



**TOWN OF LEWISBORO
TOWN BOARD MEETING 7:30 P.M.
REVISED AGENDA
LEWISBORO LIBRARY
MONDAY, FEBRUARY 14, 2022**

I. PUBLIC COMMENT

II. COMMUNICATIONS

III. CONSENT AGENDA

- a. Approval of Minutes of January 24, 2022
- b. Monthly Reports January 2022
 - i. Building Department
 - ii. Police Department

IV. OLD BUSINESS

- a. Discussion: Engineering Services Proposal for New Town Park Playground
- b. Update of Collector Roads Resolution

V. NEW BUSINESS

- a. Library Presentation – Library Director Cindy Rubino
- b. Resolution for Westchester County Multi-Jurisdictional Hazard Mitigation Plan Update
- c. Discussion: Establishment of Inclusion, Diversity and Equity Advisory Committee
- d. Discussion: Increasing Membership of Sustainability Committee
- e. Discussion: \$500,000 Borrowing Resolution for Highway Vehicles

VI. PUBLIC COMMENT

VII. APPROVAL OF CLAIMS

VIII. POLLING OF THE BOARD

IX. ANNOUNCEMENTS

Town Board Meeting Monday, February 28, 2022, 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/91942235993?pwd=TjlzMVdMUUnV0M3plTHlxb044bVd3Zz09>

Meeting ID: 919 4223 5993

Passcode: 980627

Dial by your location

+1 929 205 6099 US (New York)

Meeting ID: 919 4223 5993

Passcode: 980627

TOWN OF LEWISBORO
Building/Zoning Department
79 Bouton Road
South Salem, NY 10590

M5 Fee Report
From 12/29/2021 To 01/20/2022

Count by Type

Fee Type	Count	Total
Additional Building Permit Fee	5	\$660.00
Additional CC Fee	3	\$470.00
Additional CO Fee	2	\$190.00
BUILDING PERMIT FEE	52	\$64,670.00
CERTIFICATE OF COMPLIANCE FEE	21	\$1,520.00
CERTIFICATE OF OCCUPANCY FEE	29	\$57,150.00
CIVIL PENALTY - NO PERMIT	7	\$2,200.00
DEMOLITION 600 FT AND GREATER	1	\$100.00
ENVIRONMENTAL QUESTIONNAIRE-BUILDING	10	\$500.00
RE-INSPECTION	3	\$300.00
RECORDS MANAGEMENT FEE	52	\$104.00
RENEWAL FEE	2	\$1,754.00
Wetland Administrative	1	\$150.00
	188	\$129,768.00

TOWN OF LEWISBORO

Building & Zoning Department

79 Bouton Road, South Salem, NY 10590

914-763-3060

	2020		2021		2022	YEAR TO DATE INCREASE BY MONTH
	BUDGET REVENUE: \$484,900		BUDGET REVENUE: \$510,000		BUDGET REVENUE: 600,000	
MONTH	INCOME	MONTH	INCOME	MONTH	INCOME	
JAN	\$18,802.00	JAN	\$46,580.69	JAN	\$129,768.00	179%
FEB	\$30,148.50	FEB	\$46,052.00	FEB		
MAR	\$20,785.00	MAR	\$152,883.32	MAR		
APR	\$49,473.50	APR	\$62,215.75	APR		
MAY	\$31,037.87	MAY	\$87,484.00	MAY		
JUNE	\$106,037.00	JUNE	\$172,756.00	JUNE		
JULY	\$72,945.50	JULY	\$72,809.49	JULY		
AUG	\$57,067.00	AUG	\$51,153.00	AUG		
SEPT	\$101,789.50	SEPT	\$107,715.18	SEPT		
OCT	\$83,161.00	OCT	\$111,226.00	OCT		
NOV	\$121,043.10	NOV	\$176,999.75	NOV		
DEC	\$85,554.21	DEC	\$50,350.00	DEC		
	\$777,844.18		\$1,138,225.18		\$129,768.00	

PATROL ACTIVITY 2022

[illegible]

CONTRACT

This agreement for the performance of engineering services is entered into this 2nd day of February, 2022, by and between Kellard Sessions Consulting, Engineering, Landscape Architecture & Planning, D.P.C. (hereinafter referred to as "Kellard Sessions Consulting") and Town of Lewisboro (Client).

