

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on February 11, 2019 at 7:30 p.m. at the at the Lewisboro Library, 15 Main Street, South Salem, New York.

PRESENT:

Supervisor	Peter Parsons
Council Members	Jane Crimmins, Tony Gonçalves, John Pappalardo, Daniel Welsh
Town Clerk	Janet Donohue
Absent	None

Also attending was the Attorney for the Town Anthony Molé, Facilities Maintenance Manager Joel Smith, Comptroller Leo Masterson, Parks and Recreation staff Michael Portnoy and Laura Stone.

Approximately 13 residents/observers.

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

EMERGENCY PROCEDURE

Supervisor Parsons noted the exits to be used in the event of an emergency.

PLEDGE OF ALLEGIANCE

The Supervisor led the Pledge of Allegiance to the flag.

PUBLIC COMMENT PERIOD

There were no public comments.

CONSENT AGENDA

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

MINUTES - Approved

On the above motion and second, the minutes of the January 22, 2019 Town Board meeting were approved.

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

REPORTS – Monthly Reports

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

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

HOMELAND TOWERS – Letter to Planning Board (7:32 – 7:44 p.m.)

Raymond Vergati, from Homeland Towers, appeared before the Board to discuss the letter from Homeland Towers in response to the Kellard Sessions comment memorandum dated November 9, 2018 and to address any remaining items on the proposed cell tower at 779 Route 35, Cross River (see attached).

Mr. Vergati presented the proposed colors for the tower, two-toned, which is identical to the colors used on the tower in Vista. The Board agreed to the color scheme (see below resolution).

Mr. Vergati also stated that Homeland Towers received a final technical memo from the Department of Environmental Protection and did a site walk with NYSEG. Mr. Vergati stated that as discussed with the Board, they are going to remove the aerial lines and harden the utilities by bringing them on the ground to LVAC. Supervisor Parsons stated that he does not want the utility pole in an area where it could block a possible future expansion of the Cyrus Russell Community House parking area. Supervisor Parsons stated that he received paperwork today from NYSEG requesting an easement for a pole. He put a call into NYSEG to get an explanation of where the pole would be placed and asking them to put the pole closer to the property line.

Mr. Pappalardo asked when the construction on the tower would begin. Mr. Vergati stated that they were hoping for the beginning of March and it would be about 5 months before the tower is fully operational.

Mr. Vergati also stated that LVAC would be able to install their emergency communications equipment as soon as the tower was up.

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

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

RESOLUTION

RESOLVED, that the Town Board authorizes Homeland Towers to paint the proposed cell tower monopole located at 779 Route 35, Cross River, NY (behind LVAC) in a two-toned color which will be Shadow Beige (Pratt & Lambert #2257) at the bottom and White Smoke (Pratt & Lambert #1201) at the top.

ACCESSORY WINERIES – Planning Board Comments (7:45 – 8:27 p.m.)

Discussion continued regarding allowing accessory wineries in town as a special use permit. The public hearing on this was closed on November 28, 2018, however, Supervisor Parsons did note that he had received approximately 23 letters from friends and neighbors who supported the South Salem Winery at Gossett Nursery.

Ms. Crimmins commented that she likes the idea of accessory wineries and microbreweries however she does not like the idea of accessory distilleries. When questioned, Ms. Crimmins stated that wine is made from grapes, cider is made from apples, beer is made from barley and hops but liquor is poison. Mr. Pappalardo feels that there is a distinction but tends to lean in the direction of broadening the prospect of engendering the entrepreneurial spirit in Lewisboro. Mr. Pappalardo did mention that it would still need a special use permit so there is some level of control. Mr. Gonçalves also stated that is still needs to go through the New York State Liquor Authority. Mr. Welsh stated that individuals are able to stop at local bars/restaurants but isn't sure if this is the place to hold the line.

Mr. Parsons asked if the Board felt that the special permit should be vested in the Planning Board or Zoning Board of Appeals (ZBA). Mr. Parsons feels that they should go with the ZBA because he feels that the Planning Board agendas are somewhat burdened.

Attorney for the applicant, Jason Krellenstein, stated that a site plan approval which is done by the Planning Board is not always necessary for such an application. It would be necessary to go to the Planning Board for new construction.

