

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on June 11, 2018 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York.

PRESENT:

Supervisor	Peter Parsons
Council Members	Jane Crimmins, Tony Gonçalves, Daniel Welsh
Town Clerk	Janet Donohue
Absent	John Pappalardo

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

Approximately 55 residents/observers.

Supervisor Parsons called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

The Supervisor led the Pledge of Allegiance to the flag.

MOMENT OF SILENCE – William J. Von Helms

Supervisor Parsons held a moment of silence for William J. Von Helms, who worked in the Highway Department since 2003.

EAGLE SCOUT AWARD- Congratulations to Will Berger on Completion of Eagle Scout Award

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

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

RESOLUTION

WHEREAS, WILLIAM BERGER of Lewisboro, New York, is a member of Boy Scout Troop 101 in South Salem, and

WHEREAS, WILLIAM BERGER by his conduct, responsibility, principles and achievements in following the trail of Scouting, has acquired the resourcefulness and leadership ability that will stand him in good stead in his future life, and

WHEREAS, WILLIAM BERGER by virtue of his Scouting experience and unselfish service to home and community has earned the highest honor of the Boy Scouts of America, the rank of Eagle Scout, and

WHEREAS, WILLIAM BERGER has been a longtime volunteer at the Community Center of Northern Westchester, which collects food, clothes and school supplies as a supplement to thousands of families in need and the extent of whose services was restricted by extremely limited storage space in which to store donations, and

WHEREAS, WILLIAM BERGER was able to raise sufficient money to move an old small shed to a another location on the property, built a new foundation at the old site, helped buy a new larger shed for the original site and then built a new fence and gate for the new shed, and

WHEREAS, this honor is deserving of public notice, now therefore,

BE IT RESOLVED, that the Town Board of the Town of Lewisboro, in recognition of the worthy achievement of this citizen of the Town of Lewisboro, does hereby offer the congratulations of its populace to Eagle Scout WILLIAM BERGER, and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this June 11, 2018 Town Board Meeting for future generations to see and that copies of this resolution be presented to Eagle Scout WILLIAM BERGER and his parents.

EAGLE SCOUT AWARD- Congratulations to Brian Daley on Completion of Eagle Scout Award

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

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

RESOLUTION

WHEREAS, BRIAN DALEY of Lewisboro, New York, is a member of Boy Scout Troop 101 in South Salem, and

WHEREAS, BRIAN DALEY by his conduct, responsibility, principles and achievements in following the trail of Scouting, has acquired the resourcefulness and leadership ability that will stand him in good stead in his future life, and

WHEREAS, BRIAN DALEY by virtue of his Scouting experience and unselfish service to home and community has earned the highest honor of the Boy Scouts of America, the rank of Eagle Scout, and

WHEREAS, BRIAN DALEY created a book entitled "A Brief History of Lewisboro" based on researched facts and oral history from interviews with senior citizens who had lived in Lewisboro for decades and is making it available electronically with paper copies available in the Lewisboro and School District Libraries, and

WHEREAS, this honor is deserving of public notice, now therefore,

BE IT RESOLVED, that the Town Board of the Town of Lewisboro, in recognition of the worthy achievement of this citizen of the Town of Lewisboro, does hereby offer the congratulations of its populace to Eagle Scout BRIAN DALEY, and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this June 11, 2018 Town Board Meeting for future generations to see and that copies of this resolution be presented to Eagle Scout BRIAN DALEY and his parents.

EAGLE SCOUT AWARD- Congratulations to Brian Johnson on Completion of Eagle Scout Award

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

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

RESOLUTION

WHEREAS, BRIAN JOHNSON of Lewisboro, New York, is a member of Boy Scout Troop 101 in South Salem, and

WHEREAS, BRIAN JOHNSON by his conduct, responsibility, principles and achievements in following the trail of Scouting, has acquired the resourcefulness and leadership ability that will stand him in good stead in his future life, and

WHEREAS, BRIAN JOHNSON by virtue of his Scouting experience and unselfish service to home and community has earned the highest honor of the Boy Scouts of America, the rank of Eagle Scout, and

WHEREAS, BRIAN JOHNSON organized a bicycle donation program which collected over fifty bicycles, performed the necessary repairs so that they were in good working order and then donated these bicycles to less fortunate children and adults in a neighboring community, and

WHEREAS, this honor is deserving of public notice, now therefore,

BE IT RESOLVED, that the Town Board of the Town of Lewisboro, in recognition of the worthy achievement of this citizen of the Town of Lewisboro, does hereby offer the congratulations of its populace to Eagle Scout BRIAN JOHNSON, and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this June 11, 2018 Town Board Meeting for future generations to see and that copies of this resolution be presented to Eagle Scout Brian Johnson and his parents.

