

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on February 7, 2006 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York 10590.

PRESENT: Supervisor - Edward P. Mahoney
Councilmen - Peter DeLucia, Allen Hershkowitz, Al Perruzza, Suzanne Whalen
Town Attorney - Jessica Bacal

Also attending was the Deputy Supervisor, Joann Vasi.

Supervisor Mahoney called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

CELLULAR TOWERS – Presentation re Route 22 Tower

The Board heard from attorney Gregory Mountain from Albany, New York. Mr. Mountain was under the mistaken impression that he was to be on tonight's agenda. Since he drove a great distance to be here tonight the Board allowed him to make a brief presentation.

Mr. Mountain said his firm represents Crowne Communications New York which is the State's agent for the development and management of the State's wireless telecommunications infrastructure, including the physical site. Mr. Mountain advised the Board of a proposed project on a State-owned parcel of land on the east side of Route 22, just north of exit 6A off Route 684. The State Department of Transportation plans to install a cellular tower and would have jurisdiction that supercedes local zoning regulations.

Mr. Hershkowitz advised that he would expect the State to follow the Town's procedures and make the necessary appearances before the Planning Board, including review by the Antenna Advisory Board. Mr. Mountain said they are here tonight for public outreach.

Mr. Mahoney asked them what their time element was. Mr. DeLucia said the Board would need information in time to review any paperwork. He also noted that the Board would like to have utilities co-locate on the same structure wherever possible.

It was noted that the State is the lead Agency. The DOT will produce an environmental assessment for the Town to review. Mr. Hershkowitz said again that the State should appear before the Planning Board. After further discussion it was decided that the tower information will be sent to the Town Board and another meeting will be scheduled.

PUBLIC COMMENT PERIOD

Jim Terleph of Lake Katonah questioned the status of the Andes property. Mr. Mahoney said he spoke to the county today, and the Town is looking at all property available. The county is very much interested in working with the Town.

Bonnie Robins of Perch Bay Road, Waccabuc requested that the Town Board not hold meetings on the same night as school board meetings. She also asked that the Town Board appoint people

to Town boards and committees who are environmentally conscious. She also asked to be made aware of the openings on those committees.

Ms. Robins also asked about the status of the sale of the buildings on the former Bell property, now known as the Leon Levy Preserve. Mr. DeLucia noted that the Town must first get subdivision approval from the Planning Board. Mr. Hershkowitz said the properties are costing \$10,000 a month in interest and \$1,000 in utilities. Mr. Mahoney noted that the heating bills are higher than anticipated. Mr. Perruzza noted that the 2006 budget anticipates 1.9 million dollars of revenue from the sale of the buildings.

Robin Breale of Waccabuc addressed the Board regarding the Indian Point nuclear plant. He asked the Board to pass a resolution calling for the closing of the plant and appoint a Councilman to a committee to work with other agencies. Mr. Hershkowitz noted that the Board has already adopted some resolutions regarding the plant. Mrs. Whalen agreed that the Board has already acted and will take Mr. Breale’s comments under advisement. Mr. DeLucia said he serves on a monitoring committee and stressed the importance of focusing on local catastrophies. He noted that Lewisboro is well away from the plant and should focus on all kinds of potential disasters. Mr. Hershkowitz suggested that Mr. Breale contact the Riverkeeper and see what else the Town could do. He said he personally would like to see the plant shut down.

Alan Cole of Todd Road spoke on behalf of the request from the Westchester Cycle Club to use the Spring Street parking lot for the September ride.

Jay Durst of Old Shop Road, Cross River urged the board to avoid meeting on school board meeting nights.

Richard Sklarin of 80 Park Road, Goldens Bridge addressed the Board regarding the proposed cell tower site on Route 22. Mr. Hershkowitz noted it is the area near exit 6A where the State is storing large piles of asphalt. Mr. Sklarin asked about further information about the site. Mr. Hershkowitz suggested the Board write a letter to the DOT and ask them to go through the proper processes.

