

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on January 22, 2008 at 7:00 p.m. at the John Jay High School, Route 121, Cross River, New York.

PRESENT: Supervisor - Edward Brancati
Councilmen - Peter DeLucia, Bruce Pavalow, Al Perruzza, Daniel Welsh
Town Clerk - Kathleen G. Cory
Town Attorney - Jessica Bacal

Also attending was Deputy Supervisor Joann Vasi and Facilities Maintenance Manager Joel Smith..

Mr. Brancati called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The Supervisor led the Pledge of Allegiance to the flag.

EXECUTIVE SESSION – Employment History of Particular Person

On motion by Mr. Brancati, seconded by Mr. Perruzza, the Board voted 5-0 to go into executive session to discuss the employment history of a particular person. On motion by Mr. Bancati, seconded by Mr. DeLucia, the Board voted to come out of executive session at 7:50 p.m.

TOWN OFFICIALS AND EMPLOYEES – Authorize Supervisor to Sign Stipulation

On motion by Mr. Brancati, seconded by Mr. Perruzza, the Board voted as follows:

THE VOTE: Yes - Brancati, DeLucia, Pavalow, Perruzza, Welsh (5)
No - None (0)
Absent - None (0)

RESOLUTION

RESOLVED, that the Supervisor be and hereby is authorized to sign the amended Stipulation Agreement with a particular employee.

TRUESDALE LAKE TAXING DISTRICT – Discussion of Proposed Taxing District

David Sachs, President of the Truesdale Lake Property Owners Association asked the Board for advice regarding the proposed formation of a taxing district. Dr. Sachs said he met with Assemblyman Adam Bradley regarding the Town Board’s referral to the State Legislature of the request for a taxing district. Mr. Bradley said he thought it was an interesting idea, but he would prefer a request from the Town Board, rather than a referral. A referral will carry more weight.

Dr. Sachs said the Governor has expressed his concerns regarding taxing districts. At this point the lake association doesn’t know how to proceed. They would like to do needed work on

the lake and the tax district is the only viable method of raising the needed funds. They have already expended about \$75,000 or \$80,000 of association funds towards formation of the district.

Mr. Brancati said the Governor had issued an executive order in April of last year, and said he was creating a commission to look at taxing entities and ways to shrink the number of taxing districts. In creating the commission he said there shall be no new taxing entities created until the commission completes its work and issues its findings. In fact, the Governor has vetoed similar legislation pending the commission's report.

Dr. Sachs and the Board discussed the issue. Mr. Pavalow asked if the Town's grant writer could look at finding grants. Dr. Sachs said the association has a report that says there is work to be done on the dam.

Mr. DeLucia suggested opening up the lake for residents without lake privileges, and charging fees. That would provide a revenue source and it might open up grant funds if the lake served more people. Mr. Brancati suggested the Town obtain access points for Town residents. Then the Town and its money and resources could be used.

Mr. Brancati said the Town can't make the grant writer available to private entities, just taxing districts. Dr. Sachs said the Truesdale Estates Association does take a limited number of applicants for seasonal use permits each year. That association is set up in a different way than the Truesdale Lake Property Owners Association so they can offer the permits.

Mr. Brancati said it would be helpful if the TEA can demonstrate to the Town Board that their bylaws permit use of the lake by any town resident who wants to join. TLPOA membership is based on the water system, and for legal reasons they cannot accept outside members.

Mr. Perruzza asked how much the homeowners would be willing to pay. Mark Patek advised that the total of all the projects is about \$650,000. Members already are paying a maintenance fee of \$50 a year per person. For each family it would mean a one-time assessment of \$2,000. A tax district can borrow over 30 years and that would cost \$100 a year for 30 years. Mr. Patek said a special assessment would have collection difficulties.

Dr. Sachs said there are about 150 families in TLPOA and 150 in TEA. If everyone were in the TLPOA we could certainly ask everyone to contribute an extra few hundred dollars a year. However that would generate \$60,000 and the cost is over \$650,000. Not everybody in the association pays even the dues that they are minimally asked to do so it is difficult to envision they would pay the few hundred dollars. Dr. Sachs said the association has no lending power, and it would take many years to raise the necessary money through assessments. For the Truesdale Estates Association there is an additional enforcement problem. The Truesdale Lake Property Owners Association also runs the water system--so if people don't pay their water is turned off. TEA doesn't have that option, and they get only 50 or 60% compliance.

Mr. Brancati said in some other associations the dues are built into the deed so a lien can be placed if the dues are not paid.

Mark Patek said \$175,000 of the funding needed is for work on the dam, and the rest is related to stormwater. From a stormwater point of view, run-off into the lake is not the lake association's fault, it is the Highway Department's. The dam benefits the lake but there is a road on it which would need to be replaced if the dam failed.

Mr. Welsh suggested donating the dam to the Town. Dr. Sachs suggested asking the Superintendent of Highways to estimate the cost of replacing the road if the dam goes. It might be cheaper to repair the dam before the road goes. Dr. Sachs said there is an estimate for the dam work of \$175,000.

