

A Town Board meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on June 27, 2022, at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York.

PRESENT:

Supervisor	Tony Gonçalves
Council Members	Andrea Rendo, Mary Shah, Richard Sklarin and Daniel Welsh
Town Clerk	Janet L. Donohue
Absent	None

Also attending was the Attorney for the Town Gregory Folchetti, Deputy Supervisor/Comptroller Leo Masterson, Facilities Maintenance Director Joel Smith, Maintenance Assistant Shawn Johannessen, and Confidential Secretary/Benefits Coordinator Mary Hafter.

Approximately 3 residents/observers attended the live meeting and approximately 12 participated via Zoom.

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

EMERGENCY PROCEDURE

Supervisor Gonçalves 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.

PUBLIC HEARING – Proposed Amendment to Chapter 212, Vehicles and Traffic; 1 stop sign to replace Yield sign (7:32 – 7:52 p.m.)

Supervisor Gonçalves called the public hearing to order for a proposed local law of the Town Code of the Town of Lewisboro with regard to the proposed Local Law to amend Chapter 212, of the Town Code of the Town of Lewisboro entitled “Vehicles & Traffic” specifically Subsection 212-8 entitled “Schedule V (212-26): Yield Intersections” is hereby amended to remove said yield sign at the intersection of Hall Avenue and Pond Street and to amend subsection 212-7 entitled “Schedule IV (212-25) to add a stop sign on Hall Avenue at the intersection of Hall Avenue and Pond Street. There was no objection to the time or form of the public notice (attached).

On motion by Supervisor Gonçalves, seconded by Councilman Sklarin, the Board voted as follows:

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

RESOLUTION

RESOLVED, that the public hearing regarding an amendment to the Town Code of the Town of Lewisboro, Chapter 212 Vehicles and Traffic, for 1 stop sign, is now open.

Supervisor Gonçalves asked for comments from the residents.

Resident Daniel Ninivaggi, who has lived on Pond Street at this intersection for 3 years is shocked at the lack of traffic signage. He feels that there is significant traffic on this dirt road, and it also creates massive dust clouds. He feels that a 3-way stop sign at this intersection will help.

There were no other comments from the public.

On motion by Supervisor Gonçalves, seconded by Councilman Welsh, the Board voted as follows:

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

RESOLUTION

RESOLVED, that the public hearing regarding an amendment to the Town Code of the Town of Lewisboro, Chapter 212 Vehicles and Traffic, to add a stop sign on Hall Avenue at the intersection of Hall Avenue and Pond Street, is now closed.

PUBLIC HEARING – Proposed Amendment to Chapter 212, Vehicles and Traffic; 3 way stop sign to replace Yield sign (7:32 – 7:52 p.m.)

Supervisor Gonçalves called the public hearing to order for a proposed local law of the Town Code of the Town of Lewisboro with regard to the proposed Local Law to amend Chapter 212, of the Town Code of the Town of Lewisboro entitled “Vehicles & Traffic” specifically Subsection 212-8 entitled “Schedule V (212-26): Yield Intersections” is hereby amended to remove said yield sign at the intersection of Hall Avenue and Pond Street and to amend subsection 212-7 entitled “Schedule IV (212-25) to add a three way stop sign at the intersection of Hall Avenue and Pond Street. There was no objection to the time or form of the public notice (attached).

On motion by Supervisor Gonçalves, seconded by Councilwoman Rendo, the Board voted as follows:

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

RESOLUTION

RESOLVED, that the public hearing regarding an amendment to the Town Code of the Town of Lewisboro, Chapter 212 Vehicles and Traffic, for a 3 way stop sign, is now open.

Supervisor Gonçalves stated that he again reached out to the Police Chief and the Highway Superintendent, and they again held firm on their opinions about this intersection:

From Chief Alfano: My position still remains the same. The speed limit has been lowered to 25mph. The Lewisboro Police Department hasn't had any complaints, accidents, or requests for digital speed signs to obtain data since I've been here.

Most drivers are reasonable and prudent. An unwarranted stop sign installation reduces speed only immediately adjacent to the sign. In most cases, drivers accelerate as soon as possible, to a speed faster than they drove before stop signs were installed. Stop signs are NOT effective for speed control. This particular location will be a breeding ground for disrespect to all traffic control devices and increase running of stop signs.

From Highway Superintendent Peter Ripperger: I still think the only change would be to replace the yield sign with a Stop sign. A three way stop intersection will only cause frustration and abuse with drivers. I feel this would be the wrong use of stop signs. They should never be used for speed control.

