

MINUTES OF TOWN BOARD MEETING HELD ON DECEMBER 9, 2021

A Town Board meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on December 9, 2021, at 7:30 p.m. at the at the Lewisboro Library, 15 Main Street, 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, Maintenance Assistant Shawn Johannessen, Police Chief David Alfano, Comptroller Leo Masterson, Parks & Recreation Superintendent Dana Mayclim and Highway Superintendent Peter Ripperger.

Approximately 10 residents/observers attended the live meeting and approximately 23 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.

PROCLAMATION – Supervisor Peter Parsons

County Executive George Latimer presented a proclamation to Supervisor Parsons (see below).

A GREAT COUNTY IS ONLY AS GREAT AS THOSE PERSONS WHO SET AN EXCEPTIONAL EXAMPLE, WHETHER THROUGH PARTICIPATION IN VOLUNTARY PROGRAMS, THROUGH UNIQUE PERSONAL ACHIEVEMENTS, OR SIMPLY THROUGH A LIFETIME OF GOOD CITIZENRY; AND

HISTORY HAS OFTEN TAUGHT US THAT THE MERIT OF ANY SOCIETY CAN AND WILL BE MEASURED BY THE ACTIONS OF THOSE INDIVIDUALS WHO, BY WAY OF UNPARALLELED EXHIBITIONS OF DILIGENCE AND CONVICTION, INSPIRE THOSE FORTUNATE ENOUGH TO BEAR WITNESS; AND

PETER PARSONS IS SUCH AN INDIVIDUAL WHO, THROUGH HIS SELFLESS DEDICATION TO FAMILY, FRIENDS, NEIGHBORS AND COMMUNITY HAS

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DISPLAYED A LEVEL OF COMMITMENT AND DEDICATION WORTHY OF THE HIGHEST PRAISE; AND

PETER PARSONS WAS ELECTED AS LEWISBORO TOWN SUPERVISOR IN 2011 AND RAN UNOPPOSED TWICE DURING HIS QUEST FOR OFFICE AND THE TOWN'S UPGRADED CREDIT RATING HAS BEEN ATTRIBUTED TO HIS LEADERSHIP; AND

PETER PARSONS LEAD THE TOWN TO ADOPT A ROAD PAVING PROGRAM BASED ON A CORNELL ENGINEERING STUDY IN 2013 THAT RESULTED IN EASIER TRAVEL ALONG LAKE KITCHAWAN TO LAKE KATONAH AND REPAVING OF ROUTES 138, 121, 123 AND 124; AND

PETER PARSONS HAS HELPED IN LEADING THE TOWN TO SUCCESSFULLY REORGANIZE THE POLICE FORCE WITH THREE FULL TIME OFFICERS FULLY INTEGRATED WITH THE TOWN'S PART-TIME FORCE; AND

PETER PARSONS IS BEING RECOGNIZED FOR HIS YEARS OF PUBLIC SERVICE AND DEDICATION TO THE TOWN OF LEWISBORO; AND NOW, THEREFORE, BE IT

RESOLVED, THAT AS THE WESTCHESTER COUNTY EXECUTIVE, I RECOGNIZE PETER PARSONS AS AN OUTSTANDING CITIZEN WORTHY OF THE HIGHEST PRAISE OF ALL WHO ARE FORTUNATE ENOUGH TO KNOW HIM.

*Given Under My Hand and Seal this 9th day of December, 2021
George Latimer, Westchester County Executive*

PROCLAMATION – Councilwoman Jane Crimmins

County Executive George Latimer presented a proclamation to Councilwoman Crimmins (see below).

