

A Town Board meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on November 7, 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, Richard Sklarin, Daniel Welsh
Town Clerk	Janet L. Donohue
Absent	Mary Shah

Also attending was the Attorney for the Town Gregory Folchetti, Maintenance Employees Joel Smith and Shawn Johannessen and Assessor Lise Robertson.

Approximately 4 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 COMMENT PERIOD I

There were no public comments.

COMMUNICATIONS

EAGLE SCOUT - Ciara McGroary

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

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

RESOLUTION

WHEREAS, CIARA McGROARY of Goldens Bridge, New York, is a founding member of BSA Troop 301 in Katonah-Lewisboro, NY, and

WHEREAS, CIARA McGROARY by her conduct, responsibility, principles and achievements in following the trail of Scouting, has acquired the resourcefulness and leadership ability that will stand her in good stead in her future life, and

WHEREAS, CIARA McGROARY by virtue of her Scouting experience and unselfish service to home and community has earned the highest honor of the Boy Scouts of America, the rank of Eagle Scout, and additionally, is the first female Eagle Scout in the Katonah-Lewisboro School District, and

WHEREAS, CIARA McGROARY was also elected to the Order of the Arrow in Scouting, and will receive Bronze, Gold and Silver Palms in addition to her Eagle Scout Award, and

WHEREAS, CIARA McGROARY for her Eagle Scout project created a pregnancy and infant loss Garden of Remembrance at Northern Westchester Hospital, as a place for families to write their loved ones' names on butterfly ornaments to be placed on a continuously-lit evergreen tree, surrounded by two benches for meditation/prayer, located in the midst of adorning plants and flowers, and

WHEREAS, this honor is deserving of public notice, now therefore,

BE IT RESOLVED, that the Town Board of the Town of Lewisboro, in recognition of this worthy achievement, does hereby offer the congratulations of its populace to Eagle Scout CIARA McGROARY, and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this November 7, 2022, Town Board Meeting for future generations to see and that copies of this resolution be presented to Eagle Scout CIARA McGROARY and her parents.

EAGLE SCOUT – Samantha Donnelly

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

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

RESOLUTION

WHEREAS, SAMANTHA DONNELLY of South Salem, New York, is a founding member of BSA Troop 301 in Katonah-Lewisboro, NY, and

WHEREAS, SAMANTHA DONNELLY by her conduct, responsibility, principles and achievements in following the trail of Scouting, has acquired the resourcefulness and leadership ability that will stand her in good stead in her future life, and

WHEREAS, SAMANTHA DONNELLY by virtue of her Scouting experience and unselfish service to home and community has earned the highest honor of the Boy Scouts of America, the rank of Eagle Scout, and additionally, is the first female Eagle Scout in the Katonah-Lewisboro School District, and

WHEREAS, SAMANTHA DONNELLY was further elected to the Order of the Arrow in Scouting, and serves as one of the Junior Assistant Scout Masters for Troop 301.

WHEREAS, SAMANTHA DONNELLY for her Eagle Scout project built a mud kitchen for the Country Children Center (CCC) in Katonah, NY. Mud Kitchens are an enriching tool that allows children to play with mud in a kitchen like environment. This has many developmental benefits for young children as it gives them a safe space to explore, be curious and experiment with innovative ideas. Samantha's mud kitchen is currently installed at the CCC's white house site where it is enjoyed and actively used by the young children who go there, and

WHEREAS, this honor is deserving of public notice, now therefore,

BE IT RESOLVED, that the Town Board of the Town of Lewisboro, in recognition of the worthy achievement, does hereby offer the congratulations of its populace to Eagle Scout SAMANTHA DONNELLY, and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this November 7, 2022, Town Board Meeting for future generations to see and that copies of this resolution be presented to Eagle Scout SAMANTHA DONNELLY and her parents.

CONSENT AGENDA

MINUTES & REPORTS - Approved

On motion by Supervisor Gonçalves, seconded by Councilwoman Rendo, the minutes of the October 24, 2022, Town Board meeting and the monthly October Building & Police Reports were approved and filed.

