

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on February 1, 2010 at 7:30 p.m. at the Lewisboro Library, 15 Main Street, South Salem, New York.

PRESENT: Supervisor - Charles Duffy  
Councilmen - Peter DeLucia, Frank Kelly, Bruce Pavalow\*, Daniel Welsh  
Town Clerk - Kathleen G. Cory

Also attending was Facilities Maintenance Manager Joel Smith, Attorney for the Town Anthony Molé .

Mr. Duffy called the meeting to order at 7:35 p.m.

PLEDGE OF ALLEGIANCE

Mr. Duffy led the Pledge of Allegiance to the flag.

CIVIL SERVICE – Authorize Signature Cards

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

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

RESOLUTION

RESOLVED, that the Supervisor and Deputy Supervisor be and hereby are authorized to sign civil service signature cards.

EMERGENCY MANAGEMENT COMMITTEE – Appointment of William Dingee

The Board discussed the appointment of a chairman of the Emergency Management Committee. The Board discussed Mr. Dingee’s responsibilities and decided to invite him to a future meeting to discuss them.

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

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

RESOLUTION

RESOLVED, that the Town Board does hereby appoint William Dingee as chairman of the Emergency Management committee for a one-year term ending December 31, 2010 subject to the following proviso: that in the event of an emergency in which the Emergency Manager can act,

should the same not be an elected official of the Town, then such person may act only upon such authority as is granted under the Emergency Plan, and then only to such matters that touch and concern the immediate emergency and shall not bind the Town to contracts or obligations exceeding the duration of the emergency and for such reasonable period thereafter as necessary to resolve the conditions which caused the emergency.

TAX MAPPING – Authorize Contract

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

|           |        |                                |     |
|-----------|--------|--------------------------------|-----|
| THE VOTE: | Yes    | - Duffy, DeLucia, Kelly, Welsh | (4) |
|           | No     | - None                         | (0) |
|           | Absent | - Pavalow                      | (1) |

RESOLUTION

RESOLVED, that the Supervisor be and hereby is authorized to sign the 2010 Sewall Consulting Services Agreement as reviewed and approved by counsel.

HIGHWAY/MAINTENANCE DEPARTMENTS – Relocation of Mechanic

Mr. Duffy reviewed the staffing of the Town Highway Department. He noted the Town has two mechanics, one in the Highway Department and one in the Maintenance Department. A proposal has been made to seasonally relocate the Maintenance Department mechanic to the Highway garage for the winter months to save on heating and electricity costs in the Maintenance barn. Although a new lift will be needed at the Highway garage, the waste oil collection tank at the Maintenance Department could be eliminated. Elimination of that tank will mean the Town does not need a State registration permit for any tanks, saving \$4500 over three years. Mr. Smith also discussed possible other locations for Maintenance Department work sites.

(Mr. Pavalow arrived at 7:55 p.m.)

FINANCE – Transfer in Maintenance Department Budget

After discussion of the Highway and Maintenance Departments’ mechanics, it was noted that a new lift will be needed at the Highway garage for use by the Maintenance mechanic. It was proposed to transfer funds from the Maintenance Department budget to cover the expense. The Board voted as follows on motion by Mr. DeLucia, seconded by Mr. Kelly:

|           |        |                                |     |
|-----------|--------|--------------------------------|-----|
| THE VOTE: | Yes    | - Duffy, DeLucia, Kelly, Welsh | (4) |
|           | No     | - None                         | (0) |
|           | Absent | - Pavalow                      | (1) |

RESOLUTION

RESOLVED, that the Supervisor be and hereby is authorized to transfer \$4,485 from budget line A1620.416 to the appropriate capital improvement line.

FINANCE – Review of Town’s Financial Situation

Mr. Duffy said he was asked to gather a description of each employees duties, what they do and who they do it for. He is currently working on gathering that information.

Supervisor Duffy said restoring Lewisboro to a sound financial footing needs to be done in a two-stage approach. One, the Board needs to take some immediate action with a short-term improvement in the Town’s cash position. Secondly the Board needs to fundamentally change how the Town provides service to residents. Those details will be discussed at a future meeting. Mr. Duffy said he would like the Board’s permission to seek bond counsel’s opinion on the following:

1. Research re obtaining a deficiency budget note of approximately \$500,000, required to be paid back by the close of the next fiscal year.
2. Research the possibility of obtaining a Tax Anticipation Note which may be renewed annually. Mr. Duffy said his intent is to pay back the TAN within three fiscal years. If revenues do improve the Board could use that to pay off the TAN.

