

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on April 18, 2006 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York.

PRESENT: Supervisor - Edward P. Mahoney
Councilmen - Peter DeLucia, Al Perruzza, Suzanne Whalen
Town Clerk - Kathleen G. Cory
Town Attorney - Jessica Bacal

ABSENT: Councilman - Allen Hershkowitz

Also attending were Deputy Supervisor Joann Vasi, Facilities Maintenance Manager Joel Smith and Director of Finance Hector Reyes.

PLEDGE OF ALLEGIANCE

Mr. Mahoney led the Board and audience in the Pledge of Allegiance.

MINUTES – Approved

On motion by Mr. Mahoney, seconded by Mr. DeLucia, the Board approved the minutes of March 21, 2006.

PUBLIC COMMENT PERIOD

Leon Levy Preserve/Finances

Bonnie Robins of Perch Bay Road, Waccabuc addressed the Board regarding the sale of the houses on the Leon Levy Preserve. She asked why the the Board felt it would take six to nine months to complete the subdivision of the property. She also asked when the houses would be marketed individually. She asked what happened to the purchase offer made by someone at a previous meeting. She asked why the houses were being marketed at \$2.4 million when they were appraised at \$1.9 million. She said her point is that time is money and that every month that goes by the Town is losing a lot of money, estimated at \$8 to \$10,000 per month.

Ms. Robins referred to a newspaper article concerning bonding for various Town projects. She asked what the Town surplus was and asked when the public would know what the Town's financial picture is.

Mr. Mahoney said the Board received the auditor's report just last week. He said as a Board they are not going to comment about the property. Regarding the financial reports, Mr. Mahoney said the auditor will meet with the Board and then report to the public as to the facts. Regarding the Town's bonding plans, Mr. Mahoney said the facts will be presented to the public and the public will be asked for input.

CODE – Chapter 217 Wetlands and Watercourses

Supervisor Mahoney noted receipt of a letter from the Croton Watershed Clean Water Coalition regarding the Town's Wetlands ordinance.

Mr. Perruzza said there seems to be an implicit undercurrent that the Town has plans to change the 150-foot wetlands buffer. He said the Town has a very professional Planning Board and very professional people that the Board is working with, and an ordinance in place. Mr. DeLucia said changing the wetland buffers or setbacks hasn't entered the Board's mind.

TOWN PROPERTY – Town Campus

Supervisor Mahoney reviewed the attached letter from Joseph Neu, 7 Keeler Court, South Salem regarding the Town campus expansion plans.

OAKRIDGE GARDENS – Request for Authority

Adam Wekstein, attorney representing the developer of Oakridge Gardens, Phase IV appeared before the Board. Engineer Bill Bright explained the background of the utilities at Oakridge condominiums. The Town took over a failing system and is in the process of upgrading the water and sewer systems.

Mr. Bright said the reason he is before the Board is that the developer of Oakridge Gardens has negotiated a contribution of about \$1,000,000 and a well. They have drilled the well and done the testing. The well has very good volume and water quality, and is low in radionuclides. He urged that the planning process move along quickly so the well can be placed into service. The sewer plant upgrades are on schedule. The deadline for completion of the work is August of 2007.

Mr. Perruzza asked if there was a target that has been imposed. Mr. Bright said the wells are high in iron and manganese. The treatment process being installed will reduce the radionuclides and it will also allow them to connect well #5 and run well #4 which are very high in iron and manganese. The new system will treat and remove the iron and manganese so the system won't rely on well #2 so much. That is why the developer's new well is so important. Right now they only have 15 gallons a minute to depend on. When the upgrade is finished, they will have 150 gallons a minute. The developer's well is 40 of that 150 gallons per minute. If their well could be turned on tomorrow, Mr. Bright said he could turn well #2 off and they would have no radionuclides at all.

Another improvement will be the ability to operate the wells as needed, instead of running them all the time.

Mr. Wekstein said they are before the Town Board tonight because they need to have the Town Board advise the Planning Board that water and sewer are not an issue in the Oakridge Gardens proposal. He said the Planning Board is constantly raising the issue of the utilities in the planning process. They are not taking the developer's word that they will be allowed to connect to the system.

Mr. Bright said the developer's well more than covers the demand from their project, and their well is part of a plan to bring wells #2, 4, 5, 6 and their well on line. He is satisfied there is enough water in the ground to deliver to the system. The developer's project will require only a third of the water their well will deliver.

