

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on Monday, October 24, 2016, at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York

PRESENT: Supervisor - Peter H. Parsons  
Councilmen - \*John Pappalardo, Peter DeLucia, Frank Kelly, Daniel Welsh  
Deputy Town Clerk - Jennifer Caviola  
Absent - None

Also attending was the Attorney for the Town Jennifer Herodes, Comptroller Leo Masterson, Facilities Maintenance Manager Joel Smith, and Confidential Secretary/Benefits Coordinator Mary Hafter.

And approximately 2 residents/observers.

Mr. Parsons called the meeting to order at 7:31 p.m.

PLEDGE OF ALLEGIANCE

Supervisor Parsons led the Pledge of Allegiance to the flag.

PUBLIC COMMENT PERIOD

There were no public comments.

COMMUNICATIONS

VETERANS' HALL OF FAME – Harry Soderlund

A local longtime resident, Harry Soderlund has been nominated to Senator Terrence Murphy's 2016 Veterans Hall of Fame. Mr. Soderlund will be inducted into the Veterans' Hall of Fame on Thursday, November 17, 2016 at the Mt. Kisco American Legion from 7 – 9 p.m.

VISTA FIRE DEPARTMENT – Thank You Letter

The Vista Fire Department thanked the Town for the use of Onatru Farm for their 75<sup>th</sup> Anniversary BBQ on Sunday, September 17 and for joining in on the celebration.

LAUREL RIDGE – Partial Release of Bond

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

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

RESOLUTION

RESOLVED, that the Town Board authorizes the partial release of a bond for Laurel Ridge in the amount of \$26,151.00.

\*J. Pappalardo arrives at 7:36 p.m.

PROCUREMENT POLICY – Approve Revision

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

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

RESOLUTION

RESOLVED, that the Town Board authorizes the revision to the procurement policy with the addition of Guideline 7.

PROCUREMENT POLICY

Whereas, Section 104-b of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirement of GML, Section 103 or any other law; and

Whereas, comments have been solicited from those officers of the Town involved with procurement; Now therefore, be it

Resolved: That the Town of Lewisboro does hereby adopt the following procurement policies and procedures:

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML, Section 103. Every Town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of the item of supply or equipment needed in a given fiscal year. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

Guideline 2. All purchases of (a) supplies or equipment which will exceed \$20,000.00 in the fiscal year or (b) public works contracts over \$35,000.00 shall be formally bid pursuant to GML Section 103.

Guideline 3. All estimated purchases of supplies or equipment:

\*Of \$20,000.00 or less but greater than or equal to \$2,500 require a written request for price (RFP) and written/fax quotes from at least three vendors.

\*Less than \$2,500 but greater than or equal to \$1,000 require an oral request for the goods and documented oral/fax quotes from at least two vendors.

\*Less than \$1,000 is left to discretion of the Purchaser

All estimated public works contracts of:

\*\$35,000 or less but greater than or equal to \$10,000 require a written RFP and written/fax quotes from at least three contractors.

\*Less than \$10,000 but greater than or equal to \$5,000 require written/fax quotes from at least three contractors

\*Less than \$5,000 but greater than or equal to \$1,500 require written quotes from at least two contractors.

\*Less than \$1,500 is left to the discretion of the Purchaser.

Any written RFP shall describe the desired good, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

All information gathered in complying with the procedures of this policy shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

Guideline 4. The lowest responsible bid or quote shall be awarded the purchase of public works contract unless the Purchaser prepares a written justification providing reason why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall be documented and filed with the record supporting the procurement.

Guideline 5. A good-faith effort shall be made to obtain the required number of bids or quotations. If the Purchaser is unable to obtain the required number of bids or quotations, the Purchaser shall document the attempt made at obtaining the bids. In no event shall the inability to obtain the bids or quotes be a bar to the procurement.

