

A Town Board meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on December 5, 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, Mary Shah, Richard Sklarin, Daniel Welsh |
| Town Clerk      | Janet L. Donohue                                       |
| Absent          | None   |

Also attending was the Attorney for the Town Gregory Folchetti, Maintenance Employees Shawn Johannessen, Assessor Lise Robertson, and Highway Superintendent Peter Ripperger.

Approximately 17 residents/observers attended the live meeting and approximately 23 participated via Zoom.

Supervisor Gonçalves called the meeting to order at 7:36 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** - State Tax Cap Legislation

Supervisor Gonçalves opened the public hearing, seconded by Councilwoman Shah, to adopt a 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 the 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. There was no objection to the time or form of the public notice (attached). Supervisor Gonçalves asked for comments from the audience.

A total of 5 residents spoke at the public hearing. Simone O’Connor, Carol Cernak and Spiro Limniatis did not want the town board to go over the tax cap of 2.62% and Karen Conti and Glenn DeFaber both spoke in favor of going over the tax cap. One resident questioned why the Town Board was not using the American Rescue Plan Act (ARPA) funds and Supervisor Gonçalves explained that these funds cannot be used towards the budget to fill budget lines. They can be used for certain projects.

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 for adopting a 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 the 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, is now closed.

#### TAX CAP LEGISLATION – Local Law Passed

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

|           |        |                                   |     |
|-----------|--------|-----------------------------------|-----|
| THE VOTE: | Yes    | - Gonçalves, Shah, Sklarin, Welsh | (4) |
|           | No     | - Rendo                           | (1) |
|           | 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.

#### PROPOSED LOCAL LAW # 7 OF THE YEAR 2022

#### A 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 2023 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 2023 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 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 HEARING – Preliminary Budget 2023 (7:54 – 10:13 p.m.)

Supervisor Gonçalves opened the public hearing, seconded by Councilman Sklarin, to adopt the 2023 Budget. There was no objection to the time or form of the public notice (attached). Supervisor Gonçalves asked for comments from the audience.

Councilman Sklarin stated that at the last meeting, the Board adopted the preliminary budget, which was \$26,531 over the tax cap with a tax rate of 2.708% as opposed to 2.62%. Supervisor Gonçalves shared a pie chart of his own taxes. At the preliminary budget, his town tax would go up by \$38.61 per year and that would be 8.74% of his total taxes. His county tax would be 9.86%, the Goldens Bridge fire district would be 4.89% and his school district tax is 76.51% of his taxes.

A total of 9 residents spoke at the public hearing regarding the 2023 budget.

Glenn DeFaber questioned the amount of money put in the highway department fund for paving and that number was \$180,000 and his statement was he feels more than 2-3 miles of roads should be paved. Mr. DeFaber also questioned the \$15,000 overtime line for the court clerks. He stated that there used to be compensatory time and only one court clerk worked during night court. He feels that this overtime line should be removed.

Simone O'Connor feels that there should be no discretionary spending due to the inflation rate. She also feels that employees should receive a raise, however she does have a problem with the confidential secretary receiving a \$4,000 stipend for grant work. She feels that the budget can be reworked to be at the cap of 2.62%.

Town Assessor, Lise Robertson, read the below statement:

*“As the most senior employee having just started my 38th year with the town and after watching the last two town board meetings, I would like to talk on behalf of the town employees. We have a fabulous group of employees and are a great team and work family. We have worked very hard for this town and just want to be treated fairly. Nobody wants to pay more in taxes, but the employees deserve to be paid fairly. We also respect the town board on their job of trying to always keep taxes down.*

*When the pandemic hit your employees stood up to the task working with residents to help navigate through those tough times. We came into the office and worked from home, worked late*

*nights talking to residents from our home helping the residents obtain their permits, dealing with traffic tickets, socially distancing outside to help with exemption forms, learning to speak a little Spanish to be able to help communicate, developing and updating town websites, getting library books to people during the pandemic and nobody complained. In 2021 the employees of Lewisboro did not receive any raises while the neighboring town's employees did receive raises. After listening to the town board meetings in the past two weeks I have watched it getting personal with certain employee's when you may not really understand what the job duties entail. We respect your diligence and hard work and late nights dealing with budget issues but please understand a 4% raise is not asking a lot. Please know all your employees are always here for you and support you to the public. Thank you for your time and understanding."*

Peter Cipriano stated that the playground should not have been funded by the government money. He feels that they should have continued fundraising. Also, he questioned the consultant engineer. Does it make sense fiscally to have our own town engineer? He also feels that there should be a simpler way of getting simple permits through the building department.

Jennifer Cipriano feels that when residents are trying to make their home a better place it is difficult to do because of the involved permitting process, for example, windows. But also, many residents are still waiting for permits and this has been since July.

Karen Conti feels that the town does a great job with the resources they provide and would like to continue with these good services.

Barbara Mangione feels that the budget process should be more accurate, for example, the salary lines not being accurate due to the union negotiations. She also feels that the town needs more than 3 months to evaluate the part-time vehicle and traffic police officer. She would have liked to have seen that position in the budget. And she hopes that the consultant in the building department works out and hopes that the town does not lose money on this group.

