

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was scheduled for April 4, 2005 at 7:30 p.m. at the South Salem Library, 15 Main Street, South Salem, New York 10590.

PRESENT: Supervisor - James Nordgren
Councilmen - Jessica Bacal, Pat Daigle, Allen Hershkowitz, Sue Whalen
Town Clerk - Kathleen G. Cory
Town Attorney - Leslie B. Maron

Also attending was the Deputy Supervisor Joann Vasi.

The Supervisor called the meeting to order at 7:36 p.m.

MINUTES – Approved

On motion by Mr. Nordgren, seconded by Ms. Bacal, the Board approved the minutes of March 7 as corrected. The Town Clerk advised that all but one of the requested corrections to the January 31 would not be made as they were not substantiated by the tape recording.

PUBLIC COMMENT PERIOD

There was no comment from the public.

HIGHWAY DEPARTMENT – Report re Acquisition of Trucks

Letters from the Superintendent of Highways were received in which he reported that he has made arrangements to acquire two new trucks. He will be leasing a four-wheel drive dump truck and purchasing a pickup truck.

LIBRARY – Discussion and Resolution re Application to Zoning Board of Appeals

Mr. Nordgren noted that the South Salem Library appeared on the Zoning Board calendar for variances necessary to construct a scaled-down addition to the library. He read the attached memorandum from the Library's attorney Michael Sirignano. The Zoning Board has asked for a resolution from the Town Board giving assurances that the Town Board endorses the library's current plan, and will move forward with the needed land swap and a new shared septic system.

This is not to be confused with a previous discussion wherein it was suggested that the library would sell the property to the Town and the Town would lease it back to the library. On the present plan the library would construct a 3835 square foot addition on the Town House side of the library and the Town would give the library property needed for the addition. In exchange the library would give the Town an equal amount of land in front of the library adjacent to the driveway between the two buildings.

Peter Parsons from the library building committee said the apple tree in the area of the addition will have to be removed. Renee Purse said the library needs four variances, two side yard, a rear

yard and site coverage. Mr. Nordgren asked how the Zoning Board responded. Mrs. Purse said the Zoning Board liked the plan and would be willing to approve it conditioned upon assurances from the Town regarding the land swap and the septic system. She said there are fewer variances required now than with the previous plan.

Mr. Nordgren said Mr. Lonergan had a question about the septic system planned for Thibdeau Park and what effect it would have on large sugar maples on the property. He read from a memo from Zoning Board chairman William Lonergan in which Mr. Lonergan noted no phase one septic drawing was shown, only phase two and expansion of the septic layout. Mr. Lonergan asked that the drawing be provided in advance of the Zoning Board's next meeting. Mr. Nordgren said he talked to Town Engineer Tom Altermatt about the septic system and he will provide the drawing. Mr. Altermatt said he did a general design because he had just been given the expansion to work with, sizing it to handle the library expansion, proposed Town House expansion, post office needs and highway department needs, in order to show it would fit and not impinge on the drip line of the major trees. Mr. Altermatt will now do phase 1 drawings for the Zoning Board's next meeting. Mr. Parsons said he did not realize that the septic was sized to include the post office. Mr. Nordgren noted the septic system has been conservatively oversized to take in all options. Quoting from Mr. Lonergan's memo Mr. Nordgren read:

"The Zoning Board concern about the septic has caused me to reflect on the resolution the Zoning Board has requested the library provide. I have reviewed the prior file, including the April 15, 2003 resolution of the Town Board." Mr. Nordgren noted that the April 2003 resolution says:

WHEREAS, in order to proceed with its plans for the expansion of its facilities, the South Salem Library must depend on utilizing a new septic system that may be developed on Town land east of the recycling center, and must also depend on sharing parking spaces located on Town land in the vicinity of the Library, Town House, and Highway Garage, and

WHEREAS, a report from Consultant Engineer Thomas Altermatt, dated February 18, 2003, specifically recommends that the South Salem Library be authorized to proceed with the site plan approval process before the Lewisboro Planning Board; and

WHEREAS, a traffic report from Consultant Planner Will Agresta, dated March 10, 2003 indicates that adequate parking places for both Town and Library use can exist in the vicinity of the Library if the Town expands its own facilities; and

WHEREAS, the Lewisboro Town Board is anxious to cooperate in all ways possible to help the South Salem Library realize its plans for expansion; therefore

BE IT RESOLVED, that the Lewisboro Town Board hereby grants permission to the South Salem Library to share the Town land east of the recycling center as the site for a new septic system for both Town and Library use; and

BE IT FURTHER RESOLVED, that the Lewisboro Town Board hereby agrees to share the parking spaces on Town land in the vicinity of the Library, Town House, and Highway Garage with the South Salem Library; and

BE IT FURTHER RESOLVED, that the guidelines for the shared usage of the septic and parking facilities be established at a later date, such agreement to occur before the expanded Library is opened to the public.