The Board continued discussions and agreed that specific aspects of the winery plan, such as hours of operation, etc., should be included in each application with the ZBA as opposed to being set in the Town Code.

The Board also stated that an Environmental Assessment Form was required to be submitted by the applicant as part of the State Environmental Quality Review process. Mr. Krellenstein stated that he had learned five hours prior to this meeting that this was needed and was concerned that this would further delay the process. Supervisor Parsons did state that he felt the town's consulting engineer could issue a negative environmental declaration, with no objections, at the next Town Board meeting.

Ms. Crimmins stated that she appreciated the amount of work that went into this and feels it is a great thing for Gossetts and our Town. When Mr. Krellenstein asked whether he could infer that the Board had reached a favorable consensus on their proposal, the answer from Supervisor Parsons was yes.

EMPLOYEE ASSISTANCE PROGRAM – Authorize Supervisor to Sign Contract

Supervisor Parsons stated that the Employee Assistance Program was part of the Town's previous medical provider, however, it is not included with the new medical provider. Supervisor Parsons stated that this is not included in the 2019 budget but feels strongly that the Town still needs to offer the EAP to the Town's employees. Comptroller Leo Masterson suggested that the Town monitor the use. It is confidential however Mr. Masterson feels that there are some reports generated related to the number of calls made.

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

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

RESOLUTION

RESOLVED, that the Supervisor be and hereby is authorized to sign the 2019 Employee Assistance Program contract, not to exceed \$2,500, as reviewed by counsel.

ZONING – Middle Income Units (8:27 – 8:29 p.m.)

At the last Town Board meeting Supervisor Parsons brought up for discussion how many middle income housing units can be owned by one individual, namely in the Oakridge area. The Housing Committee currently has no guidance on this topic from the Town Board but Supervisor Parsons feels that this is necessary. Town Attorney Ms. Herodes did suggest that the Board come up with a number of units that one person can own and stick with that number.

PUBLIC HEARING ANNOUNCED – Number of Middle Income Units Owned By 1 Person

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

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

RESOLUTION

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Lewisboro will hold a public hearing on February 25, 2019 at 7:30 p.m., or soon thereafter as time permits, at the Lewisboro Library, 15 Main Street, South Salem, New York, 10590, for the purpose of hearing the public with regard to a local law to amend Chapter 220, Section 220-26 (F)(e), of the Lewisboro Town Code entitled “Middle-income dwelling units,” stating that no person or entity shall own more than one middle-income dwelling unit at one time. At said hearing all interested persons are invited to attend and will be heard. The Town of Lewisboro is committed to equal access for all. Anyone needing accommodation to attend or participate in this meeting is encouraged to call the Town Clerk’s office at 914-763-3511 in advance.

PUBLIC HEARING ANNOUNCED – Appointment of Up to Two Alternate ZBA Members

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

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

RESOLUTION

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Lewisboro will hold a public hearing on February 25, 2019 at 7:30 p.m., or soon thereafter as time permits, at the Lewisboro Library, 15 Main Street, South Salem, New York, 10590, for the purpose of hearing the public with regard to establishing the position of alternate members of the Zoning Board of Appeals. At said hearing all interested persons are invited to attend and will be heard. The Town of Lewisboro is committed to equal access for all. Anyone needing accommodation to attend or

participate in this meeting is encouraged to call the Town Clerk’s office at 914-763-3511 in advance.

NATIONAL AWARENESS OF MENTAL ILLNESS (NAMI) – Discussion

The campaign for National Awareness of Mental Illness (NAMI) would like the Town of Lewisboro to again support the ribbon campaign, which would entail putting ribbons around trees in prominent locations throughout the Town. This campaign is being run throughout Westchester.

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

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

RESOLUTION

RESOLVED, that the Town Board does support the National Alliance on Mental Illness (NAMI) Ribbon Campaign in Lewisboro designating "May is Mental Health Awareness Month".

SOUTH SALEM THEATER – Discussion (8:34 – 9:04 p.m.)

