and installed; and

BE IT FURTHER RESOLVED THAT, the Planning Board authorizes the release to Smith Ridge/Laurel Ridge of \$27,338 of the cash proceeds held by the Town of Lewisboro as performance security pursuant to the aforementioned undertaking; and

BE IT FURTHER RESOLVED THAT, in accordance with the aforementioned undertaking, the Planning Board's authorization to release this \$27,338 is conditioned upon final and unconditional acceptance of the Phase III improvements by the Oakridge Water and Sewer Districts, which shall be memorialized and confirmed to the satisfaction of the Town Attorney and Planning Board Attorney; and

BE IT FURTHER RESOLVED THAT, the Secretary of the Planning Board is directed to file this Resolution with the Town Clerk of the Town of Lewisboro.

ADOPTION OF RESOLUTION

WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Town of Lewisboro as follows:

The motion was moved by: Jerome Kerner

The motion was seconded by: Charlene Indelicato

The vote was as follows:

JANET ANDERSEN

aye

JEROME KERNER

aye

GREGORY LASORSA

aye

CHARLENE INDELICATO

aye

Janet Andersen^{cc}
Janet Andersen, Chair

November 16, 2021

RESOLUTION: TOWN OF LEWISBORO DECLARATION OF CLIMATE EMERGENCY

WHEREAS, Climate Change has caused and continues to cause adverse impacts on human health, the introduction of new vectors for infectious disease, species extinctions and related threats to biodiversity, grave impacts on food and water security, economic security, and social-emotional wellbeing, and these impacts have predictably come to threaten the very viability of life on earth; and

WHEREAS, the modern warming trend is due to human activities¹, and

WHEREAS, a study published in the Lancet Planetary Health Journal conducted by researchers from Monash University found that the “unprecedented frequency, intensity, and duration of extreme temperature events” is responsible for over 5 million excess deaths per year ²; and

WHEREAS, as an example of the already devastating impact of climate change here in the New York area, approximately \$8.1 billion dollars in damages from Hurricane Sandy are attributable to the impact of climate change according to a study published in Nature³; and

WHEREAS, marginalized and frontline populations in Westchester and worldwide, including people of color, immigrants, indigenous communities, low-income individuals, people with disabilities, outdoor laborers, and the unhoused, especially women and children, are already disproportionately affected by the effects of climate change, and will continue to bear an excess burden as temperatures increase, and disasters worsen; and

WHEREAS, as an example of this disproportionate impact, the Groundwork Hudson Valley organization has documented the overlap of heat islands with historically “redlined” neighborhood of color in Yonkers⁴, and

WHEREAS, the destruction wrought by Climate Change also represents an intergenerational transfer of wealth with a moral component which cannot be ignored, and

WHEREAS, on April 22, 2016, 174 countries and the European Union signed the Paris Climate Agreement, recognizing the threat of climate change and agreeing to pursue efforts to limit the global temperature increase to 1.5 degrees Celsius (2.7 degrees Fahrenheit); and

WHEREAS, on October 8, 2018 the United Nations International Panel on Climate Change (IPCC) projected that limiting the global temperature increase to 1.5 degrees Celsius (2.7 degrees Fahrenheit) will require unprecedented transitions in all aspects of society over the next 12 years; and

WHEREAS, over 700 governmental jurisdictions across the world have recently declared or officially acknowledged the existence of a global climate emergency; and

¹ “Analysis: Why scientists think 100% of global warming is due to humans” -

<https://www.carbonbrief.org/analysis-why-scientists-think-100-of-global-warming-is-due-to-humans>

² “Global, regional, and national burden of mortality associated with non-optimal ambient temperatures from 2000 to 2019: a three-stage modelling study”

[https://www.thelancet.com/journals/lanph/article/PIIS2542-5196\(21\)00081-4/fulltext](https://www.thelancet.com/journals/lanph/article/PIIS2542-5196(21)00081-4/fulltext)

³ “Economic damages from Hurricane Sandy attributable to sea level rise caused by anthropogenic climate change”, <https://rdcu.be/cBi1P>

⁴ Groundwork Hudson Valley - <https://www.groundworkhv.org/programs/transforming-places/climate-safe-neighborhoods/>

WHEREAS, a swift and sweeping transition to clean energy systems that centers on equity and justice in their solutions is vital to our future and must include the expansion of clean and renewable power sources; residential and commercial building upgrades for state-of-the art energy efficiency, comfort and safety; investments in community resilience; investments in local-scale agriculture; improvement in critical transportation, water and other infrastructure, and

WHEREAS, the massive scope and scale of action necessary to stabilize the climate and biosphere will require unprecedented levels of public awareness, engagement, and deliberation to develop and implement effective, just, and equitable policies to address the climate emergency; and;

