

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on Monday, September 12, 2016, at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York

PRESENT: Supervisor - Peter H. Parsons
Councilmen - Peter DeLucia, Frank Kelly, John Pappalardo, Daniel Welsh
Town Clerk - Janet Donohue
Absent - None

Also attending was the Attorney for the Town Jennifer Herodes, Comptroller Leo Masterson, Highway Superintendent Peter Ripperger, Police Chief Charles Beckett, Police Sergeant David Alfano, Facilities Maintenance Manager Joel Smith, Highway Superintendent Peter Ripperger and Confidential Secretary/Benefits Coordinator Mary Hafter.

And approximately 52 residents/observers.

Mr. Parsons called the meeting to order at 7:36 p.m.

PLEDGE OF ALLEGIANCE

Supervisor Parsons led the Pledge of Allegiance to the flag.

PUBLIC COMMENT PERIOD

GOLDENS BRIDGE HAMLET ORGANIZATION – Requests (7:36 – 7:48 p.m.)

Jonathan Monti, Acting Chairperson of the Goldens Bridge Hamlet Organization, who lives on Green Hill Road, Goldens Bridge, asked the Board for 3 specific tasks. The first task is that the GBHO would like to have the Board actively work with Mathew Slater from Senator Murphy's office and the Mass Transit Authority (MTA) with regards to the MTA's commitment to replace the Gateway Welcome sign that was once at the corner of North Street and Route 22. Tony Goncalves, a member of the GBHO, has spearheaded the project and has forwarded an email of the MTA's commitment to the Town Board members. Mr. Kelly did state that he already spoke with Matt Slater, obtained the phone number of the gentleman and left two messages.

Mr. Monti also stated that they have reached out to ACARC so that the design of the sign will be consistent with other signs. Mr. DeLucia would like to obtain the information from Mr. Monti as to who they order the sign from so that the Town can obtain quotes from them. Mr. Monti also wanted to thank Senator Murphy, Mathew Slater and Tony Goncalves for all that they have done so far regarding this project.

The second task that Mr. Monti would ask of the Board is that they continue to contact the Department of Transportation (DOT). Throughout the spring and summer the GBHO has pressured Senator Murphy and Assemblyman Buchwald to address both the eastern and western sides of Route 684 and the decrepit state the walls and the fencing and barriers are in. Mr. Monti stated they have seen one small micro step with the green diffusers being removed. They will continue to pressure the DOT to look for something that is more of a permanent wall or some type of divider that will separate both sides of the hamlet from Route 684.

Mr. Parsons stated that he had already contacted the DOT and their response was that they will restore the previous light diffusers but they will not put up sound barriers until they widen the road or do another piece of major construction. Mr. Monti said that they are going to continue to put the pressure on Senator Murphy and Assemblyman Buchwald.

Mr. Monti said that their final issue with the Board is to ask for funds or time or both with a planner to create in the new Master Plan a new section that would be specifically for Goldens Bridge. They want to be able to have active input into the Master Plan.

Mr. DeLucia asked about what new Master Plan Mr. Monti is referring to. Mr. Monti said that he was hoping that the Board was going to actively look at the Master Plan that dates back from the 80's. Mr. Welsh stated that when Ed Burroughs, the Westchester County Planner was at a recent meeting, he did state that the original Master Plan did speak to the need for doing individual hamlet plans. Mr. Welsh stated that the town wouldn't necessarily have to open up the entire Master Plan process. Mr. DeLucia stated that if they were going to move forward on this each one of the hamlets would need to be looked at, not just Goldens Bridge. Mr. Kelly also mentioned that the cost to re-do the Master Plan is approximately \$1.8 million.

The Board thanked Mr. Monti for all of the hard work that he and his committee have done for Goldens Bridge.

KATONAH ART CENTER – Traffic on Bedford Road (7:48 – 7:51 p.m.)