INSURANCE – Approval of Aetna Health Insurance Plan

The Board reviewed a renewal of the Aetna Health Insurance plan for Town employees. Ms. Bacal said she has not had time to review the file but noted that the plan is a renewal of an existing plan. Mrs. Vasi noted that the contract must be renewed tonight. The time period for opting into another plan has passed, and the contract must be renewed tonight as an extension had been granted from the January deadline.

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

THE VOTE: Yes	- Mahoney, DeLucia, Hershkowitz, Perruzza, Whalen	(5)
No	- None	(0)
Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board does hereby renew the contract for health insurance with Aetna.

PARKS AND RECREATION – Town Pool – Authorize Re-Bid of Electrical Work

The Board discussed the need to re-bid the electrical work for the Town pool project. Mr. DeLucia reported that the existing bid documents have been reviewed and it was decided there should be no changes. There was only one bid from the earlier bidding effort and it was over budget. Architect John Ciardullo reported that perhaps only one bid was received because other bidders were not aware of it or were reluctant to bid on government work.

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

THE VOTE: Yes	- Mahoney, DeLucia, Hershkowitz, Perruzza, Whalen	(5)
No	- None	(0)
Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Clerk be and hereby is authorized to advertise and re-bid the electrical work for the Town pool project.

PARKS AND RECREATION – Town Pool – Authorize Contract with Management Company

Ronald Tetelman of the Parks and Recreation Advisory Council advised the Board regarding the request for proposals for a project manager for the pool refurbishing project. It has been decided that a firm called JMOA of Pleasantville was most qualified to oversee the pool project. With the remaining work to be done it was decided that a full-time person was not required. They are recommending that \$25,000 be set aside to pay for oversight services on an as-needed basis, paid for at an hourly rate.

Mr. Tetelman noted that JMOA had the lowest hourly rate of all bidders and were best qualified to do the work. Mr. DeLucia clarified that the Board could take the lowest hourly rate and use the services part-time rather than full time. Ms. Bacal advised that it was appropriate to take the hourly rate.

Mrs. Whalen questioned the references for JMOA. Mrs. Marchesani, Recreation Superintendent said she had a list of references for the firm. Mrs. Whalen questioned where the money was budgeted for this expense. It was determined that there is \$60,000 in line H7180.4.

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

THE VOTE: Yes - Mahoney, DeLucia, Hershkowitz, Perruzza, Whalen (5)
 No - None (0)
 Absent - None (0)

RESOLUTION

RESOLVED, that the Town Board does hereby accept the proposal of JMOA Engineering of Pleasantville to perform oversight work at the Town pool refurbishing project, with a cap of \$25,000, subject to review and approval of the bid document by the Town Attorney, and be it further

RESOLVED, that the Supervisor be and hereby is authorized to sign the contract.

REFUSE LICENSE – Rogan Brothers

The Board reviewed an application for a refuse license for Rogan Brothers. The Board requested information on the firm’s recycling procedures before issuing the license.

BICYCLE CLUB – Permission to use Spring Street Parking Lot

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

THE VOTE: Yes - Mahoney, DeLucia, Hershkowitz, Perruzza, Whalen (5)
 No - None (0)
 Absent - None (0)

RESOLUTION

RESOLVED, that the request of the Westchester Cycle Club for use of the parking lot adjacent to the Police Department building at 81 Spring Street, South Salem, as a rest stop for its Golden Apple tour on September 17, 2006, as described in a letter to the Town Clerk, is hereby granted.

OPEN SPACE – Leon Levy Preserve – Discussion re Management Plan

Paul Gallay, Executive Director of the Westchester Land Trust addressed the Board regarding the status of the Leon Levy Preserve. The conservation easements on the property were a condition of the major donor and of the New York City Department of Environmental Protection which purchased a conservation easement as well.

Mr. Gallay said the sale of the buildings should net the Town \$1.9 million conservatively. To get funding for the property purchase it was agreed that recreation activities would be non-motorized. It is possible that biking could be approved. He said a management plan for the preserve would identify sensitive natural resources and determine what can be done to strengthen those resources, identify recreational opportunities and determine how they can be done to be consistent with the environmental conditions and the terms of the easement, and get people onto the Preserve in a way that makes them proud to own it.