CLIENT:

Name: Supervisor Tony Goncalves
Company: Town of Lewisboro
Street Address: 11 Main Street
City / State / Zip: South Salem, New York 10590

BILLING INFORMATION:

Name: Same as Client

PROJECT LOCATION:

Project: Lewisboro Town Park Playground
Address: Route 35
Town / State: South Salem, New York

PROPOSAL/SCOPE DATE: February 2, 2022

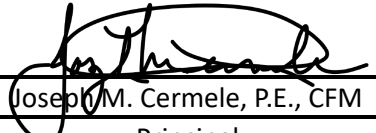
COST OF SERVICES: See Page 7.

Client hereby engages Kellard Sessions Consulting to perform the services described and referred to herein and agrees to pay Kellard Sessions Consulting for such services, and acknowledges that the terms of this agreement are subject to Kellard Sessions Consulting's standard contract terms.

TOWN OF LEWISBORO (CLIENT)

By: (signature) _____
(printed) Tony Goncalves
Title: Supervisor
Date: _____

KELLARD SESSIONS CONSULTING

By: (signature) 
(printed) Joseph M. Cermele, P.E., CFM
Title: Principal
Date: February 2, 2022

https://kellardsessionsconsulti.sharepoint.com/sites/Kellard/Shared/Joe/Proposals/Lewisboro_TownPark_SitePlan_CM.docx

SCOPE OF SERVICES

Kellard Sessions Consulting shall provide civil engineering and wetland consultation services required for the preparation of a site plan package, reports and bid documents for improvements to the Lewisboro Town Park playground project located at Route 35 in the Town of South Salem. It is our understanding that the Town proposes to demolish the existing playground systems and replacing the systems in their entirety with a new expanded pre-manufactured system. It is also our understanding that the Town has already purchased the new playground equipment (designed by others) and special flooring/ground cover materials to proceed toward construction. Kellard Sessions Consulting shall coordinate with the manufacturer (Landscape Structures, Inc.) to provide a comprehensive plan for accessibility and installation of the new playground components.

Kellard Sessions Consulting shall provide the following services:

I. BASE MAPPING

Kellard Sessions Consulting shall prepare a CADD base file of the project site. The base file shall be prepared from a digital boundary and topographic survey to be provided by the project's surveyor.

II. SITE PLAN PHASE

A. Site Plan

Kellard Sessions Consulting shall design and prepare a site plan package consisting of the following:

- 1) Existing Conditions - existing conditions and existing improvements identifying those to be demolished/removed.
- 2) Layout Plan - shown with dimensioning, walkways, drives, etc. Play system footprint to be provided by manufacturer for coordination on our plans. All plans and details of construction shall be provided in digital format (CADD).
- 3) Grading and Drainage Plan - proposed two (2) foot contour intervals including spot grade elevations and finished floor elevations of pavilion and playground areas. Stormwater collection and conveyance, and collection systems.
- 4) Landscaping and Mitigation Plan - proposed plantings within and surrounding the proposed improvements, as appropriate, and include a plant list with type, size and quantity of plant materials and related planting details/notes.
- 5) Erosion and Sediment Control Plan - illustrations and details of temporary control measures which may include silt fence, haybales, temporary sediment basins, diversion swales, check dams, etc.

- 6) Site Construction Details - typical site construction details to include walkways, storm system components fence, landscaping, play systems, and erosion and sediment controls.

III. Notice of Intent (N.O.I.) Phase

Kellard Sessions Consulting shall prepare a New York State Department of Environmental Conservation (NYSDEC) Notice of Intent (N.O.I.) Application/MS4 Form for submission for filing with the New York State Department of Environmental Conservation (NYSDEC) for coverage under the General Permit (GP-0-20-001) for Stormwater Discharge from Construction Activities for disturbance in excess of 5,000 SF.

IV. NYSDEC Freshwater Wetland Permit Phase

A. Wetland Delineation

The proposed project is located within the 100-foot wetland adjacent area associated with NYSDEC Freshwater Wetland L-20. Kellard Sessions Consulting shall perform a wetland delineation of the subject property in accordance with NYSDEC wetland criteria. Boundaries of the wetland shall be demarcated in the field with sequentially numbered fluorescent ribbon. The NYSDEC will require that the wetland flags be field surveyed and accurately mapped by a licensed land surveyor. Since land surveying services are not included within this proposal, land surveying services would need to be contracted separately and will be a direct cost to the client.