Kate Barker, Bedford Road, Goldens Bridge resident, stated that she did send an email to the Board regarding the parking and traffic at the Katonah Art Center especially on a weekend. Mr. Barker would like to beg the Board's attention in a holistic way of managing the pressure that the neighbors are experiencing. The traffic has incapacitated the neighborhood and made it very difficult for them to take their daughter to an event at 2 p.m. on a Saturday. Mr. Pappalardo did state that he received the eloquently written letter and it did not fall on deaf ears. Ms. Barker said that this is not personal at all as she is also an artist. She stated that they are the face of the revitalization that is happening in that neighborhood in Goldens Bridge.

Jane Preiser, Park Avenue, Goldens Bridge, resident wanted to reinforce what Ms. Barker stated that the traffic is getting worse and worse. Supervisor Parsons and John Pappalardo offered to meet with them at a time and venue of their choice to further discuss this situation.

Mr. DeLucia asked if there was anything that could be done policing wise; rate of speed, etc. Ms. Barker stated that the problem is really volume, especially around 4 p.m. on school days. Mr. Barker also stated that no one can move quickly when there is that much volume.

COMMUNICATIONS

RESIGNATION - Police Officer Nicholas Mirko

Supervisor Parsons announced the resignation of Police Officer Nicholas Mirko effective September 6, 2016.

911 PROCLAMATION – Senator Murphy

Supervisor Parsons read a Proclamation from Senator Murphy commemorating the 15th Anniversary of 9/11.

***WHEREAS**, the State of New York is deeply saddened by tragic events that have occurred throughout its history; and*

***WHEREAS**, the Town of Lewisboro will commemorate the 15th Anniversary of the September 11, 2001 terrorist attacks during a ceremony to be held on September 11, 2016; and*

***WHEREAS**, few New Yorkers, or Americans, will ever forget the tragic events on the morning of September 11, 2001, when a series of four coordinated terrorist attacks orchestrated by al-Qaeda killed nearly 3,000 people on American soil; and*

***WHEREAS**, on that morning, four commercial airliners were hijacked by a total of 19 al-Qaeda terrorists; and*

***WHEREAS**, American Airlines Flight 11 was crashed into the North Tower of the World Trade Center at 8:45 a.m.; United Airlines Flight 175 followed into the South Tower at 9:03 a.m.; and*

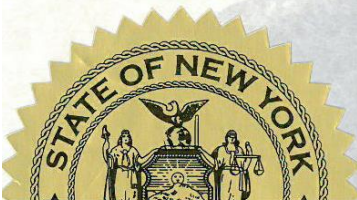
***WHEREAS**, both of the 110-story towers collapsed within an hour and ten minutes; among those who perished were 343 firefighters and paramedics, 23 NYPD officers, and 37 Port Authority officers; and*

***WHEREAS**, at 9:45, a third plane, American Airlines Flight 77, was crashed into the Pentagon, killing 125 military and civilian personnel and 64 passengers and crew members; and*

***WHEREAS**, the fourth plane, United Airlines Flight 93, may have been steered towards Washington D.C., but passengers overtook the hijackers and the plane instead crashed into a field near Shanksville, Pennsylvania, killing all 45 people on board; and*

WHEREAS**, as the United States continues to fight against the growing threat of terror attacks by al-Qaeda and other terrorists groups, we must never forget those who lost their lives on September 11, 2001; **NOW, THEREFORE, BE IT

***RESOLVED**, that I, as a duly elected member of the Senate of the State of New York, on behalf of the citizens thereof, do hereby join the Town of Lewisboro as it commemorates the 15th Anniversary of the September 11, 2001 terrorist attacks.*



Dr. Terrence P. Murphy

Dr. Terrence P. Murphy
New York State Senator
40th Senate District

CONSENT AGENDA

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 5-0 to approve meeting minutes and to receive and file departmental reports.

MINUTES - Approved

On the above motion and second, the minutes of the August 22, 2016 Town Board meeting were approved.

THE VOTE:	Yes	- Kelly, Pappalardo, Parsons, Welsh	(4)
	No	- None	(0)
	Abstain	- DeLucia	(1)

REPORTS – Monthly Reports

On the above motion and second, the August, 2016 reports from the Building and Police Departments were received and filed.