He said these two items would give the Town an infusion of cash and would give the Town a stronger position for rating agencies with upcoming debt issues the Town might have. Mr. Duffy said currently the Town has \$1.3 million of bond anticipation notes, \$700,000 which will mature in about 10 days and the other \$650,000 in June. He said the debt service on the BANS is about \$150,000 per year. If the Town can borrow that in a serial bond in June the debt service would be about \$100,000, or a \$50,000 cash savings in 2011 and beyond.

The Board discussed the borrowing concepts proposed. Mr. Welsh asked to what extent the borrowing would affect the Town’s credit rating. Mr. Duffy said borrowing on notes doesn’t require a credit rating first. They can be done relatively quickly and before any expected downgrade may occur. The Town would have the cash in the bank and notes may not be available to the Town, or be more expensive, if the Town’s credit rating is downgraded.

Mr. Pavalow asked if the Board is saying that if we borrow money for the fund balance and pay expenses, that a rating agency would look more favorably on that? Mr. Duffy said it would look more favorable in the short term. Specifically, a deficiency budget note is not something that is a BAN that becomes longer term debt.

Mr. Duffy said he is asking if he can find out the answers by February 8 so he can do something right now to address cash flow and liquidity. Then the Board can sit and do more with the matrix and do some more research about how the Board can legally restructure the Town. Mr. Pavalow said he sees two steps, one to stabilize the Town and preserve the Town’s bond rating. The second step might be to see how to better run the Town. Borrowing the money might not improve the Town’s bond rating but it would “right the ship.”

ENERGY CONSERVATION – Discussion re Energy Efficiency Improvements

Robert Lamert addressed the Board regarding energy saving efforts he is recommending for the Town. He said there is up to \$500,000 in grant funding available for energy saving efforts.

Mr. Lamert said he toured Town facilities and came up with some cost-saving suggestions. In the Highway garage there are older lighting fixtures that can be replaced. In the Highway shed, consumption of propane and fuel oil can be decreased by adding fans to force heat down from the ceiling. The Town could also install sensors so lights go off when no one is in an area. There is also an opportunity to fix leaky windows and exterior lighting.

In the commuter parking lot Mr. Lamert said there are large-wattage lights left on for a long time. He suggested lamps that step down to 60 watts if there is no activity, and brighten when activity is sensed. He noted that high energy lamps were installed in the new sewage treatment plant. Those particular lamps don't last very long and could be replaced with more energy efficient lamps. He said he identified \$10,000 to \$15,000 worth of improvements to Town facilities.

Mr. Pavalow asked Mr. Lamert to explain how his services work. Mr. Lamert said he would make application to NYSERDA for funding of his improvements. He said there is a competitive bidding process. NYSERDA would review proposals and he would submit a proposal that is very practical. He would apply as a contractor and would be invoicing NYSERDA and they would pay him directly. Inspections are done before and after the work is done to verify that the measures are installed and they are doing what the contractor said they would do.

Mr. Welsh said the grant is for \$10,000 to \$15,000 to fund the Lewisboro project. Mr. Lamert said much of what he is doing would be using proprietary materials that the Town couldn't purchase itself.

Mr. Lamert presented a synopsis of what he is proposing. He said he did not need any authorization tonight. Mr. DeLucia suggested Mr. Lamert take a look at the lights at the basketball court in Town Park, and he agreed to do so. Mr. Lamert needs to have his proposal ready by February 14.

#### FINANCE – Review of Town's Financial Situation

Mr. Duffy returned to his review of the Town's financial situation. Mr. Welsh suggested the questions be narrowly framed to bond counsel to limit costs for the opinions. Mr. Kelly asked what the priority was for payment of tax anticipation notes, i.e. what has to be paid first. Mr. Duffy said he is looking to borrow the \$1,000,000 the Town is short. Mr. Welsh noted that if the Town gets to the end of the year and the situation has deteriorated there will be a problem. Mr. Pavalow said in his experience this alleviates a problem, which is a positive, but the problem has not been addressed. Mr. Kelly said the Board is attempting to handle the problem on its own terms.

Mr. Duffy referred to a compliance filing regarding the Town's debt. He noted that in five of the last six years the Town had an operating deficit, the lowest being about \$500,000 and the highest being \$1,700,000 in 2008.