A GREAT COUNTY IS ONLY AS GREAT AS THOSE PERSONS WHO SET AN EXCEPTIONAL EXAMPLE, WHETHER THROUGH PARTICIPATION IN VOLUNTARY PROGRAMS, THROUGH UNIQUE PERSONAL ACHIEVEMENTS, OR SIMPLY THROUGH A LIFETIME OF GOOD CITIZENRY; AND

HISTORY HAS OFTEN TAUGHT US THAT THE MERIT OF ANY SOCIETY CAN AND WILL BE MEASURED BY THE ACTIONS OF THOSE INDIVIDUALS WHO, BY WAY OF UNPARALLELED EXHIBITIONS OF DILIGENCE AND CONVICTION, INSPIRE THOSE FORTUNATE ENOUGH TO BEAR WITNESS; AND

JANE CRIMMINS IS SUCH AN INDIVIDUAL WHO, THROUGH HER SELFLESS DEDICATION TO FAMILY INCLUDING HER HUSBAND AND THREE CHILDREN,

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FRIENDS, NEIGHBORS AND COMMUNITY HAS DISPLAYED A LEVEL OF COMMITMENT AND DEDICATION WORTHY OF THE HIGHEST PRAISE; AND

JANE CRIMMINS OF SOUTH SALEM, OBTAINED HER MASTER OF SCIENCE DEGREE IN ELEMENTARY EDUCATION FROM BROOKLYN COLLEGE AND MASTER OF SCIENCE IN OCCUPATIONAL THERAPY FROM TUFTS UNIVERSITY'S BOSTON SCHOOL OF OCCUPATIONAL THERAPY WITH A BACHELOR'S DEGREE IN ENGLISH LITERATURE FROM COLUMBIA UNIVERSITY; AND

JANE CRIMMINS JOINED THE LEWISBORO TOWN BOARD IN 2018 AND HAS BEEN PRAISED FOR BEING A TIRELESS ADVOCATE AND INCREASING COMMUNITY ENGAGEMENT IN GOVERNMENT WITH A PROVEN RECORD OF BEING BUDGET CONSCIOUS, LEADING EFFORTS TO SECURE GRANT FUNDING; AND

JANE CRIMMINS HAS WORKED TO OBTAIN GRANTS FOR A NEW POLICE VEHICLE IN LEWISBORO, WATER QUALITY IMPROVEMENT PROJECTS AND UPDATE EXISTING TOWN PARK TRAILS PROVIDING ACCESS TO ALL INDIVIDUALS; AND

JANE CRIMMINS IS BEING RECOGNIZED FOR HER YEARS OF PUBLIC SERVICE AND DEDICATION TO THE TOWN OF LEWISBORO; AND NOW, THEREFORE, BE IT

RESOLVED, THAT AS THE WESTCHESTER COUNTY EXECUTIVE, I RECOGNIZE JANE CRIMMINS AS AN OUTSTANDING CITIZEN WORTHY OF THE HIGHEST PRAISE OF ALL WHO ARE FORTUNATE ENOUGH TO KNOW HER.

*Given Under My Hand and Seal this 9th day of December, 2021
George Latimer, Westchester County Executive*

PUBLIC HEARING – Budget 2022 (7:35 – 8:10 p.m.)

Supervisor Parsons called the public hearing to order. There was no objection to the time or form of the public notice (attached).

Supervisor Parsons called for comments from the public. There were no public comments.

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

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RESOLVED, that the public hearing regarding the 2022 Preliminary Budget, is now closed.

The Board heard from Comptroller Leo Masterson regarding the 2022 Budget. He stated that the 2.656% tax rate change will remain the same and there is no change to the bottom line from the tentative budget discussed on October 25, 2021. Adjustments in the General and Highway Funds expenditures were changed, but one negating the other. He also stated that the town is within the 2% tax cap because the town's special districts which include Oakridge Sewer, Wild Oaks Lighting and Wild Oaks Sewer are projected to have a favorable tax year in 2022.

Mr. Masterson stated that since 2021, NYSHIP rates for active employees increased by 12.5% or \$91,000. He explained that he had injected roughly 6% into the tentative budget to cover the rate increases, and there was a decline in the coverage for retired employees which would leave a net increase of \$35,000 for 2022, or roughly 7%.