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

SENIOR CITIZENS & DISABILITY EXEMPTION – New Legislation

Lise Robertson, Assessor, stated that New York has adopted new legislation and on September 7, 2022, Westchester County voted and adopted legislation to increase the income thresholds for the Senior Citizen exemption Real Property Tax Law 467 and Disability exemption Real Property Tax Law 459-c from the base of \$29,000 gross income to \$50,000 gross income for property owners to qualify for a 50% exemption. There is also a sliding scale adopted for both exemptions that graduates down to a 5% exemption for gross incomes below \$58,399. As always the property must be their primary residence and for the Senior Citizen exemption Real Property 467 they must be at least 65 years of age. There is no age limit for the Disability exemption Real Property-459-c, but they must provide proof of the disability. Ms. Robertson stated there are about 200 people in town that would fall into this category.

Ms. Robertson explained the town will need to adopt this as a local law and provide a resolution. This would affect the 2023 assessment roll and would start with the April 2024 Town/County tax bill and then the September 2024 School tax bill.

The Board agreed that this is something that the town will do. A public hearing will be scheduled at an upcoming meeting.

PUBLIC HEARING ANNOUNCED - State Tax Cap Legislation

The Board briefly discussed the override of the state tax cap legislation and setting a public hearing. Councilman Sklarin feels that we have a healthy fund balance, and we can pull from there to fill the hole. He would like to utilize the fund balance so that we can stay under the tax cap of 2.66%. Councilman Welsh suggested pulling out long term capital. The Board did decide to hold a public hearing to override the state tax cap. This does not mean that they will, however the Town Attorney, Gregory Folchetti feels that this is good practice.

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

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

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Lewisboro will hold a public hearing on Monday, December 5, 2022 at 7:30 p.m., or soon thereafter as time permits, at the Town House, 11 Main Street, South Salem, New York, 10590, for the purpose of hearing the public with regard to a proposed override of the state tax cap legislation.

At said hearing all interested persons are invited to attend and will be heard. The Town of Lewisboro is committed to equal access for all. Anyone needing accommodations to attend or participate in this meeting is encouraged to call the Town Clerk's office at 914-763-3511 in advance.

COMPREHENSIVE/MASTER PLAN STEERING COMMITTEE – Grant Application

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

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

RESOLUTION

WHEREAS, the Town of Lewisboro is applying to the Hudson River Valley Greenway for a grant under the Hudson River Valley Greenway Planning Grant Program for the project designated as Lewisboro Comprehensive Plan, located within the Town of Lewisboro, now therefore,

BE IT RESOLVED, that the Town Board of the Town of Lewisboro hereby does authorize, approve and endorse the submission of the application for a grant under the Hudson River Valley Greenway Planning Grant Program for the project designated as Lewisboro Comprehensive Plan, located within the Town of Lewisboro.

PARKS & RECREATION – Prime Time Lacrosse

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

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

RESOLUTION

RESOLVED, that the Town Board does approve the Primetime Lacrosse Agreement for the use of Onatru Farm fields for the years 2023, 2024 and 2025 and authorizes the Supervisor to sign said agreement.

TEAMSTERS LOCAL 456 UNION - Voluntary Recognition by Highway Department

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

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

RESOLUTION

RESOLVED, that the Town Board does recognize the Local 456 Teamsters Union as the bargaining representative for the Highway Department.

NY STATE'S 2022 ENVIRONMENTAL BOND ACT – Support

Supervisor Gonçalves stated that the Westchester County Executive is looking to the communities to support the NY State Environmental Bond Act of 2022 by way of resolution. This Environmental Bond Act of 2022 will be on the back of the election ballot as a yes or no proposal to be voted on. This is to authorize state debt up to \$4.2 billion to provide funding for certain environmental capital projects.

Councilman Welsh stated this is a follow up to the climate act that was passed years ago and will include things such as electric school busses, water, etc.

Councilwoman Rendo stated that she disagrees with how funds were allocated in the bill and would have liked to see more money for infrastructure. She feels that the timing is bad for us as state supported debt has increased, not to mention inflation. Councilman Welsh stated that the timing for this was 30 years ago, and the allocations can be figured out.