PUBLIC HEARING – Zoning Amendment for Educational Uses (7:40 – 7:49 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.

Kate Barker of Golden's Bridge asked if there were any parameters on the use of the school such as hours of operation, days of the week, capacity, etc. Mr. Parsons stated that those items would be discussed and decided in the individual application with the Planning Board.

Steve Rogers of Golden's Bridge asked if there was a definition of education. Mr. Welsh read the following which was also on the website in the agenda packet: *A use that is intended to foster the educational advancement of individuals through educational programs, including instruction, training and lessons, provided by a private individual or entity or through a public institution.* However, any applications would still have to go through the Planning Department. Mr. Rogers then asked if a chainsaw carving class would be accepted or if he lived on a ½ acre lot could he set up a trapeze school in his backyard provided he met all the requirements and the answer was yes. Mr. Rogers just wants the board to consider potential abuses of their policy making.

Sarah Landis of Golden's Bridge thanked the Board for bringing this proposal forward. Ms. Landis stated that the Town has an asset in the Lewisboro Elementary School. The school board would like to have tenants that have an educational focus, however, the definition of a school has held this up. Ms. Landis stated that this updated law will allow her and others to be able to provide classes and after school activities in this and other locations.

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

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

RESOLUTION

RESOLVED, that the public hearing for amending Chapter 220, Section 220-2(B), entitled "Definitions and word usage" is hereby amended to add a definition of Educational Use, is now closed.

Mr. Gonçalves did want to clarify that the Planning Board for any application will have final say in the interpretation as to what is and what is not permissible.

Ms. Crimmins stated that she did hear both Kate Barker and Steve Rogers and received emails from both of them. Ms. Crimmins feels that the potential good that this can provide the Town outweighs the potential bad and she trusts the Planning Board process.

TOWN CODE – Chapter 220, Section 220-2(B), entitled "Definitions and word usage" is hereby amended to add a definition of Educational Use

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

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

LOCAL LAW NUMBER 6-2018 OF THE TOWN OF LEWISBORO
AMENDMENT TO CHAPTER 220, SECTIONS 220-2(B), 220-23(A)(19) and 220-43.5
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 220-2(B), entitled “Definitions and word usage” is hereby amended to add a definition of Educational Use to read as follows:

§ 220-2. Definitions and word usage.

- B. For the purposes of this chapter only, certain words and terms used herein are defined as follows:

EDUCATIONAL USE

A use that is intended to foster the educational advancement of individuals through educational programs, including instruction, training and lessons, provided by a private individual or entity or through a public institution.

Section 2. Chapter 220, Section 220-23(A), entitled “Schedule of regulations for residential districts” is hereby amended to add subsection (19) to read as follows:

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

- A. Permitted principal uses in R-4A, R-2A, R-1A, R-1/2A and R-1/4A Districts are as follows:

(19) *Educational use.

Section 3. Chapter 220, Section 220-43.5 entitled “Educational use” is hereby enacted to read as follows:

§ 220-43.5. Educational use.

Educational uses as defined in this chapter shall be special uses as follows:

- A. Location. The special use listed in this section may be permitted in a residence district only in locations fronting on or having direct access to major or collector roads as determined by the Planning Board.
- B. Minimum Lot Area. The minimum lot area required for the establishment of an educational use shall be as required in the zoning district in which the lot is located.

- C. Setbacks. All new buildings shall be set back from adjoining properties in residence districts and street lines directly opposite properties in residence districts a distance equal to at least twice the normally applicable front yard setback requirement for detached one-family dwellings in the zoning district in which they are located, but in no case less than fifty (50) feet. Off-street parking areas shall not be permitted in any required front yard, nor in any required side or rear yard within twenty (20) feet of any adjoining property in a residence district. Setback requirements may be modified by the Board of Appeals in case of conversions of existing buildings.
- D. Buffer area. A landscaped buffer area, meeting at least the minimum requirements of §220-15 of this chapter, shall be required along all lot lines adjoining properties in residence districts, except where determined by the approving agency that a lesser width or no buffer will meet the purpose of this requirement.
- E. Off-street parking. A minimum of 1 off-street parking space shall be provided for every 200 square feet of gross floor area.
- F. Other requirements. Such use shall comply with any other requirements of this chapter and any special requirements deemed appropriate by the approving agency in accordance with the requirements of §220-32 herein.

Section 4. 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 5. This local law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.

