

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on Monday, November 7, 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 Anthony Mole', Comptroller Leo Masterson, Highway Superintendent Peter Ripperger, Police Chief Charles Beckett, Facilities Maintenance Manager Joel Smith and Confidential Secretary/Benefits Coordinator Mary Hafter.

And approximately 6 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

There were no public comments.

PUBLIC HEARING – 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.

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. DeLucia, the Board voted as follows:

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

RESOLUTION

RESOLVED, that the public hearing for the proposed local law amending Chapter 50, entitled "Residency Requirements for Part-Time Patrolmen," is closed.

OFFICERS AND EMPLOYEES – Revised Local Law Adopted

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

LOCAL LAW NUMBER 7-2016 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 V of Chapter 50 entitled "Residency Requirements for Part-Time Patrolmen."

SECTION 2 -- ADOPTION

Now therefore be it enacted by the Town Board of the Town of Lewisboro Local Law 7-2016 that this law shall take effect immediately upon its passage:

SECTION 3 – OFFICERS AND EMPLOYEES

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

ARTICLE V

Residency Requirements for Part-Time Patrolmen

§50-19. 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 reside within the boundaries of the Town of Lewisboro.

§50-20. Authority.

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

§50-21. Residency of Part-Time Patrolmen.

In the Town of Lewisboro, Westchester County, part-time patrolmen at the time of appointment need not be residents of the Town of Lewisboro.

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 - A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c (7:40 – 7:45 pm)

Supervisor 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.

Town resident Mr. Sklarin asked what the percentage is to override and the answer was .68% and this figure comes from the New York State Comptroller's office. Any town in Westchester who has a calendar tax year would have the same amount.

Mr. Welsh stated that this does not mean that the Town Board will break the tax cap, however, the passing of this law gives them the authority to do so.

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 public hearing for a local law to override the tax levy limit established in general municipal law, §3-c, is now closed.

TAX CAP LEGISLATION – Local Law Passed

On motion by Mr. Parsons, 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 Town Board adopted a local law to override the tax levy limit established in general municipal law, §3-c.

Local Law No. 8 of the Year 2016
Town of Lewisboro, Westchester County, New York
A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c

Section 1. Legislative Intent.

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Lewisboro, County of Westchester, pursuant to General Municipal Law §3-c, and to allow the Town of Lewisboro, County of Westchester to adopt a town budget for (a) town purposes, (b) fire protection districts and (c) any other special or improvement district governed by the Town Board for the fiscal year 2017 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority.

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override.

The Town Board of the Town of Lewisboro, County of Westchester is hereby authorized to adopt

a budget for the fiscal year 2017 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

CONSENT AGENDA

MINUTES - Approved

On motion by Mr. Parsons, seconded by Mr. Pappalardo, the minutes of the October 17 & 24th, 2016 Town Board meeting were approved.

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

REPORTS – Monthly Reports

On motion by Mr. Parsons and second by Mr. DeLucia, the October, 2016 report from the Building Department and the September and October Police Department reports were received and filed.

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

HIGHWAY – Bid for Vista Firetruck (7:46 – 7:52 p.m.)

Highway Superintendent Peter Ripperger Peter would like permission to bid on a Vista Fire Department truck that is 26 years old and being retired. He feels this would be a valuable asset to the Highway Department. The minimum opening bid is \$10,000. Mr. Ripperger explained that his department would remove the utility body and install highway's old water tank on the chassis. The Town has a 1972 tanker that doesn't run. This way they would have a working tank truck.

The money needed to purchase the truck would come from the sale of the surplus equipment, which would be approximately \$16,000. The remainder of the funds will go towards the tank installation. Mr. Ripperger feels that this is a win-win for the town.

The sweeper and the vacuum truck require water and currently they have to come back to the highway department to fill up with water. This way they can fill up on the road. Drainage lines can also be blown out. The truck just passed inspection.

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)
	Absent	- Kelly	(1)

RESOLUTION

RESOLVED, that the Town Board does authorize the Highway Superintendent to bid on the Vista Fire Department Truck.

LAUREL RIDGE (OAKRIDGE) – Water & Sewage

Mr. Parsons stated that the new part of Oakridge is called Laurel Ridge. The developer would like to make the 18 apartments three bedroom apartments as opposed to two bedroom apartments. He has received the permission from the Zoning Board of Appeals to move ahead with this however he needs the Town Board's permission to access the water and sewage service for the additional bedrooms.

On motion by Mr. DeLucia, seconded by Mr. Parsons, 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 of Lewisboro is prepared to provide water and sewage service to the additional 18 bedrooms being proposed for the Laurel Ridge development subject to satisfactory capacity reports being provided by appropriately licensed engineers.