Mr. Duffy distributed a memo from counsel regarding combining bond payments to save money this year. The Supervisor said the residents of Oakridge now have a brand new \$6,000,000 sewage treatment plant. The payments for that work are now beginning and he wants those

residents to know what the Board is doing to find more customers for the district. Mr. Duffy said he would have another update for the Board at next week’s meeting.

BUILDING INSPECTOR – Authorization for Deputy to Attend Training School

The Board voted as follows on motion by Mr. DeLucia, seconded by Mr. Kelly:

|           |        |   |     |
|-----------|--------|---|-----|
| THE VOTE: | Yes    | - Duffy, DeLucia, Kelly, Pavalow, Welsh | (5) |
|           | No     | - None                                  | (0) |
|           | Absent | - None                                  | (0) |

RESOLUTION

RESOLVED, that Paul Bauer be and hereby is authorized to attend the Westchester County Fire Marshalls and Inspector Association in-service training seminar on February 11, March 11, April 16 and May 14 and that the fee of \$160 for the training be and hereby is authorized to be paid.

SUSTAINABILITY COMMITTEE - Committee Established

The Board reviewed a proposal to establish a Sustainability Committee. Mr. Duffy said this is a valid committee to form, but suggested the Board look at some of the other 15 or 16 committees the Town has to see if consolidations could occur. Mr. DeLucia said there have been many committees formed in the past few years. Mr. Pavalow suggested the Board establish their goals and see what committees are needed to achieve those goals.

Mr. Duffy said the Board has the financial crisis as a priority but an analysis of the committees might be useful in order to have those volunteers help the Town more efficiently. Mr. DeLucia suggested some committees might better be task forces with a short-term goal and then be disbanded.

After a review of Mr. Welsh’s proposal for the committee, the Board voted on motion by Mr. Welsh, seconded by Mr. Pavalow as follows:

|           |        |   |     |
|-----------|--------|---|-----|
| THE VOTE: | Yes    | - Duffy, DeLucia, Kelly, Pavalow, Welsh | (5) |
|           | No     | - None                                  | (0) |
|           | Absent | - None                                  | (0) |

RESOLUTION

WHEREAS the Town of Lewisboro has been exploring and is interested in promoting various initiatives which relate to energy and sustainability, such as energy conservation, renewable energy, alternatives to automobile transportation, green building technology, waste and material management, local food and related “green jobs”, and,

WHEREAS the Town of Lewisboro has joined with thirteen other Northern Westchester communities in forming the Northern Westchester Energy Action Coalition for the purpose of

more effectively pursuing state and federal grants and leveraging the collective weight of the municipalities to achieve effective, long-term systemic results in the abovementioned areas; and,

WHEREAS the Katonah-Lewisboro school district has ongoing initiatives under their “Sustainability and Wellness” committee such as carbon footprint assessment and reduction which relate closely to and would benefit from coordination with the Town of Lewisboro; and,

WHEREAS the Town Board would like to engage volunteers to assist with these activities and advise the Town Board, now therefore be it

RESOLVED that the Town of Lewisboro Town Board does hereby establish a Sustainability Committee with the aim that such committee will:

- Assist the Town Board to follow up on energy and sustainability projects;
- Identify and suggest to the Town Board energy and other sustainability measures of benefit to either municipal operations or the Town at large;
- Collect and interpret relevant information to support Town Board decision- making processes;
- Provide advice to Town Departments and Committees regarding aspects of sustainability which may be relevant to Department or Committee operations and/or scopes of responsibility;
- Assist the Town Board with community outreach in support of active programs and the general sustainability issues;
- Strive to achieve cost effectiveness and “financial sustainability” with all measures.

The Sustainability Committee shall consist of seven members, each serving for two year terms. In order to maintain continuity, terms should be staggered so that no more than four expire in a given year. In addition, with the approval of the Town Board, the Committee may solicit the assistance of local experts and other individuals on a “task force” basis for specific projects. The committee shall provide to the Town Board regular correspondence as is necessary to ensure that their activity is consistent with Town Board directives, and also, at minimum, a quarterly summary of progress on active issues.

EXECUTIVE SESSION - Employment History

On motion by Mr. Duffy, seconded by Mr. Kelly, the Board voted 5-0 to go into executive session to discuss the employment history of a particular person.

On motion by Mr. DeLucia, seconded by Mr. Pavalow the Board voted 5-0 to come out of executive session.

ADJOURNMENT

On motion by Mr. DeLucia, seconded by Mr. Duffy the Board voted 5-0 to adjourn at approximately 9:30 p.m.

Kathleen G. Cory  
Town Clerk