THE VOTE:	Yes	- DeLucia, Kelly, Pappalardo, Parsons, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

PUBLIC HEARING – Modifying the Hiring Age of Part-time Police Officers Local Law (7:54 – 7:56 p.m.)

Mr. Parsons called the public hearing to order. There was no objection to the time or form of the public notice (attached). Mr. Parsons called for comments from the public.

There were no comments from the public.

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the public hearing for the proposed local law amending Chapter 50, entitled Officers and Employees, in order to enact Article IV of Chapter 50 entitled “Age Restrictions for Part-Time Patrolmen”, is closed.

OFFICERS AND EMPLOYEES – Revised Local Law Adopted

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that Chapter 50, "Officers and Employees" of the Town Code of the Town of Lewisboro, has been amended as follows:

LOCAL LAW NUMBER 5-2016 OF THE TOWN OF LEWISBORO

SECTION 1 -- TITLE

This Local Law shall be known as 2016 Amendments to Chapter 50, entitled Officers and Employees: in order to enact Article IV of Chapter 50 entitled "Age Restrictions for Part-Time Patrolmen."

SECTION 2 -- ADOPTION

Now therefore be it enacted by the Town Board of the Town of Lewisboro Local Law 5-2016 that this law shall take effect immediately upon its passage:
SECTION 3 – OFFICERS AND EMPLOYEES

ARTICLE IV of Chapter 50, Officers and Employees, is hereby enacted to read as follows:

ARTICLE IV
Age Restrictions for Part-Time Patrolmen

§50-16. Purpose.

It is the purpose of this article to modify the requirements of Section 18 of the Session Laws of New York (1936), Chapter 104 entitled An Act Providing for the Establishment, Organization and Operation of Police Departments in the Towns of Westchester County, Section 18 entitled Part-Time Patrolmen which provides in part that such part-time patrolmen at the time of appointment must be at least twenty-one (21) years of age and not more than forty-five (45) years of age.

§50-17. Authority.

This article is enacted pursuant to the provisions of Section 10 of the Municipal Home Rule Law.

§50-18. Age Restrictions for Part-Time Patrolmen.

In the Town of Lewisboro, Westchester County, part-time patrolmen at the time of appointment must be at least twenty-one (21) years of age and not more than sixty (60) years of age.

SECTION 4 – HOME RULE

Nothing in this Local Law is intended, or shall be construed (a) to limit the home rule authority of the Town under State Law to limit the Town's discretion in setting fees and charges in connection with any applications requiring Town approval.

SECTION 5 -- 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 of 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 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 6 – 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.

PUBLIC HEARING – Zoning; Accessory Apartments (7:56 – 8:23 p.m.)

Supervisor Parsons explained that the essence of this change is that instead of the Zoning Board of Appeals (ZBA) granting applicants the right when they apply to put an accessory apartment in their home, the power would be given directly to the Building Inspector. If the applicant disagreed with the Building Inspector, they would still have the right to go to the ZBA. The criteria has not changed at all.

Mr. Parsons called the public hearing to order. There was no objection to the time or form of the public notice (attached). Mr. Parsons called for comments from the public.

Dean Travalino, Spring Street, South Salem resident, stated that there are times when individuals ask for accessory apartments and they don't want them to be affordable apartments.

Mr. Travalino also stated that only one and two family homes are exempt from the Planning Board review. Once you go to three family homes it becomes commercial.

Mr. Travalino asked the Board if they received any feedback from the County Planning department. Mr. Parsons stated that he received comments last year but they never really addressed the specifics about apartments and went directly to please adopt the model ordinance. Mr. Parsons will go back to Ed Burroughs and check. Mr. Travalino said he asks this because it is his understanding that all homes would require a special permit for accessory apartment. He feels that this is done so that the Zoning Boards can get reasonable input from neighbors.