PUBLIC HEARING - Chapter 181, entitled “Retail Checkout Bags and EPS (Styrofoam),” (7:50 – 9:00 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.

Mr. Parsons stated World Oceans Day is celebrated this week and Ben Fogle, a celebrated adventurer who just climbed Everest has also celebrated by unveiling a sculpture made of 2,500 pounds of plastic.

Mr. Parsons also stated that he received emails from Tom Herzog and Jim Nordgren, two previous Supervisors who are in favor of the ban on plastic bags. A South Salem resident, Susan Annar also sent an email of support.

Barbara Granata, South Salem resident stated that she grew up in Florida and supports this proposed ban, however, how does the Town enforce this and is the Town partnering with the merchants. The Board stated that the enforcement piece is in the proposed law and that this is not meant to create a burden for the retailers.

Several others including Janet Harckham, Elizabeth Meyer Gross, Lisa Silver, Steve Wolk, Peter Gross, Bobbe Stultz, Tom Kelly, Sharon Slocumb, Clark Landis, and Mike B. Gordon all spoke in favor of the proposed ban.

Robert Branizza, a South Salem resident stated he feels people are being responsible. He personally has been using cloth bags since 1980. But he is against local government dictating to the stores that they have to do this. He feels that choice is important and paper or plastic bags should be offered, not just paper. He also feels this should be done on a State level first.

Jay M. Peltz, Food Industry Alliance of New York State, Inc., General Counsel and Senior Vice President of Government Relations located in Larchmont, NY. was at the meeting to present the following comments that he also emailed:

**Testimony by
The Food Industry Alliance of New York State, Inc.
in Opposition to the
Enactment of Chapter 181 of the Lewisboro Town Code**

Thank you for the opportunity to testify regarding the proposed local law enacting Chapter 181 of the Lewisboro Town Code (Proposed Local Law). My name is Jay Peltz and I am the General Counsel and Senior Vice President of Government Relations for the Food Industry Alliance of New York State (FIA). FIA is a nonprofit trade association that advocates on behalf of grocery, drug and convenience stores throughout New York. The Acme and DeCicco's grocery stores are FIA members. Please include this testimony in the public hearing record.

These comments reflect FIA's general position on plastic bag bans. We will provide detailed comments on the bill text separately.

We begin by noting certain issues of serious concern: (i) whether the ban is preempted under the state Plastic Bag Reduction, Reuse and Recycling Law, effective January 1, 2009; (ii) whether the failure to prepare an environmental impact statement violates the State Environmental Quality Review Act; (iii) whether the ban violates due process rights and is therefore unconstitutional; and (iv) whether a municipality has the legal authority to force certain private establishments to offer a particular item for sale and, if so, to set a fixed price by law.

Rather than refer you to industry studies, we respectfully request that you review a 119-page study by the United Kingdom Environment Agency titled "Evidence, Life cycle assessment of supermarket carrier bags: a review of the bags available in 2006." Please note the focus on evidence (rather than the false, exaggerated and uncorroborated claims that typically dominate this debate) related to seven different types of carrier bags, including lightweight plastic, paper and reusable bags. In other words, since there are environmental impacts from the use of *all* types

of carrier bags, a European environment agency (which states on page 2 of the study that it is "...the leading public body protecting and improving the environment in England and Wales") properly viewed this matter as a *carrier* bag issue, not a *plastic* bag issue. In fact, the study does not single out thin-film plastic bags as being particularly harmful to the environment. A copy of the study has been submitted into the public hearing record.

Moreover, on page 30, citing the WRAP 2005 study on the reuse of lightweight plastic carrier bags, the study reported that "Overall it was estimated that *76 percent of single use carrier bags were reused* (emphasis added)." It is therefore misleading to characterize thin-film plastic bags as "single use." This high reuse rate must be reflected in any assessment of lightweight plastic bags' environmental performance.

In addition, the first finding of the Executive Summary of the study is dispositive: "The environmental impact of all types of carrier bag is dominated by resource use and production stages. Transport, secondary packaging and *end-of-life management generally have a minimal influence on their performance* (emphasis added)." The entire ban case is based on end-of-life management impacts, such as litter. Accordingly, a ban is not justified.

Due to the resources and energy used to manufacture reusable bags, the production and sale of reusable totes does not help the environment. Rather, only maximizing the *use* of reusable bags will benefit the environment. That is exactly what is happening in Suffolk County.

On January 1, 2018, Suffolk County implemented Local Law 27 of 2016, its carrier bag law. It does not ban the distribution of thin-film plastic bags. Rather, it mandates a fee of at least five cents per plastic and paper bag. This minimum charge is high enough to incentivize customers to use reusable bags at a rate that will offset the environmental deficit created when reusable bags are manufactured.