WHEREAS, on November 2, 2021, New Yorkers passed an amendment to the State Constitution asserting the right of each person to clean water, clean air, and a healthful environment which was echoed in Westchester County Resolution No. 180-2021; and

WHEREAS, New York State's Climate Leadership and Community Protection Act (CLCPA) is the among the most ambitious climate laws in the world and requires New York to reduce economy- wide greenhouse gas emissions 40 percent by 2030 and no less than 85 percent by 2050 from 1990 levels; achieve 100% zero-emission electricity by 2040 and statewide carbon neutrality by 2050; and

WHEREAS, the Town of Lewisboro recognizes that its responsibility to provide for the health and welfare of current and future citizens of the Town includes applying its resources and capacities to the elimination of the negative impacts of climate change; **Now therefore, be it**

RESOLVED by the Town Board of the Town of Lewisboro, that the Lewisboro Town Board declares a climate emergency and calls for an immediate emergency mobilization to restore a safe climate; and be it further

RESOLVED, that the Town embraces the goals of the CLCPA, and shall establish a greenhouse gas inventory and climate change / emissions reduction goals for the Town, including municipal operations, which comport with those set out in the CLPCA and including these in its Comprehensive Plan; and be it further

RESOLVED, that the Town Board will establish responsibilities and accountability for the achievement of abovementioned goals within the Town organizational structure, identify proposed budget items that might have a significant contribution to greenhouse gas emissions; and identify areas where additional resources could make new or existing greenhouse gas emissions reduction efforts more successful; and be it further

RESOLVED, that the Town Board does hereby request the Sustainability Advisory Committee to assist in realizing aggressive interim targets to accelerate the achievement of the abovementioned goals; pursue a range of high-impact clean energy actions, to include but not be limited to: adopting the NYS Unified Solar Permit, purchasing 100% renewal electricity, adopting the NYStretch Energy Code, adopting a benchmarking policy to track and report the energy use of municipal buildings and launching a Community Solar Community Campaign; examine other objectives related to greenhouse gas emissions reduction, including the promotion of natural systems, green infrastructure, and carbon sequestration; public cooling, housing and transportation alternatives, and identify the feasibility of accelerating the timelines of achieving such objectives; develop recommendations for a comprehensive communications plan and community awareness campaign that will help the Town meet its climate change goals.

TOWN OF LEWISBORO
TOWN HOUSE
11 MAIN STREET
SOUTH SALEM, NEW YORK 10590

THIS IS AN APPLICATION FOR LICENSE TO COLLECT AND DISPOSE OF REFUSE AND RECYCLABLES IN THE TOWN OF LEWISBORO.

RESIDENTIAL X
COMMERCIAL _____

If applying for renewal, date the current license expires _____, 2022

The Town will ensure that confidential proprietary documents submitted as part of this license application are maintained under seal and free from Freedom of Information disclosure.

Applicant shall be responsible for designation of document to be so protected.

1. Name of Applicant MAYFIELD SANITATION LLC P.O. Box 242
Business Address 131 Plainfield Ave Bedford Hills NY 10507 Bedford Hills NY 10507
Business Telephone & Fax Numbers 914 666-2306
Home & Emergency Telephone Numbers _____

2. VEHICLES

<u>Make</u>	<u>Model</u>	<u>Body Type</u>	<u>License Number</u>
<u>Frigidaire</u>	<u>FL70</u>	<u>Rear Load</u>	<u>69490MK</u>

It is understood that all equipment is and shall be maintained in good working condition.

3. FEES (Suggested: See note re Town Rate)

COMMERCIAL:

N/A

<u>Size of Container</u>	<u>Pickup Frequency</u>	<u>Suggested Rate (Per Yard)</u>
_____	_____	_____
_____	_____	_____

Note: The Town Rate will be set by the Town Board each December for the following year.
Actual rate charged may not exceed Town Rate.

RESIDENTIAL:

- A. Curbside \$41
- B. Driveway less than 125 feet \$58
- C. Driveway more than 125 feet \$58

4. METHOD OF BILLING

Monthly or by contract agreement

Monthly

5. AREAS TO BE SERVICED, IF NOT ENTIRE TOWN OF LEWISBORO

6. LOCATION OF TRANSFER SITES

City Center, Somerset, Wheelbarrow

7. PLACE OF DISPOSITION OF REFUSE

8. WESTCHESTER COUNTY DEPARTMENT OF HEALTH PERMIT NO. 909

9. INSURANCE INFORMATION

<u>Name of Agent</u>	<u>Insurance Company</u>	<u>Policy No.</u>	<u>Policy Period</u>
<u>Juilio Caballero</u>	<u>Progressive</u>	<u>00676831-2</u>	<u>5/3/21-5/3/22</u>

(Attach copy of Insurance certificate evidencing coverage amounts and naming Town as additional insured. New Certificate to be mailed automatically to Town upon renewal of change in and of the above information. Be sure to include Workmen's Compensation and Disability insurance coverage)

10. DETAILED DESCRIPTION OF APPLICANT'S EMPLOYMENT COMPLIMENT, INCLUDING JOB CLASSIFICATIONS

Owner Operator

11. SET FORTH ACTUAL OR BENEFICIAL OWNERS OF THE BUSINESS, OR IF CORPORATION, THE STOCKHOLDERS, DIRECTORS AND OFFICERS OF THE CORPORATION AND ALL RELATED BUSINESSES.

