

A Town Board meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on May 8, 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 was the Attorney for the Town Gregory Folchetti & Maintenance Employees Shawn Johannessen and Joel Smith.

Approximately 21 residents/observers attended the live meeting and approximately 10 participated via Zoom.

Supervisor Gonçalves called the meeting to order at 7:32 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 (7:33-7:58 p.m.)

A total of 10 residents spoke during public comment period I.

HIGHWAYS & PEDESTRIAN AND BIKE PATHS

A resident stated that during the budget season it was stated that \$150,000 would be used for local road paving. The Highway Superintendent stated that 9 miles of roads should be paved a year to stay current however only 2 miles of roads are being paved a year. Why is it that Councilman Welsh wants to borrow \$2.1 million for bike paths and sidewalks for a few to use when everyone uses the roads, and they are in awful condition.

During the polling of the board Councilman Welsh stated that the \$2.1 million, if approved, would be listed as a referendum on the back of this year's election ballot on November 7, 2023, for the people to decide. He also stated that he agrees that the local roads should be paved and has always been an advocate for this during budget season.

LAKE KITCHAWAN BEACH

Six residents spoke about Lake Kitchawan Beach which was obtained by the town several years ago. The Lake Kitchawan Association would like to obtain this beach property and these residents are in favor of this. Lake Kitchawan resident Joseph Niola read the below letter:

Members of the Lewisboro Town Board, Members of the Lake Kitchawan Association, Citizens of the Town of Lewisboro,

My name is Joseph Niola, and I'm a citizen of the Town of Lewisboro residing for over forty years in the Lake Kitchawan section of Lewisboro. I have also been an officer on the board of the Lake Association for several years.

Prior to my retirement, I have worked in the real estate title industry for over thirty years as a title examiner, and title agent for both First American and Chicago Title Insurance Companies.

I can appreciate the difficulties that can occasionally arise in the field of title determination such as the issues brought to the attention of the board surrounding the status of the premises in question, known as the Lake Kitchawan Beach.

I'm not here to make any statements regarding how title to this parcel is, in fact, held, but rather to attest to certain past circumstances that have transpired between the Town of Lewisboro and the Lake Kitchawan Association. I speak of a time when the Town of Lewisboro claimed title to the Lake Kitchawan beach front with power to sell or convey. These circumstances have a bearing on certain decisions that are pending today.

Several years ago, I was presented with a deed document purporting to convey to the Lake Kitchawan Association by the Town of Lewisboro the parcel known as the Lake Kitchawan Beach front with a minimum in financial consideration. If it were not for a significant error in the legal description on that document, we might not be discussing the matter this evening.

No further initiative was made by the town to issue a corrective deed for this parcel of land that was landlocked and burdened with rights of way easements established in perpetuity in favor of the Lake Kitchawan Community property owners.

These rights of way easements over this beach parcel could not be abrogated or revoked by any successive title owner or entity, and therefore, in terms of marketability, the parcel appeared practically worthless to any informed purchaser.

No residential structure could legally be constructed today due to its proximity to the lake and its burden of easements. No reasonable appraised value could even be placed on the parcel, if sale ever became an option.

I'm here to remind the board of the Town of Lewisboro of an earlier intent by town officials to convey title to this beach parcel to the Lake Kitchawan Association, and no other person or entity regardless of any monetary gain some town officials may have in mind.

The citizens of the Lake Kitchawan community are voters who are active and concerned citizens, well aware of what is just and fair, and they will not take lightly a town government that fails to consider the merits of certain decisions proposed by prior administrations.

In conclusion, if there is no way to change a plan to sell the beach to any person or entity, I propose that the Town of Lewisboro offer to the Lake Kitchawan Association, a right of first refusal or first option to purchase for a minimum in financial consideration, in light of the undisputed fact, that the Town of Lewisboro who holds title to a parcel of land known as 130 Lake Kitchawan Drive in the Lake Kitchawan Community is in delinquency for common charges due the Lake Kitchawan Association.

A lien in the amount of \$4,195.00 plus filing fee is currently on file in the Office of the Westchester County Clerk, Division of Land Records, and is a matter of the public record.

