

A Town Board meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on July 24, 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, Assessor Lise Robertson, Comptroller Nisha Singh and NY State Assemblyman Chris Burdick.

Approximately 15 residents/observers attended the live meeting and approximately 6 participated via Zoom.

Supervisor Gonçalves called the meeting to order at 7:30p.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**

A total of 4 residents spoke during the public comment period.

**CODE OF ETHICS**

A resident questioned how to make a complaint with the ethics board. She feels that a complaint should go to the ethics board first and she feels that their contact information should be readily available.

**PEDESTRIAN & BICYCLE SAFETY BOND**

One resident spoke out in favor of the pedestrian & bicycle safety bond. Another resident agrees that this is a good thing but what exactly would this \$2.1 million would be paying for.

Another resident spoke out against the pedestrian & bicycle safety bond. She stated that it will need to have enforceability. She asked who is responsible for the sidewalks, and who was going to enforce this? Will there be code enforcement. She feels that our roads need repair and there should be proper shoulders on the roads before sidewalks and bike paths are discussed. There is also no appropriate discharge for water. Also, would homeowners' property be taken by the town to do this. She would like the town to think very carefully about the liability, enforcement, and maintenance issues.

COMMUNICATIONS

BRIDGE NY GRANT

Supervisor Gonçalves stated that the town has been awarded a \$1.426 Million BRIDGE NY Grant to replace the Oscaleta Road culvert and received the formal letter (see attached).

CLEAN ENERGY GRANT

Supervisor Gonçalves read a letter from Senator Peter Harckham regarding Community Resiliency, Economic Sustainability, and Technology Program (CREST) grants for local governments (see attached) and stated the town will be submitting an application in hopes to obtain \$100,000 in grant money.

VISTA HAMLET STEWARDSHIP COUNCIL

Supervisor Gonçalves stated that he, along with Councilman Welsh met with the Vista Hamlet Stewardship Council on Sunday, July 23 to hear about some of the details of the feasibility study for Vista Hamlet accessibility improvements.

KATONAH LEWISBORO SEPTO – Authorize Fundraiser & Waive Fees

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 authorizes SEPTO (Special Education Parent Teacher Organization) to hold its Fundraiser at the Town Park on Friday, September 29, 2023, and be it further

RESOLVED, that all fees be waived.

TOWN POOL – Approve Agreement with Westchester Diving

On motion by Councilwoman Shah, 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 approves the Westchester Diving Academy Agreement and authorizes the Supervisor to sign said agreement, as approved by the counsel.

EAST OF HUDSON WATERSHED CORPORATION (EOHWC) – Waive Fees

Three Lakes Council President, Janet Andersen, explained that the EOHWC is looking for projects to reduce phosphorous in local lakes. The Long Pond Preserve is located by Waccabuc Lake. Ms. Andersen is also the Chair of the Planning Board and plans to recuse herself when this matter comes to the Planning Board.

On motion by Councilman Sklarin, seconded by Supervisor Gonçalves, 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 authorizes all fees be waived for the East of Hudson Watershed Corporation (EOHWC) Stormwater remediation project on Long Pond Preserve.

PLANNING BOARD – Partial Bond Release for Lewisboro Commons

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 authorizes the Planning Board to hold a public hearing and act upon Insite Engineering's request for a partial release of a performance security in connection with Lewisboro Commons.