TYRONE MAYFIELD

12. NUMBER OF CUSTOMERS

13

IF INITIAL LICENSE, NAMES AND ADDRESSES OF A MINIMUM OF FIVE COMMERCIAL ACCOUNTS.

N/A

13. CONTINGENCY PLANS (Set forth in detail plans for providing service in the event of equipment failure, labor disputes of disposal difficulties or other factors which would affect service).

Have Mechanics and a chase Truck. IF E need

14. PLEASE MAKE SURE TO SEND THE TONAGE REPORT (TOTAL GARBAGE AND TOTAL RECYCLABLES) TO THE TOWN IN JANUARY OF EACH YEAR. IT CAN BE EMAILED TO townclerk@lewisborogov.com.

Tyler Myers being duly sworn, does hereby depose and say that all the statements herein contained are true and correct, that I have received a copy of, have read and understand, and will comply with all of the provisions of the applicable Refuse Collection Law of the Town of Lewisboro, and that all personnel have been instructed to comply with the provisions of applicable Refuse Collection Law of the Town of Lewisboro.

10/15/21
Date

Tyler Myers
Applicant

Owner
Title

(Corporate Seal)

Sworn to before me this 15th day of October, 2021.



[Signature]
Notary Public

Note: If this is your first application, please be sure to attach your latest financial statements and balance sheet. The application will not be reviewed without them. Please label the information "Confidential".

Refuse License Fees:

Residential: \$35 for each truck over 10 cubic yards
\$15 for each truck under 10 cubic yards

Commercial: \$100 for each truck over 10 cubic yards
\$50 for each truck under 10 cubic yards

For office use:

Total fee paid: \$35

Receipt No./Date: _____

CABALLERO INS AGCY
505 WHITE PLAINS #216
TARRYTOWN, NY 10591
1-814-332-1256

PROGRESSIVE
COMMERCIAL

Policy number: 00676831-2

Underwritten by:
PROGRESSIVE CASUALTY INSURANCE CO
September 15, 2021
Page 1 of 2

Certificate of Insurance

Certificate Holder

TOWN OF LEWISBORO
TOWN HOUSE
11 MAIN ST
SOUTH SALEM, NY 10590

Insured

MAYFIELD SANITATION LLC
PO BOX 242
BEDFORD HILLS, NY 10507

Agent/Supplus Lines Broker

CABALLERO INS AGCY
505 WHITE PLAINS #216
TARRYTOWN, NY 10591

This document certifies that insurance policies identified below have been issued by the designated insurer to the insured named above for the period(s) indicated. This Certificate is issued for information purposes only. It confers no rights upon the certificate holder and does not change, alter, modify, or extend the coverages afforded by the policies listed below. The coverages afforded by the policies listed below are subject to all the terms, exclusions, limitations, endorsements, and conditions of these policies.

Policy Effective Date: May 3, 2021

Policy Expiration Date: May 3, 2022

Insurance coverage(s)

Limits

BODILY INJURY/PROPERTY DAMAGE

\$1,000,000 COMBINED SINGLE LIMIT

SUPPLEMENTARY UNINSURED/UNDERINSURED MOTORIST \$500,000 COMBINED SINGLE LIMIT INCL MAND UMBI

PERSONAL INJURY PROTECTION

\$50,000 W/O WORKERS COMP

ADDITIONAL PERSONAL INJURY PROTECTION

OUT-OF-STATE PIP (GUEST PIP)

OPTIONAL BASIC ECONOMIC LOSS

\$25,000

Description of Location/Vehicles/Special Items

Scheduled autos only

1996 FRHT F70 1FV6HFAA5T1716042

MEDICAL PAYMENTS

\$5000

1999 DODGE RAM 1500 3B7HF1326XG223909

MEDICAL PAYMENTS

\$5000

1999 FORD F450 SUPER DUTY 1F0XFA7F9XEA92667

Policy number: 00676831-2

Page 2 of 2

Certificate number

25821NET831

Please be advised that the certificate holder will not be notified in the event of a mid-term cancellation.

A handwritten signature in black ink, appearing to be 'K. P. [unclear]', is written over the printed name 'K. P. [unclear]'.

Form 5201 (10/02)