Mr. Travalino also mentioned he doesn't feel that some of these items should be at the discretion of the building department such as off street parking being screened.

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the public hearing for the proposed local law amending Chapter 220, entitled Zoning, amending Sections 220-23 and 220-40, in order to allow accessory apartments and accessory residence dwellings as permitted uses in all residential districts, is closed.

ZONING – Environmental Assessment Form (EAF) Approved

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does accept and authorize the Supervisor to sign the Environmental Assessment Form (EAF) as it pertains to the Local Law 6 amending Chapter 220, entitled Zoning, amending Sections 220-23 and 220-40, in order to allow accessory apartments and accessory residence dwellings as permitted uses in all residential districts

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Local Law - Amendment to Zoning Code - Accessory Apartments and Accessory Residence Dwellings			
Project Location (describe, and attach a location map): Town of Lewisboro, Westchester County, NY			
Brief Description of Proposed Action: The Town Board of the Town of Lewisboro is proposing an amendment to Chapter 220, Zoning, of the Town of Lewisboro Town Code to allow the permitting of Accessory Apartments and Accessory Residence Dwellings as an accessory use permitted by the Building Inspector, as oppose to by Special Use Permit as is presently issued by the Zoning Board of Appeals. The purpose of the law is to streamline and expedite the approval process associated with these uses by changing the approval authority from the Zoning Board of Appeals to the Building Inspector. The current supplemental regulations and standards associated with these uses is not subject to change and the proposed amendment is not expected to result in any significant adverse environmental impacts.			
Name of Applicant or Sponsor: Town of Lewisboro Town Board		Telephone: 914-763-9035 E-Mail: supervisor@lewisborogov.com	
Address: 11 Main Street, P.O. Box 500			
City/PO: South Salem		State: NY	Zip Code: 10590
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

ZONING – Accessory Apartments Adopted

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

WHEREAS, an amendment to Sections 220-23(D) and 220-40 of Chapter 220, entitled “ZONING,” which will amend the zoning regulations and requirements of the Town of Lewisboro in order to allow accessory apartments and accessory residence dwellings as permitted uses in all residential districts, and to set forth regulations with respect thereto, has been introduced before the Town Board of the Town of Lewisboro in the County of Westchester; and

WHEREAS, a public hearing was held on September 12, 2016, upon notice duly published and posted; and

WHEREAS, public discussion was heard at such hearing concerning the merits of said local law; and

WHEREAS, the Town Board wishes to amend Sections 220-23(D) and 220-40 of Chapter 220, entitled “ZONING,” which will amend the zoning regulations and requirements of the Town of Lewisboro in order to allow accessory apartments and accessory residence dwellings as permitted uses in all residential districts, and to set forth regulations with respect thereto; and

WHEREAS, in accordance with Article 8 of the Environmental Conservation Law (the State Environmental Quality Review Act) and 6 NYCRR Part 617 of the implementing regulations, the proposed action has been determined to be an UNLISTED Action; and

WHEREAS, the Town Board of the Town of Lewisboro has reviewed the Environmental Assessment Form submitted for the project, and has completed review of the project; and

WHEREAS, the Town Board of the Town of Lewisboro hereby issues a negative declaration of significance pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, in that it has determined that the proposed action will not have a significant environmental impact and that a Draft Environmental Impact Statement will not be prepared; and

WHEREAS, the Town Board finds that the proposed amendments will promote the health, safety and general welfare of the public of the Town of Lewisboro; and

THEREFORE BE IT RESOLVED that the Town Board hereby amends Sections 220-23(D) and 220-40 of Chapter 220, entitled “ZONING,” in order to allow accessory apartments and accessory residence dwellings as permitted uses in all residential districts, and to set forth regulations with respect thereto; and

BE IT FURTHER RESOLVED, that Local Law 6 of 2016 of the Town of Lewisboro is hereby enacted by the Town Board; and

BE IT FURTHER RESOLVED, that a true copy of the law is attached hereto and made a part hereof.