TRUESDALE WACCABUC WASTEWATER SOLUTION 1 – SEQR Negative Declaration

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 MAKING NEGATIVE DETERMINATION UNDER NY STATE  
ENVIRONMENTAL QUALITY REVIEW (“SEQR”)  
IN REGARD TO THE TRUESDALE WACCABUC WASTEWATER SOLUTION 1

WHEREAS, the Town Board of the Town of Lewisboro is conducting a coordinated SEQR Review of an unlisted Action, known as the Truesdale Waccabuc Wastewater Solution 1 Action; and

WHEREAS, the action proposes the formation of a sewer district and the construction of a new wastewater treatment plant and collection system for selected homes around Truesdale Lake and Lake Waccabuc, as phase 1; and

WHEREAS the Town Board has previously given notice of its intent to declare itself lead agency to all interested and involved agencies; and

WHEREAS no interested or involved agency challenged the Town Board's intent to act as lead agency; and

WHEREAS, the Town Board has reviewed and completed the full Environmental Assessment Form with respect to the proposed action, which is incorporated into this resolution and attached hereto, and has made its own set of specific findings relating to SEQR review of this action pursuant to the SEQR regulations and given also due consideration thereto;

NOW THEREFORE BE IT RESOLVED, that pursuant to 6 NYCRR Part 617, State Environmental Quality Review, The Town Board of the Town of Lewisboro, hereby designates itself Lead Agency for the SEQR Review of this Unlisted Action, and

BE IT FURTHER RESOLVED, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Lead Agency has determined that the proposed action will not have a significant adverse impact on the environment for the reasons enumerated in the attached EAF and the and the findings contained therein.

TRUESDALE WACCABUC WASTEWATER SOLUTION 1 – Proposed Sources of Funding

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 DESIGNATING PROPOSED SOURCES OF FUNDING  
IN REGARD TO THE TRUESDALE WACCABUC WASTEWATER SOLUTION 1

WHEREAS, the Town Board of the Town of Lewisboro is proposing the formation of a sewer district and the construction of a new wastewater treatment plant and collection system for selected properties around Truesdale Lake and Lake Waccabuc, known as “Truesdale Waccabuc Wastewater Solution 1”; and

WHEREAS, the estimated cost for the proposed project is presently \$40 million; and

WHEREAS the Town Board is intending to fund the proposed project through various grant and financing sources, including but not limited to those available through the State of New York, The New York State Department of Environmental Conservation and the New York State Environmental Facilities Corporation;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Lewisboro hereby designates and declares the proposed sources of funding and/or financing for the proposed project to be as follows:

|   |              |
|---|--------------|
| WIIA NYS Environmental Facilities Corp. Grant | \$7,500,000  |
| NYSDEC WQIP Grant                             | \$10,000,000 |
| NYSDEC/NYCDEP Water Quality Contract          | \$12,500,000 |
| County Watershed MOA EOH WQIP                 | \$10,000,000 |

PEDESTRIAN & BICYCLE SAFETY BOND – Discussion (8:04 – 9:00 p.m.)

Supervisor Gonçalves stated that this evening the Board needs to decide whether to pursue a \$2.1 million bond for pedestrian and bicycle paths and later in the week, due to Board of Election timing, the Board will need to vote about putting the question on the November 7 ballot for the residents to decide.

New York State Assemblymember, Chris Burdick, was in attendance and shared what Bedford did when he was the Town Supervisor regarding the sidewalks and creating a water district. Mr. Burdick does feel that sidewalks do connect people. This has worked well in Bedford and also in other towns.

Mr. Burdick also discussed funding for Route 35 and stated that he and Senator Peter Hareckham have worked very hard to get funding for paving the entire length of this road. \$3 million has been dedicated to this project from the state, for a study on Route 35 in its entirety, however, no bids were received to do the paving at night so the state will put this out for bid again next year. Mr. Burdick is hopeful that more money will be obtained to do the entire length and not just a portion of Route 35. The Board thanked Mr. Burdick for his comments.

Councilwoman Rendo asked about the \$2.1 million figure and how did they arrive at that amount. Councilman Welsh stated that it was based on an estimate from 2012 and only for Goldens Bridge but now it expanded to possibly Cross River and Vista. Councilwoman Rendo stated that she does not feel that \$2.1 million is sufficient for all three hamlets.

Councilwoman Rendo also thanked Comptroller Nisha Singh for sending information to the Board explaining the difference between Bonds and BANS (see the attached). Ms. Singh was in attendance and went over this information with the Board.

