

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on Monday, October 17, 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, John Pappalardo, Daniel Welsh
Town Clerk - Janet Donohue
Absent - Frank Kelly

Also attending was the Attorney for the Town Anthony Mole', Comptroller Leo Masterson, Facilities Maintenance Manager Joel Smith, Police Chief Charles Beckett and Confidential Secretary/Benefits Coordinator Mary Hafter.

And approximately 11 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.

COMMUNICATIONS

CONSENT AGENDA

On motion by Mr. Parsons, seconded by Mr. Pappalardo, the Board voted 3-0 to approve meeting minutes.

MINUTES - Approved

On the above motion and second, the minutes of the September 26, 2016 Town Board meeting were approved.

THE VOTE:	Yes	- Pappalardo, Parsons, Welsh	(3)
	No	- None	(0)
	Abstain/Absent	- DeLucia, Kelly	(2)

SCOUTS – Present

Mr. DeLucia introduced three Scouts in the audience who were working towards a merit badge. The Scouts were Christopher Castellon, Brian Daley and Dominic Protomastro.

OIL BARGES ON HUDSON – Presentation (7:37 – 7:48 p.m.)

Yonkers Deputy Mayor Sue Gerry, who is a town resident of Lewisboro, gave a presentation regarding oil barges on the Hudson River:



  @BanTheBarges #banthebarges
yonkersny.gov/banthebarges

Elected leaders among Westchester County's Hudson River Waterfront Communities have launched "Ban the Barges", an advocacy campaign opposing a proposal by the Maritime Association of the Port of New York and New Jersey and the American Waterways Operators to establish 10 or more new barge anchorage sites on the Hudson River from Yonkers stretching up 70 miles to Kingston.

Recently, Congress ended a 40-year ban on the export of most crude oil produced in the lower 48 states, now resulting in oil production nearly doubling to more than nine million barrels a day. This has led to the need for expansion of the existing barges and rail line channels for transport of these fuel products.

The Yonkers Extension Anchorage Ground would cover approximately 715 acres for up to 16 vessels and provide a vessel swing radius of approximately 1,200 feet for each vessel. Current anchorages in the Hudson River in Yonkers can already accommodate up to nine vessels. The Montrose Point Anchorage Ground would cover approximately 127 acres for up to three vessels and provide a vessel swing radius of approximately 1,400 feet for each vessel. This proposal will effectively result in continuous, end-to-end barge traffic or "parking" from the Westchester border straight into Dobby Ferry, with additional parking directly in front of the Indian Point nuclear power facility.

The Hudson River Waterfront Communities raise serious concerns about the economic, environmental and public safety impacts of this proposal.

First, many of the river towns in Westchester County are in the midst of a long-term effort to revitalize its waterfront; restore and enhance its parks; and replace closed industrial facilities with new mixed-use residential, commercial and recreational developments. Recreation revitalization plans include multiple marinas and mooring areas, in order to meet the demands of the burgeoning recreational boating community.

Second, the Hudson River Waterfront Communities are deeply concerned with the water, noise and light pollution which would result from the routine operation of these barges, as well as the potential for catastrophic environmental impacts of crude leaks into the Hudson. The Hudson River Waterfront Communities cite the gross inadvisability of this proposal following decades of tireless effort and the dedication of extraordinary resources to restore the environmental vitality of the Hudson River estuary.

Public health and safety are also of great concern as the proposed anchorages would turn the Hudson River into a parking lot for potentially volatile substances and could potentially become targets for acts of terror. The Hudson River Waterfront Communities have significant questions as to the role and jurisdiction of local municipalities, in terms of both emergency services response, and managing basic enforcement concerns.

The shores of the Hudson River should be a place where our residents and visitors can gather to live, work and play. As such, the Hudson River Waterfront Communities will undoubtedly be opposing this proposal and is asking residents, business leaders, community organizers and others to act on our behalf in preserving our beautiful waterfront.

Please join our fight to Ban the Barges and Protect Our Hudson.

Ms. Gerry explained that a Hudson Riverfront Alliance has been formed. The Alliance is asking every community to pass a resolution saying that for now we are in opposition to the barges until we know more. The Alliance has issued comments to the Coast Guard stating they want to hold public hearings and that people need to understand the scope of this endeavor. The Alliance has also hired legal counsel to tell the Alliance what their rights are to slow this down until there is an understanding of what is happening.

