

A Town Board work session meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on February 27, 2023, 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, via Zoom, was the Attorney for the Town Gregory Folchetti, Maintenance Employee Joel Smith and Recreation Supervisor Nicole Caviola. Maintenance Employee Shawn Johannessen attended in person.

Approximately 3 residents/observers attended the live meeting and approximately 15 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 – Chapter 199 Taxation Article IV “Volunteer Fire Fighters and Ambulance Workers Exemption” (7:32 – 7:38 p.m.)

Supervisor Gonçalves opened the public hearing, seconded by Councilman Sklarin, all in favor, 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”; such amendments specifically being proposed with respect to increased income thresholds and/or enhanced exemptions available for volunteer fire fighters and ambulance workers under Chapter 199. There was no objection to the time or form of the public notice (attached). Supervisor Gonçalves explained that the town currently has an existing exemption which requires 5 years term of service. There is an opportunity for the town to opt in to lower the years of service to 2 years. This would be certified by the governing agency which is the fire department and then the fire department would come to the town for the exemption. Supervisor Gonçalves asked for comments from the audience.

Two residents, Paul Black and Carol Cernak, spoke in favor of the maximum exemption for the volunteer fire fighters and ambulance workers along with the lower years of service.

Supervisor Gonçalves also read the below email:

With tonight's public hearing as part of your Town Board meeting agenda, I would just like to resend the attached letter I sent on behalf of the Vista Volunteer Fire Department earlier this month (see attached).

Additionally, I would like to bring to your attention that the Vista Fire District #1 (fire tax for Vista Fire District residents) and KLSD School Board (school tax) all approved the 10% exemptions for after 2 years of active service and I am hopeful we have your support in the same.

If you have any questions, please reach out as I will be unable to attend tonight's meeting.

Thank you for your support, Chief Jeff Peck

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 for adopting a local law to amend Chapter 199 of the Town Code of the Town of Lewisboro entitled "Taxation"; such amendments specifically being proposed with respect to increased income thresholds and/or enhanced exemptions available for volunteer fire fighters and ambulance workers under Chapter 199, is now closed.

The Board voted in favor of the new local law.

CHAPTER 199 TAXATION ARTICLE IV ENTITLED "VOLUNTEER FIRE FIGHTERS AND AMBULANCE WORKERS EXEMPTION" – Local Law Passed

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 adopted a local law to amend Chapter 199 Taxation:

LOCAL LAW # 3 OF THE YEAR 2023

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 199

Article IV of Chapter 199 of the Town of Lewisboro Town Code entitled "Volunteer Fire Fighters and Ambulance Workers Exemption" is hereby repealed in its entirety and replaced with the following:

§199-11 Purpose

The purpose of this article is for the Town of Lewisboro to opt-in to the provisions of New York State Real Property Tax Law §466-a, as amended December 9, 2022 (Chapter 670 Section 1 Laws of 2022) and to provide a real property tax exemption on the assessed valuation of certain real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, or to such enrolled member and spouse, as permitted by the Real Property Tax Law.

§ 199-12 Exemption granted.

An exemption from taxation of a maximum of 10% of the assessed value of property owned by an eligible person as set forth below is hereby granted with respect to the Town, part-Town and special district charges exclusive of special assessment.

§199-13 Eligibility

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in the Town of Lewisboro, provided that:

- A. The applicant resides in the Town of Lewisboro and the Town of Lewisboro is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;
- B. The property is the primary residence of the applicant;
- C. The property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and
- D. The applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or voluntary ambulance service as an enrolled member of such incorporated volunteer fire company, fire department, or voluntary ambulance service for a period of at least two years. The Town of Lewisboro to determine the procedure for certification. The applicant must submit proof of such certification, together with the application for an exemption.

§199-14 Grant of Lifetime Exemption

Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as the property for which exemption is sought under this Chapter is the primary residence of the enrolled member.

§199–15 Un-Remarried Spouses

A. Line of Duty Death of Member

Any exemption under this Chapter shall be continued to the un-remarried spouse of an enrolled member of an incorporated volunteer fire company, fire department,

or incorporated voluntary ambulance service who is killed in the line of duty upon the following conditions:

- (1) Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who was killed in the line of duty; and
- (2) Such deceased volunteer had been an enrolled member for at least five years; and
- (3) Such deceased volunteer had been receiving the exemption prior to his or her death.

B. Death of Member

Any exemption under this Chapter shall be continued to the un-remarried spouse of a deceased member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service upon the following conditions:

- (1) Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of a deceased enrolled member of such incorporated volunteer fire company, fire department or incorporated voluntary ambulance service; and
- (2) Such deceased volunteer had been an enrolled member for at least twenty-five years; and
- (3) Such deceased volunteer had been receiving the exemption prior to his or her death.