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

THE VOTE:	Yes	- Gonçalves, Sklarin, Welsh	(3)
	No	- Rendo	(1)
	Absent	- Shah	(1)

RESOLUTION

Resolution supporting the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022

Whereas, providing clean drinking water and protecting our local rivers, bays, lakes, streams and waterfronts from pollution is paramount to quality of life in New York State and The Town of Lewisboro; and

Whereas, modernizing water infrastructure will safeguard clean water, reduce flooding, reduce lead exposure and other public health threats, and create jobs; and

Whereas, The Town of Lewisboro is vulnerable to extreme weather including deadly heat from rising temperatures and flooding from severe storms that put people, properties and public assets across the County at risk; and

Whereas, upgrading transportation and stormwater infrastructure, restoring natural resources, growing urban forests, building green roofs and upgrading cooling centers will reduce the impact of extreme weather, saving lives and money; and

Whereas, the COVID-19 pandemic demonstrated the importance of outdoor recreation and access to fresh, local food, as people flocked to local parks and sought out healthy foods for their families; and

Whereas, upgrades to facilities at state and local parks and preserves and the creation of new outdoor recreational areas will benefit our region by protecting wildlife habitat, providing more people access to nature, and creating jobs in the outdoor recreation economy; and

Whereas, the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022 would authorize the four billion and two hundred million dollars of bonds to finance critical environmental restoration, clean water, and infrastructure projects across New York State; and

Whereas, the funds would be targeted towards protecting clean water, reducing flood risk, restoring natural resources, protecting open space and farmland, and reducing the pollution that causes climate change; and

Whereas, the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022 was passed by the New York State Legislature as part of the 2022-23 New York State Budget and will appear on the November 8, 2022, New York State General Election Ballot for voter approval; and

Whereas, the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022 includes strong labor provisions and will support more than 84,000 family-sustaining jobs for New Yorkers; and

Whereas, the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022 would enable New York State and The Town of Lewisboro to address pollution and public health threats in disadvantaged communities by directing at least 35% with a goal of 40% of the measure's funding to address hazardous conditions in such communities; now, therefore, be it

Resolved, that the Town Board of The Town of Lewisboro supports passage of the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022.

MONROE BALANCING TEST – 8 Waccabuc Road

The NY State Office for People with Developmental Disabilities, located on Route 138 are looking to improve their parking area and driveway and some drainage. These are minor upgrades. They applied for a wetland and stormwater permit however they are exempt from Zoning and DEC regulations. The Board did decide to approve the following resolution:

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

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

RESOLUTION

WHEREAS, the Town of Lewisboro Planning Board has received an application from the NY State Office for People With Developmental Disabilities (NYSOPWDD) which seeks issuance of approvals pursuant to Town of Lewisboro Code Chapters 189 (Stormwater Management and Erosion Control) and Chapter 217 (Wetlands and Watercourses) with respect to proposed improvements for the premises located 8 Waccabuc Road (Town of Lewisboro TM 32.1-2-20); and

WHEREAS, NYSOPWDD has requested that any necessary approvals that would otherwise and ordinarily be required under the referenced Town Code Chapters be exempted from such review,

approval and permitting processes before the Planning Board and/or the Conservation Advisory Council; and

WHEREAS, pursuant to the determination of New York State Court of Appeals in Matter of County of Monroe v City of Rochester, the Town Board may engage in a balancing test to determine whether or not it is in the public interest to continue to subject the NYSOPWDD to its land use requirements in this circumstance; and

WHEREAS, the factors to be determined under the Monroe test are the following:

1. The nature and scope of the instrumentality seeking immunity;
2. The encroaching government's legislative grant of authority;
3. The kind of function or land use involved;
4. The effect local land use regulation would have upon the enterprise concerned;
5. Alternative locations for the facility in less restrictive zoning areas;
6. The impact upon legitimate local interests;
7. Alternative methods of providing the proposed improvement;
8. The extent of the public interest to be served by the improvements; and
9. Intergovernmental participation in the project development process and an opportunity to be heard;

NOW THEREFORE BE IT RESOLVED, that upon consideration of the factors set forth in Monroe, The Town Board determines that consideration of the public interests, purposes and benefits which are provided to the community by the current use and utilization of the premises at 8 Waccabuc Road by NYSOPWDD, together with the relatively minimal impact of the improvements proposed by NYSOPWDD for said premises, as well as the relatively minimal impact on of any legitimate local interests created by the proposed improvements, do indeed warrant exemption from the provisions of Chapter 189 and Chapter 217 for the pending application by NYSOPWDD; and

BE IT FURTHER RESOLVED, that any pending application and/or required applications before the Planning Board for approvals and/or permits under Chapters 189 and 217 of the Town Code for the improvements proposed by NYSOPWDD are hereby exempted from any further review, permitting and/or approval issuance.