Mr. Welsh asked if there was a case to be made safety-wise.

Mr. Pavalow said the whole challenge is because the lake is private property. The Town cannot devote any taxpayer money because this is private property. Ms. Bacal said it is unconstitutional for a public entity to give funds for private property. Mr. DeLucia noted that the stormwater aspects affect a combination of public and private properties. Mr. Brancati said there are several projects scheduled for Truesdale Lake under the lakes grant received. Dr. Sachs noted that a priority project is one involving an area near the Vreeland property because there are 2000 acres of water coming in from Ridgefield and there are several areas where it is clear that stormwater is entering and damaging the lake. There was a siltation pond built but it has now been filled in.

Mr. DeLucia said the dam is an interesting project. The Board discussed the issue further, Dr. Sachs noted that if it would cost more than \$175,000 to put in a new road, it might be worth repairing the dam first. Ms. Bacal said the Town can only fix the road now. The dam could be repaired by the Town only if it failed and the Town had to repair the dam in order to replace the road.

Dr. Sachs said all the meetings about the taxing district were positive, although there were some negative feelings from people living on Stewart Road or Lower Salem Lane.

Mr. Brancati said one concern is people who have lake rights but don't use it and don't want to participate in funding repairs. Ms. Bacal said the Town can't act until the Town Board can be convinced that the property is not private.

Mr. DeLucia asked what the situation would be if the Town owned property with lake access in the association. The Town would govern that access and have an interest in the lake. The Board discussed the various possibilities of that situation.

Mark Patek said he had talked to a real estate lawyer to ask if an owner could waive their beach rights. The lawyer said the Town probably wouldn't want to establish a district that had properties excluded, a house here and a house there that were out of the district. Mr. Brancati said perhaps a group of houses on the same block would opt out. Dr. Sachs said even if there was an assessment of a few hundred dollars each, that generates only a few thousand a year, not hundreds of thousands.

Mr. Perruzza said he felt it has to be part of a comprehensive plan, possibly including the stormwater, possibly including the road.

Mr. Brancati confirmed that TEA owns the lake bottom and TLPOA owns the dam. The state owns the water and the fish. He said there is a state dam program, but since TLPOA is not a 501C not-for-profit he wasn't sure if a homeowner's association can apply for a grant. He said there are grants from the Greenway Compact for dam projects, and he asked Dr. Sachs to tell him what the taxing status of the TLPOA was.

Mr. Brancati suggested an exchange of land whereby the Town would get the dam and sell the association a Town-owned parcel. Dr. Sachs felt that was an interesting idea. Mr. DeLucia said he felt it would give the Town an access point on the lake without generating an excessive number of users.

Dr. Sachs said he would provide proof of the TEA's offer to off-lake users. He also said the research into the Truesdale Estates Association by-laws may prove that there is some public access. Mr. DeLucia said the only problem might be that it could be rescinded since the Town didn't own the access. Mr. Brancati asked them to provide whatever information they could, and the Board will see what legally they can do.

COMMUNITY DEVELOPMENT ADVISORY GROUP – Appointment of Members

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

THE VOTE:	Yes	- Brancati, DeLucia, Pavalow, Perruzza, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that Linda Press-Wolfe and Kate Heineman be and hereby are appointed as Community Development Advisory Group Representatives.

FINANCE – Amend Budget for Cemetery Commissioner

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

THE VOTE:	Yes	- Brancati, DeLucia, Pavalow, Perruzza, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does hereby authorize a transfer of \$1700 from the contingent account to budget line A8810.0410 Cemetery Commissioner.

FINANCE – Authorize Transfer for Building Department

Mr. Brancati advised that the Building Department wishes to purchase a software package and there is not enough money in the budget. The Planning and Zoning departments will be able to access the program as well. Mr. Pavalow questioned the viability of the vendor. Joel Smith said

they did check references, and noted there is a single vendor for this particular product. The firm is serving 14 other building departments in Westchester County. Mrs. Vasi said the firm has been in business for quite some time. After further discussion, the Board voted as follows, on motion by Mr. Brancati, seconded by Mr. Perruzza:

THE VOTE:	Yes	- Brancati, DeLucia, Pavalow, Perruzza, Welsh	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the transfer of \$7400 from A1680.0400 to A3620.0440.

SUPERVISOR – Discussion re Authority for Signing Civil Service Forms

The Board discussed expanding the list of people authorized to sign civil service report forms. The Town Attorney advised that the signatory should be an elected official. After discussion it was decided not to make any changes to the authorized signatories.

MINUTES –Approved

On motion by Mr. DeLucia, seconded by Mr. Perruzza, the Board voted 3-0 to approve the minutes of December 18, 2007. Mr. Pavalow and Mr. Welsh abstained as they were not members of the Board at the time.

SUPERVISOR – Report re Funds Received

Mr. Brancati reported that the Town received a check back for \$570.00 for filing fees for the Leon Levy subdivision. Apparently no fees were required. Mr. Brancati also reported that the Town has received a grant of \$1600 for traffic safety enforcement.