The Board continued their discussion. Councilman Sklarin stated that we are in good fiscal shape to borrow this money. He feels progress has been made on town roads, but it was agreed that the town has to address this. The Cornell Study was a concept that dealt with paving of the roads however, this study is out of date. Councilman Sklarin wants a commitment from the Supervisor to bond for paving of town roads. The Supervisor agrees but needs to quantify what roads are in disrepair and timing is important.

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

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

### RESOLUTION

BOND RESOLUTION DATED JULY 24, 2023.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,100,000 BONDS OF THE TOWN OF LEWISBORO, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF PEDESTRIAN AND BICYCLE SAFETY INFRASTRUCTURE IMPROVEMENTS THROUGHOUT THE TOWN, IN AND FOR SAID TOWN.

WHEREAS, all conditions precedent to the adoption of a bond resolution, subject to permissive referendum, for the financing of the capital purpose hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital purpose; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Lewisboro, Westchester County, New York (the "Town"), as follows:

Section 1. For the purpose of paying the cost of pedestrian and bicycle safety infrastructure improvements throughout the Town, including but no limited to construction or reconstruction of roads, sidewalks, crosswalks, installation of traffic signals and signs, replacement of pavement markings and other right-of-way improvements, in and for the Town, including incidental expenses in connection therewith, a class of objects or purposes, there are hereby authorized to be issued up to \$2,100,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$2,100,000, and the plan for the financing thereof shall be by the issuance of the \$2,100,000 bonds authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision ninety of paragraph a of Section 11.00 of the Local Finance Law, as said class of objects or purposes consists of objects or purposes with a period of probable usefulness of at least ten years under one or more of subdivisions 19, 20, 21, 24, or 72 of paragraph a of Section 11.00. It is hereby further determined that the maximum maturity of the bonds authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent such appropriation is not made from other sources, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the Supervisor shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or



are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. Upon this resolution taking effect, the same shall be published in summary in *The Record Review*, the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is adopted subject to permissive referendum in accordance with Section 35.00 of the Local Finance Law. However, it is expected that this resolution will be called for referendum on the initiative of the Town under Section 94 of the Town Law and be subject to the approval of the qualified electors of the Town at the biennial Town election to be held on November 7, 2023.

The Board continued their discussion regarding the town's Code of Ethics. Councilwoman Rendo stated that the way our ethics code is currently written, it is not specific to how to access the code of ethics board or for how a resident makes an inquiry. It is unclear as to how it is to be used and for whom it is to be used. There are no clear directions.

Town Attorney Gregory Folchetti was asked if the town was subject to Westchester County law and NY State law. Mr. Folchetti stated that the town has to have their own code of ethics, which we do but the town doesn't have to have a board, but the town does. The way the town code is written, there is no way for someone to bring forward a complaint, but it will ultimately come back to the Town Board.

Chairman of the Board of Ethics, Lawrence Mandelker and Board of Ethics member William Schechter were in attendance. Mr. Mandelker stated that the Board of Ethics matters are confidential. They deliberate and give an advisory opinion. They are not a whistle blower or inspector general. Mr. Mandelker stated that residents do not get in touch with the Board of Ethics Board but residents would go to the Town Board or an individual Town Board member and they would reach out to the Board of Ethics. The last time they received an inquiry was approximately 2007. Mr. Mandelker and Mr. Schechter do not see a problem with the current code so they don't offer any solution.

The Board thanked Mr. Mandelker and Mr. Schechter. They continued their discussion. As it stands now it states that the committee should consist of at least 3 members, one being a town employee. Councilwoman Rendo does not feel that a town employee should be part of the Board of Ethics. She also feels that it should be at least 5 members and no one party should be the majority and maybe with having at least 5 members, then maybe a town employee could be included.

Councilwoman Rendo and Councilwoman Shah will work at giving a clear and concise process; who to contact, etc. and put this on the website. And if anyone is interested in serving on the Board of Ethics, they should send in their resumé to Supervisor Gonçalves.