Environmentalists, county officials, organized labor and FIA are cooperating in the implementation of the law. This collaborative effort has already slashed the use of disposable plastic *and paper* bags. For example, according to preliminary data, plastic and paper bag distribution each declined over 80 percent in the first quarter that the law was implemented. Reusable bag sales have increased significantly. One FIA member reported that it sold *93,000* reusable bags on a discounted basis in January 2018. These are the kinds of results that can be achieved when government partners with the private sector.

This contrasts with plastic bag bans, which typically result in a *surge* in paper bag distribution after implementation of the ban. For example, after plastic bags were prohibited in the Town of New Castle, paper bag distribution sharply increased to *12,000 bags a week* at a grocery store in Millwood. This harms the environment in three ways. First, according to the U.K. Environment Agency study, paper bags have a *worse effect* on the environment than plastic bags in all nine environmental impact categories that were reviewed. Second, a significant increase in paper bag use will *minimize* the shift to reusable bags. Third, if paper bags biodegrade, they release methane. According to a July 2013 briefing note from the British Columbia Environment Ministry staff, methane emissions are a serious concern, since they have a global warming impact *21 times higher* than carbon dioxide. Thus, plastic bag bans have the perverse, unintended effect of harming the environment.

Unfortunately, false, exaggerated and uncorroborated claims have become a hallmark of this debate. For example, according to a 2008 FoxNews.com article, “scientists and environmentalists have attacked a global campaign to ban plastic bags that they say is based on flawed science and exaggerated claims.” The article referred to politicians and marine experts who “attacked the British government for joining a ‘bandwagon’ based on poor science.” The article points out that “The central claim of campaigners is that the bags kill more than 100,000 marine mammals and one million seabirds every year. However, this figure is based on a misinterpretation of a 1987 Canadian study in Newfoundland, which found that, between 1981 and 1984, more than 100,000 marine mammals, including birds, were killed by *discarded nets*. The Canadian study did not mention plastic bags.”

“Fifteen years later in 2002, when the Australian government commissioned a report into the effects of plastic bags, its authors misquoted the Newfoundland study, mistakenly attributing the deaths to ‘plastic bags.’”

“The figure was latched on to by conservationists as proof that the bags were killers. For four years the ‘typo’ remained uncorrected. It was only in 2006 that the authors altered the report, replacing ‘plastic bags’ with ‘plastic debris.’ But they admitted: The actual numbers of animals killed annually by plastic bag litter *is nearly impossible to determine* (emphasis added).”

“In a postscript to the correction they admitted that the original Canadian study had referred to *fishing tackle*, not plastic debris, as the threat to the environment. Regardless, the erroneous claim has become the keystone of a widening campaign to demonize plastic bags (emphasis added).” Business migration has been a regular consequence of local bans enacted throughout the country. Accordingly, the unlevel playing field that will result if the Proposed Local Law is enacted will cause both the Acme and DeCicco’s grocery stores to lose sales. This will make it more difficult for these union stores to pay their bills, including pay and benefit obligations under collective bargaining agreements as the minimum wage rises to \$15.00 an hour.

For the reasons cited in FIA’s testimony and supporting documentation found in the public hearing record, we respectfully request that the Proposed Local Law be withdrawn and replaced with legislation substantially similar to Local Law 27 of 2016 adopted in Suffolk County. Should the town board choose to move forward with consideration of the Proposed Local Law, SEQRA compliance cannot occur without a full environmental review, including preparation of an environmental impact statement as well as consideration of all pertinent environmental impacts (including health and socio-economic effects), prior to a vote on the Proposed Local Law. A full environmental review is necessary due to the adverse environmental impacts of increased paper bag distribution that will occur if the Proposed Local Law is enacted.

In addition, should the board choose to close today’s public hearing, we respectfully request that the public hearing record be kept open for at least two weeks to allow for the submission of additional comments.

Thank you for your time and attention to FIA’s concerns.

Respectfully submitted,

Food Industry Alliance of New York State, Inc.

Jay M. Peltz

General Counsel and Senior Vice President of Government Relations

Metro Office: 914-833-1002 ljay@fiany.com

**Additional Comments by
The Food Industry Alliance of New York State, Inc.
in Opposition to the
Enactment of Chapter 181 of the Lewisboro Town Code**

Thank you for the opportunity to provide additional comments regarding the proposed local law enacting Chapter 181 of the Lewisboro Town Code (Proposed Local Law) . My name is Jay Peltz and I am the General Counsel and Senior Vice President of Government Relations for the Food Industry Alliance of New York State (FIA). FIA is a nonprofit trade association that advocates on behalf of grocery, drug and convenience stores throughout New York. The Acme and DeCicco's grocery stores are FIA members. Please include these additional comments in the public hearing record.