Local resident Joseph Niola started the South Salem Theatre back in 2014 after he received a donation of lighting equipment. Mr. Niola approached St. John’s Church and was able to create a successful theater group for the last five years in their basement. However, the church needs this space back and they are now looking for a space to accommodate approximately 50 audience members. Ms. Pat Halbert, who recently moved to South Salem is also involved. They have reached out to other churches in the area as well however, the spaces appear to be too large and they don’t want to run the risk of being asked to leave again.

They would like to develop a town wide presence. They would fundraise and cultivate enough funds to renovate whatever theater space that they are offered. Ideally they would prefer the Cyrus Russell Community House. They do two productions a year; one in the spring and one in the fall. They would need 8 weeks of rehearsal prior to each production and there would be a total of 10 performances. Ms. Halbert does realize that Parks and Recreation uses the CRCH for several programs but would like to work around their schedule.

Mr. Welsh did state that there are several committee and citizen groups that meet at the CRCH as well. Mr. Pappalardo thought the proposal was for the barn at Onatru, however, Ms. Halbert feels that space is too large and is too “bare bones”. The availability of the CRCH is an issue along with the 49 person limit and the parking for approximately 16 cars.

Ms. Crimmins feels that there is a space problem in town. Mr. Welsh would like to see the barn at Onatru fixed up to be available to all types of groups, however, Supervisor Parsons stated that a good portion of Onatru is used starting in August for the library fair which is held at the end of September.

Supervisor Parsons suggested that the group reach out to the South Salem Presbyterian Church. They own the building next to the former Spring Street Market and that building may be coming available in the future. The theater group will follow up.

EXTEND REAL PROPERTY TAX PAYMENT – Furloughed Employees

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

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

RESOLUTION

WHEREAS, the New York State Legislature has passed and the Governor has signed into law Section 925-e of the New York State Real Property Tax Law, as added by a chapter of the laws of 2019, amending the real property tax law relating to providing a temporary extension for payment of real property taxes owned by a person who has been either a furloughed or designated non-pay federal employee due to a period of a lapse in discretionary appropriations by the federal government, or by the spouse or domestic partner of such person; and

WHEREAS, the aforementioned law provides that any deadline with respect to the payment of such real property tax shall be extended for a period of ninety days after the end of such lapse in discretionary appropriations by the federal government if the municipal corporation that employees the collecting officer has passed a local resolution authorizing such extensions, and

WHEREAS, the Lewisboro Town Board has reviewed the aforementioned law enacted by New York State, and finds that it would be in the best interest of the tax payers of the Town of Lewisboro to authorize the extension of the payment of the real property tax for either a furloughed or designated non-pay federal employee due to a period of a lapse in discretionary appropriations by the federal government, or by the spouse or domestic partner of such person; and

WHEREAS, in accordance with Article 8 of the Environmental Conservation Law (the State Environmental Quality Review Act) and 6 NYCRR Part 617 of the implementing regulations the action under consideration constitutes a TYPE II action and therefore requires no further review under 6 NYCRR Part 617, and

WHEREAS, the Town Board finds that the proposed resolution will promote the general welfare of the public of the Town of Lewisboro;

NOW THEREFORE BE IT RESOLVED that, in accordance with Section 925-e of the New York State Real Property Tax Law, with respect to the payment of real property tax for properties owned by a person who has been either a furloughed or designated non-pay federal employee due to a period of a lapse in discretionary appropriations by the federal government, or by the spouse or domestic partner of such person, the Lewisboro Town Board hereby authorizes that the deadline with respect to the payment of such real property tax shall be extended for a period of ninety days after the end of such lapse in discretionary appropriations by the federal government; and

BE IT FURTHER RESOLVED, that documentation shall be required by a person requesting an extension demonstrating that they have been furloughed or designated non-pay as a result of a period of lapse in discretionary appropriations by the federal government, and such documentation shall be submitted to the collecting officer no later than the thirtieth day following the last day for paying such taxes without incurring interest or penalty; and

BE IT FURTHER RESOLVED, that in accordance with Section 925-e (1) (c) of the New York State Real Property Tax Law, the extension of the deadline to pay the taxes as set forth herein shall apply to all taxes that are payable to the collecting officer without interest or penalty from the date on which such lapse in discretionary appropriations by the federal government began until the date on which such lapse shall end, including installment payments that are due during that period; and

BE IT FURTHER RESOLVED, that the Receiver of Taxes of the Town of Lewisboro, as the collecting officer, is hereby authorized to act in accordance with this resolution.

