

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was scheduled for August 15, 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.

Mr. Nordgren called the meeting to order at 7:38 p.m.

MINUTES – Approved

On motion by Mr. Nordgren, seconded by Mr. Hershkowitz, the Board voted 5-0 to approve the minutes of June 27 and July 18, 2005.

PUBLIC COMMENT PERIOD

Town Property – Onatru Farm

Peter Clark, Elmwood Road, South Salem addressed the Board on behalf of the soccer club. He asked that parking be allowed on the north and south fields at Onatru Farm on September 3 for the annual soccer tournament. The Board decided to take up the issue at the August 22 work session.

Parks and Recreation – Town Pool

Wendy Slater of Cross River questioned the status of the bids for renovation of the swimming pool. Mr. Nordgren said new bids will be opened on Friday and he hoped to sign a contract and have the pool renovation under way in the fall.

Dean Travalino of South Salem asked if his Freedom of Information request for a previous pool bid would be answered on Friday after the new bids are opened. Mr. Nordgren said yes. Mr. Maron said by law the Town Board should be hearing Mr. Travalino's appeal of the denial of his records request tonight, but Mr. Travalino is willing to wait until Friday. Mr. Nordgren said he did not want to release the results of the earlier bid, but there is no reason to withhold that information once the bids are opened on Friday.

CLAIMS – Authorized for Payment

The Board reviewed the bills to be paid. Mr. Daigle questioned a payment of \$156,000 for paving. Mr. Nordgren said he knew nothing about it and would ask the Highway Superintendent for a report on his paving activities for the rest of the year. Ms. Bacal said it is not unusual for such high paving bills to come in at this time of year.

On motion by Mr. Nordgren, seconded by Mrs. Whalen the Board voted 5-0 to approve claims in the amount of \$683,226.31 including \$90,870.22 paid prior to audit.

COMMENDATION – Police Officer Thomas Ritchie

A letter commending Police Officer Thomas Ritchie was reviewed.

BICYCLE TRAIL – Letter of Recommendation

The Board reviewed a letter written by the chairman of the Trails Committee to the County Planning Department in support of a proposed bicycle trail.

TOWN PROPERTY – Town House Campus/Library Plan – Referral to Planning Board – Authorize Engineer re Circulation Solutions

Mr. Nordgren read the attached letter from the Planning Board regarding the proposed changes to the Town House campus. Mr. Nordgren said he would like to talk first about the alternative plans A and B, and then talk about the newest plan for the library addition. He said ACARC and representatives of the library had four meetings and came up with a new plan. There is a technical sight-line issue remaining and Mr. Nordgren suggested that the Town Engineer help work out a solution. ACARC Chairman Re Hagele commended Renee Purse and Donald MacDonald, architects for the library, for their work on the new plan. Renee Purse explained the latest proposal. The addition will be off to the south side of the library and angled back away from the Town House.

It was noted that the library addition does encroach on 7 or 8 parking spaces. Library representative Jeffrey Vreeland said the issue is the upper left-hand corner of the building which is close to the driveway. They will have to work on pulling that part of the addition away from the driveway. Mr. Vreeland said by removing the 8 spaces they are reducing the need to see all the way around the curve. He said the proposal shows a maximum of 97 parking spaces. Only about 70 are required. Mr. Nordgren suggested that the Board decide on plan A or B and decide how many parking spaces are needed and decide how many to pave. He said he has asked the Town Engineer for some preliminary costs for septic, storm water, landscaping and paving. When the Town has an estimate for circulation improvements he will ask the Town Engineer just how many spaces are needed, and the rest of the area can remain grass.

Mrs. Whalen asked who determines how many spaces are needed. She noted that tonight the Town Board is meeting and there is court going on in the Town House. Ms. Bacal noted it was difficult to find a parking place tonight. Jeff Vreeland said there were a number of studies done by consultants over the years. The Town's consultants did a study based on moving all the facilities to this site. All of that information was considered. Mr. Vreeland said he didn't think there were 90 parking spaces available at this time. Mr. Nordgren said Mr. Agresta had said there were about 100 available, counting spaces down at the Highway garage, but he noted that the spaces have to be provided close to where people are going and the spaces need to be striped.

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 Engineer be and hereby is authorized to meet with the Architecture and Community Appearance Review Council and library representatives to seek a solution to the question of circulation, safety, sight lines and aesthetics regarding the library’s latest plan for an addition.