Mr. Nordgren continued to read from Mr. Lonergan's memo in which he said that the April 2003 resolution is not what the Zoning Board has in mind now. That resolution speaks of permission given to the library to prosecute its application before the Zoning Board. The Zoning Board has specifically asked for a resolution from the Town Board clearly indicating its acquiescence to the jurisdiction of the Zoning Board of Appeals to pass on the current library application.

Mr. Lonergan's memo says "The ZBA request has its genesis in the fact that to approve the library's request the Zoning Board of Appeals would be authorizing the library to destroy the existing Town septic system and would be authorizing the library to place the septic system of the library and the post office on Town property. Neither the Town Board permission to the library nor the Town Board endorsement of the library plan is acceptable by the Town Board of the jurisdiction of the Zoning Board over the Town. I don't know if the Town Board is acting on this matter this evening or whether it will wait until the next meeting. I wanted to spell out clearly the ZBA requirement lest we spin our wheels at the next ZBA meeting."

Mr. Hershkowitz asked if the Town is co-applicant. Peter Parsons said the Town is not co-applicants before the ZBA. Mr. Nordgren noted that with Joann Vasi's help Mr. Sirignano added the following wording to the proposed resolution: "The Town Board endorses the proposed library plan that has been presented to the ZBA and grants consent to the jurisdiction to the Zoning Board to approve the library's variance application as presented."

Mr. Maron said he has no problem with granting jurisdiction as the Zoning Board has jurisdiction anyway. He said he was concerned that the letter does indicate something relating to the post office although it's not in the resolution. Mr. Nordgren confirmed that the post office will tie into the new septic system. Mr. Maron said the resolution doesn't mention that, but noted that the Board is aware of it. He said the Zoning Board isn't asking the Town Board to sign the application as co-applicant, they are asking for a resolution which is a bit stronger. Ms. Bacal asked how the proposed resolution was different from the 2003 resolution. Mrs. Whalen said the new proposed resolution talks about a land swap that wasn't in the 2003 resolution. It is talking about the new land swap—that's a whole new concept.

Ms. Bacal said she had a few concerns. She noted that the Board frequently says the plans "will be discussed", and asked if it wouldn't make more sense to put the application before the Planning Board and have a SEQR review once and for all instead of doing it piecemeal. Mr. Nordgren said the library is going before the Planning Board.

Mr. Nordgren said Planning Board Chairman Jackie Dzaluk and the consultants have looked at the new plan and the library is going before the Planning Board and is going to the Zoning Board first. Mr. Nordgren quoted from an email dated April 2 from Ms. Dzaluk as follows:

“Last week I had the opportunity to review the Library’s modified plan along with the two other consultants, Jay Fain and Tom Altermatt, Will Agresta was unable to attend. Based on the pre-planning review it appears that this is a feasible proposal in terms of the expanded footprint of the library itself.”

Mr. Nordgren noted that since the library couldn’t get on the agenda for the Planning Board they got a quick look by Ms. Dzaluk and the consultants to see if this expansion would allow the existing circulation to accommodate the traffic. In other words would this plan obviate the need to bring traffic through Keeler Field and go through that wet area. They concluded that it is feasible. Ms. Dzaluk’s message continued *“the Planning Board’s task will be comprehensive, including issues of traffic, parking, safety. Critically important is the entire campus plan including the opportunities for the Town House to expand. Additionally the consultants have concepts that would avoid any intrusion into Keeler Field while meeting other necessary objectives. Having spent years of study on various other alternatives our Board looks forward to the opportunity to review this new proposal in its entirety.”*

Mr. Nordgren said the normal procedures of course will be followed, public hearing, SEQR review by the Planning Board, noting that they’ve already taken a quick look to be sure we’re not wasting our time. If they had a big objection the library wouldn’t have gone to the Zoning Board.

Mr. Nordgren said by looking at the plan the Planning Board chairman and two consultants concluded that it is feasible.

Mrs. Whalen asked where the Architecture and Community Appearance Review Council comes in to play. Mr. Nordgren said the library has to go to ACARC too. Ms. Bacal said the Town Board has to refer the matter to ACARC. Mr. Nordgren noted that ACARC did have concerns about the size of the building and other issues.

Mr. Parsons said he is sure ACARC will have comments, but one comment he hoped they do not have is that the building is far too large. That was their comment the last time which was “the nail in the coffin.”

Mrs. Whalen asked if the Town code requires the Town in the special character area to refer to ACARC before the Board can endorse the library’s plan. She noted that ACARC hasn’t had a chance to comment on the new plan. The Board members discussed whether they did or didn’t approve the plan. Mrs. Whalen urged that the Board take the proper procedure and take ACARC into consideration. She said the Board needs to get their response on the new plan before the Town can officially endorse it.

Mr. Parsons said because this proposed expansion is not on library property entirely and because the septic is entirely not on library property and it involves the destruction of Town property nobody is very interested in really getting to grips with this unless there is an absolutely firm written commitment from the Town Board. He said in the end the library has to come back to the Town Board after all these boards have agreed because their deed says they have to.