Mr. Gallay said they want people to enjoy the Preserve. There has been nothing written as to a management plan, however there are many groups that have contributed to the project. Some trails have been established and mapped, and the Trails Committee is helping an eagle scout candidate who has a project.

Mr. Hershkowitz noted that the high school athletic director is interested in using the property for mountain biking. He envisioned designated areas for mountain biking. Mr. Hershkowitz asked who would do the environmental mapping. Mr. Gallay said the Land Trust uses its own resources. He said there would be no cost to the Town for the plan. An expert has been identified who can help with best management practices for the bike trails.

Mr. DeLucia said his concern is access to the property. He noted that there is limited parking, and if the carriage house is sold that access will be unavailable. The access of Route 123 has very limited parking. He asked if the Town could make a larger parking area off Route 123. Mr. Gallay said the Town Engineer has worked out the details with the State Department of Transportation. It is envisioned that the Town could construct a modest-sized parking lot off Route 123. Mr. Gallay confirmed that the terms of the conservation easement there is no problem with constructing a parking lot, and that is was a "strong option." Mr. DeLucia asked if a small warming hut would be permitted.

Mr. Gallay reviewed the terms of the conservation easement and the rights reserved to the Town. It appeared that the warming hut would be permitted. Mr. Galley asked for a liaison to work with the Land Trust. Mr. Gallay said he had input from the Trails Committee, from Parks and Recreation, from Bedford Audubon, and the Conservation Advisory Council has been involved.

Mr. DeLucia asked if the Parks Maintenance Department would be required to do certain things on the property. Mr. Gallay said the management plan can be as low maintenance or as high maintenance as the Town wants. He said he is trying to create a "friends of the preserve" organization. Mr. DeLucia said they are looking for one major liaison to organize all the groups. He said the Parks and Recreation Department might be the logical choice.

Mr. Gallay said while the Town Board is deciding who will be the liaison, he will be working with all the committees to develop a plan with principles that Mr. Gallay can defend to the Town Board. Mr. Perruzza said what is developed should be in the context of a plan and suggested perhaps the Board should review their intentions. Mr. DeLucia said the Town Board should also make their intentions known.

Mrs. Whalen expressed her concern that two trails have already been established prior to subdivision approval, and without input from the Town Board. She said she would like to get more control over what is happening there.

Vi Patek, chairman of the Trails Committee said no new trails have been created. She said the trails that now begin and end at the carriage house will be redirected if the building is sold. Mr. Gallay said the Land Trust will be very happy if the Town creates a new parking lot on Route 123.

Mr. Hershkowitz questioned the signs that have been posted which prohibit cycling. Mrs. Patek said she will tape over the "or bikes" wording. Mrs. Whalen said it may have been premature to post the signs as she felt the wording of the signs was approved for specific sites. It was also noted that certain areas may be approved for certain uses. Mr. DeLucia said they are a temporary measure right now but the ultimate goal at the parking lot would be one main sign, noting there are too many signs along Route 123 now.

Mr. Perruzza asked if a meeting had been scheduled at which time a liaison is needed. Mr. Gallay said no, but they would like to get people together within the next two weeks. Mr. Perruzza asked for a copy of ideas presented by the involved committees. Mr. Gallay said within the bounds of the easement and good management practices they will present something that represents the will of the Town committees first and the Land Trust, Audubon Society and Botanical Garden second.