Mrs. Whalen asked about the sewer system. Mr. Bright said they have a renewed SPDES permit and are not under any consent order. They are under special conditions of the permit which set certain dates for the upgrade and by August of 2007 they will have met all the requirements for the upgrade. The wastewater plant can handle 105,000 a day. The permit is for 80,000 gallons a day and the average flow is around 40,000 gallons a day. He said they have quite a bit of excess capacity.

Mr. Wekstein said the developer needs something from the Town Board to the Planning Board stating that the District will provide service to the new phase of development, and that there is sufficient water for irrigation, domestic usage and firefighting.

Mr. Bright explained the source of funding for the upgrade. He has been working with the Town's grant writer for funds for the water and sewer upgrades. Funds were allocated from the Drinking Water State Revolving Fund which was approved last year but never taken. The Town had to apply for an extension. Mr. Bright said the funding is released twice a year, in spring and fall. The Town received notice last autumn that they received approval for a low-interest loan for the upgrade at the water treatment plant. What had to happen was that the Town Board had to pass a resolution accepting the funding and hire bond counsel. That was never done last year, and the Town had to ask for an extension to this August.

Mr. Bright said he has worked with the grant writer and asked for an extension. The Town Board has to take steps to satisfy the Environmental Facilities Corp. It appears that documents were missing. Mr. Mahoney said he has been involved since January and is following the process.

After further discussion, the Board voted as follows:

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

THE VOTE:	Yes	- Mahoney, DeLucia, Perruzza, Whalen	(4)
	No	- None	(0)
	Absent	- Hershkowitz	(1)

RESOLUTION

RESOLVED, that the Town Attorney be and hereby is authorized to draft a letter from the Town Board acting as Commissioners of the Oakridge Water and Sewer District to confirm the presentation made by the Town's consultants to the Planning Board regarding the inclusion of Oakridge Gardens in the water and sewer district.

LEON LEVY PRESERVE – Authorize Survey of Property

The Board reviewed the need for an up-to-date survey of the Leon Levy Preserve for the consultants to use in the subdivision process. One estimate was \$16,500 and the surveyor has done some work on this property already. Mr. Mahoney asked why the survey wasn't done before the property was purchased. Mrs. Whalen asked where the money was coming from. Mr. Perruzza said the Town budget included some assumptions that have not been met. He added that the Board wants to accelerate the subdivision process and getting the survey done is a critical step.

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

THE VOTE:	Yes	- Mahoney, DeLucia, Perruzza, Whalen	(4)
	No	- None	(0)
	Absent	- Hershkowitz	(1)

RESOLUTION

RESOLVED, that the Town Board does hereby authorize RKW Surveyors to provide up-to-date surveys for the properties being subdivided on the Levy Levy Preserve.

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Mrs. Whalen said the Board should start to make an assessment of all the costs involved and see how it comports with the earlier assumption that the subdivision would cost \$200,000. Mr. Mahoney said the Director of Finance has been asked to provide that information.

PARKS AND RECREATION – Town Pool – Discussion re Repair of Cracks

Gary Nurnberger of Scott Pools updated the Board regarding the repair of cracks in the wall of the pool. He said they have retained Wayne Coluccini's firm, and repairs began last Thursday and will probably finish this Thursday. The repair process involves two technicians who are drilling four or five holes around each crack, injecting water in it, then putting a plastic fitting on it. They then inject urethane, chop the ports off, waterblast the urethane and patch the hole so there is no evidence of it afterwards.

The masons are working in the same space this week, and they are trying to get the concrete subcontractor in to get the floor of the pool ready. Mr. Nurnberger said it is "pushing it" to have three trades in the same space at the same time. He added that they have finished the deep end.

Mr. Perruzza asked if they have used this technique before. Mr. Nurnberger said epoxy injection is one way. After reviewing the whole situation the restoration firm felt the urethane injection was the best. He said they are going to use the waterproofing system that Scott Pools was promoting to waterproof the interior of the gutter. He said he felt it would be very satisfactory.

Mrs. Whalen asked if they were treating all the cracks the same way. Mr. Nurnberger said they are injecting the urethane into 90% of the cracks. For any that are too fine for that method they will use the applied waterproofing. Mr. Perruzza asked if the waterproofing adhered to the concrete the same as epoxy? Mr. Nurnberger said any urethane would have to be ground off to insure the waterproofing would adhere. Mr. Ciardullo said it has to be a smooth surface. Right now there are some protrusions.