Kellard Sessions Consulting shall accompany NYSDEC staff to the property for confirmation of the wetland boundaries.

B. Wetland Mitigation Plan

Kellard Sessions Consulting shall prepare and submit an Article 24 Freshwater Wetlands Permit Application to the NYSDEC. Kellard Sessions Consulting shall prepare a wetland mitigation plan reflecting all work which is proposed to mitigate disturbances from proposed grading and improvements within the 100-foot adjacent area. The application shall include proposed improvements, environmental assessment form, erosion controls, narrative and photographs. The plan will be prepared on base mapping data obtained from the project survey and illustrate the intended improvements, controls and mitigation.

V. Bid Documents Phase

A. Specifications

Kellard Sessions Consulting shall prepare Specifications for competitive bidding. Bid Documents shall include Notice to Bidders, Instruction to Bidders, Proposal Form, Agreements, Labor and Bonding Requirements, General Conditions, Special Conditions and Technical Specifications. Technical specifications for the playground shall be provided by the manufacturer for coordination. Kellard Sessions Consulting shall prepare a quantity take off of items of work and prepare bid sheets to be included in the Bid Documents.

The Bid Documents phase of work shall include three (3) copies of plans and specifications to be used for bidding purposes as well as a digital copy for distribution by the Town Clerk. Additional copies that may be required shall be provided as an additional direct cost to the client.

B. Bidding Phase

Kellard Sessions Consulting shall assist the client and project landscape architect during the bidding process. Such work shall include:

- Review Bid Documents with the Town and revise the documents accordingly to address any comments prior to bidding the project.
- Field inquiries during the bidding process and prepare and distribute addenda to the Bid Documents, when necessary.
- Review all bids and prepare a line items bid analysis.
- Provide recommendations to the Town Board for the award of the bid.

VI. Construction Phase

Kellard Sessions Consulting shall provide consultation and inspection services during the construction phase of the project including:

- Shop Drawing Review

Kellard Sessions Consulting shall review shop drawings, samples and other data submitted by the contractor for conformance with the contract documents. Such review and approvals shall not modify or alter intended construction methods, techniques, sequences, procedures, or safety precautions and programs.

- Construction Inspection

Construction inspection shall consist of inspection of construction for compliance with the plans and specifications, explanation or clarification of the intent of drawings, etc. Kellard Sessions Consulting shall make visits to the site at intervals appropriate to the various stages of construction to observe that the progress and quality of the work are proceeding in accordance with the contract documents. For the purpose of this proposal, Kellard Sessions Consulting assumes a project duration of three (3) months.

Kellard Sessions Consulting shall not undertake or assume the obligation of exhaustive on-site inspections, supervision of construction, supervision of safety measures, scheduling of work, and compliance with any and all codes and laws. Special inspections and certifications specific to the playground equipment shall be performed by representatives approved/authorized by the manufacturer.

- Consultation

Kellard Sessions Consulting shall provide consultation to the client where conditions arise which require revision or modification to the project design. Furthermore, when required, Kellard Sessions Consulting, shall provide interpretation of the plans and specifications as they relate to the materials and methods of construction, payment limits, responsibilities and the completion of the work, as well as coordinate between the contractor and manufacturer.

- Change Orders

Kellard Sessions Consulting shall review and make recommendations to the client on change order requests.

- Payment Requisitions

Kellard Sessions Consulting shall take measurements and witness work performed to verify the quantities of material installed under the contract. Such documentation shall be used in establishing and verifying payment quantities submitted by the contractor for the project. Furthermore, Kellard Sessions Consulting shall review and provide recommendations for payment of requisitions submitted by the contractor.

- Final Acceptance

Kellard Sessions Consulting shall perform a final inspection of the work, prepare a final punch list and review the final work product for compliance with the Bid Documents.

ADDITIONAL SERVICES

Additional services shall include all services not specifically defined within Scope of Services above. If required, additional services shall be billed in accordance with the hourly rate schedule for the year services are performed or under separate contract.

Additional services which may be required from Kellard Sessions Consulting although their need cannot be determined at this time, include but are not limited to:

- All other services not included within Scope of Services above.
- All surveying services.
- Plans, design reports, applications and permits not included within Scope of Services and which cannot be anticipated at this time.
- Geotechnical study.
- Lighting plan.
- Land Use Board reviews or approvals.
- Special inspections/certifications for playground.
- Playground system design.