Mr. Masterson stated that in the Highway fund expense, the hospital and medical benefits for active employees increased by \$15,000 due to the rate changes and the hospital and medical benefits for retirees decreased by \$18,700, resulting in a net increase in Highway Fund expenses of \$33,000. Mr. Masterson explained that the town was able to stay within the 2% cap despite these increases in expenses in the General and Highway funds because the Highway fund's tentative budget included the retirement of a Motor Equipment Operator (MEO), however, that will not be happening. He also stated that the cost of unused personal days, which are accounted for when a town employee retires, were included in the tentative budget but since the retirement is no longer likely, the town does not need to include the expense for those days.

The Board also discussed the projected salaries for Town Supervisor, Highway Superintendent, Town Clerk and the four Town Board members, which Mr. Masterson had increased by 5%. Mr. Sklarin suggested that the four Town Board members' salaries should be frozen at the 2020 figure (there were no raises in 2021 for any employees) for the 2022 Budget. The Board discussed this and agreed.

Mr. Masterson and Supervisor Parsons agreed that continued union negotiations would go into 2022 and would not be completed by the end of 2021. Mr. Masterson did state that each year an amount is put into a fund balance restoration line for both the General and Highway funds to cover unforeseen additional expenses such as higher salaries due to union negotiations and agreements.

Mr. Masterson also stated that there was a \$1 million deficit fund balance 10 years ago, however, for the last ten years, the town has consistently restored that balance and we are looking at \$1.7 million on the positive side. We are now rated as AA stable, which means the town can get lower interest rates.

The Board again thanked Mr. Masterson and they will continue to discuss personnel issues pertaining to the budget in executive session. If the Board approves the 2022 Budget, there will be no need for the December 13, 2021 Town Board meeting. If the Board does not approve the 2022 Budget, there will be a Town Board meeting on December 13, 2021.

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TOWN BOARD – No Raises for 2022

On motion by Mr. Sklarin, 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 Town Board does approve a freeze to the four Town Board Member's salaries to the 2020 and 2021 figures for the 2022 budget.

CONSENT AGENDA

MINUTES & REPORTS - Approved

On motion by Supervisor Parsons, seconded by Mr. Sklarin, the minutes of the November 22, 2021, Town Board meeting were approved and the November 2021 monthly reports for the Building & the Police Departments were received and filed.

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

TOWN PARK PLAYGROUND PROPOSAL – Discussion (8:11 – 8:40 p.m.)

The Parks & Recreation Superintendent Dana Mayclim along with members of the Lewisboro Playground Improvement Project went over the playground proposal and stated that pricing would be increasing come January of 2022. Michael Hofknecht from Site Specialists went over the final plan and proposal for the playground at the Town Park. The play equipment cost with the 2021 pricing would be \$331,820.60. The play equipment cost with the 2022 pricing would be \$348,735.00. Ms. Mayclim stated that she was hoping to get a purchase order before the end of the year so that they did not have to pay the 2022 pricing.

Comptroller Leo Masterson stated that it would make better sense accounting wise to issue the purchase order for 1/2022 and suggested that a resolution be drawn up and sent to "Landscape Structures". Mr. Hofknecht was not sure if they would accept this but would reach out to them.

The Board did agree and will send a certified resolution to Ms. Mayclim to forward on to them.

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On motion by Mr. Welsh, 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 of the Town of Lewisboro, upon the recommendation of Director of Recreation and Parks Dana Mayclim, hereby authorizes the purchase of playground equipment for future installation/construction at Lewisboro Town Park from “Landscape Structures” Delano, Minnesota, at total cost not to exceed \$330,820.60 and pursuant to New York State Office of General Services Contract No. PC67833; and

BE IT FURTHER RESOLVED that Town Comptroller Leo Masterson is hereby authorized to make any budget modifications required to effect this authorization on the terms set forth herein.

PARKS & RECREATION – Food Drive

Ms. Mayclim stated that there would be a food drive at the Town Park on Thursday, December 16th, 2021 from 4-6 p.m.

PARKS & RECREATION – Brownell Preserve

Ms. Mayclim stated that they had just received a \$5,000 check from the Vital Project Fund for improvements to the Brownell Preserve.

