

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on February 22, 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 and 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.

PUBLIC COMMENT PERIOD

Highways – Chapel Road

Bruce Fischberg of Waccabuc questioned whether the Town had secured funding for the paving of Chapel Road. Supervisor Duffy explained that the Highway Superintendent’s paving budget was cut from about \$350,000 to just \$50,000. Highway Superintendent Peter Ripperger is trying to use State funding for paving. However the money must be expended before the Town receives reimbursement. Mr. Fischberg questioned why the Town wasn’t spending the money to make highway improvements which will save money in the long run.

Mr. DeLucia explained that the Town has to get its financial house in order first, and the Board is working diligently to do so.

STORMWATER COMMITTEE – Public Education Mailer

Mr. Duffy explained that Janet Andersen from the Conservation Advisory Council and Paul Lewis from the Stormwater Committee have worked on an educational flyer that will be included with the April Town tax bills. The flyer will meet the Town’s obligation to inform the public regarding stormwater management information.

On motion by Mr. Duffy, 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 authorize the expenditure of \$130 from budget line A1620.0410 Education and Training for the printing of a stormwater management informational flyer.

CONSENT AGENDA

Under the consent agenda format the Board voted on motion by Mr. Duffy, seconded by Mr. DeLucia to approve minutes of Town Board meetings and approve the 2009 Drug Abuse Prevention Council Agreement.

MINUTES – Approved

On the previous motion and second, the Board voted 4-0 to approve the minutes of Town Board meetings held on January 4, January 13, January 21, February 2 and February 8, 2010.

DRUG ABUSE PREVENTION COUNCIL – Authorize Agreement

Mr. Duffy noted that the Town is contributing \$6500 to the Drug Abuse Prevention Council instead of the usual contribution of \$13,000. The other towns are amending their contribution to cover the remainder of Lewisboro’s share.

On the previous motion and second, 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 2009 Drug Abuse Prevention Council agreement amended to reduce Lewisboro’s share to \$6500.

TOWN CLERK – Authorization to Attend Conference

On motion by Mr. Duffy, 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 Clerk be and hereby is authorized to attend the 2010 conference of the New York State Town Clerk’s Association.

TOWN OFFICIALS AND EMPLOYEES – Permanent Appointment of Linda Yurus

The Board reviewed a request from the Superintendent of Parks and Recreation to grant permanent appointment status for Linda Yurus. Mr. DeLucia praised Mrs. Yurus for her work with the Recreation Department, especially with the Town’s senior citizens. On motion by Mr. Duffy, 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 Linda Yurus’ employee status as Recreation Leader be and hereby is changed from probationary to permanent.

TOWN OFFICIALS AND EMPLOYEES – Appointment of Nicole Stone

Mr. Duffy reviewed a request for an appointment in the Parks and Recreation Department. He noted that Assistant Superintendent of Parks and Recreation Christine Grey has resigned. Due to budgetary considerations the Board is not filling her position on a full time basis at this time. Dana Mayclim has recommended that Nicole Stone fill the role due to her certifications and qualifications in Parks and Recreation activities. Mr. DeLucia noted that Mrs. Grey was making \$65,000 a year. Ms. Stone would be paid \$15 an hour for part-time work March 1 through April 30 until summer, when she would be full-time for the summer. Ms. Stone will be doing supervisory and office work for 17 ½ hours a week until summer when she becomes a summer employee.

On motion by Mr. Duffy, 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 Nicole Stone to a position in the Parks and Recreation Department for the period March 1 through April 30 at a rate of \$15.00 per hour, not to exceed 17.5 hours per week.

FINANCE – Review of Town’s Financial Situation

Mr. Duffy advised the Board that he will have a package of employee worksheets for the Town Board to review at the March 1 work session.

Mr. Duffy also said he spoke to bond counsel about use of the proceeds of the sale of the Bell property. It appears the Town will be able to use some of the funds to service debt other than the

Bell property debt. The Town will be able to offset some of the principal payments on the Town's debt obligations. Mr. Welsh asked if it was the attorney's research or opinions from the State Comptroller. Mr. Duffy said it is the result of the attorney's research. There is a debt limit the Town is allowed borrow based on the assessment roll. The Town's limit is about \$259,000,000. If a Town's debt is less than 1% of that, and Lewisboro's is, there is more leeway in what can be done in the application of the sales proceeds. That might save as much as \$300,000 in the Town's 2010 budget.

Mr. Duffy said if there are funds that the Town needs to expend for highway work pending reimbursement, perhaps the sale proceeds could be a source of funding to help get that work done. He also said the Town has refinanced the Oakridge Water District bond anticipation note. The original note was for \$714,000, the District paid \$14,000 of the note, and it was renewed at a rate of 1%, down from 1 ¼%.

Mr. Welsh suggested the Building Department be asked what the impact was of the change in permit fees. Mr. Welsh also thanked everyone for their support of the solar panel grant application.

(*Mr. Pavalow arrived at 8:04 p.m.)

FINANCE - Authorize Consultant Fee for Audit

Mr. Duffy explained that he is working on closing out the Town's books for 2009. He is close to choosing a Finance Director but in the meantime he has met a consultant with municipal accounting and KVS software experience. He asked for permission from the Board to expend funds for consulting work. He has also been using the Town's former auditor for some consulting work.

On motion by Mr. DeLucia, seconded by Mr. Welsh, 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 expend up to \$5,000 for consulting services in the Finance Department.

(*Mr. Pavalow arrived at 8:04 p.m.)

CLAIMS – Authorized for Payment

On motion by Mr. DeLucia, seconded by Mr. Kelly, the Board voted 5-0 to authorize payment of claims in the amount of \$269,374.36.

CELLULAR TOWER - Review of Cell Tower Project Schedule

(Members of the Town's Antenna Advisory Board were present for this discussion: Ted Sohonyay, Chairman, members Arthur Einstein and Alan Cole.)

Regarding a proposed joint meeting with the Planning Board regarding time frames for a cell tower application, Attorney Anthony Molé advised that in order to maintain the checks and balances of board functions, it wasn't entirely appropriate for the Planning Board to speak with the Town Board while an application is pending which the Town Board may have initiated. Mr. Molé said he will keep in touch with the Planning Board attorney as to the progress of the application before the Planning Board.

Mr. Kelly said the Town Board was mostly interested in process rather than subject matter. The Board is trying to accelerate the application in order to start getting revenue from the cell tower as soon as possible.

Mr. Pavalow reviewed and explained a draft project management spreadsheet he prepared. Topics to be monitored include start and completion dates, associated tasks, who is responsible for which task, etc. The Board reviewed and revised the draft spreadsheet.

The Board reviewed the spreadsheet with the goal of creating a path to approval and construction of a cell tower.

Mr. DeLucia commented that once an application is before another board, the Town application should take priority on that Board's agenda.

After discussion, it was decided that the Attorney for the Town will contact Verizon to ascertain the status of their application. A call will be placed to Assemblyman Bob Castelli and Senator Vincent Leibell regarding the Town's alienation of parkland application.

MEETINGS - Dates Set

Upcoming Board meetings will be held on Mondays March 8 and March 22, 7:30 p.m. at the Lewisboro Library. A work session will be held on Monday, March 1 at 7:30 p.m. at the Library.

EXECUTIVE SESSION - Employment History

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

Kathleen G. Cory
Town Clerk