Mrs. Whalen said she knows that before the Town Board can endorse something it needs to be referred to ACARC. Mr. Daigle said he felt the Board is probably in agreement with what they want to do and is just trying to find the words to do it. He said the Board is not going to “endorse”, but Ms. Bacal said that is what the proposed resolution says. Mr. Nordgren said perhaps the Board could use a different word. He suggested adding language such as “we look forward to a full review by ACARC and the Planning Board. Ms. Bacal suggested saying “subject to ACARC and Planning Board review”. Mr. Nordgren said that by this endorsement the Board is not pre-empting the authority of ACARC or the Planning Board to do its work.

Mr. Maron read from Town Code Section 7-3E “the Town Board shall refer to ACARC for its review and recommendations plans for construction, exterior alteration or addition to Town of Lewisboro municipal or recreational structures or facilities”. He said the previous section, 7-3A talks about things being referred for “approval, conditional approval or disapproval, which talks about “any building permit” which is why the library has to go to ACARC for approval.

Mrs. Whalen said the library has to come to the Town Board by deed and the Town is required to go to ACARC. Mr. Hershkowitz asked if the Town Board can go to ACARC and the Planning Board simultaneously. Mr. Maron said the application would come before the ACARC even if it was outside the special character districts because it is a Town project. There are certain things that get triggered by the special character district, but with the Town it doesn’t matter where it is, it triggers a review and recommendation, not an approval. Mr. Maron said the library is going to ACARC under the special character district which is even stronger, it has to be approved or disapproved. If it’s disapproved, they can’t do this. He said there is no problem with the library going to ACARC and the Planning Board simultaneously.

Mrs. Whalen said the issue is whether she as a Town Board member can endorse the plan without having heard from the other reviews. She said she feels she needs to hear from other boards in order to endorse the plan fully. Mr. Nordgren suggested that the Board adopt a resolution subject to ACARC and Planning Board’s approval.

Ms. Bacal said that’s where the discomfiture is, that the Town Board cannot endorse the plan without ACARC first reviewing and giving us its review and approval. Mr. Hershkowitz said he didn’t agree with that. He said he thinks the Town Board could direct the application to ACARC and endorse the plan based on the enormous amount of information the Board has been given. Mr. Nordgren said the Board is going in the right direction. Mr. Hershkowitz said the Board should make sure it doesn’t cut corners with ACARC should have simultaneous review but should move forward for the sake of the library. He said hundreds of people have come forward and supported the library expansion, there is a time concern and repairs needed that have to happen. He said he doesn’t see what the problem is. He said the Board knows there are folks that don’t support it and folks that do support it. The Town Board has to take a stand and this is the time to do it.

Ms. Bacal said she felt everyone sitting on the Board was in favor of the library plans and wants to see the library expand and succeed but the Board is talking about a very important process and a very important project for this campus. She said the Board can’t cut corners. Just because it has lots of information doesn’t mean it’s been properly assessed, evaluated and determined and

that's what the Board has to do. It doesn't mean the Board wants to thwart the library moving ahead.

Mr. Nordgren said the resolution will be worded to allay the concerns of the Zoning Board. Mr. Hershkowitz said he wants to make sure the wording doesn't delay the Zoning Board's review of the plan. He asked the Town Attorney for appropriate wording.

Mr. Maron said he wanted to draft a resolution that would provide the minimum wording the Zoning Board needed. He said if the Board wants to take other action or request other approvals he suggested that be done outside of the ZBA resolution.

Ms. Bacal said she was uncomfortable stating that we endorse it without that proviso that the application is going to ACARC simultaneously.

Mr. Nordgren said he didn't think the Zoning Board will have any problem with language stating that by endorsing we are not pre-empting the review of all the other boards. We are endorsing it but we are endorsing it subject to review by other boards. Mr. Maron suggested adding "all other town-required approvals."

Mr. Hershkowitz asked if that wording would mean that the application had to go through all other approvals before the Zoning Board can act. He didn't want the resolution to be interpreted that way. Mrs. Whalen said the Board does have to listen what ACARC has to say. The Board agreed that the wording would be "all other approvals as required by Town Code." Mr. Daigle said he was comfortable with that if the word "endorse" could be removed, as the Zoning Board is looking for direction.

Ms. Bacal said she got the impression that Mr. Lonergan was very uncomfortable with the Zoning Board acting upon this application without explicit Town Board permission, and that this is a jurisdictional issue. She suggested that perhaps Mr. Lonergan should come in and meet with the Town Board. She said the Board could move forward with the resolution and have Mr. Lonergan come in and clarify what it is he wants the Town Board to do. Mr. Nordgren said that was a good suggestion.

Mrs. Whalen said the Town Board is committing itself to installing a sewage treatment system at its cost, and it doesn't need the system right way. She questioned "why are we doing that?" Ms. Bacal said that was supposed to be at the library's cost. Mr. Nordgren advised that the Town Engineer said the previous Town Board understood that because the Town pays 85% of the library's operating costs anyway, the flows into the septic are twice as much from the Town House than the library, and that it was Altermatt's recommendation that the soils are not good anyway, for those reasons the previous Town Board agreed to pay for the septic system.