ZONING – Accessory Apartments; Revised Local Law Adopted

On motion by Mr. Parsons, seconded by Mr. Welsh, the Board voted as follows:

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that Chapter 220, “Zoning” of the Town Code of the Town of Lewisboro, has been amended as follows:

TOWN OF LEWISBORO
LOCAL LAW NUMBER 6-2016 OF THE TOWN OF LEWISBORO
AMENDMENT TO CHAPTER 220, SECTIONS 220-23(D) AND 220-40 OF THE
LEWISBORO TOWN CODE

BE IT ENACTED by the Town Board of the Town of Lewisboro, Westchester County, New York, as follows:

Section 1. Chapter 220, Section 220-23(D), entitled “Schedule of regulations for residential districts,” is hereby amended to read as follows:

§ 220-23. Schedule of regulations for residential districts.

- D. Permitted accessory uses. Uses or structures customarily incidental to any permitted principal use are permitted, provided that such accessory use shall not include any activity commonly conducted for gain, except as hereinafter excepted, or any private way or walk giving access to such activity. Permitted accessory uses are as follows:
- (11) An accessory building containing up to 600 square feet in total floor area may be approved after the principal building has been built or coincident with the construction of the principal building.
 - (12) Accessory apartments subject to Section 220-40 of this chapter.
 - (13) Accessory residence dwelling subject to Section 220-40.1 of this chapter.

Section 2. Chapter 220, Section 220-40, entitled “Accessory apartments,” is hereby amended to read as follows:

§ 220-40. Accessory apartments.

It is the specific purpose and intent of this section to allow accessory apartments on one-family parcels of minimum size of ½ acre to provide the opportunity for the development of affordable housing, AFFH units as defined in Section 220-2(B) of this chapter, or to meet the needs of the elderly, the young, persons of middle income, or the relatives or domestic employees of the owners of the principal residence. It is also the purpose of this provision to allow more efficient use of the Town’s existing dwellings and accessory buildings, and to afford existing residents the opportunity to remain in large, underutilized houses by virtue of the added income produced by accessory apartments, and to protect and preserve property values in the Town of Lewisboro. To help achieve these goals to promote the other objectives of this chapter and of the Town Development Plan, the following specific standards and limitations are set forth for such

accessory apartment use.

A. Occupancy.

- (1) The owner(s) of the one-family lot upon which the accessory apartment is to be located shall occupy and maintain as his or her legal full-time residence at least one of the dwelling units on the lot.
- (2) The maximum occupancy of the accessory apartment is four persons.

B. Location and number of units.

- (1) An accessory apartment may be located in the principal dwelling building or in a permitted accessory building, such as a barn or garage, and may include existing, new, or expanded structure construction.
- (2) There shall be no more than one accessory apartment permitted per one-family building lot.
- (3) An accessory apartment is not permitted on any single lot where more than one dwelling unit already exists, regardless of whether the additional dwelling is a prior nonconforming dwelling unit or not. The property owner's right to subdivide his or her property shall be deemed to be waived if there is an accessory apartment in an accessory building, unless the proposed subdivided lots still meet all of this section's requirements without a variance.

C. Size.

- (1) The minimum floor area for an accessory apartment located within a principal dwelling building shall be 300 square feet, but in no case shall it exceed 25% of the total floor area of the dwelling building in which it is located.
- (2) For an accessory apartment located in an existing accessory building, the minimum floor area shall also be 300 square feet.
- (3) Each accessory apartment, whether in a principal dwelling unit or an

accessory building, shall be limited to a maximum of two bedrooms.