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

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

RESOLUTION

RESOLVED, that the Supervisor be authorized to sign the pledge as submitted for the Hudson Riverfront Alliance.

PUBLIC COMMENT PERIOD

GOLDENS BRIDGE HAMLET ORGANIZATION – Request (7:49 - 7:57 p.m.)

Jonathan Monti, from the Golden's Bridge Hamlet Organization, made the following comments to the Town Board:

We are herewith making a second formal request for assistance with funding to initiate a plan for the hamlet of Golden's Bridge; we have looked into possible sources to accomplish this and find we are in need of an agreement from the Board.

There are numerous projects being proposed to take place SOLELY in Golden's Bridge. Our hamlet is linked to the rest of the county via a highway and train and we are very different from the other Lewisboro hamlets in terms of population density and current and proposed infrastructure. Unlike the rest of the town, a master plan that was written last century no longer applies to the Golden's Bridge residents of the twenty-first century. We are in need of a plan sooner rather than later.

Changes to our hamlet have been deeply felt, most recently with a high traffic business set down in a town owned building within our historic residential district. As you are probably aware, Estate Motors may be entering a federal level lawsuit to retain its license to sell Mercedes Benzes and depending on the outcome, this will severely impact our hamlet; see the website below for the full story.

<http://westfaironline.com/82424/mercedes-demands-drive-goldens-bridge-dealer-to-federal-court/>

At this point, we are unaware of the status of a potential 46 unit affordable housing development planned for placement in our hamlet. This potential project may cause a traffic light to be

installed at the base of the exit 6A off-ramp. HAC has purchased St. Michael's chapel to market it as a two family affordable housing residence. The not-for-profit group, ACE, is looking to purchase houses 41 and 42 on Old Bedford Road to convert into senior housing. Additionally, we understand the Board may be looking for a \$1.2 million sidewalk project to run along a portion of Route 138 which, according to Peter Parsons, may be funded in part with money that may come from Wilder Balter or in the form of a bond. Also, Mr. Cipes, the owner of record, intends to expand his shopping district as well with two new structures.

Let's be clear about this - the Town has looked the other way concerning business violations that solely impact Golden's Bridge; cases in point are Estate Motors and the Katonah Art Center. We do not want to be the victims of any more quality of life issues simply for the sake of the Town's benefit. We need foresight, not forging ahead, and only a well thought out plan can assist. There is far too much proposed new development within our community to NOT have a plan.

Mickey DeNicola and I met with Assemblyman Buchwald to solicit monies for a plan. He advised us he can ask the state for several thousand dollars that would be directed to the Town for use to initiate a transit oriented study; Golden's Bridge is the only transit oriented hamlet of Lewisboro. If we ask Assemblyman Buchwald to secure this money, would the Board commit all of that money to initiating a hamlet specific (Golden's Bridge) plan and engage the services of an organization such as Project for Public Spaces (pps.org) or a similar planning expert? While a full plan from PPS would cost approximately \$100,000.00, an initial study with community engagement would cost approximately \$5,000.00 to \$10,000.00. Mr. Buchwald also suggested the possibility of a bond from the state to fund such a study. The bond would be available for years before repayment would be required. This would be another consideration that would be an acceptable means to accomplishing the end goal.

There appears to be no reason for Golden's Bridge to be "required" to be part of an overall Town of Lewisboro plan; a plan for Golden's Bridge can serve as a pilot for the other hamlets. The Town should want to lead by example. We look forward to hearing from you on this matter. Our organization is committed to improving our hamlet and the quality of life for its residents.

The Trustees of the Golden's Bridge Hamlet Organization: Jonathan Monti, Mickey DeNicola, Tony Goncalves, Jim Moreo, Madeleine Polemeni Acting Chair

The Board agreed that if the monies do come in to the town it will be directed to Golden's Bridge. Moving forward, the Supervisor will work with Assemblyman Buchwald and Jonathan Monti on this situation.

KATONAH ART CENTER – Traffic on Bedford Road (7:58 – 8:12 p.m.)