Resident David McDonough, a 9-year resident of Hall Avenue stated that he agrees with Mr. Ninivaggi. Mr. McDonough is a board member of the community association and they all voted in favor of pursuing a 3-way stop at this intersection. With the increase in commercial traffic in the last 5 years, he feels there is a need for a 3way stop at this intersection.

Councilwoman Rendo asked if now since this has been brought to the town's attention and nothing is done, will this be putting the town at risk. She suggested that a town engineer do a traffic study and come up with a plan for this intersection.

Councilman Welsh feels that in this case a stop sign is serving as a signal to slow down. He feels that this worked well on Chapel Road and sees no harm in moving forward with the 3-way stop sign at this intersection.

Supervisor Gonçalves stated that they also put a 3-way stop on Todd Road as well. He also understands the suggestion for an engineer report but that is a large expense that would cost more than 3 stop signs.

On motion by Supervisor Gonçalves, seconded by Councilman Sklarin, the Board voted as follows:

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

RESOLUTION

RESOLVED, that the public hearing regarding an amendment to the Town Code of the Town of Lewisboro, Chapter 212 Vehicles and Traffic, to add a 3-way stop sign on Hall Avenue at the intersection of Hall Avenue and Pond Street, is now closed.

TOWN CODE – Chapter 212, Vehicles & Traffic, 3-Way Stop Sign

On motion by Supervisor Gonçalves, seconded by Councilwoman Shah, the Board voted as follows:

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

RESOLUTION

RESOLVED, that an amendment to consider Chapter 212, of the Town Code of the Town of Lewisboro entitled “Vehicles & Traffic” specifically Subsection 212-8 entitled “Schedule V (212-26): Yield Intersections” is hereby amended to remove said yield sign at the intersection of Hall Avenue and Pond Street and to amend subsection 212-7 entitled “Schedule IV (212-25) to add a three way stop sign at the intersection of Hall Avenue and Pond Street, as published and noticed, has been determined as a Type II action and is adopted as follows:

LOCAL LAW # 5 OF THE YEAR 2022

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF LEWISBORO, COUNTY OF WESTCHESTER, STATE OF NEW YORK AS FOLLOWS:

SECTION 1 : AUTHORITY

This chapter is adopted pursuant to the authority, of Article 2, §10 of the New York State Municipal Home Rule Law.

SECTION 2 : AMENDMENT OF CHAPTER 212

Chapter 212 of the current Code of the Town of Lewisboro entitled “Vehicles & Traffic”, specifically Subsection 212-25 entitled “Schedule IV: Stop Intersections” is hereby amended to add the following as stop intersection(s):

STOP SIGN ON	AT INTERSECTION OF	DIRECTION OF TRAVEL
HALL AVENUE	POND STREET	WEST
POND STREET	HALL AVENUE	NORTH
POND STREET	HALL AVENUE	SOUTH

SECTION 3 – HOME RULE

Nothing in this Local Law is intended or shall be construed to limit the home rule authority of the Town under State Law or to limit the Town’s discretion in setting fees and charges in connection with any applications requiring Town approval.

SECTION 4 – SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Lewisboro hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 5– EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

PUBLIC HEARING – Proposed Amendment to Chapter 18 Ethics, Code of (7:53 – 8:17 p.m.)

Supervisor Gonçalves called the public hearing to order for a proposed local law of the Town Code of the Town of Lewisboro with regard to the proposed Local Law to amend Chapter 18, of the Town Code of the Town of Lewisboro entitled “Code of Ethics” specifically Subsection 7A to read as follows:

18-7 Board of Ethics.

A. There is hereby established a Board of Ethics consisting of at least three members, to be appointed by the Town Board, all of whom reside in the Town of Lewisboro, and who shall serve without compensation and at the pleasure of the Town Board of the Town of Lewisboro.

There was no objection to the time or form of the public notice (attached).

On motion by Supervisor Gonçalves, seconded by Councilwoman Rendo, the Board voted as follows:

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

RESOLUTION

RESOLVED, that the public hearing regarding an amendment to the Town Code of the Town of Lewisboro, Chapter 18 Ethics, Code, is now open.

Supervisor Gonçalves stated that currently there are 3 members on the Board of Ethics, with 2 members being residents and 1 member being a town employee. The proposed local law would be to have all 3 members be residents.

Supervisor Gonçalves asked for comments from the residents.