Peter Parsons said the main concern that he remembered was that the Town maintain control over the installation of that septic system. It is on Town property and is absolutely critical to anything the Town does to this property that it be a well-installed septic. He didn't think the question of payment was ever resolved. Ms. Bacal said it was resolved that the library pay for it. Mr. Parsons said when the Board and library last discussed the septic system the library was

discussing a fairly large expansion. Mr. Hershkowitz suggested wording that “the Town of Lewisboro shall determine how to equitably finance the installation of the new subsurface sewage system. Mr. Nordgren asked Mr. Maron if there was any documentation in files from the previous town attorney. Mr. Maron said no. Mr. Hershkowitz said the Board doesn’t have to get caught up in the financing allocation at this point. Mr. Nordgren suggested eliminating Mr Hershkowitz’s proposed language.

The Board reviewed the wording of the proposed resolution. Ms. Bacal said she didn’t understand the Zoning Board’s request and asked that Mr. Lonergan come in and explain further. Mr. Hershkowitz said the Town Attorney stated the Zoning Board had jurisdiction already. Ms. Bacal said the Board is interpreting the request in different ways. Mr. Hershkowitz urged the Board to vote even if Ms. Bacal wanted to vote against it.

Mrs. Whalen asked if Mr. Lonergan could come to a work session and then the Board could vote. Mr. Nordgren said he can’t wait any longer and would rather vote tonight. Mrs. Whalen asked the Town Attorney if he discussed this with Mr. Lonergan. Mr. Maron said Mr. Lonergan called about his concern, and wrote the letter the Board is discussing. In answer to a question from Mr. Hershkowitz, the Town Attorney said the Zoning Board does have jurisdiction in this matter. Ms. Bacal again stressed that she and others were not clear what the Zoning Board wanted.

Mrs. Whalen said the Zoning Board has specifically asked for a Town Board resolution clearly indicating its acquiescence to the Zoning Board’s jurisdiction. Is it just saying that we have to say we agree that we are submitting ourselves to your jurisdiction with respect to the part that is town-owned property? If that is the case she would have to agree with that. Mr. Maron said “that’s the way I see it.” He suggested that the Town Board adopt the resolution “subject to all required Town approvals. Ms. Bacal asked how the Zoning Board could decide that the septic field that belongs to the Town is subject to the approval or disapproval. Mr. Nordgren said the Zoning Board can’t—it is a Planning Board issue and a Department of Health issue. If the Zoning Board approves the library expansion they are effectively saying that part of Thibdeau Park trees will be lost and they want to be sure that the specimen trees on the west and south side are protected. Their point of view with septic has to do with above ground and what it does to the trees because the neighbors were interested. He said the Town Engineer had detailed drawings to give the Zoning Board.

On motion by Mr. Nordgren, seconded by Mr. Hershkowitz the Board voted as follows:

THE VOTE:	Yes	- Nordgren, Bacal, Daigle, Hershkowitz ,Whalen	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

WHEREAS, by resolution dated April 15, 2003 (a copy of which is attached) the Town Board of the Town of Lewisboro

1. Granted “permission to the South Salem Library to share Town land east of the Recycling Center as the site for a new septic system for both Town and Library use” and
2. Agreed “to share the parking spaces on the Town land in the vicinity of the Library, Town House and Highway garage with the South Salem library” and

WHEREAS, the South Salem Library has filed an application (Cal. No. 12-05BZ) with the Zoning Board for certain variances in connection with its proposed renovation and expansion; and

WHEREAS, at its public meeting on February 7, 2005 the Town Board generally reviewed the revised Library plans and reacted favorably to the plans, particularly as the revised plans had reduced the number of required variances from ten to four; and

WHEREAS, at its March 29, 2005 meeting the Zoning Board requested a resolution from the Town Board relating to certain issues in connection with the application to the Zoning Board.

NOW THEREFORE be it resolved as follows:

1. The above noted April 15, 2003 resolution of the Town Board relating to the Library has not been modified or rescinded.
2. The Town Board endorses the proposed Library plan that has been presented to the Zoning Board as Cal. No. 12-05 BZ and grants consent to the jurisdiction of the Zoning Board to approve the Library’s variance application as presented subject to all required Town approvals and Town reviews as required by the Town Code.
3. The Town Board agrees to the proposed land swap in connection with the Library plan that has been presented to the Zoning Board as Cal. No. 12-05 BZ.

PUBLIC HEARING – Proposed Amendment to Chapter 7 of Town Code re ACARC

The public notice was read and there was no objection. Mr. Nordgren explained that the Architecture and Community Appearance Review Council has been working with five members for a while and found it to be more productive rather than seven members, and they requested that the size of the Council be officially reduced to five.