Mr. Nurnberger said they would use a material recommended by the restoration company, a polymer-modified cement which will bond to the wall without worry of spalling off.

Mrs. Whalen asked about warranties for the repair work. Mr. Nurnberger said they questioned the restoration company fairly extensively and they weren't willing to give any more than the standard one-year warranty on materials and workmanship.

Mr. Perruzza asked if there was an issue later on, how would it be fixed. Mr. Nurnberger said if the mortar patch that was used to fill the hole "blew out", they would patch it. If a new crack developed they could do the same repair. He said the core-drilling company will be out tomorrow to drill 10 or 11 core samples for re-testing. The results of the first test look good.

Mrs. Whalen asked Mr. Nurnberger if he was referring to the one-year period when he said they would come back and re-patch if necessary. Mr. Nurnberger said "absolutely," adding that the patching could be done at any point but they would be obligated to do it within a year.

Mr. Ciardullo said urethane is water soluble. The reason he is using urethane is because there is water in the trough and somehow urethane works with water. It is the pressure in the water that fills the voids and if they have to repair it again they would use the same method. He said the cracks are not structural cracks, they are just filling the voids. They are just hairline cracks. The gutter has been sitting there in water now and you would just get a little dampness on it. You are not going to get any loss of water. Mrs. Whalen said the steel could start to corrode. Mr. Ciardullo said that was the whole point of filling the voids, to stop that process.

Mr. Perruzza asked if the pool would settle. Mr. Ciardullo said there was no settlement in the original pool and they are building on the old pool. They have built new foundations where there were foundations.

Mr. DeLucia said they should be discussing the finish on the walls. Due to the materials used in the crack repair the finished coat must be an epoxy paint which has maintenance issues, or the Town could go with a different finish such as the wading pool which would be more expensive. Mr. DeLucia said a new problem is the measurement—the pool is two inches shorter than it should be. He asked Mr. Nurnberger what he planned to do about that. Mr. DeLucia explained that the Town contracted for a 50-yard pool, a 150-foot pool, and it measures 149 feet 10 inches. It will be used for competitive swimming and it must have competitive dimensions.

Interim Superintendent of Parks and Recreation Dana Mayclim said she has spoken to swim officials and other Superintendents of Recreation. In reality, the Town will not be holding international competitions where it would become an issue. This is a recreational setting. It is

not a huge issue, but it can make a difference in a competitive swimmer's time. Mr. DeLucia urged caution, noting that a different coating on the pool could reduce it further.

Mr. Ciardullo spoke about a quartz finish. He said it wouldn't work very well for the main pool. The other pools will be fine because they can be prepared for it in advance. If the Town does use the quartz finish on the main pool, all of the coping has to be pushed in to be in line with the finish, and all the end markers have to be reset. Mr. DeLucia questioned the maintenance involved with the quartz coating. Mr. Nurnberger said the manufacturer provides a seven-year warranty. If the pools are maintained properly the installer sees numerous pools that have the same feature that go 20 years before they need restoration. He said Scott Pools owes the Town a surface that is paintable and that the Health Department will approve. At this point they think the quartz finish makes the most sense.

Regarding the measurement, Mr. Nurnberger said the dimension of the pool was based on building on top of the existing wall at the deep end, which they did. They were also planning to build on top of the wall on the shallow end but it was in too poor a condition. They ended up building it from scratch. It was in place where the old wall was.

Mr. Nurnberger said he did not measure the old pool. He said Mr. Scott said a 50-yard pool is not a competitive pool and the Town should not be too concerned. Mr. DeLucia said it is a competitive pool.

Mr. DeLucia said he was "amazed" that the contractor didn't measure the pool. Mr. Nurnberger said he built on the old wall where it was. Mr. DeLucia said the contract calls for a 50-yard pool. He asked if there was a way to shave off an inch. Mr. Ciardullo said that would expose the steel. Mr. Nurnberger said he would be concerned about reducing the width of the wall. Mr. Ciardullo said the only realistic option is to take the wall down.