Carol Pihota, an Old Bedford Road resident has lived on this road for 27 years. Years ago she came to a Town Board meeting and fought to get the tractor trailers off their block. They have had about 6 years of peace and quiet. Now the Katonah Arts Center is open from 9 a.m. – 9 p.m. Ms. Pihota has difficulty pulling out of her driveway. She feels she can't walk on the street safely anymore.

Ms. Pihota stated that the people and children who attend KAC that they throw garbage out on her lawn. She is afraid of someone hitting her or her car. Ms. Pihota is hoping that this is not falling on deaf ears. Mr. Pappalardo stated that he has been trading voicemails with Steve Rogers, who also lives on Old Bedford Road and asked Mr. Rogers to put together a caucus, some bullet points and a few dates so that they can meet to discuss the situation at length. Mr. Pappalardo stated that this is a delicate situation and it is not being ignored.

Ms. Pihota asked how her block became a thoroughfare. She didn't OK it and wouldn't have OK'd it had she known about this. Mr. Welsh explained the process that they went through including putting signs up inviting the neighbors to the informational meetings.

Mr. DeLucia explained that the building is a commercial property owned by the Town. The Town had several options. They could have put Town offices back in that building however the Town wanted to have all offices closer together. They could have sold the building to the county for housing or they could keep the building and rent the building, which they opted to do. Mr. DeLucia stated that the tenant does have a lease so he feels that enforcement and working with the landlord to eliminate the problems should be the first step.

Mr. DeLucia stated that patrols have been increased in that area and the area has been made much safer. The Board also felt that having an art center in the building was better than having a vacant building.

Police Chief Beckett was in attendance and stated that he will conduct speed surveys. However, the speed limit is 30 mph, which is a State minimum. When drivers come around that corner it looks like they are going much faster however they are not. The Town currently does not have the authority to lower the speed limit but the Board has petitioned the State to be allowed to do so. Ms. Pihota asked about speed bumps, however that is not an option.

Mr. DeLucia also suggested adding a police car to that area during peak traffic times.

Another neighbor from Park Avenue wanted to reinforce what Mr. Pihota stated. There is a problem with the volume of traffic, noise, garbage and flood lights, which are left on all night and shine in this resident's home. Mr. Pappalardo stated that these items should be put on a list and a discussion will be held with the art center and the neighbors to come up with solutions.

FUNDRAISER – Town Property

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

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

RESOLUTION

RESOLVED, that the Town Board authorizes SEPTA (Special Education Parent Teacher Association) to hold a winter wine and cheese fundraiser on January 20, 2017 at the Cyrus Russell Community House and be it further

RESOLVED, that the Town Board will waive the rental fee for this fundraiser.

GOLDENS BRIDGE SIDEWALKS—Discussion re TAP (Transportation Alternative Funds)
(8:16 – 8:20 p.m.)

Mr. Parsons stated that he made a request for TAP funds which are intended to put sidewalks in Goldens Bridge from the north end of Old Bedford Road to Fairmount and also from the Route 138/ Route 22 connector. It also involves putting pedestrian crossings from the shopping center to the parking lot and pedestrian crossings across Route 138 at obvious points. Mr. Parsons took this request to Poughkeepsie and will continue to work on this.

STANDARD WORK DAYS – New York State Retirement System Reporting

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

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

RESOLUTION

RESOLVED that the Town of Lewisboro hereby establishes the following as standard work days for elected officials and will report the following days worked to the New York State and Local Employees' Retirement System based on record of activities maintained and submitted by these officials to the Clerk of this body:

BE IT RESOLVED, that the Town of Lewisboro, hereby establishes the following as standard work days for elected officials and will report the following days worked to the New York State and Local Employees' Retirement System based on record of activities maintained and submitted by these officials to the Clerk of this body.