GRACE CHURCH IN NEW CANAAN – Special Permit Modification (7:53 – 7:57 p.m.)

Mr. Parsons stated that Grace Church in New Canaan has made an application to the Town of New Canaan for a special permit modification for their property. In summary, there is a technicality that needs to be resolved. Neighbors feel that Grace Church is doing too many unchurch type things. There are two lots associated with Grace Church. The lot that is closest to Lewisboro is the inactive lot.

Also, the report done shows there is a de minimis impact on traffic. However, Mr. Parsons is going to see if Grace Church will continue to pay for our police car sitting in the area on Sundays. The Board did not feel it was necessary to send anyone to the public hearing in New Canaan.

O'CONNOR DAVIES AUDIT FIRM – Charges by Security Exchange Commission (SEC) (7:58 – 8:00 p.m.)

Mr. Parsons made the Board aware there is a SEC order against our auditors, O'Connor Davies. Mr. Pappalardo feels that the town should keep their finger on the pulse in the wake of this. Our Comptroller, Leo Masterson, agrees with this but also feels that the service they will provide to their remaining clients may be even more diligent.

* Frank Kelly arrives at 8:00 p.m.

WETLANDS LAW – Discussion re Proposed Changes (8:00 – 8:18 p.m.)

Mr. Parsons explained that there are three key changes to the proposed wetlands amendments. The first would allow the wetlands consultant do more of the work and do it more efficiently. Second, the buffer would be reduced and wouldn't apply to wetlands that are less than 2,500 square feet. And the third change would have any unresolved violations processed through the Town Justice Court and not the Planning Board.

Mr. DeLucia stated that they have been working on this for many years. He also expressed that the major issues over the years is that they want to put something in place that doesn't negatively impact our environmental regulations but is also a positive change for businesses and homeowners and will also keep us in line with neighboring towns.

David Sessions and Jan Johannessen from Kellard Sessions Consulting P.C. discussed the proposed changes to the wetlands law. Included is the wetland code fact sheet:

TOWN OF LEWISBORO DRAFT WETLAND CODE AMENDMENTS FACT SHEET

New and previously undefined terms have been defined; terms not used within the body of the code have been removed (§217-2).

Terms such as animal feed lot, manure storage, paddock, pasture, pen, approval authority, Code Enforcement Officer, and Town Wetland Consultant have been defined.

Terms such as Freshwater Wetland Map have been removed as they do not apply.

The definition of “freshwater wetland” has been modified to be consistent with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989), which is consistent with the technical criteria provided in Appendix A of the Town wetland code and how wetlands have been historically defined and delineated in Lewisboro.

Terminology has been revised to be consistent with terms and language typically used by Town officials, board members, and the public such as “Administrative Wetland Permit” and “Environmental Questionnaire”.

The applicability section has been revised so that the Town’s 150-foot wetland buffer would not apply to wetlands that are less than 2,500 s.f. in area and are not vernal pools; the wetland proper would remain regulated regardless of size (§217-3A).

The list of “prohibited activities” has been amended to allow animal feed lots, paddocks, pastures, pens and manure storage within the wetland buffer subject to the issuance of an administrative wetland permit; this continues to be prohibited within the wetland proper (§217-5A).

The list of “allowable activities” that are not subject to a wetland permit has been amended. This section has been expanded to provide a 25-foot zone around the perimeter of an existing residential dwelling or existing accessory residential structure within which activities that are customarily regulated and subject to a wetland permit are now considered “allowable.” This exemption does not pertain to activities that result in any disturbance to the wetland proper or to those that result in more than 300 s.f. of impervious cover within the wetland buffer (§217-5B(10)).

The list of activities requiring an Administrative Wetland Permit as issued by the Town Wetland Consultant as opposed to the Planning Board (§217-5C) has been expanded. The following is a list of activities that would require an Administrative Wetland Permit as issued by the Town Wetland Consultant (not an exhaustive list):

Residential additions regardless of their proximity to the wetland and regardless of the size of the addition (does not include the construction or reconstruction of new residences, projects resulting in disturbance to the wetland proper or those requiring new or expanded septic systems).

Residential accessory structures, driveways, pools, docks, drainage improvements, septic repairs, decks, fencing, etc. located within the wetland buffer.

Animal feed lots, paddocks, pastures, pens or manure storage within the buffer provided that drainage controls and best management practices are employed.

Recreational trails, footbridges, etc.

Town of Lewisboro municipal or capital improvement projects under certain thresholds.

Activities requiring a Wetland Permit as issued by the Planning Board would include (§217-5D):

All activities not specifically identified as requiring an administrative wetland permit.

Unless specified, any project resulting in disturbance to the wetland proper.

Unless specified, any non-residential project or project also requiring site plan, subdivision, or special use permit approval.