These additional comments regarding the Proposed Local Law supplement the testimony submitted into the record by FIA at the public hearing held on June 11, 2018. Proposed changes are highlighted in yellow.

Section 181-4. Restrictions on checkout bags

This section provides that "Retailers shall only provide reusable bags and recyclable paper bags as checkout bags to customers. Retailers shall charge customers \$0.15 for each paper bag." Accordingly, retailers are required to offer compliant paper bags for sale at a fixed price set by law, rather than a minimum price. This means that, in the event the cost of paper bags increases, retailers could not raise the retail price of paper bags without an amendment of the law.

In addition, we do not believe that the town has the legal authority to compel certain private establishments to offer a particular item at a fixed price. Please provide the specific legal authority that validates these requirements.

Finally, this section is silent on whether retailers keep fee proceeds. This lack of specificity creates uncertainty. Do fee proceeds belong to retailers or are retailers holding the money on behalf of someone else? In other words, to avoid uncertainty, the law should expressly state that retailers retain all fee proceeds.

Accordingly, we respectfully request that section 181-4 be revised as follows: "Retailers shall only provide reusable bags and recyclable paper bags as checkout bags to customers. Retailers shall charge customers a fee of not less than \$0.15 for each paper bag. All fees collected by a retailer under this chapter shall be retained by the retailer. Nothing in this section shall prohibit retailers from making reusable cloth bags available for sale to customers at a price determined by the retailer."

Section 181-5 (Effective Date) and Bill Section 3

The legislation contains conflicting effective date provisions. Section 181-5 provides that the law "...shall become effective on January 1, 2019." However, bill section 3 states that the law "...shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York." Since, as noted in section 181-5, retailers will need time to dispose of existing inventories of plastic bags, we respectfully request that bill section 3 be revised as follows: "This local law shall be deemed enacted upon filing in the Office of the Secretary of State of the State of New York."

Section 181-6 Penalties for offenses

This section provides that “...for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors, and for such purposes only, all provisions of law relating to misdemeanors shall apply to such violations.” This section therefore treats violations of the proposed local law the same as other misconduct constituting misdemeanors, such as carrying a gun without a permit, third degree identity theft and driving while intoxicated. Accordingly, this provision seems to require that, in the event of a violation, someone be arrested and processed as a criminal defendant. In addition, no civil court jurisdiction is authorized.

Clearly, criminal sanctions are excessive while civil penalties are sufficient to deter violations of the law. We therefore respectfully request that this section be deleted in its entirety and replaced as follows: “Any person or entity who violates the provisions of this chapter shall be guilty of a violation, punishable by a fine not exceeding \$250 for a first offense; for a second offense, both of which were committed within a period of five years, punishable by a fine of not less than \$500 nor more than \$700; and for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine of not less than \$700 nor more than \$1,000. Each day’s continued violation shall constitute a separate additional violation as may be cited.” In addition, please include provisions for civil court jurisdiction.

Styrofoam

The bill is unclear regarding products containing expanded polystyrene foam. Styrofoam is referenced in the chapter title and the Purpose section states that “...it is also the intention of this chapter to prohibit the use of styrofoam containers and styrofoam cups by...food stores...” In addition, the Effective Date section provides that “This provision is intended to provide retail establishments with the ability to dispose of their existing inventory of plastic checkout bags and/or styrofoam containers and cups.” However, no specific restrictions are stated in the bill. As a result, grocery stores will not know which articles containing “expanded polystyrene foam” can be used or sold.

This issue is of vital concern to the town’s grocery stores. If trays made of expanded polystyrene foam cannot be used to store meats in the butcher case; if food and beverages stored in pre-sealed, prepackaged containers made of expanded polystyrene foam cannot be sold; and if items that are not food or beverages (for example, plastic plates, fork and knives) consisting of expanded polystyrene foam also cannot be sold, then the stores’ viability will be threatened.

Accordingly, we respectfully request that the following section be added:

“Section 181-7. Certain Styrofoam Items Not Covered

Notwithstanding anything to the contrary in this chapter, the following containers, cups and articles shall be exempt from the prohibition provided in this chapter: (1) styrofoam containers used for prepackaged food filled and sealed prior to receipt by the store; (2) single service articles consisting of styrofoam sold in food stores off the shelf that do not contain any food or beverages in them; and (3) styrofoam containers used to store raw meat, pork, fish, seafood or poultry sold from a butcher case or similar retail appliance.”