The town may be too financially burdened to pay all its just debts, but it's certainly not too poor to provide a deed for the Lake Kitchawan beach to the Lake Kitchawan Association.

GUN CONTROL COMMENT DURING POLLING OF THE BOARD

A resident questioned Councilman Welsh about a comment that he made at the last polling of the board regarding gun control. She feels that this is a big issue to include in polling of the board as it is a national issue that includes mental health, etc.

During polling of the board Councilman Welsh stated that he brought up gun control because of the massacres that recently took place and discussed how some towns have gun buy-back programs.

ARMENIAN GENOCIDE

A resident stated that since the Town Board always notices and mentions every holiday, she questioned why they did not mention the Armenian Genocide which takes place on April 24, which was a Town Board meeting night.

OAKRIDGE WATER

A resident feels that the water at Oakridge still has not been fixed and would like to know when this will happen. Her mother was hospitalized for a second time with a bacterial infection, and they were contacted by the County Department of Health asking if she had traveled lately. She will be getting another water test shortly to see if this is the problem.

During polling of the board Supervisor Gonçalves stated that he has been giving updates to the Oakridge Water Committee and email alerts. He is still waiting for approval from the Westchester County Health Department since a change needed to be made. The financing and grant agreement is not in place yet. It is slow going however it is in the process. Supervisor Gonçalves also asked if they did have any water test results that they would like to share to please reach out to him. Flushing the water is happening now on a scheduled basis and he has not heard of any complaints with sediment.

SALT DOME LEASE AGREEMENT

A resident who also sent in a letter to be read at the meeting regarding the salt dome lease also wanted to say that she feels that the lease agreement with Hickory Homes is negligent. The parameters of the lease agreement are not specified. Why leave this up to Hickory Homes? What is the town's contribution to the lease agreement? She feels that you cannot trust Hickory Homes as they have not followed any of the town's guidelines.

CODE OF ETHICS

A resident asked about an update to the Code of Ethics and when it would be appropriate for taxpayers to be able to comment.

During the polling of the board Councilwoman Rendo stated that she distributed a proposed draft with additional follow up questions for the Board to consider. She has not received any feedback yet, however, she would like this added to the next town board agenda so they can make some progress before the summer months.

COMMUNICATIONS

HIGHWAYS

Supervisor Gonçalves read a letter (see attached) from the NYS Department of Transportation regarding State Route 35.

SALT DOME LEASE AGREEMENT

Councilwoman Shah read the below email into record:

I have a few questions and concerns about item c. soil hauling and item d. lease agreement (salt dome) and would like this letter read into the communication portion of the agenda.

I have lived and worked in Lewisboro for the better part of 45 years and have worked as a property manager of 125 acres with half being wooded and the remaining being hay fields. We also have a composting operation so I am familiar with managing timber/mulch/leaves and soil. I have fought for the environment and our water quality during that time in Lewisboro.

The proposal for 740 cubic yards for soil hauling at a cost of \$15,000.00 was surprising to me for a couple reasons. I had not seen it posted anywhere requesting bids and then to see that the proposal submitted is from Hickory Homes. Can someone explain to me how this came about and why it wasn't put out for bid? Also, does the 740 cubic yards of soil contain drain cleanouts and roadside dirt and gravel? What is the fate of this dirt? Will it be used as fill, processed and sold and disposed of as contaminated? Does Lewisboro want to be known for contamination of improperly disposed of soil?

The Lease Agreement at the salt dome submitted by Hickory Homes at a value of \$1,200 per year. Is the lease agreement only for timber and soil from the Town of Lewisboro or will Hickory Homes be allowed to bring in product from their own operations? Will the mulch be stored on site and removed at a later date, or will it be ground into trucks and immediately hauled away? I'm not sure why Hickory Homes would be granted 2 5-day weeks for processing soil and 6 5-day weeks for processing timber. Tremco removed 2 years' worth of timber and mulch in 3 weeks at a cost of \$55,000.00.