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Mr. Nordgren asked the Board to consider referring the campus plan back to the Planning Board with more specific direction regarding which plan to consider. He said he prefers plan B but asked the Town Board members for their opinions. He said the Planning Board’s memo regarding their review of plans A and B was equivocal or ambivalent in their conclusion, and read again a portion of their letter. Mr. Nordgren said he knew the neighbors were opposed to any encroachment on Keeler Field. He also noted that he had walked the property with John Askildsen from Bedford Audubon who saw a rare butterfly in that field.

Ms. Bacal said the Planning Board did not come out in favor of either plan. She said her sense is to avoid the disruption to Keeler Field. The alternatives are close enough and there isn’t anything from the Planning Board to recommend one above the other. Ms. Bacal said she preferred to go with plan B. Mrs. Whalen said she leaned toward option A for safety reasons. She also felt it was a better overall campus design with minimal invasion to Keeler Court. Mr. Daigle said as an engineer he favored A, but for minimal disruption to Keeler field and the well he preferred B. plan A would probably resolve the sight-line problems. He said he would prefer to see the sight-line problems worked out under plan B. If it doesn’t work, then they would have to use plan A.

Mr. Hershkowitz said he agreed with Ms. Bacal with an amendment that the Planning Board said both alternatives improve internal traffic. He said any safety issues would be worked out between the Town Engineer and the library. Mr. Hershkowitz said he preferred not to infringe on Keeler field.

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 refers Plan B of the library/Town campus layout back to the Planning Board and be it further

RESOLVED, that the Town Board hereby requests that the Town Engineer, Town Planner and Wetland Inspector provide detailed estimates of costs for the engineering plans.

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Ms. Bacal asked that thanks be extended to the Planning Board for offering their expertise to the Town Board. Mr. Hershkowitz said the Town Engineer should be advised that the Town Board voted for the safety modification in the context of alternative B.

Architect Jerome Kerner of South Salem said he was one of the five applicants who submitted an entry in the office building design contest. The submissions were never displayed and he wondered if there were any other solutions contained in those designs. He noted there is a solution C which was rejected by the Planning Board which was a two-way drive and a break in that connection to the library which has two problems; one is a sight line problem and the other is circulation in Keeler Court. Mr. Nordgren said they did look at all five plans and got some helpful ideas from them. He said a cul-de-sac was one of the plans but it was rejected by the planners.

TOWN PROPERTY – ADA Compliance and Facilities Upgrade

Mr. Nordgren said he was seeking permission to develop architectural plans for a proposed addition to the Town House. He said earlier this year the Board authorized a time and task study of alternatives to making the Town House ADA accessible. He said the ADA requirements were to have been made ten years ago. Studies have been done by the Helmes architecture firm and Arthur Minner, and now architect Edward Ozols. The 1998 committee report was reviewed. Mr. Nordgren said he contacted various government officials and the Town Attorney to determine what the specific rules are for compliance with the Americans with Disabilities Act. He said he learned it is a complaint-driven process, and the thrust of the law is to provide program access, not necessarily physical access. Mr. Nordgren said he confirmed that the Town House and Onatru are eligible for inclusion on the National Register of Historic Places. The significance of that is that alternative standards apply--new buildings have to be held to a higher standard. Historic buildings can have an accessible access in the rear rather than the front, and can have a unisex accessible bathroom. Unless the Town House use will be discontinued, these improvements are needed.

Mr. Nordgren said all the reports point to minimal improvements as a start. They all recommended that there be an accessible entrance and a unisex bathroom. Mr. Nordgren said the second floor of the Town House only contains offices for internal operations such as finance, that the public wouldn't have to access, and the supervisor's office. Mr. Nordgren said as long as

he can meet with the public in a private room, that would meet program accessibility guidelines. At the Town House it appears that an elevator or lift to the second floor isn't needed, however Onatru is more problematic.

Mr. Nordgren said the Board had agreed to "flesh out the details" on the Ozols plan and now they have architectural details. Another thing to consider is a complaint filed by Dean Travalino in November 2004 regarding ADA compliance at the Town House. He said that is good because the Town will have to do all it can immediately to rectify the Town House situation. He said the Town did hear from Assemblyman Adam Bradley who is giving a \$50,000 grant for construction costs. Mr. Nordgren said the Town did go out to bid for architectural services and got none back on Bidnet. Mr. Ozols submitted an estimate of \$14,000. For Onatru the Town got two bids, one from Bob Benoit and one from Ed Ozols.

Regarding the Town House, Mr. Nordgren said he asked Assemblyman Bradley for an additional \$25,000, since the estimates for Onatru were about \$10,000.