Finally, should the board choose to close today’s public hearing, we respectfully request that the public hearing record be kept open for at least two weeks to allow for the submission of additional comments.

In addition, please put the United Kingdom Environment Agency study referenced in FIA's Testimony into the public hearing record. The study can found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/291023/scho0711b_uan-e-e.pdf

Thank you for your time and attention to FIA's concerns.

Respectfully submitted,

Food Industry Alliance of New York State, Inc.

Jay M. Peltz

General Counsel and Senior Vice President of Government Relations

Metro Office: 914-833-1002 ljay@fiany.com

Daniel Cooper, Director of ACME in Golden's Bridge stated that the stores have collection bins for the single use plastic bags and they offer reusable bags for purchase. Many of his customers are from Heritage Hills and he fears that many of them will be supporting the new DeCicco's that will be opening in Somers in about six to nine months where they won't have to pay for a paper bag. He feels that this new law can lead to confusion for their customers as well and feels that offering both plastic and paper for a fee would make more sense.

Mr. Parsons asked the Board for comments. Mr. Welsh did mention that they are looking at redoing the Golden's Bridge Hamlet master plan that looks towards enlivening the retail atmosphere and work towards a walkable community as well. Mr. Welsh hopes that Mr. Cooper from Acme will consider being a part of this planning process.

Ms. Crimmins stated that the DeCicco's in New Castle did this already so she feels there is a good business model. Ms. Crimmins stated that this idea did not come out of thin air; it comes from county and state wide initiatives. She would like to give lots of credit to our Sustainability Committee. Ms. Crimmins believes that allowing our merchants to charge \$.15 per paper bag is going to be beneficial in the long run. Ms. Crimmins feels that the new DeCicco's in Somers is bad news for us however plastic bags are not. She feels that customers will go to the Somers DeCicco's out of convenience not just because of plastic bags. Ms. Crimmins feels that free choice is really important however when someone's choice negatively impacts someone's health, whose choice is more important. She feels you have to think about choice from two points of view. Ms. Crimmins also heard about studies that were sighted but she doesn't feel that the town will lose the business. Ms. Crimmins expectation is that the paper bag is going to go up initially and then it will go down and in the meantime they will get the plastic bags out. Regarding styrofoam, both Dunkin Donuts in town are already onboard. Ms. Crimmins feels that it is the Boards job to try to tease out the overwhelming sentiment of the Town right now. Ms. Crimmins feels that in her experience going door to door and being in office for six months, people really want a change in Lewisboro and they want to be leaders and that we are a little town with a big heart. Ms. Crimmins stated she could be wrong and in 3 ½ years she could be voted out but none the less she feels we shouldn't be afraid to go first even though we are a small town. Ms. Crimmins feels that the people want to be proud to live here and to be leaders. She stated they did this in this election and that was the momentum of the movement and they can steer the boat the way they want to. Ms. Crimmins does agree with Mr. Welsh stating that the merchants are just as much a part of our community as anyone else. She would hope that the local merchants would give the Board feedback and if they feel that they are losing customers due to the removal of single use bags, then the Board will reevaluate.

Mr. Parsons stated that he knows the Supervisors and first Selectman of surrounding towns and they have given him a warm reception that if the Town of Lewisboro goes first they would like us to test the waters and they would follow.

Ms. Crimmins stated that Mr. Pappalardo is absent this evening but he wanted to very strongly voice his support for the merchants and feels uncomfortable moving forward with this legislation without the merchants being on board.

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

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

RESOLUTION

RESOLVED, that the public hearing for enacting Chapter 181, entitled "Retail Checkout Bags and EPS (Styrofoam)," is now closed.

Mr. Parsons would like to defer action on passing this local law so that alterations can be made to the local law and represent it to the Board in two weeks' time. Ms. Crimmins would also like to make an effort to meet with the managers of Acme and DeCicco's during this two week period so that they all feel that they are on the same page.

PUBLIC COMMENT PERIOD

FORECLOSURES – Town Owned (9:06 – 9:19 p.m.)