Considering we will soon have a new Highway Superintendent in January of 2024, why not wait to see what ideas they would have for the timber/mulch/soil at the site? They might have a completely different plan but will be tied into a lease agreement with Hickory Homes for 3 years. Hickory Homes has already shown us that they don't follow protocol (on several levels) from the DEC on safely maintaining mulch piles. This could not only be a fire hazard but can also potentially contaminate surrounding wetlands and cause air pollution in the form of odor and dust. Why not use the town's chipper to grind what it is capable of processing? I know there are size limitations but why not put it to use and reduce what we can?

I would urge the Town Board to have a wait and see stance on this lease agreement for the reasons stated in this letter. There is no harm in waiting until we have a new Highway Superintendent; how much timber/soil is produced; and certainly not award the agreement to Hickory Homes as we already know they don't care about our community, our environment, and our laws. We have seen their true colors.

Lastly, I don't believe the .43-acre lease agreement area at the salt dome is large enough to operate in a proper manner. There just simply isn't enough room for equipment, timber, mulch and soil. And, to date, nothing has been done to screen the salt dome operations from the South Salem Cemetery.

For your convenience, I have attached the lease agreement in question and the DEC guidelines for maintaining mulch. Please confirm receipt of this email. Thank you. Carol Cernak

CONSENT AGENDAMINUTES & REPORTS - Approved

On motion by Supervisor Gonçalves, seconded by Councilwoman Rendo, the minutes of the April 24, 2023, Town Board meeting and the monthly April Building & Police Reports were approved and filed.

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

STORMWATER – MS-4 Interim & Annual Reports

Supervisor Gonçalves stated that the Town Board does acknowledge receipt of the MS4 Interim and Annual Stormwater reports, and these reports have been posted on the town's website under the Stormwater Management Committee page. Residents have 30 days to comment.

PEDDLER'S LICENSE – Majeed Enterprises

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 Town Clerk to issue a peddler's permit/license to Daniel M. Majeed who will peddle balloons and novelties at the South Salem Fireman's parade.

HIGHWAY – Proposal for Soil Hauling & Disposal (8:08 – 8:20 p.m.)

Supervisor Gonçalves stated that the town received a proposal for the trucking, hauling and disposal of 740 cubic yards of on-site soil at the salt dome in the amount of \$15,000. This does not include all of the soil that is there. The proposal is valid until May 15, 2023. Councilwoman Rendo asked the Town Attorney Gregory Folchetti to remind the town what is required to put out

to bid by law. Mr. Folchetti stated that any public works project over \$35,000 contract value or for purchase of goods over \$20,000. A formal bid was not necessary for this as this soil removal proposal would be under \$35,000. It is also not necessary to take the lowest proposal.

Councilwoman Rendo suggested that the Board look at the other proposals and look at other factors other than price. However, it was discussed that the Hickory Homes proposal was only valid until May 15, 2023. It was decided that this proposal would be accepted.

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 Town Board does approve the highway soil trucking, hauling and disposal proposal for 740 cubic yards of on-site soil located at the salt dome from Hickory Homes and Properties, Inc., in the amount of \$15,000 providing that said work is conducted during regular business hours.

HIGHWAY – Lease Agreement for Wood and Soil Processing at Salt Dome

Hickory Homes were the only ones that responded to the bid for the lease agreement at the salt dome for the wood and soil processing. Times would need to be established for operation. There are also stipulations that they will provide for the town's debris first and then their own. Councilman Sklarin has worked on this for over a year to make sure that all of the parameters were being met and this would be a 3-year lease. The Board would also like to have the contract posted on the town's website.

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 agree to table the wood and soil processing lease agreement at the salt dome until the next Town Board meeting, May 22, 2023, so that it can be placed on the town's website.

HIGHWAY – Rejecting Bid for Dump Body Replacement

Supervisor Gonçalves stated that this dump body was going to go on to an older truck and the cost was going to be \$89,000 since it had to be customized. Councilman Welsh had found a

simple dump body for half the price, however that would not work on the current truck. Supervisor Gonçalves discussed this with the Highway Superintendent, who was fine with going this route of rejecting the bid as long as one new truck could be ordered, which was already budgeted for.