OPEN SPACE - Leon Levy Preserve – Discussion re Carriage House

Mr. Hershkowitz asked how the Board can find out what it is allowed to do with the carriage house if it wanted to keep it. Mr. Gallay read the donor's requirements. He said the pledge says "sell three other houses to defray costs." Then it says "the fourth structure is a victorian-style carriage house. Provided an agreement mutually satisfactory to the Levy Foundation and the Town of Lewisboro can be reached as to an appropriate use, the carriage house for a nature center or other beneficial purpose and if funding for such purpose can be provided by the Town of Lewisboro or other appropriate source the carriage house shall be used for that purpose subject to a plan or procedures including an appropriately detailed use plan approved by the Foundation. If no such agreement can be reached or the Foundation disapproves a plan or procedures for the use of the carriage house, the carriage house shall also be sold to defray the cost to the Town of the acquisition of the Bell property." Mr. Gallay said the shorter answer is "how do you go about having a liaison to the Foundation? They are happy to work directly or through the Land Trust."

Mr. Hershkowitz asked Mr. Gallay to speak with the donor, the DEP, and the Parks and Recreation office to come up with recommendations for the carriage house. Mr. Gallay said his organization is better at land management than the use of buildings. He said the idea of the donor was that the carriage house would be the gateway or the border of the preserve that's named after her late husband and it has to do honor to him and be consistent with the nature of the preserve. Mr. Hershkowitz said his suggestion was to involve the donor early in the discussions. Mr. Gallay said the concept was that the only thing specifically referred to was a nature center. He said the Board has to ask itself if there is a need, is that sufficient, value/cost/benefit-analysis wise/ and what other activities could conceivably be provided for, before you start to tip the scale too far toward some other use that is not a good meld with the preserve.

Mr. Perruzza said there is a financial aspect in terms of the sale of these four homes. He said there is a PRAC meeting on February 23 and as a liaison he volunteered to come up with a summary of potential ideas. He said the preliminary valuation is about \$750,000 which is presumed to have risen. He would like to look at the economics and ideas and look at the business case.

Mr. DeLucia said if the carriage house were retained, not only would the Town not get the revenue, but money would have to be spent on the building in order to use it. He said the Town would be inheriting another old building that we would have to upgrade. He suggested perhaps there was another avenue for more support from another donor to offset the loss of revenue and expense of bringing it in to compliance.

Mr. Hershkowitz said the Board might have some funds from Assemblyman Adam Bradley for a nature center or senior citizen center. Mr. Hershkowitz said before the Board decides Mr. Perruzza will look into numbers and talk to PRAC about what might be done and Mr. Gallay will move forward with the land management group.

Mrs. Patek asked if she should remove any signs on the Route 123 side of the property. The Board decided to leave them for now but tape over the "no cycling" wording. Mrs. Patek asked who should be posting properties in Town. Mrs. Whalen asked who paid for the signs. Mrs. Patek said the Town paid for them and the Town Board voted to approve the wording. It was determined that the Trails Committee has a budget. Mrs. Patek said there is \$5,000 allocated for the Old Field Preserve (Houlihan) and \$3,000 for the Leon Levy Preserve.

Mr. Hershkowitz said the Board needs to give someone authority to put up the signs. The Board advised Mrs. Patek to call the Highway Department to put up signs. It was also noted that the signs should be posted at the direction of the Town Board.

CLAIMS – Approved for Payment

On motion by Mr. Mahoney, seconded by Mr. DeLucia the Board authorized payment of claims in the amount of \$306,098.84, with the stipulation that the Scott Pools bill for \$157,716 be reviewed and approved by the Town Attorney before payment is made.

PARKS AND RECREATION – Town Pool – Comment re Bonding

Mrs. Whalen noted that after the current bill is paid, the Town will have paid a total of \$727,879.50 out of the Town's fund balance for the pool work. The balance due on the pool is \$1,471,120.50.

Mrs. Whalen suggested that the Board consider other options of payment rather than further depleting the fund balance. She said the Board should discuss bonding some of the balance as she did not think the money should come from the fund balance.

TOWN ATTORNEY – Salary Established

The Board prepared, on motion by Mr. Mahoney, seconded by Mrs. Whalen, to vote on the salary for the Town Attorney. Mr. Hershkowitz noted that there will be added expenses for health insurance, retirement system contributions, etc. He said the Board should discuss the salary in executive session. Mr. Mahoney said he felt that Mr. Hershkowitz's estimate of the added expense was too high. He noted that the Town is still paying less for a Town Attorney than surrounding towns. Mr. Perruzza said the Board has had this discussion privately and in public

and it involves more than dollars and cents. He apologized to Ms. Bacal and said the Board made a decision that they wanted someone who has a lot of experience, has a lot of contacts and has a lot of assets to help the Board.