Re Hagele, Chairman of ACARC said the Council had been operating for three years as a six-member board, and with five members for about a year and a half. They were concerned that they would not have a quorum at some point. The Board discussed the requirement that at least two members be registered architects. Mr. Hagele said there was a definite logic for having two architects. If there is only one, that architect has the potential for swaying the lay members. It is very balanced with two architects. He has found that it is very advantageous to the applicant to have diversity of professional view. Mr. Hagele added that there are a great many registered architects in the Town of Lewisboro.

Mrs. Whalen expressed concern that in the unlikely event that there aren't two volunteers who are architects she didn't want the ACARC to cease to function. She suggested adding the words "wherever possible". Mr. Maron said in the unlikely event there was only one architect and if someone challenged that on the premise that it is not a legally constituted board, they would win that challenge. He suggested the language be "the Board shall make its best effort to appoint at least two architects to ACARC who shall be licensed architects."

Receiver of Taxes Joann Vasi said she felt it was important to have two architects for a balanced review.

Mr. Hagele asked if it wouldn't be better to actually require that there be two architects. He said it is more important to the ACARC members to have a resolution of the Town Board for five members.

The Board decided reduce the membership to five, and if it becomes difficult they will revisit it.

On motion by Mr. Nordgren, seconded by Mr. Hershkowitz the Board voted 5-0 to close the public hearing.

Mr. Nordgren reviewed the proposed changes to the law.

On motion by Mr. Nordgren, seconded by Mr. Daigle the Board voted as follows:

THE VOTE:	Yes	- Nordgren, Bacal, Daigle, Hershkowitz ,Whalen	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does hereby adopt Local Law No. 2-2005 amending Chapter 7 of the Code of the Town of Lewisboro as follows:

**A LOCAL LAW TO AMEND CHAPTER 7 OF THE TOWN CODE
RELATING TO THE ARCHITECTURE AND COMMUNITY APPEARANCE
REVIEW COUNCIL TO CHANGE THE NUMBER OF MEMBERS OF THE
COUNCIL FROM SEVEN TO FIVE**

Be it enacted by the Town Board of the Town of Lewisboro as follows:

SECTION 1 - LEGISLATIVE INTENT

The Town Board recognizes the importance and value of the Architecture and Community Appearance Review Council (ACARC). The Town Code presently requires that ACARC consist of seven (7) members. It has come to the attention of the Town Board that due to the large number of required members ACARC has had some difficulty maintaining a quorum for meetings. The members of ACARC have recommended that the lowering of the number of

members to five (5) will greatly enhance the ability of ACARC to conduct its meetings and permit the more efficient operation of ACARC.

SECTION 2 - SECTION 7-2 OF THE TOWN CODE IS HEREBY AMENDED AS FOLLOWS:

There is hereby created an Architecture and Community Appearance Review Council (ACARC) which shall consist of five (5) members, who shall be residents of the Town of Lewisboro, and who shall serve without compensation, and who shall be specifically qualified by reason of training or experience in a relevant business or profession or by reason of civic interest and sound judgment to assess the effects of a proposed structure or the alteration or demolition of a structure upon the property values and development of surrounding areas. Two (2) members of the Council shall be licensed architects. The members of the Council shall be appointed by, and the Chairman thereof shall be designated by, the Lewisboro Town Board. Each member shall be appointed for a term of three years . Vacancies shall be filled by the Town Board for the unexpired term of any member whose seat has become vacant.

SECTION 3 - SECTION 7-4 OF THE TOWN CODE IS HEREBY AMENDED AS FOLLOWS:

Regularly scheduled meetings of the ACARC shall be held monthly and at such other times as the Chairman shall designate. A majority of the Council (three (3) members) shall constitute a quorum for the transaction of business. The ACARC shall keep minutes of all its proceedings. Any decision or recommendation made by the ACARC must have the approval of a majority three (3) of the members of the Council and shall be officially filed along with pertinent data upon which such decision or recommendation was based with the referring board or department within 45 days of the Council's receipt of the referral. In decisions of conditional approval or in recommendations where changes or modifications to any submission are required or recommended, the Council's report shall set forth the specific changes required or recommended and the reasons for the same. After having referred an application for a building or land development permit to the ACARC, the referring board or department shall take no final action prior to receiving and considering the recommendations of the Council. Failure of the ACARC to report within 45 days shall be deemed to be a recommendation for approval of the application. The referring board or department shall provide necessary plans and pertinent data to the ACARC for its use. The ACARC may request any applicant to appear.

SECTION 3 - This Local Law shall be effective upon filing with the Secretary of State.

PARKS AND RECREATION – Authorize Attendance at Conference

On motion by Mr. Nordgren, seconded by Mr. Hershkowitz the Board voted as follows:

THE VOTE:	Yes	- Nordgren, Bacal, Daigle, Hershkowitz ,Whalen	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that Dana Mayclim be and hereby is authorized to attend the New York State Recreation and Parks Society Conference April 10 –12 at a total cost not to exceed \$473.

