

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

**PRESENT:**

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

Also attending was the Attorney for the Town Gregory Folchetti, Facilities Maintenance Director Joel Smith, Highway Superintendent Peter Ripperger, Parks & Recreation Supervisor Nicole Caviola, and Maintenance Assistant Shawn Johannessen,

Approximately 11 residents/observers attended the live meeting and approximately 22 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 COMMENT PERIOD I**

Eight residents spoke during public comment period.

**OAKRIDGE WATER**

A total of 8 residents of Oak Ridge and Conant Valley spoke about the continued water issues at Oakridge. Several residents asked for any further development to be stopped until the water issues are completely fixed. They stated that they continue to be frustrated with the town board's handling of their water district and that even though the Department of Health states that the water is safe to drink, many of them feel it is unsafe to drink, cook with and even bathe in. Several stated that they have white uniforms, and the water discolors those uniforms and white clothing.

Another resident stated that he feels an independent study needs to be conducted. They feel that band aids have been used for long enough and that old apartments do not have the room for a filtration system. They stated that they are prepared to get an attorney if they do not get the solutions and resources that they need. Many residents also stated that they are spending a lot of money on bottled water.

They also feel that these additional 14 new apartments are a "done deal" and that there is already equipment that has been staged. They feel there is no transparency.

COMMUNICATIONSNYS DEPARTMENT OF TRANSPORTATION – Route 35

Supervisor Gonçalves read a letter from Lance MacMillan, Regional Director for the NYS Department of Transportation (see attached). Supervisor Gonçalves stated that they did have a field meeting, so they saw the condition of the road up close. It is a major project that is not on the NYS DOT Program. He stated that they will continue pressing for the condition of the road to be addressed.

CONSENT AGENDAMINUTES - Approved

On motion by Supervisor Gonçalves, seconded by Councilman Welsh, the minutes of the September 12, 2022, Town Board meeting and work session were approved.

THE VOTE:	Yes	- Gonçalves, Shah, Sklarin, Welsh	(4)
	No	- None	(0)
	Remote	- Rendo	(1)

CRP REFUSE & RECYCLING – Renewal of License

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

THE VOTE:	Yes	- Gonçalves, Shah, Sklarin, Welsh	(4)
	No	- None	(0)
	Remote	- Rendo	(1)

RESOLUTION

RESOLVED, that the Town Clerk is authorized to issue a Commercial refuse license to CRP Sanitation, for a period of one year ending September 13, 2023.

CABARET LICENSE – Renewal of Le Chateau

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

THE VOTE:	Yes	- Gonçalves, Shah, Sklarin, Welsh	(4)
	No	- None	(0)
	Remote	- Rendo	(1)

RESOLUTION

RESOLVED, that the Town Board does hereby authorize renewal of a cabaret license for Le Chateau for a period of one year.

FUNDRAISER – Town Property

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

THE VOTE:	Yes	- Gonçalves, Shah, Sklarin, Welsh	(4)
	No	- None	(0)
	Remote	- Rendo	(1)

RESOLUTION

RESOLVED, that the Town Board does hereby approve the Increase Miller PTOs request to hold a Halloween fundraiser at Fox Valley Park and be it further

RESOLVED, that all fees will be waived.

BUDGET REQUEST PARKS & RECREATION 2023 – Discussion (8:04 – 8:23 p.m.)

Recreation Supervisor Nicole Caviola made a presentation to the Town Board regarding her budget requests for the 2023 year (see attached).

The Board thanked Ms. Caviola.

BUDGET REQUEST HIGHWAY 2023 – Discussion (8:24 – 8:42 p.m.)

Highway Superintendent Peter Ripperger made a presentation to the Town Board regarding his budget requests for the 2023 year (see attached).

Roads that were paved in 2022 are Canaan Circle, Deepwell Farms, Hastings Court, Journey's and Lockwood Road, Silver Spring, Spring Hill Road and Wilton Road.

The Board thanked Mr. Ripperger.

BUDGET REQUEST MAINTENANCE 2023 – Discussion (8:43 – 8:47 p.m.)