ASBESTOS ABATEMENT – Accept Bid

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

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

RESOLUTION

RESOLVED that the Town Board does accept the bid for asbestos abatement at the Town House, located at 11 Main Street, from Suburban Restoration in the amount of \$31,800.00 and be it further

RESOLVED that Facilities Maintenance Manager Joel Smith will alert the Town Board if the cost of said asbestos abatement will be more than \$31,800.00.

PLANNING BOARD – Keane & Beane Hourly Rate

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

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

RESOLUTION

RESOLVED that the Town Board does authorize the Supervisor to sign the retainer agreement with Keane & Beane which reflects an increase in their hourly rate for applicants by \$30/hour and be it further

RESOLVED that Keane & Beane’s hourly rate that they charge the Town will not increase.

FINANCE – Comptroller Update (9:16 – 10:00 p.m.)

Comptroller Leo Masterson presented an update on the 2018 financial results and the beginning of 2019 finances. See below:

Update on Town's Finances

2018 Results:

Over Budget	<u>General Fund</u>	<u>Highway Fund</u>
	(371,000)	(200,000)

WHY?

Medical Plan	(466,000)	(168,000)
Police Department	(94,000)	-
Shared & Technical Services	(43,000)	-
Park & Rec Programs	(20,000)	-
Road Maintenance	-	(39,000)
Vehicle Repair	-	(33,000)
Snow Removal	-	(28,000)
Primary Offsets:		
Sale of Property	145,000	15,000
Fund Rebuild Account	100,000	58,000

Impact on Fund Balances:

2017 Fund Balance	676,000	57,000
2018 Results	(371,000)	(200,000)
2018 Fund Balance (Deficit)	305,000	(143,000)

All Special Districts 2018 Results Better than Budget

Oakridge Sewer	70,000
Oakridge Water	40,000
Wild Oaks Sewer	70,000

Cost in 2019 Due to School's Change in Payment Procedure:

Interest on Funds Borrowed	18,300
Legal Fee (est.)	8,500
26,800	
Lost Interest on Use of Cash (est.)	<u>34,000</u>
	60,800

Anticipated BAN Issuance in April 2019:

Oakridge Water	482,500	Borrowing resolution already approved.
Town Buidings Renovations	316,000	Borrowing resolution to be approved 2/25/19.
Vehicles/Trucks	474,000	Borrowing resolution to be approved 2/25/19.
Road Reconstruction	<u>1,200,000</u>	Borrowing resolution to be approved 2/25/19.
Total New Borrowed Funds	<u>2,472,500</u>	

Mr. Masterson stated that the largest source of added expense was the town's switch to a new health insurance plan; New York State Health Insurance Program (NYSHIP). Mr. Masterson stated that while the switch is expected to save the Town money in the long term, the Town incurred overlap costs which is more than they expected. Mr. Masterson still feels that the decision to switch was a sound one.

Also the costs associated with the weather in 2018 added to deficits with regards to snow removal, part-time police overtime, road maintenance and vehicle repairs. Additionally the temporary move from the Town House to 79 Bouton Road created overtime in the maintenance department. The Board did ask for clarity on the vehicle repair line which Mr. Masterson will discuss with the Highway Superintendent, Peter Ripperger.

Youth program expenses were over by \$20,000.

Mr. Masterson expressed concern that mortgage taxes which are budgeted for \$700,000 may come up short. He feels that this is a tough number to gauge. Mr. Welsh asked about the sales tax numbers. Mr. Masterson stated that the fourth quarter for 2018 were just received. The first quarter numbers won't be in until May.

Mr. Masterson stated that due to the change in the Katonah Lewisboro School District's payment procedure, the Town had to borrow, by means of a Tax Anticipation Note slightly over two million dollars (approved at the January 7, 2019 Town Board Meeting). The combined cost of the interest on the borrowed funds, the legal fees to complete the transaction and the lost interest on the use of cash equates to \$60,800.