STORMWATER – MS-4 Interim Report

Supervisor Parsons thanked Mr. Paul Lewis for all his continued work on this stormwater interim report.

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 accept the Interim MS4 Report and be it further

RESOLVED, that the Town Board authorizes the Supervisor to sign said report.

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HERODES LAW & GREGORY FOLCHETTI, ESQ. – Approve Agreement

On motion by Mr. Sklarin, 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 Town Board does authorize entry into agreement for provision of legal services to the Town of Lewisboro with Herodes Law, P.C. and Gregory Folchetti, Esq. agreement for a period of 3 years commencing January 1, 2022, and be it further

RESOLVED, that the Supervisor is authorized to sign said agreement.

TOWN OFFICES – Authorize Closing

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

RESOLVED, that the Town Board does hereby authorize an extended lunch period from 11:45am – 2:15pm on Thursday, December 16 with a snow date of Friday, December 17 for an employee function.

STANDARD WORKDAYS – New York State Retirement System Reporting

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 of Lewisboro hereby establishes the following as standard work days for elected officials and will report the following days worked to the New York State and Local Employees' Retirement System based on record of activities maintained and submitted by these officials to the Clerk of this body:

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Title	Name	Social Security # (last 4 digits)	Registration Number	Standard Work Day (hrs/day)	Term begins/ends	Participants in Employer's Time Keeping System (Y/N)	Days/Months (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
<i>Elected Officials</i>									
Supervisor	Peter Parsons			7	1/1/20- 12/31/2021	N	40.90		
Town Clerk	Janet Donohue			7	1/1/2020 12/31/2023	N	26.24		
Town Board	Dan Welsh			7	1/1/20 - 12/31/2023	N	3.62		
Town Board	Tony Gonçalves			7	1/1/18- 12/31/2021	N	4.74		
Town Board	Richard Sklarin			7	1/1/20- 12/31/2023	N	4.19		
Highway Superintendent	Peter Ripperger			8	1/1/20- 12/31/2023	N	20.10		
Tax Receiver	Deirdre Casper			7	1/1/18- 12/31/2021	N	33.62		
Judge	John Pappalardo			7	1/1/21- 12/31/2024	N	3.50		
Judge	Sue Simon			7	1/1/20- 12/31/2023	N	7.72	X	

PLANNING – Change of Use for “The Heights” (8:44 – 8:53 p.m.)

Mr. Gonçalves went over the below information regarding the change in use for “The Heights” restaurant to 4 apartments. He also stated that the board received a letter from the Planning Board Attorney and Town Planner and Wetland Consultant stating that they did not have an issue with this change as the impact is minimal. The Town Board is the commissioners of the District and that is why this resolution needs to be passed.

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- The Heights Cabaret/Restaurant = 6,000 sf building
- NYS DEC design standard: 35 GPD/seat
 - 250 seats = 8,750 GPD
- Change of Use Proposal: four 3BR 1,250 sf apartments
- NYS DEC design standard; 110 GPD/BR
 - 3BR = **330 GPD** per apartment (4 apartments = 1320 GPD total)
- Boulder Ridge actual water usage – for comparison

	Q1 2021	Q2 2021	Q3 2021
2BR (Avg GPD/unit)	94.38	90.85	110.18
3BR (Avg GPD/unit)	85.59	70.64	91.07

- Water/Wastewater plant capacity 80,000 GPD
- Billed water usage 2019 – 2021 = 33,000 – 37,000 GPD
- Well water usage;
 - Aug 2021 – 67,000 GPD
 - Sep 2021 – 57,000 GPD
 - Oct 2021 – 58,000 GPD
- Above includes daily backwashing and periodic flushing
- Conclusion:
 - DEC standards of 330 GPD/apartment for each of 4 apartments, is a much lower impact to plant performance or capacity
 - If the 4 new apartments follow similar consumption as current 3BR Boulder Ridge units (70-90 GPD/unit), they will demand significantly less water and produce significantly less sanitary flow.