Carol Cernak feels that the budget should be at or below the cap, otherwise the board is chasing people out of town. She also questioned how many grants on average the town applies for yearly and how many they receive, how much money has the town generated from the tree ordinance, why no code enforcement officer? She would also like to see an overview of each new budget and also suggested using some of the ARPA funds on the audio for the Zoom meetings.

The Board explained that they are and have been actively looking at hiring a new Building Inspector and explained the reason for the delay due to civil service issues.

Both Councilwomen Rendo and Shah stated that they are not taking the medical insurance plus they are each declining the \$4,000 buyout.

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 public hearing for the 2023 budget is now closed.

The Board continued their discussion regarding the 2023 budget.

Supervisor Gonçalves went over the adjustments post adoption of the preliminary budget that have now been made to get the budget closer to the 2.62%. The highway CHIPs fund was increased on the revenue side by \$80,000 up to \$250,000 and the expense would be the same, so it is a budgetary wash. The state's fiscal year is not a calendar year.

Medical benefits increased by 11% for a single and 14% for family. This is for the current employees and the retirees. There is a contingency line built in for this and no changes were made to that line.

The current comptroller is retiring so a new comptroller is being hired. The line increased by \$3,252 to \$115,000. The longevity line in that department decreased by \$2,000. A part-time account clerk was originally in the budget at \$44,000 and that will be dropped by \$5,000 bringing it to \$39,000.

The Deputy Town Clerk had a correction to the ADP salary and stipend which increased that line by \$1,040.

The building department longevity payment decreased by \$1,500.

The highway salary line was brought down by \$5.00 for a correction.

The recreation supervisor line increased by \$1,500 due to the longevity payment.

The justice court overtime line went from \$15,000 down to \$10,000 at the previous meeting. After several conversations and memos, Supervisor Gonçalves increased the overtime dollar amount of \$15,000.

With all these changes, they are over by \$78,994 and 3.693%.

Councilman Sklarin does not want to go over the tax cap and stated that other towns are at the tax cap or below and if they can do this, so can our town. He still feels that the overtime line for the court clerks should still be reduced by \$5,000 bringing it to 10,000. He went over past numbers for the court and feels the \$5,000 reduction is appropriate.

He also feels to plug the cap, money should be taken from the healthy fund balance. Then next year we can move forward with an auction of town owned properties and put that money back into the general fund balance.

Councilwoman Rendo feels that the employees do work hard and deserve a raise but doesn't feel that the town should break the tax cap with a recession and inflation. She stated that even if the raise was reduced to 3%, it would reduce the budget by \$9,289. If they took off the grant stipend for the Confidential Secretary, that would save another \$4,000. Also, she feels that the Drug Abuse Prevention Council (DAPC) is a worthwhile program however she does not feel we have gotten our monies worth in last few years in our community. The proof is in the pudding. We can always add this back in and that is another \$6,500. Councilwoman Rendo also stated that the Town Board members agreed not to take a raise, however the Town Supervisor did not agree to do so but stated that he would possibly take a partial reduction. If he did decline a raise, that would be a savings of \$3,036.

Councilman Welsh does not have a big problem with lowering the overtime for the Court Clerks by \$5,000 for a total of \$10,000. He does not really agree with plugging in the difference in the budget with the fund balance. He would like to see more money put in for paving and street safety. Roads don't get cheaper to fix overtime, they get more expensive. He stated if you added \$150,000 to the budget for roads, it would equate to approximately \$40.00 increase per household per year. Supervisor Gonçalves also reminded the Board he took out the \$310,000 for the culvert on Oscaleta Road as they are actively pursuing a grant for this money.

Supervisor Gonçalves stated that he spoke with the comptroller about using the fund balance to fill the gap and he is against this. Councilman Sklarin stated that he is only looking at doing this for one year.

After further discussion about reducing the overtime for the court from \$15,000 to \$10,000, an informal count was taken where Councilwoman Rendo, Councilwoman Shah and Supervisor Gonçalves voted to keep the overtime at \$15,000 and Councilmen Sklarin and Welsh voted for reducing it to \$10,000.

The preliminary budget that was voted on at the last meeting had a 2.982% increase. With the changes that were made at this meeting so far, the increase was increased to 3.693%. If the Board took the difference from the fund balance to meet the tax cap, the fund balance would be deleted by \$78,994. After speaking with the Assessor, Lise Robertson, it was agreed that the mortgage tax line could be increased by \$50,000 which would then bring the difference to \$28,994 and that amount would be taken from the fund balance.

Supervisor Gonçalves thanked the Comptroller, Leo Masterson for all of his hard work and help with this budget.

#### BUDGET – Adoption of 2023 Budget

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

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

#### RESOLUTION

RESOLVED, that the Town Board does adopt the 2023 Budget (see attached).

#### PUBLIC COMMENT PERIOD

A total of 6 residents spoke during public comment.