Residents John and Martha Goodman of 258 Kitchawan Road spoke about the property directly across the road from them which is 249 Kitchawan Road. This property was foreclosed on by the town for failure to pay taxes. Mr. Goodman made a proposal to Mr. Parsons that involved paying these outstanding taxes to the town and having Mr. Williams stay in the house, however that proposal was rejected. Mr. Goodman was then told that the property would be put up for auction shortly. This was also told to other neighbors. Months passed and now years have passed. The exterior of the home is an eye sore along with holes in the roof, etc. A strong odor of mold pervades the neighborhood. Mr. Goodman stated that a look at the tax roll would suggest that \$200,000 in unpaid taxes and interest have accrued on this one property. Mr. Goodman stated that he inquired with the Receiver of Taxes this morning about other properties that are in similar situations. He wonders how much money the town is owed. Mr. Goodman stated that he would like to get this situation rectified as soon as possible and he is prepared to attend every Town Board meeting until this situation is addressed.

Ms. Goodman also stated that this property is a huge liability to the Town. It's not properly secured or boarded up and anyone can walk right in. There are guns and ammunition in the house and this has been reported to the police with no action taken. Ms. Goodman said a looter was in the house and had she fallen through the floors she could have sued the Town. Ms. Goodman stated that they have started mowing the lawn in order not to draw so much attention to the home. Ms. Goodman also had a realtor come to their home who stated that it would be difficult to sell their home with the property across the street in that condition.

Mickey Denicola of Golden's Bridge asked the Board for an update on the Master Plan. Has there been any forward motion. She asked the same question at the April 23rd meeting and the presentation was given on February 26th. Mr. Parsons stated that he has been in discussions with the town attorney on this subject.

Jonathan Monti of Golden's Bridge wanted to add to Ms. Denicola's comments. Mr. Monti stated that two members of the Golden's Bridge Hamlet Organization met with the former chairman of the master plan committee of North Salem, John White. North Salem was very thorough with the Master Plan and engaged everyone. According to Mr. Monti, the entire Master Plan cost \$50,000. Mr. Monti stated that the previous administration for our Town stated it would be a 7 digit number. Mr. Parsons stated that he would reach out to Mr. White because New Castle's cost was about 5 times that price. Mr. Monti wants to make sure that the Town is engaged.

CONSENT AGENDA

MINUTES - Approved

On motion by Mr. Parsons, seconded by Mr. Gonçalves, the Board voted 4-0 to approve the meeting minutes of May 21, 2018 and to receive and file departmental reports.

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

REPORTS – Monthly Reports

On the above motion and second the May reports from the Building and the Police Departments were received and filed.

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

DOG PARK PROPOSAL – Presentation (9:20 – 9:45 p.m.)

Resident Ariane Brandt made a presentation regarding a dog park proposal (see attached). The Board feels that finding a suitable location of Town property will be a challenge. The Board advised Ms. Brandt that three of her proposed locations were not governed by the Town or restricted by their deeds. Ms. Brandt also made a suggestion that all dog licensing fees be increased by \$10.00 across the board and anyone with a dog license would be automatically allowed into the dog park.

Mr. Welsh asked about setting up a board or a committee to take on the administrative aspects but he is not sure about the liability or legal issues relating to this. Ms. Brandt stated that she also spoke with an insurance agent at Arthur Gallagher Insurance Agency regarding the liability issue. This agent stated that their office has insured 25% of Westchester municipalities for 30 years and

they have never had a dog park claim and feels that if the town's insurance increased, it would be minimal.

The Board suggested that Ms. Brandt go back to the Park and Recreation Advisory Committee to see if a location could be agreed upon. Ms. Mayclim did invite residents to call her with any ideas of Town owned property that might work.

The Board thanked Ms. Brandt for all her hard work and her proposal.

WESTCHESTER URBAN COUNTY CONSORTIUM – Approval for Supervisor to Sign Agreement

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

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

RESOLUTION

RESOLVED that the Town Board does authorize the Supervisor to sign the Westchester Urban County Consortium agreement as reviewed by counsel.

TOWN POOL – Approve Contract with New Canaan Storm Aquatics

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

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

RESOLUTION

RESOLVED that the Town Board does authorize the Supervisor to sign the contract, as presented, with Storm Aquatics of New Canaan, CT, allowing said group use of the Town pool during specified off hours, as reviewed by counsel.

PARKS AND RECREATION – Discussion re Capital Plans (9:56 – 10:01 p.m.)

The Board continued discussing capital projects that the Parks and Recreation Superintendent Dana Mayclim had discussed at the last Town Board meeting. Ms. Mayclim did provide the Town Attorney with the bids for the pickle ball courts and the composting toilet for his review.