Title	Name	Standard Work Day (hrs/day)	Term begins/ends	Participants in Employer's Time Keeping System (Y/N)	Days/Mont (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)
<i>Elected Officials</i>						
Supervisor	Peter Parsons	7	1/1/16- 12/31/2017	N	40.90	
Town Clerk	Janet Donohue	7	1/1/2016 12/31/2019	N	26.24	
Town Board	Peter DeLucia	6	1/1/14- 12/31/2017	N	7.45	
Town Board	Dan Welsh	6	1/1/16- 12/31/2019	N	3.62	
Town Board	Frank Kelly	6	1/1/14- 12/31/2017	N	25.22	
Town Board	John Pappalardo	6	1/1/16- 12/31/2019	N	5.22	
Highway Superintendent	Peter Ripperger	8	1/1/16- 12/31/2019	N	20.10	
Tax Receiver	Deirdre Casper	7	1/1/14- 12/31/2017	N	33.62	
Judge	Marc Seedorf	6	1/1/14- 12/31/2017	N	3.89	
Judge	Sue Simon	6	1/1/16- 12/31/2019	N	7.72	X

ACCESSORY APARTMENT – Return of Special Permit Fee

A new town resident applied for and paid for a special permit for an accessory apartment in the amount of \$502.00. He was due to appear at the Zoning Board meeting on 9/28/2016 but received a call stating that a local law had recently been passed and that the special permit would now remain with the property so he would not have to reapply for the special permit. The new owner is respectfully asking for a refund of \$502.00.

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

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

RESOLUTION

RESOLVED, that the Town Board approves the return of a special permit fee to a new town resident for an accessory apartment in the amount of \$502.00.

PUBLIC HEARING ANNOUNCED – Changing Residency Requirements for Part-time Police Officers

Mr. Parsons stated that he is suggesting the town adopt a local law that would state that part-time police officers need not be Lewisboro residents at the time of appointment. Mr. Parsons stated that we are the only town who has not passed this requirement and the County would like to see this local law passed.

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

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

RESOLUTION

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Lewisboro will hold a public hearing on November 7, 2016 at 7:30 p.m., or soon thereafter as time permits at the Lewisboro Town House, 11 Main Street, South Salem, New York for the purpose of hearing the public with regard to a proposed local law to state that part-time patrolmen at the time of appointment need not be residents of the Town of Lewisboro.

BUDGET – Receiver of Taxes (8:24 – 8:31 p.m.)

Deirdre Casper, Receiver of Taxes, presented her 2017 budget to the Board. Ms. Casper presented a budget requesting an investment in software infrastructure. Lewisboro homeowners can have the option of being able to pay their taxes online from their home or office. Ms. Casper stated that they have had many requests from taxpayers to make payments by electronic check and/or credit card, which are options available to taxpayers in the surrounding towns. In addition, the software will also allow for the emailing of receipts for those who choose this method.

The software would allow Lewisboro taxpayers the option of paying on line by credit card or ACH (Automated Clearing House) which is essentially an electronic check. The credit card fee for MasterCard and Visa would be an estimated 1.8% but if you included American Express it would be an estimated 2.6%. ACH payments would be a flat fee of approximately \$5.00.

Currently there is a fixed annual cost of \$3,300. The new software cost would be an additional \$8,570 for the financial year 2017. For the financial year 2018 and moving forward this line would be \$4,900 for software maintenance.

Ms. Casper said that her colleagues in other towns are using this system with no problems. The Board thanked Ms. Casper.

BUDGET – Library (8:31 – 8:36 p.m.)

Lewisboro Library Director Cindy Rubino discussed her budget with the Town Board. Mr. Parsons stated that the Town of Lewisboro spends less per capita than any other town, city or village on our library.

Ms. Rubino stated that they had a great year in the new library. Attendance has increased in all programs. About 50% of the residents have library cards. The conference rooms have been used by many groups in the town. E-books, movies and documentaries, etc. are offered to residents with their library card.

72.2% of the libraries money comes from the Town and they fundraise the rest. They are asking for a 3.5% increase.

The Board complimented Ms. Rubino on a job well done and they will consider Ms. Rubino's request.

BUDGET – Maintenance (8:37 – 8:53 p.m.)

Facilities Maintenance Manager Joel Smith discussed his budget with the Town Board. Mr. Smith was hoping to increase his seasonal help line by \$2,000. They are taking the brush back on the Onatru farm rock walls and in the cemeteries. Mr. DeLucia stated that the parks look very good. He also suggested that in the future this may be a good Eagle Scout project.

Mr. Smith stated that longevity will go up slightly and electricity prices will go down slightly. Heating fuel will go down by approximately \$16,000.

The chambers on the Onatru boiler need to be upgraded. The large oil tank at Onatru which is outside needs to be updated which is about \$5,000.

