

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on January 16, 2007 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York.

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

Also attending were Deputy Supervisor Joann Vasi and Facilities Maintenance Manager Joel Smith.

ARCHITECTURE AND COMMUNITY APPEARANCE REVIEW COUNCIL – Discussion re Recommendations

Re Hagele, Chairman of the Architecture and Community Appearance Review Council appeared before the Board to discuss his Council's recommendations for changes to the Town's zoning with regard to their jurisdiction. (Memo attached)

Mr. Mahoney asked Mr. Hagele if his committee got enough cooperation from other boards. Mr. Hagele said they do feel they are somewhat of a "Cinderella sister". He said the Board expanded the wetland setback to 150 feet to preserve the environment, but ACARC feels there are other environments worth protecting too. Mr. Hagele said a few years ago there were some joint meetings of other boards with ACARC and he felt they were helpful.

Mr. DeLucia suggested perhaps amending the sign ordinance to allow a "grand opening" sign or similar sign for a limited time to help a new business. Mr. Hagele suggested a flow chart might be helpful during the approval process. He said ACARC has been working on improvements for about a year but doesn't want to go further without Town Board approval. Mr. Brancati said the Town Board and ACARC should decide on improvements to the process, changing the fee structure, etc. before expanding the Special Character areas.

Mr. Hagele said as a practicing architect he sees the process from both sides. It won't sit well with many to expand the jurisdiction of ACARC, but it would be most fair to all to have the restrictions apply to everyone.

Mr. Brancati said he wants the Board to have "one voice" before expanding the special character areas. Mr. DeLucia commented on the need to preserve viewsheds along the main roads, and the idea of making Route 35 a scenic highway. Ms. Bacal said she did some work years ago on having Route 35 designated a scenic highway. Mr. DeLucia said the First Selectman in Ridgefield would like to work with Lewisboro to get all of Route 35 through Lewisboro and Ridgefield designated a scenic highway.

Al Perruzza asked Mr. Hagele to put together a list of specifically what the committee wants, then the Board can talk about it and prioritize. Mr. Hagele suggested talking to the CAC members as well.

Mrs. Whalen asked if the whole length of Route 35 would have to be designated a Special Character District, noting that the Cross River section already is. Mr. Hagele said if the road already was a special character district and already under protective restrictions it would be easy to modify those restrictions to meet the scenic highway regulations.

Mrs. Whalen asked if Ridgefield and Lewisboro together could make the scenic highway a reality right now. Ms. Bacal said if the Town gave ACARC additional authority on Route 35 it conveys to the State authorities that the Town has already taken steps to protect the road. What the Town is trying to prevent is a widening of Route 35 by the State so now you have what appears to be a two-state cooperative effort and it is much more likely that New York State will join with Connecticut, and vice-versa, and get funding for it.

Mr. Mahoney asked if there was any way ACARC could take jurisdiction over the various shopping centers in Town to spruce them up, make them more picturesque by adding flowers, etc. Mr. Hagele said they could, but only if the property came before them as an applicant.

OAKRIDGE WATER AND SEWER DISTRICTS – Award Contracts for Upgrade

Engineers Bill Bright, Dave Ohman and Derrick Wilcox addressed the Board regarding proposed improvements to the Oakridge sewer plants. (Copy of recommendations attached.) Mr. Bright explained a recent effort to obtain bids for upgrade work needed. Mr. Bright explained that there were few bidders because there are 67 other wastewater treatment plant upgrade projects going on in a 30-mile radius at this time. He said the bids received were in line with what other projects are costing. Mr. Bright also said there are not that many firms that do this kind of specialized work.

Mr. Perruzza asked if the engineers were satisfied with the contractors who bid. The engineers said they have experience working with the contractors they are recommending and know they have a proven track record. Mr. Ohman said the prices bid were higher than they would like them to be, but if the project is rebid they are afraid they will lose bidders. Mr. Bright said that improper HVAC work was the cause of all the problems that exist at the plant, stressing the importance of having the right contractor working on the new HVAC work.

The Board and the engineers discussed the need to meet a deadline set by the New York State Department of Environmental Conservation and to work with the Westchester County Health Department. Mr. Bright said those requirements would be considered during negotiations with the successful bidders. Mr. DeLucia said it is crucial to keep all agencies informed of the progress.