FINANCE – Authorize Return of Prior Years’ Encumbrances

On motion by Mr. Nordgren, seconded by Mrs. Whalen the Board voted as follows:

THE VOTE:	Yes	- Nordgren, Bacal, Daigle, Hershkowitz ,Whalen	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the Director of Finance to return prior year encumbrances (shown on the attached list) to the fund balance with the exception of A1460.45 Business Process Analysis \$5,250, and A1460.43 Microfilm Project \$667.86 from the General Fund encumbrance list.

FINANCE – Re-Encumber Funds

On motion by Mr. Nordgren, seconded by Mr. Daigle the Board voted as follows:

THE VOTE:	Yes	- Nordgren, Bacal, Daigle, Hershkowitz ,Whalen	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the Director of Finance to re-encumber A1460.45 Business Process Analysis \$5,250, and A1460.43 Microfilm Project \$667.86.

TOWN OFFICIALS AND EMPLOYEES – Appoint Intern for Town Historian

On motion by Mr. Nordgren, seconded by Ms. Bacal the Board voted as follows:

THE VOTE:	Yes	- Nordgren, Bacal, Daigle, Hershkowitz ,Whalen	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does hereby appoint Brianna O’ Malley as seasonal intern for the Town Historian at an hourly rate of \$10.00, not to exceed 17 hours per week.

TOWN PROPERTY – Highway Garage

Mr. Nordgren explained a plan to plant spruce trees around the Highway Department garage to screen it from view. The trees are now growing at the tennis courts at Onatru Farm Park and must be thinned out. It is proposed to transplant the trees to areas near the garage. Local businessman Tom Gossett will use his large tree-planting machine and the Town will give him some trees in exchange for his work.

The Town Engineer Tom Altermatt walked the site, the wetland inspector Jay Fain was consulted and Joel Smith and Larry Grant from the Town's Maintenance Department staked the proposed locations. The Highway Superintendent Peter Ripperger was also consulted. Mr. Nordgren said there is still time to transplant the trees but it should be done soon.

Jay Fain had said the trees could be planted up against the building. The problem is they will not grow full in that location. Mr. Nordgren said he wanted ACARC's input on the trees and also on the overall Highway Department garage if it is going to stay in its present location. If there are things the Town can do to soften it up he would like to have ACARC talk to the Board about that. He said ACARC was very helpful in the design of the wellhouse on Keeler Court.

Mr. Nordgren said he did consult with some neighbors, and read from a letter from Don Cianci on Keeler Court. Mr. Cianci said the trees would screen the library more than the garage. Mr. Nordgren said other neighbors, the Ostroffs, had said "don't plant 12, plant 24." Approval to thin the trees has been given by the Superintendent of Parks and Recreation, Joanne Marchesani.

Re Hagele, Chairman of the Architecture and Community Appearance Review Council clarified that anything on Town property has to come before ACARC regardless of whether it's in the special character area or not. He said ACARC had some concerns about the proposed placement of the trees and whether they would thrive where proposed and whether they would provide effective screening. ACARC member Jan Axel, a landscape designer, said Norway spruces ultimately get from 80 to 100 feet tall and 25 to 35 feet wide. Putting them next to the building creates a danger that the root system will damage the building. Mr. Nordgren said Jay Fain's wife is a landscape architect and thought the proposed location was alright, as did Tom Gossett. Mr. Nordgren asked Mr. Hagele if he could reconcile the two opinions. Mr. Hagele said Mr. Fain felt the trees at the corner were fine, however Mr. Hagele said as the trees grow up only the trunk will be screening the garage. He said if the Town wants to effectively screen the highway garage, "let's come up with a way to do it." The Board members and the ACARC members discussed planting trees on the bank behind the highway garage. It was decided that Gossett's machine might not be able to get in there.

Jan Axel recommended staggering the trees, allowing for a 35-foot diameter, 18-20 feet back from the road.

Regarding the trees proposed to be planted to the north, Ms. Axel said it seems to be a very wooded area where it would be difficult to plant spruce trees. An area would have to be cleared, and there was some doubt as to whether the trees would thrive there.

The members of ACARC recommended that nothing be planted on the front of the building. They said there are much more effective ways of screening which would not damage the building, and which would thrive. Mr. Hagele said if asked ACARC will generate ideas. He went on to say they are a review board, do serve at the pleasure of the Town Board, and do try to accommodate the Town's needs on short notice without a completed application. He said ACARC would like to see a more comprehensive program for what the Board's intent is. For example, ACARC doesn't know if it is cast in stone that the garage is staying, or going, or expanding. Mr. Nordgren said they should assume it is going to be there for the next two years. Mr. Hagele said screening the lower bank would work and they would recommend dressing up the roof or façade but need more direction.

The Board discussed possible screening on the lake side of the highway garage. Mrs. Whalen asked if the trees that were too large could be sold and the money used to purchase smaller trees.

Mr. Nordgren summarized the plan saying that Mr. Gossett would be planting five trees, plus a few more on the north side of Keeler Court. He asked the ACARC members to walk the site one more time on Thursday night at 5:30 p.m.