Guideline 6. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- a) Acquisition of professional services;
- b) Emergencies;
- c) Sole source situations;
- d) Goods purchased from agencies for the blind or severely disabled;
- e) Goods purchased from correctional facilities;
- f) Goods purchased from another governmental agency;

Guideline 7. All contracts with a successful bidder shall contain a provision and condition that the subject of the contract shall be warranted and guaranteed by the bidder for a specific period of time acceptable to the Town Board, and shall contain a provision requiring a surety, performance bond, or other insurance of completion of the work that is the subject of the contract. Any such surety or bond must be provided by a New York State licensed insurer of AAA rating, and any such insurance or bond certificates shall name the Town of Lewisboro, and all applicable Town of Lewisboro Departments, as an additional insured.

Guideline 8. This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

OIL BARGES ON HUDSON – Resolution

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

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

RESOLUTION

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LEWISBORO URGING THE UNITED STATES COAST GUARD TO REJECT PROPOSED RULE USCG-2016-0132 IN RELATION TO ESTABLISHING NEW LONG-TERM ANCHORAGE GROUNDS IN THE HUDSON RIVER ESTUARY

WHEREAS, Congress designated the Hudson River Valley National Heritage Area in Title IX of Public Law 104-333 (1996), as amended by Section 324 of Public Law 105-83; and

WHEREAS, in proposed rule USCG-2016-0132, the United States Coast Guard is considering establishing new long-term anchorage grounds in the Hudson River estuary in the Hudson River Valley National Heritage Area; and

WHEREAS, this proposed rule is irreconcilable with the adopted Hudson River Valley National Heritage Area Management Plan approved by the United States Secretary of the Interior; and

WHEREAS, the Coast Guard is contemplating an Extension Anchorage Ground that would cover approximately 715 acres for up to 16 vessels with a draft of less than 35 feet for long term usage which commercial tankers would use as rest stops; and

WHEREAS, such rule would extend significantly the Hudson River Anchorage Ground adjacent to the City of Yonkers, Village of Hastings-on-Hudson, Village of Dobbs Ferry, and other locations in order to allow for increased shipping and on-river storage activities; and

WHEREAS, although the Town of Lewisboro is not located along the coastal areas of the Hudson River, as Westchester municipality, the inland municipalities of Westchester County would also

be negatively impacted as a result of the establishment of new long-term anchorage grounds in the Hudson River estuary in the Hudson River Valley National Heritage Area; and

WHEREAS, the proposal is in direct conflict with 50 years of significant effort to clean up the Hudson River estuary and restore its natural habitats by all levels of government and numerous regional and community-based organizations; and

WHEREAS, Clearwater, the League of Conservation Voters, Scenic Hudson, Riverkeeper, the Village of Irvington, the Village of Dobbs Ferry, and many others have voiced their concern and opposition to the establishing new anchorage grounds; and

WHEREAS, these anchorage sites pose a navigational hazard to recreational and commercial boaters who will be forced to navigate around the anchorages, creating the risk of collision; and

WHEREAS, scientific research shows that the habitats of some fish have been affected by previous anchorage sites; and

WHEREAS, the pile moorings used to create long-term anchorages pose an environmental risk by disturbing sediment along the riverbed as well as to the natural habitat of two Hudson River endangered species, the shortnose and Atlantic sturgeon; and

WHEREAS, vessels containing volatile crude oil and petroleum products pose a serious health risk whereby an anchored boat containing these hazardous materials could catch fire or spill toxic oil in the river; and

WHEREAS, owing to its location in the largest major metropolitan area in the United States, these anchorages would present an opportune target for terrorists and the proposal under consideration provides no additional mechanism or funding for policing our waterfront; and

WHEREAS, the proposed anchorage sites would also take a toll on the scenic beauty of the Hudson River and waterfront revitalization and tourism; and

WHEREAS, many in our community are concerned about the impact of constant noise, light and smoke from anchored boats, as many of the proposed sites are nearby homes and businesses; and

WHEREAS, to our knowledge, there was no direct notification of the proposed rule made to any of the affected communities along the length of the Hudson River as required by Federal Coastal Zone Management requirements; and