## PUBLIC COMMENT PERIOD II

## COMPREHENSIVE MASTER PLAN

Ciorsdan Conran, resident and town employee thanked everyone for their participation so far and if anyone has any further comments, they can email them to [steering@planlewisboro.com](mailto:steering@planlewisboro.com). Also, someone left a sweater at one of the meetings so please reach out to her if it belongs to you.

A resident stated that he was one of the 250 responses but feels that this return out of 12,000 residents is not a favorable response.

## HIGHWAY

Two residents feel that the roads should be taken care of and that the Cornell Study is a good tool and is easy to follow and should still be followed. And they feel that it is a bad time for the \$2.1 million to be borrowed.

### OAKRIDGE WATER

A resident asked where the money was for the Oakridge water.

During polling of the board Supervisor Gonçalves stated that he sent out an email a few weeks ago regarding the money. He explained that the grant agreements have not been received by the town yet and they are still waiting for the Department of Health approval.

### CLAIMS – Authorized for Payment

On motion by Supervisor Gonçalves, seconded by Councilwoman Shah, the Board voted 5-0 to authorize payment of the Town's bills in the amount of \$288,451.68.

### POLLING OF THE BOARD

### CORNELL STUDY

Councilman Welse feels that at this point, today, the Cornell Study is worthless as it is from years ago and partial funding was cut for paving so they could not keep up with the schedule.

### LIBRARY FAIR

The library fair will take place on Saturday, September 9<sup>th</sup> at Onatru Farm. Donation days will take place on Saturday, August 12, 19 & 26 from 9 a.m. to 1 p.m. Visit their website for more information at [www.lewisborolibrary.org](http://www.lewisborolibrary.org).

### SOUTH SALEM FIRE DEPARTMENT PARADE & CARNIVAL

The South Salem Fire Department is having their annual carnival which will run from Wednesday, August 9, 2023, through Saturday, August 12, 2023. The parade will start at 7 p.m. on Wednesday. More information can be found on their website at [www.southsalemfire.com](http://www.southsalemfire.com).

### HIGHWAY

Supervisor Gonçalves mentioned the state advised him that no bids were received for nighttime paving of a portion of Route 35. It was decided that, in order to avoid massive traffic issues that would result in paving this heavily trafficked area during peak daytime travel hours, the project

would be moved to next year with the intent to have the work done at night thereby avoiding long delays.

Supervisor Gonçalves did state that the Highway Department has done a great job with the town roads and when he asked the Highway Superintendent in general, how are the town roads, his reply was fine. The Supervisor urged anyone who had a specific problem with a road to call or email him.

MEETINGS – Dates Set

There will be a meeting on Monday, July 27 and Monday, August 14, 2023, at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York.

EXECUTIVE SESSION – To Discuss Personnel Issues & To Conduct Interviews

On motion by Supervisor Tony Gonçalves, seconded by Councilman Sklarin, the Board voted 5-0 to go into executive session at 9:51 p.m. to discuss personnel issues.

On motion by Councilman Sklarin, seconded by Councilman Welsh, the Board voted 5-0 to come out of executive session at 10:44 p.m.

PLANNING BOARD – Appointment of Member

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 does appoint Susan Gerry to the Planning Board for a term commencing immediately and concluding as December 31, 2024, which is the unexpired term for previous member Jerome Kerner.

TOWN OFFICIALS & EMPLOYEES – Shawn Johannessen Maintenance

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 appoint Shawn Johannessen to title of Maintenance Worker (Repair) at Step 1, subject to NYS civil service law, rules and regulations, commencing at payroll period #18 and subject to approval of NYS Civil Service Commission.

ADJOURNMENT

On motion by Councilman Sklarin, seconded by Councilwoman Rendo, the Board voted 5-0 to adjourn at 10:51 p.m.

Janet L. Donohue  
Town Clerk