Mr. Nordgren said the plans developed are minimal—they do not address the need for office space for the Town Clerk, Receiver of Taxes, etc. They simply allow for a widened entry and unisex accessible bathroom. It also has a 50 sq. ft. private room where the supervisor or others can meet in a private setting. It also serves as a separate room for detainees awaiting court. Mr. Nordgren said in all the reports it came across that the court clerk is not secure. People pay fines there, she has money, and she would prefer to have a separate room.

Mr. Nordgren said the beauty of this plan is that it only costs \$50,000, the Town has a grant for it, by knocking out unused space (bathroom and stairs) it frees up about 100 square feet and by adding 10 feet (which has to go to ACARC) it increases space for the court clerk by about 25%.

Mr. Nordgren asked the Board to approve the plans that Mr. Ozols has drawn up and add the plans with the 10-foot bump-out to the plans being referred to the Planning Board, and he would like authorization for payment through the grant of \$13,650.

Mr. Nordgren asked to hear first from the Board and then from the public. Mrs. Whalen asked what the "more detail" being provided was. Mr. Nordgren said the Board has the plans he exhibited and he excerpted what he thought were the key elements. Mrs. Whalen said the package was pretty confusing and she asked if the architect could come before the Board. Mr. Nordgren said it would make sense to have Mr. Ozols come and present the drawings to the Board. Mr. Nordgren pointed out the plans of the new 10-foot addition on the first and second floor. He said the focus is to meet minimum requirements with more work done in the future hopefully.

Mr. Nordgren said Mr. Ozols has walked through the building with Joel Smith, Facilities Maintenance Manager. Mr. Nordgren also said he asked local resident Vincent Vetrano, who has much construction experience, if the scale of this project could be handled by the Town's Maintenance Department, and he said yes, it could. Mr. Nordgren asked Mr. Smith if he

felt comfortable doing this project. Mr. Smith said he hadn't foreseen the need for a steel fire escape from the second floor and that would be a change which would cost an additional \$6,000 to \$10,000. The plumbing and electrical work also have to be contracted out to licensed professionals.

Mr. Hershkowitz reminded everyone that they are talking about just widening a doorway and adding a bathroom and a little bit of space for the court clerk, not a total redesign of the Town campus area. After 15 years and hundreds of thousands of dollars it is long overdue for us to address this issue. He thanked Joel Smith for doing the work with the architect. Mr. Hershkowitz said he felt the petition to the Justice Department is a blessing. He said he didn't think the Town could go into settlement discussions with the Justice Department saying we can't put in a bathroom and widen a door because we want to plan 20 years out for the whole Town office needs regarding all departments. He didn't see how the Board could fail to act on this. Mrs. Whalen said she didn't want to widen the door and add a bathroom for \$50,000, which is a lot of money, if she's not certain that is going to satisfy ADA compliance. She said the Board should let some experts see it and should see some backup documents on the research.

Mr. Daigle said the Board should not just get sketches, they should have drawings. He noted that in every other case the Board has the architect make a presentation to them, and asked "why does this have to be taken on faith?" He said with these sketches you can't see where the bathroom is, where the holding area is. He said Mr. Nordgren is telling the Board "this is it and we should go with it." There is no reason why. He noted that the architect was going to talk to the Town Clerk and he hasn't done that, and asked why the Board shouldn't meet with him in a work session. Mrs. Whalen said she felt the discussion with the architect should take place at a regular Town Board meeting which would be televised and everybody could see it.

Mr. Nordgren said he didn't want to wait another month--the next Board meeting is September 12. He suggested that the architect be asked to come to the work session on the 22nd and he will be better prepared for the next Town Board meeting.

Mr. Nordgren asked Mr. Maron how the Board decides what is ADA compliant. Mr. Maron said the key will be accessibility for programs. Facilities Manager Joel Smith is going to have to look at access to the areas you are providing access to, the architect would work from certain design parameters as far as wheelchair access, width of entries, etc. and after that you determine that certain areas will be physically accessible and certain areas will only have program access. In response to Mr. Nordgren's question on why the Board decides, Mr. Maron said "if you approve this plan, you have decided."