WHEREAS, the said proposal would create navigational, health, environmental, homeland security, economic and quality-of-life problems for the affected areas; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Lewisboro pause in its deliberations to urge the United States Coast Guard to reject proposed rule USCG-2016-0132 in relation to establishing new long-term anchorage grounds in the Hudson River estuary;

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to submit a copy of this resolution to the docket at <https://www.regulations.gov/docket?D=USCG-2016-0132> on or before the 24 day of October, 2016;

AND BE IT FURTHER RESOLVED, that copies of this resolution, suitably engrossed, be transmitted to Governor Andrew Cuomo; NY State Senator 40 S.D. Terrence Murphy, NY State Assemblyman 93<sup>rd</sup> Assembly District David Buchwald, and Congressman 18<sup>th</sup> District Sean Patrick Maloney.

BUDGET – Review of the 2017 Budget

Mr. Parsons stated that he and the Comptroller, Leo Masterson received an estimate for the increase in healthcare. They had previously estimated a 10% level of increase but it equates to an 11% increase over last year.

Mr. Parsons stated there seem to be three things happening. First, there are several mergers in the business in large quantity which is reducing the competition. Second, our population, especially among civil servants is getting older. And thirdly, there has been a 30% increase in emergency room visits versus a year ago. The Board agreed that this was surprising given the amount of Urgent Care facilities. Mr. Parsons and MEBCO suggested revising the policies to give people an incentive not to use emergency rooms.

The Board also discussed the court overtime. Mr. DeLucia would like to eliminate the overtime, increase the fines and forfeitures and leave the two court clerk positions.

Mr. Masterson explained that in years past there was one court clerk. Now the work is being performed by two court clerks since the one clerk was training the other clerk. Now the Comptroller and Supervisor's position is that the new clerk should be fully trained. Mr. DeLucia asked about compensatory time for the court clerks and since they are salaried employees the thought was that this should not be a problem.

Mr. Parsons also suggested that criminal court be moved to day time similar to other towns; possibly twice a month and the judges would rotate once a month.

The Board discussed the addition of a full-time employee that would be shared between the Maintenance and Park and Recreation Departments, with a title of Caretaker I, at a salary of \$55,000. Mr. DeLucia feels that this number is too high and suggested another title. He feels that this should be a \$35,000-\$42,000 a year job and not a career position. Mr. DeLucia is not opposed to hiring another person but with a new title.

The Board also discussed increasing the cost to rent out town fields. Mr. DeLucia feels that this revenue number should be increased since he has received further requests from a group to use the fields more frequently. Also, the Board decided to make the software to accept credit cards and register on line for Parks and Recreation programs a capital cost.

The Board also talked about increasing the Building Department revenue line.

Mr. Parsons stated that they have left both sales and mortgage tax flat. This could be both optimistic and pessimistic.

The Board discussed increasing the CHIPS figure for the Highway Department.

Mr. DeLucia mentioned that there are a lot of positives about this budget. We have a very good police force that is doing a great job, we were ranked the Safest Town in America, we have several wonderful events going on at the parks, paving has been going on, etc. Mr. DeLucia feels that we should focus on the positives.

Mr. Kelly agrees and feels that we need to have a re-set. He stated that we are always talking about we are down from previous years but he feels we have right-sized the town personnel and budget to where it needs to be appropriately from a business standpoint. Mr. Kelly also feels we should start putting out positive press releases about our town and marketing Lewisboro.

The Comptroller and Supervisor will continue to work on the budget this week and the Supervisor's Budget will be delivered to the Town Clerk by October 30, 2016.

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 \$71,048.19.

MEETINGS – Date Set

There will be a Town Board meeting on Monday, November 7, 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 8:31 p.m. to discuss legal issues.

On motion by Mr. DeLucia, seconded by Mr. Parsons, the Board voted 5-0 to come out of executive session at 8:55 p.m.

ADJOURNMENT

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 5-0 to adjourn at 8:56 p.m.

Janet L. Donohue  
Town Clerk