Facilities Maintenance Director Joel Smith made a presentation to the Town Board regarding his budget requests for the 2023 year (see attached).

The Board thanked Mr. Smith.

OAKRIDGE COMMONS CHANGE OF USE TO RESIDENTIAL – Discussion (8:48 – 10:10 p.m.) \*\*(see page 8)

Supervisor Gonçalves stated that tonight would be an informational session regarding a change of use request from commercial to 14 residential units at Oakridge Commons. Phil Pine, Managing Member of Smith Ridge Associates, received a change of use approval from the Lewisboro Planning Board at their December 2021 meeting to convert the old Heights Restaurant into four, 3-bedroom apartments. At the August 16, 2022, Mr. Pine again went to the Planning Board with a proposal to eliminate the Fitness Center and add 14 additional residential units at Oakridge Common.

Supervisor Gonçalves stated that the Planning Board wanted to get the opinion from the Town Board, who also serve as the Water District Commissioners at Oakridge, as to the capacity of the water plant as it was designed and whether it could support the additional units. It is not the Town Board's right to state that this change of use can or cannot be done. It will be the Planning Board's responsibility and decision for a change of use. Anytime a request is made to tap into the water district, the Town Board must become involved. The access is already there but now they are looking to reutilize it from commercial to residential. This was confirmed by town counsel.

The Supervisor stated that Mr. Pine did FOIL the water consumption, capacity, and billing of the water district from the town. He also stated that he ran these numbers back in December looking at what the plant capacity is and what is being consumed for 3-bedroom units when they looked at The Heights Restaurant being changed to four, 3-bedroom apartments.

Supervisor Gonçalves read the attached letter from Phil Pine (see attached). He then read the below email from the Planning Board Chair Janet Andersen:

*Hi Tony,*

*As I recall, Jud (Planning Board Attorney) felt that the applicant should go directly to the Town Board since what we received was preliminary and wasn't called an application, and thus we had a discussion, but nothing was in front of us that we could officially take action on. So, it wasn't really "referred" to you - rather, the applicant was recommended to get an assessment of whether the necessary water permissions for potable water and sewer would meet or be likely to meet with Town Board agreement.*

*Janet Andersen*

Mr. Pine made his presentation and went over a spreadsheet of water usage within the water district (see attached).

After much discussion it was stated that the capacity should not be an issue, but rather the quality of the water is the problem with the residents. Supervisor Gonçalves asked if anyone had any water quality or discoloration in their water to get in touch with him. And if anyone has done their own testing and wanted to share it with them to get in touch with him. Lead in water is due to the piping but that piping would be located within each unit.

The Planning Board process should be followed (site plans, SEQR, etc.). The minutes from the August 16, 2022, Planning Board can also be found on the website. And if a moratorium was to happen, there would need to be a public hearing proving that there is not enough capacity for water.

The Town Board will get back to the Planning Board letting them know that it is an existing connection, and the water capacity should not be an issue. It was also suggested that the Planning Board should have an independent engineering analysis of how the 14 apartments would affect the water district.

## PUBLIC COMMENT II

Nine residents spoke during public comment period.

OAKRIDGE WATER

All nine residents spoke again about the continued water issues at Oakridge. Several residents asked for a moratorium on any more development in Oakridge until the water issues are completely fixed. They again asked for an independent study to be done on the system before any decision is made. They stated that there has been no use of water for the past 3 years at the previous Brother Vic's Restaurant and that there were never 600 people using the gym. One resident suggested that the Oakridge Water District residents receive deliveries of bottled water.

ROAD CONDITIONS

A resident stated that roads are in very poor condition, especially the sides of the roads where bicycles and wheelchairs are used, and erosion will take place. There is money that has been received by the town and he feels this money could be used to fix the roads.

TIMBER PILE

A resident questioned what was going on with the timber pile at the salt dome.

CEMETERY

A resident asked if there was any money in the Maintenance line for the cemetery.

CLAIMS – Authorized for Payment

On motion by Councilman Sklarin, seconded by Councilwoman Shah the Board voted 4-0 to authorize payment of the Town's bills in the amount of \$294,488.81.