Ms. Bacal noted that Dean Travalino, the Chairman of the committee that prepared a report for the Board is present and he should be asked if he has any comments. Mr. Nordgren said he contacted Joe Reich from the New York State Office of Advocates for Disabled Persons. Mr. Nordgren said he called Mr. Reich because he saw a newspaper story about his efforts in Putnam Lake, and Mr. Reich thought construction could be a two-month process. Mr. Nordgren said he sent him all the studies and Mr. Reich said program accessibility is the key as long as you have a computer terminal where people can reference what's upstairs and bring it down to them. Mr. Nordgren said he and Mr. Smith talked about renovating the book barn at Onatru and putting the

most popular department out there. If it's the Building Department they could go out there with an accessible bathroom. With the Town House Mr. Reich agreed with all these recommendations, but when he found out that there was a federal complaint Mr. Reich said he cannot get involved if there is a federal complaint. Mr. Nordgren said he was not successful in seeing the actual complaint. Mr. Maron reported that the complaint is not available because the federal agency is still investigating it. Mr. Nordgren asked Mr. Travalino for a copy. Mr. Travalino said it was not within his discretion since it is still being investigated.

Mr. Hershkowitz said he was uncomfortable talking to Mr. Travalino until he knows what's in the complaint and felt it was inappropriate for the Town Board to have dialogue with someone who has a petition against the Town. He said the path he has identified, and then a public Town meeting, is the way to go. Mr. Nordgren said Mr. Ozols will come in at a work session and then a Town Board meeting. No one will say this is ADA compliant, because it is complaint-driven.

Mr. Hershkowitz said until Mr. Reich discovered the federal complaint he was saying this could be "knocked off" in a few months, we were on the right path. We should accept that and move forward.

Ms. Bacal said the Town has been on the right path since 1998. There were different opinions as to how to proceed, different studies, but the studies were all in accordance with our objective which was to implement ADA compliance. Mr. Nordgren asked why then is there a federal complaint? Mrs. Whalen and Ms. Bacal said the end result has not been accomplished. This goal is complaint driven. Mr. Daigle said why don't we go ahead and have Mr. Ozols meet with us and explain how this meets ADA compliance. It's no different than meeting with the Town's consultants. Mr. Nordgren agreed, saying that makes sense.

Mrs. Whalen said since Mr. Travalino has made an effort to come out to the meeting tonight, and he is a citizen, the Board has an obligation to listen to him. Ms. Bacal noted he was chair of the Advisory Committee on the Disabled. Mr. Nordgren said "I don't know, having someone who has made a complaint against the Town and we could be liable, I disagree." Mrs. Whalen said he doesn't have to reference the complaint, he can just say what's on his mind with respect to the issue that we're talking about. Mr. Nordgren said anyone who wanted to speak could speak during public comment period two. He said Mr. Ozols will meet next Monday at the work session and make a presentation at the next Town Board meeting if it's appropriate.

#### HOUSING – Middle Income Housing Plan

Mr. Nordgren discussed some tasks the Town is required to complete in conjunction with the Town's affordable housing plan. One task is to deed-restrict the apartments at Onatru to be affordable housing and the Town Attorney is working on a draft. Another task is to establish a set-aside of a percentage of units in new developments that must be affordable. In order to establish a set-aside an amendment to the Town's zoning ordinance will be required. The proposed amendment will be referred to the Housing Committee, Planning Board, Zoning Board and Architecture and Community Appearance Review Council.

WILD OAKS SEWER TREATMENT PLANT – Report on Upgrade

Representatives of the Chazen Company reported on plans for upgrading the Wild Oaks Sewer Treatment Plant. The upgrade is required as part of the 1997 New York City Watershed Agreement and is being funded by the New York City Department of Environmental Protection. The existing plant is on Nash Road and consists of open tankage and open sand filters. The upgrade will increase the treatment of the wastewater but will not add capacity. A new building will be built on the same footprint and additional tankage will be constructed. Necessary permits are being sought from state and local agencies.

The Chazen representatives wanted some feedback from the Town Board and homeowners in advance of the next Planning Board meeting to be held on September 14, 2005. The Board approved color choices for the building material and the metal roof. The standing-seam roof is proposed to be green and the split-face block will be a coordinating color. The chairman of the Architecture and Community Appearance Review Council, Re Hagele discussed the required permission needed from his committee.

TRAIL LICENSE – Discussion re Description

A request had been made for a legal description of a trail license being granted by Dr. and Mrs. Rickel in the Mt. Holly area. The Town Attorney suggested adding a legal description from the deed to the license in lieu of having a surveyor write a metes and bounds description.

PARKS AND RECREATION ADVISORY COUNCIL – Appointment Noted

OPEN SPACE ADVISORY COUNCIL – Appointment Noted

Mr. Nordgren announced that at a previous meeting the Board had unanimously approved Greg LaSorsa as a member of the Parks and Recreation Advisory Council and Jonathan Wiesener to Open Space Advisory Council.