Mr. Mahoney asked if the contractor was on schedule for a Memorial Day opening. Mr. Nurnberger said it is "tight". He said they lost a week getting the floor of the pool done. They are ahead of schedule on plumbing in the equipment room. The outside work on the coping and deck is very tedious and takes a long time. A second masonry crew will be working this week. Mr. Ciardullo said they can't pour the decks until they have the stone in. They have most of the stones in for the wading pool. There are two pours in the main pool and from there they can work on the deck around the wading pool. He said the crews will be setting the stones in the main pool. That's basically what has to be done. The filter equipment is being installed right now for both the diving pool and the main pool. Tomorrow they are stripping the forms and starting the wading pool equipment. Mr. Ciardullo said he thought they would be able to make the Memorial Day deadline but they might have to start working on weekends.

Mr. Mahoney asked when the filter test would take place to gauge the filtration system. Mr. Ciardullo said they have to fill the pool first. Mr. Nurnberger said they did schedule time for that, but perhaps not enough for 300,000 gallons of water.

Mr. DeLucia asked Mr. Ciardullo if he would recommend the epoxy finish for the pool. Mr. Ciardullo said he has spoken to Randy Price, Parks Maintenance Foreman who suggested a

thicker epoxy. Mr. Price said he has never used it on a pool, but has been researching it. He said it has to be mixed a few gallons at a time, and you have 60 minutes to get it applied which won't be a problem. 100 gallons has to be applied in two applications. Mr. DeLucia said an estimate had been obtained for the finish and it was \$12,000 without striping. He asked if there was a savings if the Town did it. Mr. Price said there is a significant savings. He added that 100 gallons of white paint costs \$6,062, but that it should last five years. Mr. Price said iron staining had been a problem. The epoxy paint is supposed to resist staining.

LEON LEVY PRESERVE – Report re Marketing of Houses

Realtor Adam Hade advised the Board of his marketing efforts for the sale of houses on the Leon Levy Preserve. There are three houses together at the intersection of Route 35 and Route 123, and one house on the east side of Route 123.

The houses are advertised, including listing on 7 websites. The house on Rt. 123 is listed for \$520,000 and has been shown 18 times. There was one offer which included unacceptable terms. He said an issue has been the timing of a closing because of the ongoing subdivision.

The three houses that are being marketed as a family compound have been shown 6 times, and are being marketed at \$2,475,000. He said most people are going to need a mortgage and the 60-day lock-rate that most people have doesn't provide enough time for the Town to complete the subdivision. If the houses were marketed individually and there was a buyer for one house, then the property can't be sold as a whole. He said there is a good chance the Town could sell the properties as a whole.

Mr. Mahoney asked if there was any money that the Town would have to incur. Mr. DeLucia said the Town needs to install three new wells and new septic systems. He said the prices reflect the work that has to be done. Mr. DeLucia said he felt the Health Department would require that the houses have functioning wells and septic systems.

Mr. Hade suggested moving the access to the trails to the Route 123 entrance to the property. The access to the cell tower was also a concern.

HIGHWAY DEPARTMENT – Sale of Grader

Highway Superintendent Peter Ripperger reported that the Town of Washington, New York is interested in purchasing the 1978 grader the Town has taken out of service and replaced.

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

THE VOTE:	Yes	- Mahoney, DeLucia, Perruzza, Whalen	(4)
	No	- None	(0)
	Absent	- Hershkowitz	(1)

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the sale of a 1978 John Deere grader to the Town of Washington, New York for a price of \$5,000.

HIGHWAY DEPARTMENT – Bids for Materials

Highway Superintendent Peter Ripperger reported his bid results for materials such as gravel and blacktop.

HIGHWAYS – Silver Spring Road – Bridge Closed

Mr. Ripperger reported that he and the Town Engineer met with the State Department of Transportation regarding the status of the culvert under Silver Spring Road that needs replacement. Although his budget contains \$100,000 in grant revenue, the money will not be forthcoming this year. The culvert does not meet the Federal requirement for funding. The Town Engineer is trying to design the replacement to meet Federal specifications. He also wants to keep the aesthetics of the culvert.

Mr. Ripperger said the Federal grant money should not have been placed as revenue in the 2006 Highway budget. The funding came from efforts of Congresswoman Sue Kelly and will be received in 2007.

Mr. Perruzza suggested that the Board meet to review revenue assumptions in the 2006 Town budget.

CLAIMS – Approved for Payment

On motion by Mr. DeLucia, seconded by Mr. Mahoney the Board voted 4-0 to approve the claims in the amount of \$423,197.08.