Peter Clark, a member of ACARC spoke on behalf of the Council and said they feel they have been neglected. There has been much talk about the library and the highway garage and ACARC hasn't seen anything. He said they wondered why things couldn't be done somewhat more simultaneously. He said it is important for ACARC to be involved before things are all said and done, otherwise they feel pressured by other boards. Mr. Hagele said there have been cases where an architect gets through two years of review, and comes to ACARC expecting a perfunctory review of the shingle colors. He said the Town is not making good use of the resources of ACARC.

Mr. Nordgren asked Peter Parsons to get ACARC involved in the library's application as soon as possible. Renee Purse said they were planning to be before the Planning Board on May 10 and ACARC on May 11. Mr. Parsons said he would welcome going to Planning and ACARC together, but he felt that adding the Zoning Board would not work as well. The Board discussed holding a joint meeting of all involved parties. They will try to make the April 13 ACARC meeting.

WILD OAKS SEWER PLANT – Report re Upgrade

Nancy Clark of The Chazen Companies in Poughkeepsie presented a report on the status of the upgrade of the Wild Oaks sewage treatment plant. They have been engaged by the Town of Lewisboro to work on the upgrade of the sewer treatment plant mandated by the New York City Watershed agreement. The purpose of the upgrade is to improve the quality of the outflow from the sewer plant. The upgrade includes microfiltration and system redundancy. Ms. Clark's presentation is summarized on the attached pages. There have been many delays in the design process due to problems with the New York City Department of Environmental Protection which has changed the requirements as the project progressed and technology improved.

NUTRITION PROGRAM – Authorize Agreement (2003)

On motion by Mr. Nordgren, seconded by Mr. Hershkowitz the Board voted as follows:

THE VOTE:	Yes	- Nordgren, Bacal, Daigle, Hershkowitz ,Whalen	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the Memorandum of Agreement for the Senior Citizen Nutrition Program.

CABLE TELEVISION – Authority to Deposit Check

On motion by Mr. Nordgren, seconded by Mr. Daigle the Board voted as follows:

THE VOTE:	Yes	- Nordgren, Bacal, Daigle, Hershkowitz ,Whalen	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board hereby authorizes the Director of Finance to deposit a check in the amount of \$15,000 in the Cable TV Equipment Reserve Fund.

CABLE TELEVISION – Authorize Purchase of Equipment

The Board reviewed a request from the Cable Television coordinator for the purchase of video equipment.

On motion by Mr. Nordgren, seconded by Mr. Hershkowitz the Board voted as follows:

THE VOTE:	Yes	- Nordgren, Bacal, Daigle, Hershkowitz ,Whalen	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board hereby authorizes the Cable TV Coordinator to purchase video equipment in the amount of \$6100 per the attached list, items to be paid for from the Cable Television Reserve Fund.

WEEK OF THE YOUNG CHILD – Resolution Designating

On motion by Mr. Nordgren, seconded by Ms. Bacal the Board voted as follows:

THE VOTE:	Yes	- Nordgren, Bacal, Daigle, Hershkowitz ,Whalen	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

WHEREAS, the Town of Lewisboro and other local municipalities and organizations, in conjunction with the National Association for the Education of Young Children, are celebrating the Week of the Young Child April 2 through 10, 2005; and

WHEREAS, by joining with the Country Childrens Center in calling attention to the need for high-quality early childhood services for all children and families within our community, these groups hope to improve the quality and availability of such services; and

WHEREAS, the future of our community depends on the quality of the early childhood experiences provided to young children today; and

WHEREAS, high-quality early childhood services represent a worthy commitment to our children’s future,

NOW THEREFORE, the Town Board of the Town of Lewisboro does hereby proclaim April 2 through 10 as the Country Childrens Center Week of the Young Child in the Town of Lewisboro, and urge all citizens to recognize and support the needs of young children in our community.

SPCA – Authorize Agreement

On motion by Mr. Nordgren, seconded by Ms. Bacal the Board voted as follows:

THE VOTE:	Yes	- Nordgren, Bacal, Daigle, Hershkowitz ,Whalen	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Supervisor be and hereby is authorized to sign an agreement with the SPCA of Westchester, Inc.

CLAIMS – Approved for Payment

Ms. Bacal and Mrs. Whalen questioned the expenditures for the Supervisor’s newsletter which was mailed recently. Mrs. Whalen said she never even saw a draft of the newsletter before it

went out and would have appreciated seeing it in advance. Ms. Bacal said she would like to see it in advance also. Mr. Nordgren said he will see that future newsletters are circulated in advance.

On motion by Mr. Nordgren, seconded by Mr. Hershkowitz, the Board approved payment of claims in the amount of \$188,332.74.

JUSTICE COURT – Audit

Mr. Nordgren noted that the Town’s auditor has filed a report on his audit of the court records. His only recommendation was that the Court Clerk keep more detailed bank reconciliations.