The Board will discuss at the next meeting the possible borrowing of monies in the issuance of Bond Anticipated Notes. The Board thanked Mr. Masterson for his presentation.

CLAIMS – Authorized for Payment

On motion by Mr. Parsons, seconded by Mr. Pappalardo, the Board voted 5-0 to authorize payment of the Town's bills in the amount of \$259,614.55.

MEETINGS – Dates Set

Upcoming meetings of the Board include a regular meeting on Monday, February 25, 2019 at 7:30 p.m. at the Lewisboro Library, 15 Main Street, South Salem, New York.

POLLING OF BOARD AND ANNOUNCEMENTS

PARKS & RECREATION – New Residents Gathering & Aerial Maps Presentation

Supervisor Parsons stated that the Parks & Recreation department will be holding a new resident gathering at the Onatru Farmhouse on Sunday, February 24 from 4-6 p.m. Wine, cheese and a light fare will be served. Also, Town Historian, Maureen Koehl will be doing a presentation on aerial maps of the Lewisboro area on the same day from 2 – 4 p.m. at Onatru Farmhouse.

FIREWORKS – Mercedes Benz of Goldens Bridge

Supervisor Parsons stated that Tom Maoli, owner of Mercedes Benz of Goldens Bridge has pledged to donate \$12,000 to the town's fireworks at the end of June. This is the third year that Mr. Maoli has donated to the fireworks.

SHAKESPEARE IN THE PARK – Funding by Greenway Grocery Store

Supervisor Parsons stated that the Estevez Family, owners of Greenway Grocery Store, which plans to open in the old DeCicco's Market around Memorial Day, has agreed to fund Shakespeare in the park in July.

REPAIR CAFÉ – MKR Lab

Mr. Welsh stated The Landis Family, who runs the MKR Lab in the former Lewisboro Elementary School, held a fix it – repair workshop this past weekend. People brought in vacuum cleaners, toasters, etc., and volunteers helped adults and children with the repairs.

STORM RESPONSE COMMITTEE – NYSEG

Supervisor Parsons stated that he is part of a committee that works with NYSEG regarding storm response. He shared that NYSEG has done an enormous amount in this town to improve things such as tree trimming and installing re-closer switches which reduces the area that goes out when there is a power outage.

AID TO MUNICIPALITIES (AIM) – Press Conference

Supervisor Parsons stated that in 2020, NY State will take away Aid to Municipalities (AIM) from every town, with the exception of two in Westchester. For Lewisboro, this equates to \$37,339. Supervisor Parsons and several other leaders in Westchester participated in a press conference in Portchester.

DEPARTMENT OF ENVIRONMENTAL PROTECTION – Reservoir Water

Supervisor Parsons stated he attended a DEP meeting on water quality for New York City. They have done a lot of preparation regarding climate change. They are trying to ensure that when another 16 inches of rain is obtained in a reservoir, the dam is in a position to withstand the force of the water or when violent winds push the water in the reservoir at the dam. The DEP now has a water reduction plan in place.

EXECUTIVE SESSION – To Discuss Appointments and Legal Issues

On motion by Mr. Parsons, seconded by Mr. Pappalardo, the Board voted 5-0 to go into executive session at 10:14 p.m. to discuss appointments and legal issues

On motion by Mr. Parsons, seconded by Mr. Pappalardo, the Board voted 5-0 to come out of executive session at 11:30 p.m.

TOWN OFFICIALS AND EMPLOYEES – Recreation Assistant

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

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

RESOLUTION

RESOLVED, that the Town Board appoints Michael Portnoy to the position of Recreation Assistant as of March 1, 2019.

NYSEG – Authorize Supervisor to Negotiate & Sign Easement

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

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

RESOLUTION

RESOLVED, that the Town Board authorizes Supervisor Parsons to negotiate and sign an easement with NYSEG to erect utility poles for the Cross River Cell Tower.

ADJOURNMENT

On motion by Mr. Parsons, seconded by Mr. Pappalardo, the Board voted 5-0 to adjourn at 11:32 p.m.

Janet L. Donohue
Town Clerk