(There being no further need for her services, Ms. Bacal asked to be excused at 9:12 p.m.)

TOWN BOARD – Project Priority List

Councilman Pavalow made a presentation on the goals and objectives of the Town Board for the year. He asked each Board member to identify and rank a list of projects in order of their priority. He also suggested that each Town committee have a mission statement and create a list of their goals and objectives for the year, including the problems they might have in reaching those goals.

Mr. DeLucia said he wanted updates on projects. He cited the structural repairs at Onatru as an example of a project. He also suggested a goal would be working with the Antenna Advisory Board on the request for proposals for cellular towers.

Mr. Pavalow suggested each Board member email him what they wanted to add to the project list. He asked each person to prioritize the projects as “high”, “medium”, or “low” and he will make a spreadsheet. Mr. Perruzza suggested just choosing “high” and “low”. He also suggested the Board list what is mandatory and what would be “nice to have”. The Board can then decide how do to effectively accomplish each task, and then make the assignments. The Board would then request from the lead project manager a timetable and a chart of critical steps and dates.

Mr. Pavalow said once the Board gets the list of “high” priorities, those again will be prioritized. Mr. Brancati said the Town Board as a whole will need to continue to work on a variety of projects, but each committee should be told to stick to one at a time. They should be focused and moving forward.

Mr. Welsh suggested adding a discussion of the master plan to the list of projects. Mr. Brancati noted that he and Mr. Welsh attended the unveiling of “Westchester 2025”, the county’s upgrade of the planning document “Patterns for Westchester”. Mr. Brancati noted the Town’s master plan is 23 years old and while the principles, ideas and goals still remain true there may be minor adjustments needed.

Mr. DeLucia said the Board members should have a list of phone numbers to be called in the event of an emergency.

Mr. Pavalow also proposed a chart to follow action items. Mr. Welsh suggested having a common document on the web where Board members can follow items.

Mr. DeLucia asked for a website the Board can access to share information. The Board discussed the issue with Joel Smith, the Town’s IT expert who will explore options.

The Board agreed that the Mr. Pavalow could attend the Antenna Advisory Board meeting and present his project-flow chart to help the committee track their projects.

TOWN OFFICIALS AND EMPLOYEES – Overtime Payments

The Board discussed the issue of payments for employees who attend night meetings. The Board wishes to eliminate the budget category of “extra hours”. The Board understood that some overtime will have to be paid to those employees who work over 40 hours a week. Currently some employees work 32 ½ hours a week and some 35. Mr. Brancati said everyone should be working 35 hours.

Mr. Brancati said the policy would be clearest if it basically said that any work exceeding 40 hours a week will be paid at time and a half. All work up to 40 hours will be paid at the appropriate straight-time rate.

The Board will look at the policy again. Mr. Brancati and his deputy, Mrs. Vasi will revise the draft language. Mr. DeLucia suggested the Board hold an executive session on salaries before proceeding.

CONSULTANTS – Status of Requests for Proposals

Mr. Brancati said he hopes to have the final version of the requests for proposals for consultants ready for the Board's February 4 meeting. He would like to include the chairmen and/or members of the Planning and Zoning Boards in the RFP review, and have consultants chosen by mid/end of March at the latest.

COMMUNICATION – Discussion re Website

Mr. Welsh suggested that the Town's meeting calendar and updates be "pushed" to every subscriber on the Town's email subscribe list on a weekly basis. Mr. Brancati said it should be sent only to people who subscribe for it.

The Town Clerk noted that she and the Town's webmaster, who is the Deputy Town Clerk, were not consulted on this issue in advance. She noted that there is an existing email list and she is concerned that people will not stay on the list if they get too frequent, unwanted emails.

Mr. Pavalow offered to help the Town Clerk's office with website upgrades. Mr. DeLucia suggested adding video clips to some pages.

Mr. Welsh said his point was not to resolve everything, but to bring up the issue and provide opportunities for enhancement. Mr. Welsh said if people sign up and say they want something, they should be given an opportunity choose exactly what they want. Mr. Brancati suggested that perhaps twice a month he would send out something to subscribers.

Mr. DeLucia said perhaps people could sign up and choose what type of email alerts they want.

Mrs. Cory urged the Board to submit additional content for the site.

After further discussion Mr. Welsh said he would send Mrs. Cory some examples of work he has done on websites, and Mrs. Cory will send him examples of the new design she has been working on. Mr. Brancati said the Board could work with the Town Clerk to determine what sign-up options they want on the email subscribe service. Mr. Brancati suggested asking each department to look at their site and update the information if necessary.

Mr. Pavalow said he and Mr. Welsh have experience in web development and would help implement any of Mrs. Cory's ideas. Mr. Brancati said the Board could come up with additional funding if needed.

On motion by Mr. DeLucia, seconded by Mr. Brancati the Board voted 5-0 to adjourn at 10:30 p.m.

Kathleen G. Cory
Town Clerk