Resident Simone Petromelis had questions about the ethic committee; has it always been a 3-member board, what do they do, how often do they meet, what exactly are they charged with, who are the members, why haven't they acted upon recent situations, do they want a town board

member on the committee or not? She would like the committee to come and address the board for this hearing so the public can understand this committee. She feels that there have been ethics issues for quite some time, but she has not heard from them at all. She feels that this committee needs to be more active, more user friendly and meet more often. She also stated that there are no instructions on how to bring an item to their attention or even how to contact them.

Councilwoman Rendo stated that as the law is now written, it states that there should be 3 members, 2 of which should be residents and 1 town employee. Matters need to be brought to the attention of the Ethics Committee; they cannot bring them up on their own. For many years there has only been 2 members which are residents on the board but there has not been a town employee. One of the members explained that the requirement for a town employee was put in place to have someone with knowledge on what is expected of public servants.

Supervisor Gonçalves stated that when he spoke with one of the Ethics members, he suggested that if an employee was going to be on the Board that it should be an employee with longevity and he suggested Lise Robertson, the Assessor who has 37 years with the town or possibly have an alternate employee.

Attorney for the Town Gregory Folchetti stated that the Board of Ethics is only an advisory committee to the Town Board and that once the ethics board makes a recommendation, it is then turned over to the Town Board.

The Board further discussed the current law and felt that further significant changes should be made. Councilwoman Rendo will work on the amendments and another public hearing will be noticed.

On motion by Supervisor Gonçalves, seconded by Councilwoman Shah, the Board voted as follows:

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

RESOLUTION

RESOLVED, that the public hearing regarding an amendment to the Town Code of the Town of Lewisboro, Chapter 18 Ethics, Code, is now closed.

PUBLIC COMMENT PERIOD I

A total of one resident spoke during the public comment period.

JUNETEENTH

Lateesha Stapleton, one of the organizers for Juneteenth, stated that the event was a success, and she sees the growth in the event. It was a warm and inviting atmosphere and she thanked all Board members for their involvement and donations.

COMMUNICATIONSFIREWORKS

Supervisor Gonçalves stated that he received two emails from residents stating that they were very happy with the fireworks. They thanked the town and the staff for all that they did to again bring the fireworks to Lewisboro.

CONSENT AGENDAMINUTES- Approved

On motion by Supervisor Gonçalves, seconded by Councilman Welsh, the minutes of the June 13, 2022, Town Board meeting were approved.

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

TOWN PARK PLAYGROUND – Request for Proposal for Installation & Removal

On motion by Supervisor Gonçalves, seconded by Councilwoman Shah, the Board voted as follows:

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

RESOLUTION

RESOLVED, that the Town Board does authorize Kellard Sessions to create a Request for Proposal (RFP) to install the newly purchased playground equipment and remove the old playground equipment at the Lewisboro Town Park.

LEWISBORO BASEBALL ASSOCIATION – Proclamation

Councilwoman Rendo stated that resident Bill Bongiorno has done so much on behalf of the Lewisboro Baseball Association, and she would like to see him receive a proclamation. Supervisor Gonçalves will put this on an upcoming agenda.

VISTA CUB SCOUTS PACK 101 – Request to Launch Model Rockets

On motion by Councilman Sklarin, seconded by Councilwoman Rendo, the Board voted as follows:

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

RESOLUTION

RESOLVED, that the Town Board does approve Vista Cub Scouts Pack 101 request to provide exception to Town Code 167(7) (E) to launch model rockets at Onatru Farm during their Scout meeting on August 6, 2022.

LIBRARY FAIR – Onatru Farm

On motion by Councilwoman Shah, seconded by Councilwoman Rendo, the Board voted as follows:

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

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the use of Onatru Farm buildings and grounds for the annual Lewisboro Library Fair to be held on September 17, 2022, and at any other time in preparation for the fair, and be it further

RESOLVED, that Elmwood Road is declared one-way on the day of the fair.

KATONAH LEWISBORO SCHOOL DISTRICT – Facilities Use Agreement

Councilman Sklarin suggested that the Board should discuss the possible use of school facilities during storms.

On motion by Councilwoman Shah, seconded by Councilman Sklarin, the Board voted as follows:

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

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the extension for the municipal cooperation agreement with the Katonah-Lewisboro School District for the use of the facilities.

KATONAH LEWISBORO SCHOOL DISTRICT – Salt/Fuel Agreement

On motion by Councilwoman Shah, seconded by Councilman Welsh, the Board voted as follows:

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

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the extension for the municipal cooperation agreement between the Katonah-Lewisboro School District and the Town of Lewisboro for fuel and salt.