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 Town Board does reject the bid for the highway dump body replacement, which was received on March 10, 2023.

PUBLIC COMMENT – New Business Only

A total of four residents spoke during public comment period.

PEDDLER’S LICENSE

A resident asked about the date that the peddler would be in town because she wants to be out of town since the peddler’s others business is a guns and firearms school. The Board responded that he will be in town for the South Salem Fire Department parade.

SOIL HAULING & DISPOSAL

A resident questioned why they only received a proposal for partial removal of soil when there could be twice as much soil there. Why not start with a clean slate.

SALT DOME LEASE

A resident stated she does not have a bone to pick with Hickory Homes but rather she feels the board engaged in a contract with Hickory Homes which she felt was not legal. She feels that the Town Board is negligent and not being prepared enough.

JUNETEENTH

A resident stated that the Juneteenth Celebration will take place on June 17, 2023 at the Town Park. If anyone wants to donate towards this celebration or volunteer, they can mail it to the Town House in care of Mary Shah or reach out to her via email. In 2022, over \$4,800 was raised.

NEW BUSINESS ONLY

A resident stated that she thought the public comment for public comment II was for new business only and if that is the case, why was a resident able to speak about Juneteenth as that was not on the agenda as a new business item. Are the rules being followed, are they not being followed? She would like clarification.

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 \$384,394.97.

POLLING OF BOARD AND ANNOUNCEMENTS

MAY

May is Asian American Pacific Islander Heritage Month and Jewish American Heritage Month and Mental Health Awareness Month.

VISTA FIRE DEPARTMENT

The Vista Fire Department will be holding their annual spaghetti dinner fundraiser on May 13 from 5-8 p.m. Food will be donated by LaVista Restaurant.

COMPREHENSIVE MASTER PLAN WORKSHOPS

Opportunity Series 1: Hamlet specific workshops (open house format)

Saturday, May 13: Goldens Bridge & Cross River Hamlets

Saturday, May 20: South Salem & Waccabuc Hamlets

Saturday, June 10: Lewisboro & Vista Hamlets

Morning workshop: 10:30AM – 12:30PM

Afternoon workshop: 2:00PM – 4:00PM

Childcare available (in partnership with Country Childrens Center) – registration recommended.

Drop in for either AM or PM workshop at your convenience and move at your own pace.

Provide input on the proposed vision & goals for a specific Hamlet and/or for the broader Town

There will be several different ways to engage, including independent activities and small group discussions.

Opportunity 2: All-Hamlets workshop (open house format)

Sunday, June 11: All Hamlets

Evening workshop: 6:30PM – 8:30PM

Location for all: Town Planning Offices, 79 Bouton Road, South Salem, NY 10590

Complete information can be found on the website at lewisborogov.com/cmpsc

Text alerts will be going out as well.

PLAYGROUND COMMITTEE

Come celebrate with the community at the Ribbon Cutting (promptly at 11:30am) ceremony and the GRAND OPENING (starting at 12pm) on June 3rd (Rain Date June 4th) of the New Inclusive Playground! There will be food trucks, music, t-shirts for sale and lots of good fun for the whole family. This is a free event with food for purchase.

The Board reminded everyone that the playground is not finished yet and is off limits. They have received reports of parents letting their children go through the fence to play on the equipment.

CINCO DEMAYO

There was a successful Cinco deMayo event that was held at the Yellow Monkey Village which was very well attended.

MEETINGS – Dates Set

There will be a meeting on Monday, May 22, 2023, at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York.

EXECUTIVE SESSION – To Discuss Personnel and Real Estate Issues

On motion by Supervisor Gonçalves, seconded by Councilwoman Rendo, the Board voted 5-0 to go into executive session at 8:54 p.m. to discuss personnel and real estate issues.

On motion by Councilwoman Shah, seconded by Councilman Sklarin, the Board voted 5-0 to come out of executive session at 10:22 p.m.

ADJOURNMENT

On motion by Councilman Rendo, seconded by Councilman Sklarin, the Board voted 5-0 to adjourn at 10:23 p.m.

Janet L. Donohue

Town Clerk