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

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

RESOLUTION

RESOLVED, that the salary for the Town Attorney shall be \$55,000 per year.

ATTORNEY FOR THE TOWN – Set Rate for Attorney for the Town

Mr. Mahoney noted that Attorney for the Town Leslie Maron has requested a payment schedule for the transition period which should last to the end of February. The Board discussed the hourly rate to be paid, and it was felt that the rate of \$175.00 would be acceptable. In answer to Mr. Perruzza’s question, Ms. Bacal said she would work together with Mr. Maron to conclude pending matters.

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

THE VOTE: Yes	- Mahoney, DeLucia, Hershkowitz, Perruzza, Whalen	(5)
No	- None	(0)
Absent	- None	(0)

RESOLUTION

RESOLVED, that attorney Leslie Maron shall be paid at an hourly rate of \$175.00 for such legal services performed for the Town during the transitional period of February 1, 2006 through February 28, 2006 in accordance with Mr. Maron’s timesheets to be submitted to the Town at the end of this month, together with all Town files in Mr. Maron’s possession.

TOWN OFFICIALS AND EMPLOYEES – Appointment of Stephanie Murphy

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

THE VOTE: Yes	- Mahoney, DeLucia, Hershkowitz, Perruzza, Whalen	(5)
No	- None	(0)
Absent	- None	(0)

RESOLUTION

RESOLVED, that Stephanie Murphy be and hereby is appointed Assistant Court Clerk at an hourly rate of \$14.00 per hour.

HIGHWAY DEPARTMENT – Authority to Seek Quotes for Tractor

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

THE VOTE: Yes	- Mahoney, DeLucia, Hershkowitz, Perruzza, Whalen	(5)
No	- None	(0)
Absent	- None	(0)

RESOLUTION

RESOLVED, that the Highway Superintendent be and hereby is authorized to secure bids for a 2006 New Holland Tractor with a flail knife mower.

TOWN PROPERTY – Sale of Foreclosed Property

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

THE VOTE: Yes	- Mahoney, DeLucia, Hershkowitz, Perruzza, Whalen	(5)
No	- None	(0)
Absent	- None	(0)

RESOLUTION

WHEREAS, the Town of Lewisboro had acquired through foreclosure three garages in the Oakridge Condominiums, and

WHEREAS, the Town of Lewisboro did sell said garages by means of an auction held on December 5, 2005, now therefore be it

RESOLVED, that the Supervisor be and hereby is authorized to sign any documents necessary to complete the sale of foreclosed garages shown on the Tax Maps of the Town as Sh 49E Block 9830 lots G5, G6 and G24.

REPORTS – Monthly

On motion by Mr. Mahoney, seconded by Mr. Hershkowitz the Board accepted the Planning Board’s monthly report.

TOWN BOARD – Pending Projects

Mr. Perruzza said he has been keeping track of pending issues and suggested that the Board put together a work plan. Some outstanding issues include grants for wastewater, DEC Aquatic Invasive Species grant, Round 8 of Water Quality Improvement Projects, \$150,000 ADA grant from Sue Kelly, Mr. Ozols' plan for Onatru, \$312,000 watershed grant, biotic corridor follow up, Leon Levy Preserve, request for proposals from brokers for sale of houses on the former Bell property, acceleration of payment due from New York City Department of Environmental Protection for the conservation easement on Bell from DEP, master plan for the Leon Levy Preserve, the South Salem library project, highway, police and police chief contracts, pool project manager, financial audit and true status of surplus, wetlands adjudication, recreation money from the county, status of town engineer projects, ADA improvements to the Town House and outstanding legal issues.