D. Other requirements.

- (1) Exterior appearance. Principal buildings containing an accessory apartment shall have only one front or principal entry to the building, and the accessory apartment shall be located, designed, constructed, and landscaped so as to preserve the appearance of the principal building as a single-family residence to the maximum extent feasible and further to enhance and not detract from the single-family character of the principal building and the surrounding neighborhood. An accessory apartment may have a separate, distinct entry as long as said entry, in the opinion of the permitting agency, does not detract from the single-family character of the principal building.
- (2) Off-street parking. Off-street parking requirements shall be that two off-street parking spaces must be provided for each dwelling unit on the property of the applicant. Additional parking areas shall be paved only when proven necessary and shall be screened and buffered from adjacent properties to the extent possible.
- (3) Approval of utilities. Prior to the issuance of a building permit for the establishment of an accessory apartment in a principal dwelling or the conversion of an existing accessory building to an accessory apartment use, all septic systems and wells must be approved by the Westchester County Department of Health. In addition, the Department of Health must approve both the location and adequacy of septic systems and wells and any change in the number or location of bedrooms. NOTE: This section may be waived by the Building Inspector if there is no addition to the existing residence or the basic bedroom count and location remain the same.

E. Inspections.

- (1) Accessory apartments shall be subject to inspection by the Building Department every two years to verify that the units remain as approved. A fee for this inspection, the amount of which is to be set by the Town Board, may be charged for each inspection.
- (2) At the time of the biennial inspection, a registration form shall be completed by the owner of the accessory apartment and returned to the Building Department within 10 days of receipt. This form shall include the basic facts about the accessory apartment, including owner's name(s), tenant's names(s), location, size, and percentage of the principal building it occupies. Registration forms must be signed by the property owner and notarized. Registration forms for middle-income or AFFH unit accessory apartments shall include the amount of monthly rent paid by the tenant and the annual gross income of the tenant, as reported on federal income tax forms for the previous year.

F. Assessment. The property which contains any accessory apartment shall be assessed in the manner authorized by the State of New York. If the owner of an accessory apartment has agreed to register the apartment as a middle-income apartment and to limit the monthly rent to the amount set forth in §220-26(F)(4) of this chapter, or if the accessory apartment is an AFFH unit, the assessor shall take the limitation on rental income into account in determining the amount, if any, the accessory apartment will add to the assessed value of the property.

G. Administration. The Housing Committee and the Housing Administrator shall monitor middle-income and AFFH unit accessory apartments in the Town and, through the Building Department, shall oversee the regulations pertaining thereto. Specifically, the Housing Committee and Housing Administrator shall be

responsible for:

- (1) Maintaining a list of available middle-income and AFFH unit accessory apartments.
- (2) Determining a prospective renter's eligibility for renting a middle-income or AFFH unit accessory apartment.
- (3) Maintaining a list of eligible renters of middle-income and AFFH unit accessory apartments.
- (4) Monitoring the turnover in the owners of middle-income and AFFH unit accessory apartments.
- (5) Monitoring the turnover in the renters of middle-income and AFFH unit accessory apartments.
- (6) Establishing policies and procedures, as well as the requisite forms required, to review income and eligibility requirements and rents charged.

H. Other provisions.

- (1) A fee shall be paid in an amount set forth in a fee schedule established by resolution of the Town Board.
- (2) Rent. The rent for any middle-income accessory apartment shall not exceed the permitted rentals for middle-income dwelling units, as described in §220-26(F)(4) of this chapter.
- (3) If any middle-income unit shall become vacant, the owner shall inform the Housing Administrator of the vacancy. The Housing Administrator shall inform the eligible middle-income persons on his or her waiting list of the vacancy.
- (4) The owner of a unit may list his or her unit as a middle-income unit. The unit, once listed as a middle-income unit, will be eligible for assessment as provided in §220-40(F) of this chapter and shall be subject to the rent limitations and other rules established for middle-income housing units.

- (5) Occupancy. The occupants of a middle-income accessory unit must qualify as members of a middle-income family, as defined in §220-2(B) of this chapter.
- (6) Term. Once an accessory apartment is listed as a middle-income unit, it must remain as a middle-income unit for the full term of its permit.
- (7) The owner of a middle-income accessory apartment shall have the right to choose any tenant from the list of eligible tenants that is maintained by the Housing Administrator and Housing Committee Chairman.
- (8) Exemptions. In the event that no middle-income family is on the Housing Committee's list for a middle-income accessory apartment, or in the event that no family on the waiting list agrees to rent the accessory apartment, the Housing Committee may exempt the accessory apartment from the above middle-income requirements for the term of the next lease or occupancy.