KATONAH LEWISBORO SCHOOL DISTRICT – Bus Rental Agreement

On motion by Councilwoman Rendo, seconded by Councilwoman Shah, the Board voted as follows:

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

RESOLUTION

RESOLVED, that the Supervisor be and hereby is authorized to sign the 2022-2023 Bus Lease agreement with the Katonah-Lewisboro School District.

KATONAH LEWISBORO SCHOOL DISTRICT – Lewisboro Elementary School

On motion by Councilwoman Rendo, seconded by Councilman Welsh, the Board voted as follows:

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

RESOLUTION

RESOLVED, that the Town Board does authorize the Supervisor to sign the agreement with the Katonah-Lewisboro School District for the Lewisboro Elementary School lease amendment.

TOWN PARK – Beardsley Wedding Overflow Parking

On motion by Supervisor Gonçalves, seconded by Councilwoman Rendo, the Board voted as follows:

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

RESOLUTION

RESOLVED, that the Town Board does authorize the Beardsley Family to use the Town Park parking lot for overflow parking for up to 20 vehicles on July 9, 2022 from approximately 2:30 – 10:00 p.m.

OAKRIDGE WATER – Isotherm Test

Supervisor Gonçalves stated that the Department of Health is requiring an Isotherm test be performed for the Oakridge Water PFAS project. Delaware Engineering obtained a quote from Cummins Wagner for the isotherm test, which is what the Westchester County Department of Health is requiring, in the amount of \$12,526.00. They also quoted for an accelerated column test (ACT) totaling \$25,336.00.

The Board discussed this and felt that since the Department of Health was only requiring an Isotherm test, they would test for that only. The monies for this is coming from the water district grant money.

On motion by Councilman Welsh, seconded by Councilwoman Rendo, the Board voted as follows:

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

RESOLUTION

RESOLVED, that the Town Board does authorize the Supervisor to sign an agreement with Cummins Wagner as recommended by Delaware Engineering to perform an Isotherm test for PFAS removal analysis on the Oakridge Water facility for a cost not to exceed \$12,526.00 and be it further

RESOLVED, that this test is being performed as it is a requirement of the Westchester County Dept of Health.

PUBLIC COMMENT PERIOD II

A total of one resident spoke during the public comment period.

OAKRIDGE WATER

A resident questioned the difference between the two tests for PFAS at the Oakridge Water facility and asked if the cheaper one was just as good. Supervisor Gonçalves stated that the Department of Health was only requiring the Isotherm testing.

CLAIMS – Authorized for Payment

On motion by Councilwoman Shah, seconded by Councilman Welsh, the Board voted 5-0 to authorize payment of the Town's bills in the amount of \$389,703.93.

POLLING OF BOARD AND ANNOUNCEMENTS

LOCAL EVENTS

Several events took place over the last few weekends and were very successful including Food Truck Friday at the Town Park Playground, Senior Citizens dinner hosted by the Lions Club, Juneteenth and Pride celebrations, Relay for Life, and the fireworks.

JUNETEENTH

Juneteenth raised a total of \$4,329 in donations.

JULY 4TH

A celebration for all residents to attend, free of charge, will be held at the Town Pool on Monday, July 4th from 2 – 6 p.m.

GAS FOR ELECTRIC LAWN EQUIPMENT EXCHANGE

Bring gas-powered lawn equipment to the Town Recycling Center located behind the Town House at 11 Main Street between 9 am and noon on Saturdays from June 25 – July 30. Empty the equipment of fluids prior to drop off. A \$100 voucher will then be given to use on the purchase of an electric leaf blower, trimmer or mower at either Copia in Vista or at Chubby's in Pound Ridge.

DOG LICENSE

Dog licensing is required if you own a dog. Applications can be found on the website. This also helps with finding the owners of lost dogs.

RESIDENT

“Our congratulations and support of Shu-Min Jasmine Chang, of Goldens Bridge NY on the appointment to the United States Military Academy, West Point, NY. “

MEETINGS – Date Set

An upcoming meeting of the Town Board will include a meeting on Monday, July 11, 2022, at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York.

EXECUTIVE SESSION – To Discuss Personnel, Town Property & Legal Matters

On motion by Supervisor Gonçalves, seconded by Councilman Sklarin, the Board voted 5-0 to go into executive session at 8:58 p.m. to discuss personnel, town property & legal matters.

On motion by Councilman Sklarin, seconded by Councilwoman Shah, the Board voted 5-0 to come out of executive session at 11:01 p.m.

ADJOURNMENT

On motion by Councilman Sklarin, seconded by Councilwoman Shah, the Board voted 5-0 to adjourn at 11:02 p.m.

Janet L. Donohue
Town Clerk