The construction of any new or reconstructed residential building

The construction of any new or expanded septic system, not associated with a septic repair.

Any activity determined to be subject to SEQRA.

At the discretion of the Town Wetland Consultant, any activity that customarily requires an administrative wetland permit

Permit and review procedures and submission requirements for both Planning Board and Administrative Wetland Permits have been clarified (§217-6, §217-7).

Amendments have been made that establish the enforcement agent as the Code Enforcement Officer; the term Town Wetland Inspector has been eliminated. The Code Enforcement Officer will be responsible for responding to wetland complaints and issuing notices of violation/stop work orders. In determining compliance or noncompliance with any provision of the wetland ordinance, the Code Enforcement Officer may rely upon the Town Wetland Consultant. Unresolved violations would be processed through the Town Justice Court similar to building code violations (§217-12).

The Board thanked Mr. Sessions, Mr. Johannessen, and Town Attorney Anthony Mole´ for their work on these amendments.

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

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

RESOLUTION

RESOLVED, that the Town Board of the Town of Lewisboro does authorize the referral of the wetland revisions to the County Planning Office, the Lewisboro Planning Office and the Lewisboro Conservation Advisory Committee (CAC) and ask that they respond to the Lewisboro Town Board with their comments within 60 days.

BUDGET – Discussion of 2017 Budget (8:20 – 8:54 p.m.)

Town Comptroller, Leo Masterson, recapped the changes that were made from the last meeting. They reduced the compensation by roughly \$5,000 for the new employee that is to be shared between Parks and Recreation and maintenance. Mr. Masterson stated that the salary would be \$50,000 and \$87,000 including benefits, etc. Mr. DeLucia stated that he is very against this amount. He feels that the starting salary should be closer to \$35,000. Mr. DeLucia feels that this is a non-tested position and doesn't warrant the higher figure. Facilities Maintenance Manager Joel Smith stated that this is a 40 hour per week job as opposed to 35 hours per week. Mr. Smith feels the salary should be closer to \$40,000. The Board agreed. A title will be agreed upon at a later date.

Mr. Smith also reduced his department's expenses by \$9,000. The Building Department's revenue increased by \$20,000. Parks and Recreation's revenue increased by \$9,000 due to an increase in the rates that they are charging for tournaments. CHIPs revenue in highway increased by \$10,000 and decreased the road repaving expense by \$10,000. They applied those savings to increase the surplus rebuild by \$10,000. It was at a combined \$147,000 but is now at \$157,000.

Compensation time for Court was never added in.

Mr. DeLucia asked about the discussion with NYSHIP for healthcare. Mr. Parsons stated that they don't offer dental and there is substantial differences in coverage and it won't be negotiated in time. Mr. Kelly stated that the insurance premium is out of our control but needs to be paid.

The fly car also had a small increase of \$1,700 due to reallocation of other towns.

Town resident Richard Sklarin asked about the hospital and medical benefits line. The retiree's line went from \$454,902 in 2016 to \$1.8 million in 2017. Mr. Masterson stated that he can't allocate these numbers per department and is a combination of both active employees and retirees. The total is \$153,000 more than last year. Mr. Sklarin feels that this is very confusing to the public.

Mr. Kelly stated that we are saving on expenses where we can control it but the insurance is much higher. Mr. DeLucia asked where we are in the position to raise employee contributions to offset the 11% increase. Mr. Masterson stated the Union agreements go out to 2020. Mr. Sklarin asked where it stands for retirees and active employees to contribute. The retirees are locked in and do not contribute and it varies with current employees. Mr. Masterson stated it depends on when the employee started. Some don't contribute anything and some contribute up to \$2,000. When a new employee is hired they contribute approximately 10% for a family and 25% for an

individual. Mr. Sklarin stated he feels it should be a percentage increase and that this should be looked at and changed. Mr. Parsons did mention that during the last negotiations the co-pays were changed. Mr. Sklarin asked what the full time police officers contribute to their healthcare and the answer was zero.

Mr. Sklarin then asked about the police officer budget line for the full-time officers. He stated it went from \$155,000 to \$286,000 and asked the reason for it. Mr. Masterson explained that this line now holds 3 full-time officers as opposed to 2 full-time officers. Mr. Sklarin said that this was a problem since costs are only going to go up and that the town was building an increase in structural deficit. Mr. DeLucia stated that the performance of the police department, the fines and forfeitures, the civic relations, the stoppage of drugs, etc. all has increased due to having a full-time police department. Mr. DeLucia feels that you cannot put a price tag on it and it has been a fantastic addition to the budget. Mr. Masterson explained that it is not an increase in head count but rather a reallocation since one of the 3 full-time employees was once a youth officer as well.

