

An emergency meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on Friday, February 8, 2008 at 8:30 p.m. at the Town House, 11 Main Street, South Salem, New York.

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

Mr. Brancati called the meeting to order at 8:35 p.m. and noted that the press had been advised of this emergency meeting.

EAGLE SCOUT – Discussion and Approval of Eagle Scout Project

The Board met to discuss an Eagle Scout project undertaken in Fox Valley Park. Eagle Scout candidate Blake Berg was present with his mother.

(Town Clerk's note: This issue was discussed at the Board's February 4 Town Board meeting, and the Board said they would do whatever they could to get Mr. Berg's project approved before his 18th birthday tomorrow, February 9, 2008.)

Supervisor Brancati presented a draft resolution of approval for Mr. Berg's project. Mr. DeLucia suggested striking the wording that stated the Building Inspector had found that the project was not in violation of any laws because there is a violation of the wetland law which Mr. Berg must remedy. He suggested adding wording to the effect that when the rest of the approvals come in the Building Inspector can grant the trail a certificate of occupancy.

Mr. Brancati noted that the Planning Board will have to schedule a public hearing and give neighbors an opportunity to comment on the project. Mr. DeLucia said at the end of the day the fact is that it is something built on Town property. If it is going to stay it is going to meet the Town's requirements--otherwise, it has to go. Mr. Brancati said if the other boards come back to the Town Board and ask for an extension of time the Town Board will grant it.

Mr. Perruzza advised Mr. Berg to carefully follow the process. Mr. Pavalow said Mr. Berg needs to document the data he has requested and the responses so if he needs an extension he will know where the delays are.

Mr. Brancati said there will have to be some mitigation. The Wetland Inspector feels it is not insurmountable, but that must dovetail with Planning Board site plan approval. In addition, the Architecture and Community Appearance Review Council may ask for a color change. He advised Mr. Berg to speak to the board members because there may be some changes to what is currently in place on the trail.

Mr. Pavalow said the process will be that Mr. Berg will present what he has, the boards will deliberate and they will make recommendations. Mr. Berg will execute those items and come back to the boards again.

Mr. DeLucia said when the Town Board has all that paperwork they can make a final resolution and accept it.

Mr. Perruzza advised Mr. Berg to specifically get on the agenda for the Architecture and Community Appearance Review Council.

Mr. DeLucia advised Mr. Berg that the Town now has a violation and the resolution says he is going to take care of it or there will be civil penalty and the trail might have to be relocated. He told Mr. Berg he should submit paperwork next week to get on the Planning Board and ACARC agendas. During the Planning Board hearing the wetlands consultant and the Planning Board's attorney will be there. Mr. Pavalow advised Mr. Berg to have someone there with him so he remembers everything that is said.

Mr. Brancati said there will be neighbors of the park there too and they will be able to comment.

Mr. Brancati told Mr. Berg that if any conditions of the Town Board resolution are not met or can't be met, then the resolution is rescinded and the Board will expect him to restore the property to its original condition.

Mr. Pavalow said these are legal items that the Board has to enforce or it is in trouble. Mr. Welsh said the good news is that this is good experience, but Mr. Berg will have to follow through.

Mr. Brancati told Mr. Berg he hoped he has learned something from this experience. He said he knows the Board has learned and the scouts have learned. He understands that the process is long and difficult, but a lot of it could have been handled much more easily when Mr. Berg came before the Board originally. Mr. Brancati said Mr. DeLucia spoke to Mr. Berg and his father about the project. It is important that a process be followed, but nevertheless, the Board is meeting tonight.

Mr. Berg thanked Mr. Brancati for putting this on the top of the list. Mr. Brancati said this has not easy, the Board has a lot of concerns and has been as flexible as it can be. He said Mr. Berg is fortunate that the Board was able to come to a conclusion.

Mr. DeLucia said fortunately everyone wants to be helpful. The Board wants to do the right thing. He reminded Mr. Berg to ask questions, and suggested he be a little more pro-active. He suggested that he ask the right questions and make follow-up phone calls.

Mr. Brancati reminded Mr. Berg to ask more questions if there is something that he is not clear about.

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

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

RESOLUTION

WHEREAS, a local high school student, Blake Berg, proposed approximately two years ago the construction of a Para-Course Trail on property belonging to the Town of Lewisboro;

WHEREAS, said project was designed by Mr. Berg for purposes of qualifying to become an Eagle Scout in the Boy Scouts of America, and the Boys Scout leadership did approve said project; and

WHEREAS, Mr. Berg successfully solicited community funds to purchase equipment and materials for said project and did, in fact, build the Para-Course Trail; and

WHEREAS, Mr. Berg appeared before the Town Board on Monday, February 4, 2008 to obtain final approval of said project; and

WHEREAS, it came to the Town Board's attention at said February 4th meeting that Mr. Berg had inadvertently neglected to obtain all the requisite permits to build said Para-Course Trail from the appropriate municipal authorities;

WHEREAS, in order to obtain Eagle Scout rank, an applicant must complete the specified project prior to his 18th birthday; and

WHEREAS, Mr. Berg's 18th birthday is on Saturday, February 9, and

WHEREAS, the Town's insurance carrier, Spain Agency, has confirmed that the Para-Course Trail is covered by the Town's General Liability Policy, and

WHEREAS, the Town's Deputy Building Inspector has inspected the project and has found it to be satisfactory; and

WHEREAS, the Town has received a violation for said project by the Town Wetland Inspector and said violation must be mitigated by Mr. Berg,

NOW THEREFORE, BE IT

RESOLVED, THAT in recognition of Mr. Berg's demonstrated hard work and commitment to this project, which constitutes a positive enhancement for the Town and the community, the Town Board hereby grants conditional approval to Mr. Berg's project, subject to Mr. Berg's full compliance with all mandatory approval processes, with such approvals to be provided to the Town Board no later than April 30, 2008 and to include the following:

- a.) Planning Board Site Plan approval; and
- b.) Architecture and Community Appearance Review Council approval; and
- c.) Mitigation of any Wetlands Violations in accordance with the terms and conditions set by the Wetlands Inspector.

AND BE IT FURTHER RESOLVED THAT in the event of noncompliance or untimely compliance by Mr. Berg with each and every one of the conditions set forth herein, this conditional approval shall be rescinded forthwith, and the Board reserves the right to order Mr. Berg to restore the Town property to the condition existing prior to alteration by Mr. Berg.

ADJOURNMENT

On motion by Mr. DeLucia, seconded by Mr. Brancati the Board voted 5-0 to adjourn at 8:55 p.m.

Kathleen G. Cory
Town Clerk