BUDGET 2023 – Receipt of 2023 Tentative Budget

The Town Board acknowledged receipt of the 2023 Tentative Budget delivered to them by the Town Clerk.

OAKRIDGE WATER DISTRICT – Capacity Analysis

Supervisor Gonçalves stated that a third party, Kellard Sessions Engineers, who are on retainer with the town, will perform an Oakridge water district capacity analysis for 2021 and 2022 and provide the Planning Board with a report. A draft should be available this week.

PUBLIC COMMENT II

One resident spoke during public comment period.

OAKRIDGE WATER CAPACITY REPORT

A resident asked who picked Kellard Sessions Engineers, do other departments use them in town and who is paying for this. During polling of the Board, the Supervisor stated that Kellard Sessions Engineers are used by other departments in town, and they are on retainer, so the report is not costing any extra money. This was decided at a previous meeting.

NY STATE'S 2022 ENVIRONMENTAL BOND ACT

A resident feels that it is inappropriate to talk about voting and the propositions on the back of the ballot as voting is private. She also feels as though the board is trying to sway people to one side and there are two sides. She does not understand why this was even voted on.

CLAIMS – Authorized for Payment

On motion by Supervisor Gonçalves, seconded by Councilman Welsh, the Board voted 4-0 to authorize payment of the Town's bills in the amount of \$374,745.88.

POLLING OF BOARD AND ANNOUNCEMENTS

TOWN OWNED PROPERTIES

Councilman Sklarin would like the town to take the next steps on selling the town owned properties, which are listed on the website. Terms of sale will be drawn up and an auction will be set up.

LIBRARY HOURS

Councilman Sklarin suggested a change in library hours to possibly open up later on one day during the week and stay open in the evening for working residents. Residents can email the Library Director, Cindy Rubino.

SOUTH PRESBYTERIAN CHURCH FUNDRAISER

Councilwoman Rendo stated that the chili cookoff fundraiser at the SSPC in remembrance of Chip Andrus was a successful event.

VETERANS

A Veterans Day ceremony will take place on Friday, November 11, at 11 a.m, at the Town House. A bike parade will be held, and the Lions Club will be cooking. The Kids Community Club made cards at the South Salem Firehouse this past Saturday.

ELECTION DAY

The Board stated that Election Day is tomorrow, November 8th, 2022. Polls are open from 6 a.m. to 9 p.m.

GRANT MONEY

The town received \$94,500 in grant money from a 2019 application on November 4, 2022, for the water infrastructure improvement at Oakridge. The total grant was for \$289,000 so more money will be received by the town in the future.

UTILITIES

It was suggested to lock into oil pricing if you have not done so already. NYSEG meters will reflect actual usage and outage detection. These meters will not allow NYSEG to manipulate electric going into your homes. With NYSEG you have a choice of 70 ESCOs that supply energy to your home. The town negotiated with Constellation and the rate is 8.736 cents/kw hr.

LEWISBORO TOWN PARK PLAYGROUND

The Lewisboro town park playground has been dismantled and removed. The site work will commence shortly. Onatru Farm playground has been updated and Fox Valley will be getting a new playground. All parts of town will now have playgrounds.

MEETINGS – Dates Set

An upcoming meeting of the Town Board will include a budget work session meeting on Monday, November 21, 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 Councilwoman Rendo, the Board voted 4-0 to go into executive session at 8:45 p.m. to discuss personnel issues.

On motion by Councilwoman Rendo, seconded by Councilman Welsh, the Board voted 4-0 to come out of executive session at 9:10 p.m.

BUILDING DEPARTMENT – Consulting Contractual Services

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

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

RESOLUTION

RESOLVED, that the Town Board does authorize to retain Anthony Zacarolli for building department plan reviewing services at an hourly rate not to exceed \$75.00 and be it further

RESOLVED, that the Town Board does authorize payment to existing contractor Steven Sauro for building department plan reviewing services at an hourly rate between \$55.00 and not to exceed \$75.00, with the paid rate being in Supervisor Gonçalves discretion.

ADJOURNMENT

On motion by Councilman Rendo, seconded by Councilman Sklarin, the Board voted 4-0 to adjourn at 9:12 p.m.

Janet L. Donohue
Town Clerk