TOWN OFFICIALS AND EMPLOYEES – Adoption of Vehicle Safety Policy

Mr. Maron advised that the proposed Vehicle Safety Policy does not apply to the Police Department. In response to a question from Tom Herzog of South Salem Mr. Nordgren noted the policy exempts any employee who has prior approval of the Board for exceptions.

On motion by Mr. Nordgren, seconded by Mr. Daigle the Board voted to adopt a vehicle safety policy as follows:

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

RESOLUTION

RESOLVED, that the attached Vehicle Safety Policy be and hereby is adopted.

ELECTIONS – Acceptance of List of Election Inspectors

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 attached lists of election inspectors for the year 2005 is hereby approved.

ELECTIONS – Approval of Polling Places

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 attached list of polling places for the year 2005 is hereby approved.

ASSESSOR – Authorized to Attend 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 the Assessor be and hereby is authorized to attend the annual conference of the New York State Assessors Association to be held September 11 to 14, 2005 in Rochester, New York.

JUSTICE COURT – Authority to Attend 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 the Court Clerk be and hereby is authorized to attend the annual conference of the New York State Magistrates’ Court Clerks Association to be held September 25 to 28, 2005 in Niagara Falls, New York.

SUPERVISOR’S REPORT

The Board reviewed the Supervisor’s report.

TOWN BOARD REPORTS

Supervisor’s Forums

Ms. Bacal questioned Mr. Nordgren regarding planned hamlet forums. Mr. Nordgren said they would be holding forums in three hamlets in town. He said the whole Town Board is invited. When the dates are known Mr. Nordgren said he would announce them. Mrs. Whalen said it would be important for the whole Board to be present for the forums.

Town Pool – Bids for Renovation

Mr. Daigle said there are five bidders they hope will bid on the latest round of bidding. The bids are due Friday.

Housing – Survey

Mr. Daigle reported that only one fireman attended the AHOME housing survey meeting tonight. AHOME will take the survey to the fire departments to seek data.

WETLANDS – Watershed Remediation Projects

Mr. Nordgren noted that on September 1 representatives of the New York City Department of Environmental Protection will visit Lewisboro to visit sites for potential remedial projects. The Northern Westchester Watershed voted to reimburse the towns \$312,000 each for this work. He said the Town Board has to decide how to divide the funds among the Town’s neighborhoods.

MEETINGS – Dates Set

The Board will be meeting on September 12, 2005 for a regular meeting. On the agenda will be a presentation by the Riverkeeper. A work session will be held on August 22, and architect Ed Ozols will attend to review his plans for the Town House addition. After that the next work session will be held on September 26.

PUBLIC COMMENT PERIOD

Town Property – Town House – ADA Compliance and Facilities Upgrades

Dean Travalino of South Salem addressed the Board and stated that he did bring a proceeding against the Town but is not seeking monetary damages. He said the complaint was filed at a time when it seemed ADA compliance was at an impasse. He said his 1998 report was referenced tonight, and that Mr. Nordgren makes a good point regarding the Town House: a minimum amount of ADA work needs to be done unless the building becomes a single family residence. The down side of doing something immediately is that if the Board wanted to make other changes to enhance program accessibility you wouldn't want to do something and take it right out again. In general the concept is if the building isn't going to be used as a private residence again it should be at least accessible. In the process of Mr. Travalino's committee report and the Minner report, the Town had meetings to get to the point where they identified program accessibility which is different from building accessibility. Program accessibility is not something that can wait, it must be done unless it would be an economic hardship. He said it is all referenced starting with his report and continuing to the Minner report.

On a factual matter pertaining to Mr. Reich, Mr. Travalino said Mr. Reich told him he had talked to Mr. Nordgren. The issue of a rear entrance is clear—you can have a rear entrance, particularly on an historic building, and particularly here where a lot of people use it. That's what Mr. Reich was referring to when he said it would be easy to do something at the Town House. The difference is that at the Putnam County Court House you enter into several rooms that were functionally useful as courtrooms. He asked what good it would do to provide access to the Town House without considering the Zoning Board rooms, Planning Board rooms, all the uses they actually get. He noted that in the preliminary Ozols report, Mr. Ozols said he wanted to meet with all the Town officials and re-do some of the things we had done before. Mr. Travalino said "with that caveat, don't confuse program accessibility with accessibility to buildings." He said the process does not have to be adversarial at this point. Joe Reich had mentioned there are arbitrators who will walk the Town through the process. Mr. Travalino said he feels strongly that the Town should apply through Project Civic Access which is administered by the Justice Department. The Town would have to be recommended through Sue Kelly's office. Project Civic Access is a program where the Justice Department sends people in a non-adversarial setting to give some kind of design or answer to what is program accessibility. Not every Town can get into it because other towns will use it as a guide. Mr. Travalino said he spoke to Sue Kelly's office six or seven months ago and she would be willing to assist the Town. He offered to provide the website address for the program.