Section 3. If any provision of this Local Law is declared illegal, unconstitutional or unenforceable by a court of competent jurisdiction, the remainder of this Local Law shall be declared to have been separately adopted and shall remain in full force and effect.

Section 4. This local law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.

NUTRITION PROGRAM – Authorize Supervisor to Sign Contract

Mr. Parsons explained that a resolution is needed to have the Supervisor sign the 2015 Memorandum of Agreement for the Senior Citizen Nutrition Program and pay the program fee. He said the Town gets an estimated contract and then once the actual usage is known, a final bill is sent. This has been budgeted for. Mr. Parsons and the Board also thanked all of the wonderful volunteers that help to deliver the meals to our Senior Citizens.

On motion by Mr. DeLucia, seconded by Mr. Pappalardo, the Board voted as follows:

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLVED

RESOLVED, that the Supervisor be and hereby is authorized to sign the 2015 agreement for the Senior Citizen Nutrition Program along with the Towns of North Salem, Somers and Lewisboro for \$13,345 and be it further

RESOLVED, that the Supervisor be and hereby is authorized to execute the 2016 good faith agreement.

SCHOOL RESOURCE OFFICER – Approve and Authorize Supervisor to Sign Inter Municipal Agreement

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLVED, that the Town Board approves the terms of the School Resource Officer Inter Municipal Agreement with the Katonah-Lewisboro School District and authorizes Supervisor Parsons to sign said agreement.

TOWN OFFICIALS AND EMPLOYEES - Police Chief and Police Sergeant

The Board recognized the advancement of Police Officer David Alfano to the position of Police Sergeant and the advancement of Police Officer Charles Beckett to the position of Chief of Police. The Supervisor swore both officers in and had them sign their Oaths of Office.

TOWN PARK BASKETBALL COURT – Approve Change Order for Drainage

On motion by Mr. DeLucia, seconded by Mr. Pappalardo, the Board voted as follows:

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLVED, that the Town Board approves the change order for drainage at the Town Park basketball court.

OLD FIELD PRESERVE – Reflection Garden

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted as follows:

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board approves the proposal of the Lewisboro Land Trust to add a reflection garden at the Old Field Preserve.

TOWN TENNIS COURTS – Handball Fundraiser Tournament

On motion by Mr. Parsons, seconded by Mr. Welsh, the Board voted as follows:

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does authorize a charity fundraiser handball tournament in honor of Terri Silver to be held at the Town Park tennis courts on Saturday, October 22, 2016, subject to appropriate insurance.

BUDGET – Highway Department (8:37 – 8:50 p.m.)

Highway Superintendent, Peter Ripperger, presented his budget with the Town Board. Mr. Ripperger stated that last year his budget was \$1,024,151.00 and this year he is asking for \$999,302.00, which is a reduction of \$24,849. Utilities, fuel and salt have been reduced. The salaries are set by contract.

Mr. Pappalardo asked about the leased vehicles. He asked if we were obligated to the leases or were they projections. Mr. Ripperger stated that the current yearly costs for 2017 is \$85,750.12 with an addition of \$13,000 in the upcoming budget for a small F550, a ton and a half truck, which is used on a daily basis to plow, salt and put gravel down on local roads.

Mr. DeLucia stated that he sees the Highway budget in 2018 goes up by \$100,000. Mr. Ripperger stated that we push the purchase of these trucks from year to year. But it is coming to a point where these trucks need to be replaced. The \$100,000 is based on leasing.

Mr. Welsh stated he went to the State of the Towns meeting that was held in Mt. Kisco. The Supervisors of Mt. Kisco, North Salem, Lewisboro and Somers were present. Mr. Welsh shared that in North Salem the Supervisor, Warren Lucas, stated they are taking surplus trucks and are putting new hydraulics on the trucks. This way they are getting a nearly new truck and are saving a lot of money.