REPORTS

It was noted that a management committee has been formed for the purpose of developing a plan for the management of the Leon Levy Preserve. Mr. Perruzza suggested the Board keep abreast of the plan as it develops.

Mr. Perruzza also noted he has put together a list of the grants the Town is pursuing. He also thanked Town Attorney Jessica Bacal for attending a watershed grant meeting.

GRANTS – Authority to Sign Watershed Grant

Ms. Bacal reported on her attendance at a meeting for funding from the East of Hudson Water Quality Improvement Grant. She said at that meeting the Town's application for \$312,000 was granted. The process for obtaining the grant was called a 12-step process. This is step number 5 so there are several to go. The grant application was accepted. As soon as the Town signs the Intermunicipal Agreement the money will be requested. Mrs. Whalen asked to review the agreement before it is signed.

Supervisor Mahoney noted that the application had been prepared last year and did not meet the county’s requirements. Mr. Perruzza thanked Paul Lewis, David Sachs, Jim Greaves and others for their help in putting the application together, classifying the projects and preparing a budget. Mr. Mahoney said the grant was being talked about as a completed project when in fact is was not.

Ms. Bacal said the Town’s application has been remarked upon by other municipalities. Two other grants were approved, but our Town’s project was regarded as especially exciting by the other municipalities for the way the various groups pulled together to make it happen.

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

THE VOTE:	Yes	- Mahoney, DeLucia, Perruzza, Whalen	(4)
	No	- None	(0)
	Absent	- Hershkowitz	(1)

RESOLUTION

RESOLVED, that the Supervisor be and hereby is authorized to sign an Intermunicipal Agreement in connection with an East of Hudson Watershed Grant.

PARKS AND RECREATION – Approval of Fireworks Bid

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

THE VOTE:	Yes	- Mahoney, DeLucia, Perruzza, Whalen	(4)
	No	- None	(0)
	Absent	- Hershkowitz	(1)

RESOLUTION

RESOLVED, that the Town Board hereby awards International Fireworks of Douglasville, PA the bid for fireworks services as stated in their proposal.

LEWISBORO BASEBALL ASSOCIATION – License Agreement for Concession Stand

Ms. Bacal said she had prepared a license agreement between the Lewisboro Baseball Association and the Town for the concession stand in Town Park.

Mr. DeLucia reported that the volunteers are diligently working on the stand.

HOUSING – Report re Housing Meeting

Mr. DeLucia reported on his attendance at a League of Women Voters forum regarding affordable housing.

CELLULAR TOWERS – Crane Test

Mr. DeLucia said a crane test is being scheduled for the area behind the Vista Fire Department to demonstrate the height of a proposed cellular tower.

TRAILS - Report

Mr. DeLucia noted that scouts and the Conservation Advisory Council are doing a lot of work on the Town's trail system.

MEETINGS

Upcoming meetings of the Town Board include regular meetings on May 2 and May 16 at the Town House at 7:30 p.m. Work sessions will be held on April 25 and May 9 at the Cyrus Russell Community House at 7:30 p.m.

PUBLIC COMMENT PERIOD

Trails Committee/Wetlands

Bobbe Stultz of Goldens Bridge addressed the Board regarding the Trails Committee and the wetland buffer.

Mr DeLucia said the Board has no intention of rolling back the wetland buffer.

Richard Sklarin of Goldens Bridge said it was disconcerting to hear a person who is a paid employee of the Westchester land Trust making comments about things that are not true. He said he understood that everyone on the Town Board was dedicated to the preservation of the environment.

Leon Levy Preserve/Finance

Bonnie Robins of Waccabuc commented on the process for selling the homes on the Leon Levy Preserve, and the receipt of the auditor's report.

EXECUTIVE SESSION – Attorney/Client Privilege

On motion by Mr. Mahoney, seconded by Mrs. Whalen the Board voted 4-0 to go into executive session for the purpose of discussing pending litigation with the Town Attorney.

On motion by Mr. Mahoney, seconded by Mr. Perruzza the Board voted 4-0 to come out of executive session.

LEON LEVY PRESERVE – Letter Re Driveway Chain

The Board discussed a letter from Thomas Falconer concerning the chain across the entrance to the main driveway to the three houses on the Leon Levy Preserve.

ADJOURNMENT

On motion by Mr. Mahoney, seconded by Mr. Perruzza, the Board voted 4-0 to adjourn at 11:22 p.m.

Kathleen G. Cory
Town Clerk