Ms. Bacal suggested that Mr. Nordgren ask Congresswoman Kelly to make that application. Ms. Bacal thanked Mr. Travalino for clarifying the situation. She said there is a big difference between a lawsuit against the Town and a complaint which was filed in connection with ADA compliance.

Mr. Nordgren said he was glad the complaint is not for monetary damages. He said the Board would like to do as much as it can and Project Civic Access sounds like a good idea, in addition to the physical accessibility. He said one recommendation from Mr. Travalino's report was to meet in accessible places and the Town Board can go back to our Town House.

Jerome Kerner of South Salem said program accessibility is important but reminded the Board to remember employment opportunities and access for employees. He said conditions at the Town House that people are working in, and in which people are being served, are marginal for the able-bodied. He said there may be other ways to provide both program and building accessibility by eliminating offices on the second floor. Regarding the book building at Onatru, Mr. Kerner said upgrading that building could cost about \$200,000. He urged the Board to remember access for employees as well as for the public.

Town Clerk Kathleen Cory addressed the Board and said she has worked in the Town House for 30 years. She noted that the plans were not circulated for review, there had been no input from the Judges, Police Chief, and staff using the building, and urged that a careful review of the planned improvements be made before proceeding. Mr. Nordgren said Mr. Ozols will talk to the employees.

John Gusmano of South Salem asked about the repairs for Onatru. Mr. Nordgren said the structural improvements at Onatru are important and he didn't get to that discussion tonight. It will be discussed next Monday night. He said there are two proposals for the Onatru repairs, and some work has been done to shore up girders and beams from the basement. He said Richard Sklarin obtained grants in the amount of \$240,000 for the East Street bridge and other paving, and \$150,000 for Onatru for repairs and ADA compliance. There is also a grant of \$25,000 for architectural drawings for the Town House and Onatru. For Onatru there is an estimate from Ed Ozols for \$10,000 and an estimate from Bob Benoit for \$7100. Mr. Benoit has already done a lot of work with Joel Smith. He asked the Board if they would like to authorize spending the money for detailed drawings of the structural work at Onatru. The Board agreed to hear a presentation on Monday night. Mr. Nordgren will ask Mr. Benoit and Mr. Ozols to come Monday night.

Facilities Manager Joel Smith said some of the beams have been shored up temporarily. He said it is "pretty urgent" to do the whole job. Mr. Nordgren said it would be good to use the book barn and relieve some of the weight on the second floor of Onatru farmhouse.

Deputy Town Clerk Florence Furdyna addressed the Board regarding the Town House alterations and asked "where are the plans?" She said this is a public building and there was no presentation of the plans. She said the project is a very important step and the process has been a clandestine one.

Re Hagele, Chairman of the Architecture and Community Appearance Review Council said they would also like to see the drawings of the proposed work at the Town House. He said the Advisory Council is an asset and should be utilized. He also wanted to make the point that there are very specific standards and guidelines for ADA accessibility and compliance. The gray area comes from the variance procedure and from allowing less than full compliance. Mr. Hagele said in his opinion the likelihood of a government agency getting a variance is less than it would be for a private person. He urged the Board to consider not looking at what would be minimum “getting by” but what it would really take to be compliant. Technically somebody who wants to work in any part of these buildings should have accessibility. He said the Town wants to hold itself to higher standards than just the minimum requirements.

Mr. Nordgren said it is “irresponsible and immoral” that the Town has not taken steps to comply with the ADA requirements and the Board plans to do so as soon as possible.

EXECUTIVE SESSION – Employment History

On motion by Mr. Nordgren , seconded by Ms. Bacal the Board voted 5-0 to go into executive session for the purpose of discussing the employment history of a particular person.

On motion by Mr. Nordgren, seconded by Mr. Daigle, the Board voted to come out of executive session.

ADJOURNMENT

On motion by Mr. Nordgren, seconded by Mr. Daigle, the Board voted to adjourn at 10:02 p.m.

Kathleen G. Cory  
Town Clerk