§199-16 Miscellaneous Provisions

- A. Application for such exemption shall be filed with the Assessor on or before the taxable status date, on a form as described by the Commissioner.
- B. No applicant who is a volunteer fire fighter or volunteer ambulance worker who, by reason of such status, is receiving any benefit under the provisions of Real Property Tax Law, Article 4, Exemptions, on the effective date of this article shall suffer any diminution of such benefit because of the provisions of this article.

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.

COMMUNICATIONS

SALT DOME WOOD DEBRIS PILE

Councilwoman Rendo read the below email from Carol Cernak:

While I am thankful to see this pile being dealt with, I have questions regarding this item on the agenda for the work session this evening.

- 1. Why is this being done under an emergency declaration?*
- 2. I understand this was not put out as an RFP but an RFQ. What is the difference? Is there a monetary threshold for a quote? Was it published publicly and if so, where and when.*
- 3. My concern is that Hickory Homes has presented a quote. Please bear in mind that all timber at the site without bark was put there by Hickory Homes and therefore should not be using taxpayers' money to pay HH to remove it. If this is the case, I would ask that everyone vote no to Hickory Homes being awarded the quote.*

I would hate to see a decision made without these questions answered before hand.

I look forward to hearing from you. Carol Cernak

CONSENT AGENDA

MINUTES - Approved

On motion by Supervisor Gonçalves, seconded by Councilwoman Shah, the minutes of the February 13, 2023, Town Board meeting were approved.

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

SALT DOME WOOD DEBRIS PILE – Discussion & Approval of Emergency Quote (7:40 – 7:51 p.m.)

Highway Superintendent Peter Ripperger had received quotes for emergency clean up of the timber pile located at the salt dome. The quotes received were as follows: East Ridge \$80,000, Hickory \$65,000, Lawton \$95,000, Material Proc. \$58,000 and Tremson \$54,000. All of the quotes included grinding of the current wood pile, which included about 2-years of debris. This work will be able to be started in the next few weeks.

Town Attorney Gregory Folchetti explained that bids were received by the town in the Fall of 2022 however none of them were conforming as the insurance requirements were not met.

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 AUTHORIZING ENTRY INTO
CONTRACT WOOD DEBRIS REMOVAL – SALT
DOME PROPERTY**

WHEREAS, the Town Board has been advised that an emergency circumstance exists at the salt dome property located on Spring Street which is owned by the Town of Lewisboro; and

WHEREAS Town of Lewisboro Highway Superintendent Peter Ripperger has advised that the existing stockpile of wood debris which is currently located at the aforesaid premises has created such emergency circumstances which warrant and mandate the prompt removal of the existing stockpile of wood debris in its entirety with all due speed;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Lewisboro, in consideration of the foregoing hereby determines that a public emergency exists at the aforesaid premises which affects property, health or safety of the inhabitants of the Town of Lewisboro, which cannot await competitive bidding; and

BE IT FURTHER RESOLVED THAT said the continued existence of the referenced conditions may result in significant adverse impacts and effects to property, health or safety of the inhabitants of the Town of Lewisboro; and

BE IT FURTHER RESOLVED, that the Town Board of the of the Town of Lewisboro, pursuant to §103(4) of the New York General Municipal Law, hereby awards the contract for removal of the existing wood debris stockpile at the referenced premises to Tremson Wood Recycling, Brewster, NY at a cost not to exceed \$54,000.00 (Fifty-Four Thousand Dollars); and

BE IT FURTHER RESOLVED upon receipt of insurance certificates in form acceptable to Town Counsel the work activities authorized in this resolution shall be permitted to commence.

REMOVAL OF DEAD ASH TREES – Award Bid (7:52-7:56 p.m.)

Highway Superintendent Peter Ripperger stated that they had a total of 6 individuals do the mandatory “walk through” for the 70-tree removal project and 3 of them submitted bids: Horticultural Asset Management, Inc (HMI)/Alpine at \$59,940, Hickory Homes Properties, Inc. at \$65,050 and Thomson Timber Harvesting & Trucking, LLC at \$54,950, however Thomson did not meet the insurance requirements per Schedule A so HMI was awarded the bid.

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 AUTHORIZING AWARD OF BID
TREE REMOVAL PROJECT – HIGHWAY
DEPARTMENT**

WHEREAS, the Town Board of the Town of Lewisboro has previously authorized the advertisement for bids for the Fall 2022 Tree Removal Project within the Town of Lewisboro; and WHEREAS, such bids were received and opened on February 17, 2023 and have been submitted to the Town Board for review and consideration;

NOW THEREFORE BE IT RESOLVED that the Town Board of Lewisboro, upon the recommendation of Town of Lewisboro Highway Superintendent Peter Ripperger, hereby awards the bid/contract for such tree removal to Horticultural Asset Management, Inc., Cary, NC, the low responsible bidder meeting specifications, at cost not to exceed \$59,940.00; and

BE IT FURTHER RESOLVED that upon review of certificates of insurance in form acceptable to Town legal counsel, the referenced contractor is authorized to commence contract work and activities.