FEES

I.	Base Mapping	\$1,200.00
II.	Site Plan Phase	\$7,200.00
III.	Notice of Intent (N.O.I.) Phase.....	\$850.00
IV.	NYSDEC Freshwater Wetland Permit Phase	\$3,500.00
V.	Bid Documents Phase	\$8,500.00
VI.	Construction Phase	\$7,000.00

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RESOLUTION ADOPTED BY THE TOWN BOARD
OF THE TOWN OF LEWISBORO
AT A MEETING HELD ON FEBRUARY 14, 2022

RESOLUTION

RESOLVED that the Town Board authorizes the Supervisor to send a letter to the State Legislators requesting that they exempt collector roads in the Town of Lewisboro via home rule resolution from the State speed provisions, pursuant to S2991/A7944.

Notwithstanding the provisions of section sixteen hundred twenty-two of the vehicle and traffic law, in lieu of making a request of the department of transportation pursuant to such section, the town board of the town of Lewisboro in the county of Westchester, with respect to town highways which have been functionally classified by the department of transportation as rural major and minor collector roads on official functional classification maps approved by the federal highway administration pursuant to part 470.105 of title 23 of the code of federal regulations, as amended from time to time, and which are outside of cities and villages, may by local law, ordinance, order, rule or regulation:

(a) Establish maximum speed limits at which vehicles may proceed on or along designated town highways lower than thirty miles per hour, but no less than twenty-five miles per hour unless in a designated school zone in accordance with State and Federal law. The roads in question are listed in the Town of Lewisboro Code under the Vehicle Traffic and Safety section 212-22 schedule 1 titled "Speed Limits" and attached hereto with their current thirty mile per hour designation:

Name of Street	Speed Limit (mph)	Location
Bouton Road	30	Entire length
Main Street	30	From the intersection with Bouton Road to the border with the State of Connecticut
Oscaleta Road	30	Entire length
Spring Hill Lane	30	Entire length
West Lane	30	From the intersection with Spring Hill Road to the border with the State of Connecticut

STATE OF NEW YORK
COUNTY OF WESTCHESTER

I, JANET L. DONOHUE, Town Clerk of the Town of Lewisboro, County of Westchester, State of New York, do hereby certify that I have compared the preceding copy of a Resolution adopted by the Town Board of the Town of Lewisboro at a meeting held on the 14th day of February, 2022, to the original thereof, and that the same is a true and exact copy of said original and of the whole thereof.

Town Clerk

Dated at South Salem, New York
this 15th day of February, 2022

**A RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LEWISBORO
AUTHORIZING THE ADOPTION OF THE
2021 WESTCHESTER COUNTY, NY
HAZARD MITIGATION PLAN UPDATE**

WHEREAS, all jurisdictions within Westchester County have exposure to natural hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; a coalition of Westchester County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Westchester County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Town of Lewisboro:

- 1) Adopts in its entirety, the 2021 Westchester County Hazard Mitigation Plan (the “Plan”) as the jurisdiction’s Natural Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

PASSED AND ADOPTED on this 14th day of February, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Town Clerk, Town of Lewisboro

Supervisor, Town of Lewisboro

BOND RESOLUTION DATED FEBRUARY 14, 2022.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE TOWN OF LEWISBORO, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF THE ACQUISITION OF HIGHWAY VEHICLES, EACH ITEM OF WHICH SHALL COST \$30,000 OR MORE, IN AND FOR SAID TOWN.

WHEREAS, all conditions precedent to the financing of the capital purpose hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital purpose; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Lewisboro, Westchester County, New York, as follows:

Section 1. For the purpose of paying the cost of the acquisition of highway vehicles, each item of which shall cost \$30,000 or more, in and for the Town of Lewisboro, Westchester County, New York, including incidental expenses in connection therewith, a class of objects or purposes, there are hereby authorized to be issued up to \$500,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$500,000, and the plan for the financing thereof shall be by the issuance of the \$500,000 bonds authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years pursuant to subdivision twenty-eight of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor,

the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Lewisboro, Westchester County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent such appropriation is not made from other sources, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Lewisboro, Westchester County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the Supervisor shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds,

appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. Upon this resolution taking effect, the same shall be published in summary in *The Record Review*, the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is adopted subject to permissive referendum in accordance with Section 35.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____

The resolution was thereupon declared duly adopted.

* * *