EMERGENCY PREPAREDNESS TASK FORCE - Appointment of Members

On motion by Mr. Nordgren, seconded by Ms. Bacal the Board voted as follows:

THE VOTE:	Yes	- Nordgren, Bacal, Daigle, Hershkowitz ,Whalen	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that William Dingee and Adam Ochs are hereby reappointed to the Emergency Preparedness Task Force.

TOWN BOARD REPORTS

Katonah-Lewisboro School District

Mr. Hershkowitz reported on a meeting of the school district’s transportation committee. The committee voted to recommend to the school board the use of low sulphur diesel fuel and enhanced particulate traps in school buses.

Zoning Board of Appeals

Ms. Bacal noted that one member of the Zoning Board has not been reappointed and has continued to serve.

On motion by Mr. Nordgren, seconded by Ms. Bacal the Board prepared to vote to reappoint a member of the Zoning Board of Appeals. Before voting, Mr. Hershkowitz asked for a private discussion about the proposed appointment.

South Salem Fire Department

Ms. Bacal reported that she and Mrs. Vasi attended the annual dinner at the South Salem Fire Department on behalf of the Town.

EARTH DAY

Ms. Bacal said she saw an earth day notice on the town's website. She said if plans are being made for an earth day she would like to know about it. It would be appropriate for all the members of the Board to know what Mr. Nordgren is planning. He said he thought he had mentioned it. He invited Ms. Bacal to the weekly meetings of the earth day committee.

REPORTS – Monthly Reports

On motion by Mr. Nordgren, seconded by Mrs. Whalen, the Board voted 5-0 to accept the March Police Department report.

HIGHWAYS – Roadside Cleanup

It was noted that the Lions Club is once again sponsoring the annual town-wide roadside cleanup project to be held this year on April 23.

MEETINGS – Dates Set

Upcoming regular meetings of the Board will be held on Mondays, April 18 and May 2, 7:30 p.m. at the South Salem Library. Work sessions will be held on Mondays, April 11 and if needed on April 25, 7:30 at the library. The topic of the April 11 work session will be dirt roads.

Mr. Nordgren also noted that this Thursday, April 7 he has scheduled a meeting with local residents at the Vista Community House. He invited other Board members to attend.

PUBLIC COMMENT PERIOD

Tom Herzog asked if the item not discussed during the regular meeting would be brought up in executive session and Mr. Nordgren said yes they would and would come out of executive session and discuss it.

EXECUTIVE SESSION – Negotiations

On motion by Mr. Nordgren, seconded by Mr. Daigle, the Board voted 5-0 to go into executive session at 9:55 p.m. to discuss negotiations.

On motion by Mr. Nordgren, seconded by Mr. Daigle, the Board voted to come out of executive session at 10:04 p.m.

ZONING BOARD OF APPEALS – Re-Appointment of Carolyn Mandelker

On motion by Mr. Nordgren, seconded by Ms. Bacal the Board voted as follows:

THE VOTE:	Yes	- Nordgren, Bacal, Daigle, Hershkowitz ,Whalen	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that Carolyn Mandelker be and hereby is reappointed to the Zoning Board of Appeals for a five-year term ending December 31, 2009.

TOWN OFFICIALS AND EMPLOYEES – Authorize Salary Increase for Laura Stone

The Board discussed a request from the Superintendent of Parks and Recreation Joanne Marchesani for a \$5,000 raise for Laura Stone. Ms. Bacal noted that the request has been made because Ms. Stone is doing extra work and the raise is in recognition of that work. The extra money will be transferred from the part-time clerical line A7020.16.

On motion by Mr. Nordgren, seconded by Mr. Hershkowitz the Board voted as follows:

THE VOTE:	Yes	- Nordgren, Bacal, Daigle, Hershkowitz ,Whalen	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does hereby approve a \$5,000 raise for Laura Stone, secretary in the Parks and Recreation Department.

TOWN OFFICIALS AND EMPLOYEES – Approve Agreement with Maintenance Dept. Employees

Mr. Nordgren reviewed the agreement with the Municipal Workers’ Association, Inc. (Facilities Maintenance and Parks Maintenance workers).

On motion by Mr. Nordgren, seconded by Ms. Bacal the Board voted as follows:

THE VOTE:	Yes	- Nordgren, Bacal, Daigle, Hershkowitz ,Whalen	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does accept the 2005-2007 agreement with the Municipal Workers Association, Inc.

ADJOURNMENT

On motion by Mr. Nordgren, seconded by Mr. Hershkowitz, the Board voted 5-0 to adjourn at 10:08 p.m.

Kathleen G. Cory
Town Clerk

EXECUTIVE SESSION –

On motion by M , seconded by M the Board voted 5-0 to go into executive session for the purpose of .

On motion by M, seconded by M the Board voted to come out of executive session.

ADJOURNMENT

On motion by Mr. ????, seconded by M??, the Board voted to adjourn at approximately ????? p.m.

Kathleen G. Cory
Town Clerk