NYS RECREATION & PARKS SOCIETY CONFERENCE – Approval

On motion by Councilman Sklarin, 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 Recreation Supervisor and the Recreation Assistant to attend a two-day NYSRPR Annual Conference on April 24 & 25, 2023 in Monticello, NY as budgeted for in the 2023 budget.

PARKS & RECREATION – Approval of Fundraisers

On motion by Councilman Sklarin, 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 use of town facilities for fundraisers as follows:

1. John Jay Youth Lacrosse to use Onatru Farm on April 14, 2023
2. SEPTO to use the Town Park on June 22, 2023
3. Vista Hamlet Council to use the Vista Park on March 25 & June 17, 2023

FOX VALLEY PARK BATHROOM – State Environmental Quality Review (SEQR)

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 MAKING SEQR DETERMINATION IN
REGARD FOX VALLEY PARK CLEAN WATER AND ADA
BATHROOM PROJECT

RESOLVED that the Town Board of the Town of Lewisboro hereby determines that the above project is a Type II action under New York State Environmental Quality Review (SEQR) pursuant to 6NYCRR §617.5(c)(1), and §617.5(c)(2), and no further review is necessary.

PARKS & RECREATION CAPITAL IMPROVEMENTS – Discussion (8:07 – 9:08 p.m.)

The Board discussed whether to borrow funds for parks & recreation capital improvements via a BAN or to use the American Rescue Plan Act (ARPA) funds or a combination of them both. Supervisor Gonçalves created a presentation regarding ARPA funds (see attached).

The Board discussed a second well and disinfection system at the Town Pool. Parks & Recreation Supervisor stated that if they are looking at upgrading the pool house, the 2nd well and disinfection system would need to be done, otherwise it would be flagged by the Health Department. It was decided that at this point Supervisor Gonçalves would pursue a NYS EFC WIIA Grant. Future projects could include pickleball courts, which would be located at the former tennis courts located at the Town Park for approximately \$300,000 and a redo of the pool bathhouse for approximately \$500,000. It was also decided that the paving of the Town Park driveway should be postponed until after the bathhouse is completed.

Maintenance Employee Joel Smith stated that the most important roof to be replaced was the maintenance shop barn for approximately \$55,000.

After further discussion, the following resolution was agreed upon:

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 use of the American Rescue Plan Act (ARPA) funds to be used for pool equipment, baseball backstops, Onatru bathroom updates, Town Park shed, maintenance shop barn roof, 3 generators and the employee handbook with a cost not to exceed \$402,000.

PUBLIC COMMENT – New Business Only (2 residents spoke)

RFQ & RFP

A resident asked Councilwoman Rendo to get back to her with the differences between a Request for Quote (RFQ) and a Request for Proposal (RFP).

WOOD TIMBER PILE

A resident questioned who the wood belonged to at the salt dome. She feels that it does not belong to the town but rather Hickory Homes and she does not feel that tax payers should be paying for this. She also suggested that the town not engage with Hickory Homes in the future.

HIGHWAY

A resident does not feel that the highway department needs two new trucks.

PLANNER

A resident questioned if the town had a planner as she feels that there appears to be no plan.

FOX VALLEY WATER

A resident thought she heard the Supervisor say that the water at Fox Valley was on the radar and if so, please release any documentation that might exist.

CLAIMS – Authorized for Payment

On motion by Supervisor Gonçalves, seconded by Councilman Welsh, the Board voted 5-0 to authorize payment of the Town's bills in the amount of \$516,244.40.

POLLING OF BOARD AND ANNOUNCEMENTS

LIBRARY UPDATES

There will be a volunteer fair on March 4 and Pluck and Rail will be playing on March 11. More information can be found on the library website.

February marks the end of Black History Month and March starts the beginning of Women's History Month.

PARKS & RECREATION UPDATES

Information on the 2023 Summer camp programs can be found on the Town's website.

The new Town Park Playground dedication will take place on June 3, 2023.

A new resident program took place at Onatru Farm on Sunday, February 26. The Board thanked all that were involved.

ASSOCIATION OF TOWNS CONFERENCE

Several Board members went to the Association of Towns Conference which was held in NYC on February 20-22 and felt that it was a very good session.

BUILDING DEPARTMENT FEES

Supervisor Gonçalves stated that January's building revenues were down from the previous year due to the Mercedes project being completed (\$100,000) and not due to mismanagement of funds.

MEETINGS – Dates Set

There will be a meeting on Monday, March 13, 2023, at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York.

EXECUTIVE SESSION – To Discuss Real Estate Issues

On motion by Supervisor Gonçalves, seconded by Councilman Sklarin, the Board voted 5-0 to go into executive session at 9:21 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 10:08 p.m.

ADJOURNMENT

On motion by Councilman Rendo, seconded by Councilman Sklarin, the Board voted 5-0 to adjourn at 10:09 p.m.

Janet L. Donohue
Town Clerk