#### BUDGET

Three residents spoke about the budget stating they still don't agree with the grant stipend, more money should be included in the budget for paving, they agree with the 4% increase for raises but don't agree with the court clerks overtime line and the tax cap is a joke.

CROSS WALKS

A Goldens Bridge resident would like to see discussions under new business about crosswalks at Routes 35 and 121 to include discussions about cross walks near the Goldens Bridge Train Station and Route 138. Supervisor Gonçalves stated that this is on the agenda because the state is planning on paving that area next year.

Another resident asked that a safety study be done by the NYS DOT over by Orchard Square as there are 6 entrance/exits around the corner of Route 35 & Route 121.

BUILDING DEPARTMENT

A resident questioned if Labella Associates were doing inspections for the town and asked if they were licensed by the county and the state and the response was yes.

CONSENT AGENDAMINUTES & REPORTS - Approved

On motion by Supervisor Gonçalves, seconded by Councilwoman Shah, the minutes of the November 21, 2022, Town Board meeting and the monthly November Building & Police Reports were approved and filed.

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

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 held on Monday, January 23, 2023.

PUBLIC HEARING ANNOUNCED – Chapter 199, “Taxation”

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) |

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Lewisboro will hold a public hearing on Monday, January 23, 2023, 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 Local Law to amend Chapter 199 of the Town Code of the Town of Lewisboro entitled “Taxation” specifically with respect to increased income thresholds for entitlement to exemptions under Chapter 199.

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.

SLUDGE BIDS – Award Bid

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 Town Board does hereby accept the bid of Wind River Environmental, LLC, of \$0.223 per gallon for the removal of sewer sludge from the Oakridge and Wild Oaks Sewer Districts, for a period of 3 years ending November 1, 2025.

NEW YORK STATE DEPARTMENT OF TRANSPORTATION – Sidewalk Study

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 of Lewisboro does support the commission of a study by the New York State Department of Transportation for the purpose of installing pedestrian crosswalks at the intersection of NYS Route 35 and NYS Route 121.

GRANT APPLICATION – Oscaleta Culvert

On motion by Councilman Sklarin, 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 the Supervisor to pursue the Bridge NY 22 Grant Application for the Oscaleta Road Culvert project.

TOWN OFFICIALS & EMPLOYEES – Comptroller

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 appoint the candidate who was interviewed on November 28, 2022, as the Comptroller of the Town of Lewisboro to fill the unexpired term of the current Comptroller, Leo Masterson, through December 31, 2023.

TOWN OFFICIALS & EMPLOYEES – Comptroller

The Board thanked Comptroller, Leo Masterson for his 12 + years of diligent service to the Town. He will be sorely missed.

HIGHWAY – Holiday Party

On motion by Councilwoman Rendo, 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 an extended lunch period from 11:45am – 2:15pm on Thursday, December 15 with a snow date of Friday, December 16 for an employee function.

CLAIMS – Authorized for Payment

On motion by Supervisor Gonçalves, seconded by Councilman Sklarin, the Board voted 5-0 to authorize payment of the Town's bills in the amount of \$527,012.78.

POLLING OF BOARD AND ANNOUNCEMENTS

PARKS & RECREATION

Due to the rain, the tree lighting will now take place on Thursday, December 8 at the Town Park by the pavilion at 6:30 p.m.

LIBRARY UPDATES

The jazz night club fundraiser was sold out and was a huge success.

POLICE DEPARTMENT

The Board thanked the Chief Alfano, the police department and the State Police for all they did to catch the hit and run driver from the tragedy that took place on Thursday, December 1 at the Orchard Square parking lot. The Board also sent condolences to the victim's family, Randi Blattberg.

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 town also just received another \$328,000 for the playground equipment.

PLANNING BOARD

The Board thanked Greg LaSorsa for his many years of volunteering on the Planning Board. He is stepping down so anyone who may be interested in being a member on the Planning Board or on any other committee in town to please contact Supervisor Gonçalves.

BIKE & PEDESTRIAN COMMITTEE

The Chair of the Bike and Pedestrian Committee, Danielle Goldman, has resigned so if anyone is interested, please contact Supervisor Gonçalves.

SOUTH SALEM FIRE DEPARTMENT

The South Salem Fire Department will be holding a toy drive. Please check their website for details.

MEETINGS – Dates Set

An upcoming meeting of the Town Board will include the Organization meeting, followed by a regular meeting on Monday, January 9, 2023, 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 5-0 to go into executive session at 10:50 p.m. to discuss personnel issues.

On motion by Councilwoman Rendo, seconded by Councilman Welsh, the Board voted 5-0 to come out of executive session at 11:10 p.m.

POLICE DEPARTMENT – Police Officer Mulé

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 of Lewisboro does approve the hiring of Charles Mulé as a Town of Lewisboro Police Officer effective 12/28/2022, subject to the NY Civil Service Law and the NY Civil Service rules and regulations.

ADJOURNMENT

On motion by Councilman Rendo, seconded by Councilman Sklarin, the Board voted 5-0 to adjourn at 11:12 p.m.

Janet L. Donohue  
Town Clerk