Mr. Ripperger stated that our trucks are a bit different and the parts are not always available. Some of these surplus trucks cannot do what towns are trying to get them to do.

Mr. Ripperger stated that by doubling up the runs and by getting rid of a few trucks, our town has consolidated and have come to the 21st Century. The larger trucks have gone up in price tremendously.

Mr. DeLucia asked about road paving in this budget. Mr. Parsons stated that this year there were 3 roads that were not paved simply because the town ran out of money. Mr. Ripperger stated that we may get more money in CHIPS this year but he has not added this into his budget yet.

Mr. DeLucia asked about how much salt the town banked and Mr. Ripperger replied 1,400 ton. He was able to cut back \$70,000 in salt. The salt dome currently has about 7 to 8 storms worth of salt.

The Board thanked Mr. Ripperger for his presentation.

CLAIMS – Authorized for Payment

On motion by Mr. DeLucia, seconded by Mr. Pappalardo, the Board voted 5-0 to authorize payment of the Town's bills in the amount of \$370,367.88.

POLLING OF THE BOARD

CREDIT CARDS - Acceptance

Mr. Pappalardo stated that the Board had received a memo from the Receiver of Taxes, Deirdre Casper, regarding a budget increase so that her department could accept credit card payments. Mr. Pappalardo thinks that this is something that needs to be looked at seriously since it is a benefit to the taxpayer. To Mr. Kelly's point at the last Town Board meeting he would like to see all departments, especially Parks and Recreation, accept credit card payments and be able to sign up for programs on line. Mr. DeLucia stated that he agrees and is working with the Parks and Recreation department to help them decide on the best software to use for our Town.

LIBRARY FAIR – Onatru Farm

Supervisor Parsons announced that the Lewisboro Library Fair will be held on Saturday, September 24, 2016 from 10 a.m. to 4 p.m., rain or shine, at the Onatru Farm.

CAPITAL WORK – Performance Bond

At the last meeting, Mr. Kelly suggested having a clause in all of the Request for Proposals (RFPs) that requires the inclusion of a performance bond or insurance. Mr. Kelly would like them in all of the proposals moving forward. The Town Attorney said they have been in the most recent proposals and will continue to be moving forward.

PARKS AND RECREATION – Commendation

Mr. DeLucia thanked Dana Mayclim, the Parks and Recreation Superintendent and her staff for a job well done over the summer. The summer camps ran smoothly as did the pool. Mr. DeLucia also stated that the pool was kept open this past weekend after Labor Day and the town raised \$1,500. The pool will remain open this weekend, weather permitting, as well and they are hoping to have a good turnout.

VISTA FIRE DEPARTMENT – 9/11 Ceremony

The Board thanked the Vista Fire Department for a very meaningful ceremony commemorating the 15 year anniversary of the 9/11 terrorist attacks.

MEETINGS – Date Set

There will be a Town Board meeting on Monday, September 26, 2016 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York.

EXECUTIVE SESSION – To Discuss Legal Issues

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 5-0 to go into executive session at 9:03 p.m. to discuss legal issues.

On motion by Mr. Kelly, seconded by Mr. DeLucia, the Board voted 5-0 to come out of executive session at 10:45 p.m.

CHIEF OF POLICE – Salary

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted as follows:

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLVED, that the Town Board authorizes the Police Chief's salary to be at a 10% differential above the hourly Sergeant's pay effective 9/1/2016.

ARTICLE 78 APPEAL – Richmond Community Services

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted as follows:

THE VOTE:	Yes	- Parsons, DeLucia, Kelly, Pappalardo, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board authorizes the Town attorneys to file an Article 78 Appeal of the decision regarding the Richmond Community Services establishment of a community residence at 8 Laurel Road, South Salem, NY.

ADJOURNMENT

On motion by Mr. Pappalardo, seconded by Mr. Kelly, the Board voted 5-0 to adjourn at 10:50 p.m.

Janet L. Donohue
Town Clerk