Mr. Sklarin then said he wanted to talk about the Building department line. Mr. DeLucia said he appreciates Mr. Sklarin's time however this is not a public hearing on the budget. Mr. Sklarin said he is trying to understand and educate himself on the budget. Mr. Sklarin stated that we don't have a newspaper and we don't have an opportunity to discuss the budget. Mr. DeLucia stated he can discuss the budget at the public hearing. Mr. DeLucia feels that Mr. Sklarin does this every year. Mr. DeLucia feels that this is not a place for a debate or closing argument on the budget. Mr. DeLucia doesn't feel that any other resident would be given the amount of time that Mr. Sklarin was getting. Mr. DeLucia feels that Mr. Sklarin obviously wants to start campaigning. Mr. Sklarin feels that he is a citizen and should be allowed to make comments and that includes questions. Mr. Sklarin stated Mr. DeLucia doesn't need to be rude and Mr. DeLucia denied being rude.

Mr. Sklarin then stated that the transportation line has \$17,000 for a bus driver and \$12,250 for gas totaling \$30,000. He asked if this has ever been sent out for a request for proposal (RFP). Mr. Parsons stated that we own the bus so all we are paying for is the part-time driver for the number of hours we use them. Outside companies would charge far more.

Mr. Sklarin asked about the Planning Board secretary salary increase of \$5,900. Mr. Masterson explained that the Planning Board secretary is a new employee within the Union as of last year. New employees within the Union start at 80% of the salary and in the second year grade up to 90% of the salary.

Mr. Masterson made the changes that the board discussed and it brought the increase in town taxes to 5.779%.

PUBLIC HEARING - Date Set for Public Hearing re Budget 2017

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

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

RESOLUTION

RESOLVED, that the Town Board of the Town of Lewisboro will meet and review said preliminary budget and will hold a public hearing thereon at the Town House, 11 Main Street, South Salem, New York at 7:30 p.m. or soon thereafter as time permits on the 21st day of November, 2016, and that at such hearing any person may be heard in favor of or against the preliminary budget as compiled, or for or against any item or items therein contained.

CLAIMS – Authorized for Payment

On motion by Mr. DeLucia, seconded by Mr. Parsons, the Board voted 5-0 to authorize payment of the Town's bills in the amount of \$334,893.49.

POLLING OF THE BOARD

COMMUNITY EVENT – Halloween

Mr. Pappalardo was approached with an idea from a neighbor stating that it would be nice to have a community wide event for Halloween in the Town Park. People would show up with bags of candy, food could be served, etc. Mr. Welsh stated that the Vista fire department has been doing something very similar. Mr. DeLucia mentioned that our Fall Fun Fest numbers were down this year and suggested having the Fall Fun Fest on Halloween and incorporating Mr. Pappalardo's idea.

VETERAN'S DAY – Events

Mr. Kelly stated that on Veterans Day- November 11, 2016 the Town will be having a number of activities for Veterans. At 8:30 a.m. the South Salem Fire Department will host a pancake breakfast for Veterans. Location is the upper room at the South Salem Firehouse on Route 35.

At 9:15 - 10:15 a.m. the Scouts will place 311 flags to represent and honor all of the Veterans in Town. The John Jay for Veterans Club will assist. There will be a brief ceremony including posting of colors by a color guard and retirement of the colors with Taps. At 11:11 a.m. a moment of silence will be observed.

On November 10, 2016 at 2:15 p.m. the John Jay for Veterans Club will be hosting a flag placement ceremony at the High School on the front lawn.

POLICE – Truck Stop

Mr. Parsons stated that the Lewisboro Police Department ran a very successful truck stop on Route 35 at the Town Park on November 2, 2016. There were a total of 42 vehicular and traffic violations, 199 violations and 10 vehicles were towed. This is the third vehicle stop that the town has operated. One truck came in double the legal limit of weight and the fine was \$10,000.

OLD BEDFORD ROAD – Speed Survey

Chief Beckett stated that the community from Old Bedford Road asked him to do a speed and traffic survey. Chief Beckett reported back that October 18th – 25th he did 7 different speed surveys. He found that out of 170 total cars 96% of them were going under 30 mph. Two people went over the speed limit at 48 and 37 mph. Chief Beckett gave the entire report to Supervisor Parsons will continue to monitor the situation. The most vehicles recorded was 53. This was on a Saturday and the time spent recording was 1 ½ hours.

MEETINGS – Date Set

There will be a Town Board meeting on Monday, November 21, 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. Kelly, the Board voted 5-0 to go into executive session at 9:06 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 9:50 p.m.

ADJOURNMENT

On motion by Mr. Parsons, seconded by Mr. Kelly, the Board voted 5-0 to adjourn at 9:51 p.m.

Janet L. Donohue
Town Clerk