The radio system with the cell tower connections will increase by about \$2,000. The parts line is going down by \$6,000 but that amount is being moved to the cemetery line to pay for brush removal. The older sections of the many cemeteries around town need to be cleared. This project was started this year.

The anti-virus software will increase by a small amount as well.

The Board thanked Mr. Smith.

BUDGET – Outline of 2017 Town Budget (8:37 – 9:11 p.m.)

Town Comptroller and Mr. Parsons discussed the outline of the 2017 budget. Mr. Parsons stated that they don't have a complete tentative budget in great part due to the lack of information on the increase in medical. They know it will be a large increase. Mr. Pappalardo asked if we have an agent that prices this out and the answer was no, it is handled by Ms. Hafter. Most of the Towns around us use NYSHIP, including the library. Ms. Hafter will be contacting them tomorrow.

At the moment, they are looking at a 7.1% increase. This figure does not have the computer software for Parks and Recreation included since Mr. Parsons is trying to make this a capital cost. This does have the Receiver of Taxes software included. So basically the budget is a no change budget. The numbers are changing due to contracts and insurance.

The mortgage tax is down for the first six months of the year. Mr. Masterson feels that the second part of the mortgage tax may come in higher than the first six months, however, there has been no consistency in the past. The assessed value is down in great part because of relatively few very expensive homes and properties which have been reassessed downward.

They are hoping that the building department numbers for 2017 will increase along with the court's numbers since there are 3 full-time officers on the streets.

Mr. Parsons is suggesting that the Town is going to have to break the tax cap again this year. The health insurance numbers will be needed as soon as possible.

TAX CAP LEGISLATION – Set Date for Public Hearing

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

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

RESOLUTION

RESOLVED, that the Town Board will hold a public hearing on November 7, 2016, at 7:30 p.m. or soon thereafter as time permits, at the Lewisboro Town House, 11 Main Street, South Salem, for the purpose of hearing the public with regard to a proposed override of the state tax cap legislation.

COMMUNITY CHOICE AGGREGATION – Internal Transfer

Mr. Parsons announced that Mr. Welsh is the new "Program Director" for Westchester Power which is a program under Sustainable Westchester.

Constellation informed Sustainable Westchester that they needed to do some corporate housekeeping and move part of the business that handles the Town of Lewisboro's account to another corporate subsidiary. The contract has an assignment clause and they are asking the NYSEG towns to sign-off on that and approve the assignment. Mr. Welsh stated that this is an internal matter and will not change how we are serviced or the supply. The public service commission has authorized the bypassing of the usual switch letter since this is just a formality.

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

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

RESOLUTION

RESOLVED, that the Supervisor be authorized to sign the letter acknowledging the internal transfer of the Electricity Supply Agreement obligations under the Community Choice Aggregation program from one Constellation subsidiary to another.

CLAIMS – Authorized for Payment

On motion by Mr. Parsons, seconded by Mr. Pappalardo, the Board voted 4-0 to authorize payment of the Town's bills in the amount of \$297,313.55.

POLLING OF THE BOARD

PARKS AND RECREATION – Fall Fun Fest

The Fall Fun Fest was this past Saturday and it was very well attended. The weather was perfect and the addition of the cider and donut truck was well received.

EAST OF HUDSON – Schoolhouse Road Project

Mr. Parsons stated that the East of Hudson work on Schoolhouse Road and Route 121 will start next Monday.

LEWISBORO BASEBALL ASSOCIATION – Videotaping of Games

The Board discussed the videotaping of baseball games in the Town Park. There is a camera set up behind home plate that is recording the games so that you can click on the game and watch the game wherever you may be. The question arose if parents need to opt out of having their children filmed. Mr. Parsons suggested that starting January 1 the LBA should put it on the registration form.

MEETINGS – Date Set

There will be a Town Board meeting on Monday, October 24, 2016 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York.

EXECUTIVE SESSION – To Discuss Contractual Issues

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 4-0 to go into executive session at 9:28p.m. to discuss contractual issues.

On motion by Mr. Parsons, seconded by Mr. DeLucia, the Board voted 4-0 to come out of executive session at 10:15 p.m.

ADJOURNMENT

On motion by Mr. Pappalardo, seconded by Mr. DeLucia, the Board voted 4-0 to adjourn at 10:16 p.m.

Janet L. Donohue
Town Clerk