POLLING OF BOARD AND ANNOUNCEMENTS

LIBRARY FAIR

The Library Fair was very successful. The Board thanked all the volunteers and all who attended the event.

PARKS & RECREATION UPDATE

There will be a new neighbor welcome at Fox Valley Park on Sunday, October 2, 2022, from 2-4 p.m. Cider and donuts will be served.

Trunk or Treat will be held at Onatru Farm Park on Saturday, October 22, from 10:30 a.m. – 2:30 p.m.

The OSPAC volunteers have done a great job maintaining the Leon Levy Preserve and the Board thanked them.

SYMPATHIES

Supervisor Gonçalves informed all that Deputy Highway Superintendent Joe Posadas's father passed away. Information was shared regarding the services.

VISTA FIREHOUSE

The Vista Fire Department Pancake Breakfast & Open House will be held on Saturday, October 15th from 8am - 11am at the Vista Firehouse, 377 Smith Ridge Road in South Salem, NY. The cost is \$10.00 for adults, \$5.00 for Children (8 and under) and it's all you can eat. All tickets will be sold at the door.

BLOOD DRIVE

A blood drive sponsored by the Lewisboro Volunteer Ambulance Corp and the South Salem Fire Department will be held at the South Salem Firehouse on September 29, 2022, from 2-8 p.m. You can sign up at [Donor Portal - New York Blood Center \(nybc.org\)](https://www.nybc.org/donor-portal).

OAKRIDGE WATER

Supervisor Gonçalves addressed a few concerns made during the public comment periods regarding the water at Oakridge. Expansion is being worked on. The water quality is being tested on a regular basis by the Department of Health. VRI has been spoken to about cleaning up the area where they had stored empty drums. They are short on space, but the new plant will be able to accommodate these drums. He also stated that the water district was guaranteed the \$1.8 million but the money has not been received yet. He has been in touch with the EPA who is building the platform of how to distribute and obtain the money.

COMPREHENSIVE MASTER PLAN SURVEY

The Comprehensive Master Plan Participation Survey is on the website.

MEETINGS – Dates Set

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

EXECUTIVE SESSION – To Discuss Personnel Issues

On motion by Supervisor Gonçalves, seconded by Councilman Welsh, the Board voted 4-0 to go into executive session at 10:48 p.m. to discuss personnel & real estate issues.

On motion by Councilman Sklarin, seconded by Councilwoman Shah, the Board voted 4-0 to come out of executive session at 11:43 p.m.

SPECIAL COUNSEL – Litigation for Real Property

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

THE VOTE:	Yes	- Gonçalves, Shah, Sklarin, Welsh	(4)
	No	- None	(0)
	Remote	- Rendo	(1)

RESOLUTION

RESOLVED, that the Town Board does appoint Shapiro, Gettinger, Waldinger & Monteleone of Mt. Kisco, NY as special counsel for the purposes of commencing summary proceedings and all litigation necessary to recover the possession of the real property at 130 Lake Kitchawan Drive, South Salem, NY owned by the Town of Lewisboro and be it further

RESOLVED, that such services are authorized at a rate of \$350.00 per hour.

ADJOURNMENT

On motion by Supervisor Gonçalves, seconded by Councilman Sklarin, the Board voted 4-0 to adjourn at 11:45 p.m.

Janet L. Donohue  
Town Clerk

\*\* Councilman Sklarin asked that the below be added to the minutes before being approved at the October 11, 2022 Town Board Meeting.

“After much discussion it was stated that the capacity should not be an issue but rather the quality of the water is the problem with the residents.”

Councilman Sklarin stated “While this was accurately transcribed, I wanted to supplement this part of the September 27, 2022 Town Board meeting minutes since, in reviewing the New York State Department of Health Water System Operation Report from August 2022 for Oakridge, I noted, during the middle of the drought, there were 4 days (August 8, 9, 13 and 17) when the daily use of the Oakridge water system ranged from more than 87,000 gallons on a day to more than 91,000 gallons per day, well exceeding the 80,000 gallon per day use capacity of the system.