Mr. DeLucia added possible revisions to the Special Character Area regulations to the list. Mr. Perruzza asked anyone who had additions to the list to forward them to the Supervisor's secretary. Mr. Hershkowitz noted that ACARC was asked to look at their regulations and perhaps they should report on their progress.

Supervisor Mahoney said the Town has been taking out Bond Anticipation Notes and perhaps they should consider longer term bonding. He said there is currently an effort underway to obtain a bond rating for the Town. Mrs. Whalen also noted that the Board needs to fill openings on the Planning Board and Zoning Board of Appeals.

MEETINGS

Mr. Hershkowitz urged the Board to schedule their meetings so as to avoid conflicting with school board meetings.

TOWN PROPERTY – Request for Proposals for Real Estate Brokers

The Board reviewed the status of the request for proposals for brokers to sell the excess buildings from the Bell property.

Mrs. Whalen noted there is one offer pending for one of the houses.

MEETINGS – Dates Set

Upcoming meeting dates for the Board include a regular meeting on February 21, 7:30 p.m. at the Town House, and a work session on February 14, 7:30 p.m. at Cyrus Russell Community House.

TOWN PROPERTY – Potential Purchase for Bell Property House

Bill McGeary said he is interested in possibly purchasing one of the houses on the former Bell property. He said the house, at the corner of Routes 35 and 123 was built in 1778 as the Presbyterian church across the street. It was bought by a Sergeant Keeler who moved the timbers

across the street. Mr. McGeary said he's looked at the house and it is in very rough condition. He had it inspected and it is structurally sound. He said he has put in a bid for the house. He would like to purchase the home and move in by September.

FINANCE

Bonnie Robins of Perch Bay Road, Waccabuc asked that someone from the Finance Department attend Town Board meetings. She also asked if the money due from the New York City Department of Environmental Preservation has been received. Mr. Perruzza said Mr. Gallay said they were trying to expedite the payment. Ms. Robins also asked the Board to look at the market value of the homes on the Bell/Levy property including the carriage house, and determine what the costs would be if the carriage house isn't sold. Ms. Robins asked about the Town's bond rating, and Mr. Mahoney replied that the Town has never needed a rating.

Mr. Hershkowitz asked that the Finance Director attend every Town Board meeting and work session.

Jim Terleph of Lake Katonah questioned the status of the Legacy funding for the county purchase of the Andes property for ballfields. Mr. Mahoney said the money is there and the Board is looking at options for ballfields. Mr. DeLucia said the Board should review the proposed inter-municipal agreement to learn what is expected of the Town. Mr. Hershkowitz said the Town should explain why the Andes property is unsuitable for ballfields. Mrs. Whalen said the Board responds to the community and at the meeting about the property the Board heard from residents for two hours and the Board must respond to the feelings of the residents. Mr. Hershkowitz said the Board shouldn't rule out the proposal and should have a public hearing in a non-political context. Mrs. Whalen said there will be a public hearing but the Board should do its homework first and look at all the options.

EXECUTIVE SESSION – Employment History

On motion by Mr. Mahoney, seconded by Mr. Perruzza the Board voted 5-0 to go into executive session to discuss the employment history of a particular person.

On motion by Mr. Mahoney, seconded by Mr. DeLucia, the Board voted 5-0 to come out of executive session.

ZONING BOARD OF APPEALS – Appointment of Robin Price, Jr.

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

THE VOTE: Yes	- Mahoney, DeLucia, Hershkowitz, Perruzza, Whalen	(5)
No	- None	(0)
Absent	- None	(0)

RESOLUTION

RESOLVED, that Robin J. Price, Jr., be and hereby is appointed to fill an unexpired term on the Zoning Board of Appeals, said term expiring December 31, 2008.

PLANNING BOARD – Appointment of Richard Ellrodt

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

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

RESOLUTION

RESOLVED, that Richard Ellrodt be and hereby is appointed to a five-year term on the Planning Board, said term expiring December 31, 2010.

ADJOURNMENT

On motion by Mr. Mahoney, seconded by Mrs. Whalen, the Board voted to adjourn at 11:35 p.m.

Kathleen G. Cory
Town Clerk