After some discussion, the Board did pass the change of use resolution.

On motion by Mr. Gonçalves, 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 approve the change of use proposed for “The Heights” Restaurant for the construction/establishment of four apartment units, and

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BE IT FURTHER RESOLVED that this approval is issued after due consideration and determination that there is adequate potable water capacity and sewer capacity available in the Oakridge Water District and Oakridge Sewer District to serve the approved change of use reflected herein.

TAX CAP LEGISLATION – Local Law Passed

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 adopted a local law to override the tax levy limit established in general municipal law, §3-c.

LOCAL LAW #11 OF THE YEAR 2021 LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C

SECTION 1. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Lewisboro, County of Westchester pursuant to General Municipal Law § 3-c, and to allow the Town of Lewisboro, County of Westchester to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the Town Board for the fiscal year 2022 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

SECTION 2. AUTHORITY.

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the town board.

SECTION 3. TAX LEVY LIMIT OVERRIDE.

The Town Board of the Town of Lewisboro, County of Westchester is hereby authorized to adopt a budget for the fiscal year 2022 that requires a real property tax levy in excess of the limit specified in General Municipal Law § 3-c.

SECTION 4. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or

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invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State.

PUBLIC COMMENT PERIOD (8:55 – 9:10 p.m.)

There was a total of five residents who spoke during the public comment period.

OAKRIDGE WATER

Several residents asked for updates on the septic and water issues at Oakridge. They also stated that The Heights Restaurant was never filled to capacity and they don't understand how four more apartments can be created when the water is still not good for current Oakridge residents.

TERM LIMITS

A resident feels that there should be term limits for committee members.

SUSTAINABLE WESTCHESTER

A resident again questioned Mr. Welsh's involvement with Sustainable Westchester.

JANE CRIMMINS

A resident thanked Ms. Crimmins for all that she has done for the Town of Lewisboro.

CLAIMS – Authorized for Payment

On motion by Supervisor Parsons, seconded by Mr. Sklarin, the Board voted 5-0 to authorize payment of the Town's bills in the amount of \$516,973.28.

MEETING – Date Set

An upcoming meeting of the Town Board will include a meeting on Monday, December 13, 2021, at 7:30 p.m. at the Lewisboro Library, 15 Main Street, South Salem, New York (this meeting was cancelled as the Budget for 2022 was approved).

An upcoming meeting of the Town Board will include and Organizational Meeting and a regular meeting on Monday, January 10, 2022, at 7:30 p.m. at the Lewisboro Library, 15 Main Street, South Salem, New York.

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POLLING OF BOARD (9:11 – 9:23 p.m.)

THANKS TO SUPERVISOR PARSONS & MS. CRIMMINS

The Board thanked Supervisor Parsons for his 10 years of service to the town and thanked Jane Crimmins for her past 4 years of service to the town.

SALT DOME

Supervisor Parsons stated that both the NYS Department of Environmental Protection and NY City State of Protection have recently conducted extensive inspections at the Salt Dome after a resident or residents made an anonymous complaint to them. No violations were found. The only result was to waste the time of these NY City and State employees.

EXECUTIVE SESSION – To Discuss Personnel Issues

On motion by Supervisor Parsons, seconded by Mr. Sklarin, the Board voted 5-0 to go into executive session at 9:24 p.m. to discuss personnel issues.

On motion by Mr. Welsh, seconded by Ms. Crimmins, the Board voted 5-0 to come out of executive session at 11:02 p.m.

POLICE OFFICER – Appointment of Jason Conley

On motion by Mr. Gonçalves, 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 Town Board does approve the appointment of Jason Conley as a Town of Lewisboro part-time police officer effective January 1, 2022.

BUDGET – Adoption of 2022 Budget

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)

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RESOLUTION

RESOLVED, that the Town Board does adopt the 2022 Budget (see attached).

ADJOURNMENT

On motion by Supervisor Parsons, seconded by Mr. Sklarin, the Board voted 5-0 to adjourn at 11:05 p.m.

Janet L. Donohue
Town Clerk