EAGLE SCOUT PROJECT – Approved

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

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

RESOLUTION

RESOLVED that the Town Board does approve Troop 101 member Chris Castelhana's Eagle Scout project of building a lean-to shelter on the Reservation portion of Onatru Farm and be it further

RESOLVED that the Town Board does approve that any Town fees associated with said project be waived and be it further

RESOLVED that the Town Board does give authorization for Chris Castelhana to sell patriotic items at the Town fireworks on June 30, 2018 at Onatru Farm to raise money for said project.

KATONAH-LEWISBORO SCHOOL DISTRICT – Authorize Bus Lease Agreement

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

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

RESOLUTION

RESOLVED, that the Supervisor be and hereby is authorized to sign the 2018-2019 Bus Lease agreement with the Katonah-Lewisboro School District.

TAX CERTIFICATION – Authorize Attorney to Sign

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

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

RESOLUTION

RESOLVED, that the Town Board does authorize the Town Attorney to sign, on behalf of the Town, the two consent judgments in the tax certiorari matter with Ralph Felice and Waldie Gullen.

DUCHENNE MUSCULAR DYSTROPHY FUNDRAISER- Approve and Waive Fees

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

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

RESOLUTION

RESOLVED, that the Town Board does authorize a Duchenne Muscular Dystrophy Fundraiser, to be held at Onatru Farm on August 4, 2018, subject to proper insurance and approval by the Parks and Recreation Superintendent and be it further

RESOLVED, that the Town Board does waive all fees associated with this fundraiser.

SOFTBALL TOURNAMENT – Honoring Steve Zelem

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

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

RESOLUTION

RESOLVED, that the Town Board does authorize a Softball Tournament, to be held at Onatru Farm in August of 2018, subject to proper insurance and approval by the Parks and Recreation Superintendent and be it further

RESOLVED, that the Town Board does waive all fees associated with this fundraiser.

HIGHWAY – Road Paving Plans for 2018

Mr. Parsons stated that he discussed the road paving plans for 2018 with the Highway Superintendent. As soon as he has the numbers he will present them to the Board which should be within the next few weeks.

POLLING OF THE BOARD

WOMAN OF DISTINCTION – Bobbe Stultz

The Board congratulated Bobbe Stultz, who received the 2018 Woman of Distinction Award for the Town of Lewisboro. The Town Board nominated Ms. Stultz.

POLICE SAFETY DAY – Date and Time Announced

Ms. Crimmins announced that the last day of school is Friday, June 22nd and that the Lewisboro Police Benevolent Association (PBA) will be having a Safety Day the day after on Saturday, June 23 at Onatru Farm, 99 Elmwood Road, from 11 a.m. to 3 p.m.

OPEN SPACE PRESERVES AND ADVISORY COMMITTEE – Award

The Board announced that the Open Space Preserves and Advisory Committee (OSPAC) won the 2018 Westchester Recreation and Parks Society's Voluntary Service Award for an Organization. The Board congratulated the Chairman, Greg Monteleone and the entire OSPAC for a job well done.

Mr. Gonçalves, also a member of the Lewisboro Lions Club, announced that the Lewisboro Lions Club annual senior citizens dinner would be held at the South Salem Firehouse (this is the rain location) on Wednesday, June 13th, from 6-8 p.m.

GREENWAY GRANT – Bridge in Golden's Bridge

Mr. Welsh did make the Board aware of a possibility of applying for a Greenway Grant. Mr. Welsh thought this grant could be used to refurbish the old bridge in Goldens Bridge. He'll get some preliminary information and will distribute it to the Board. Mr. Welsh stated that it is a matching grant and the application would need to be submitted by August 8, 2018.

CLAIMS – Authorized for Payment

On motion by Mr. Parsons, seconded by Mr. Gonçalves, the Board voted 4-0 to authorize payment of the Town's bills in the amount of \$293,578.68.

MEETINGS – Dates Set

Upcoming meetings of the Board include a regular meeting on June 25, 2018 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York, 10590.

EXECUTIVE SESSION – To Discuss Legal Issues and Committee Appointments

On motion by Mr. Parsons, seconded by Mr. Welsh, the Board voted 4-0 to go into executive session at 10:10 p.m. to discuss legal issues and committee appointments.

On motion by Mr. Parsons, seconded by Ms. Crimmins, the Board voted 4-0 to come out of executive session at 12:15 a.m.

CONSERVATION ADVISORY COUNCIL - Appointment of Member

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

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

RESOLUTION

RESOLVED, that Linda Rae is hereby appointed to the Conservation Advisory Council for a 2-year term expiring December 31, 2019.

ADJOURNMENT

On motion by Mr. Parsons, seconded by Mr. Welsh, the Board voted 4-0 to adjourn at 12:16 a.m.

Janet L. Donohue
Town Clerk