Mr. Bright reviewed the funding of previous work. He said the Town bonded for \$1.3 million when the Town took over the plant. That bond was for repairs and upgrading of the water and sewer facility. The same language applies for the current bonding. Mr. Bright said he believes there is about \$800,000 still in the bank account. There is \$89,000 left over on two contracts with Delaware Engineering for oversight work. When the upgrade is bonded they will include the costs paid for in the short-term in the 25 or 30-year bond. The construction costs, including a 10% contingency comes out to about \$5,091,000, with construction management it is \$150,000 more, about \$5,241,000. Bond counsel is looking for wording of \$5.4 million for the bond

anticipation note to be certain there is enough money set aside to pay off the contracts and get it done. After the upgrade is all finished the Town will take a long-term financing note to pay off the \$1.3 million and this project. Then the \$1.3 million and the \$1 million due from the developer of the new phase will be deducted from the total, so the final financing will be about \$4.7 or \$4.8 million.

Mrs. Whalen asked if the contractors were bonded. The engineers assured the Town Board that the contractors were bonded.

Mr. Perruzza asked if the developer’s contribution of \$1 million had any flexibility. Mr. DeLucia said the developer feels he was entitled by right to use the sewer system, and will be contributing to the homeowners’ association as well. Mr. Bright said he will be looking into the rate-setting methods to understand how the initial rates were established. The rates will go up substantially, but there are different ways to establish the formula. Mr. Brancati said he thought the rates could be set based on usage. Ms. Vasi said the sewer fees are in the tax bill, but the water bills are separate. Mr. DeLucia said in the end the project will improve the quality of life for residents of Oakridge.

Ms. Bacal advised the Board that a public hearing must be called, and a notice published as soon as possible so the Board may hold the required public hearing to show the DEC that the Town is quickly moving ahead with this project.

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

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

RESOLUTION

RESOLVED, that the Town Board does hereby award the contract for General Construction at the Oakridge Wastewater Treatment Plant Upgrade project to The Milnes Co., Incorporated of Tunkhannock, Pennsylvania for the base bid contract price of \$3,725,000, and hereby agrees to accept the bid qualifications and exceptions provided with their bid, contingent upon public hearing and financing and negotiation of final contracts, and be it further

RESOLVED, that the Town Supervisor be and hereby is authorized to execute the necessary paperwork as required to initiate and complete the project work (e.g. Notice of Award, Notice to Proceed, payment requisitions, change orders, Certificate of Substantial Completion, engineering contract amendments, etc.) and to execute the Notice of Award of this bid to The Milnes Co., Inc. all subject to the review and approval of the documents by the Town Attorney.

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

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

RESOLUTION

RESOLVED, that the Town Board does hereby award the contract for electrical work on the Oakridge Wastewater Treatment Plant Upgrade project to Sausto Contracting, Inc. of Rhinebeck, New York for the base bid contract price of \$573,000, and hereby agrees to accept the bid qualifications and exceptions provided with their bid, contingent upon public hearing and financing and negotiation of final contracts, and be it further

RESOLVED, that the Town Supervisor be and hereby is authorized to execute the necessary paperwork as required to initiate and complete the project work (e.g. Notice of Award, Notice to Proceed, payment requisitions, change orders, Certificate of Substantial Completion, engineering contract amendments, etc.) and to execute the Notice of Award of this bid to Sausto Contracting, Inc., all subject to the review and approval of the documents by the Town Attorney.

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

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

RESOLUTION

RESOLVED, that the Town Board does hereby award the contract for HVAC construction work on the Oakridge Wastewater Treatment Plant Upgrade project to D. J. Heating & Air Conditioning, Inc., of Marlboro, New York for the base bid contract price of \$330,845, and hereby agrees to accept the bid qualifications and exceptions provided with their bid, contingent upon public hearing and financing and negotiation of final contracts, and be it further

RESOLVED, that the Town Supervisor be and hereby is authorized to execute the necessary paperwork as required to initiate and complete the project work (e.g. Notice of Award, Notice to Proceed, payment requisitions, change orders, Certificate of Substantial Completion, engineering contract amendments, etc.) and to execute the Notice of Award of this bid to D. J. Heating & Air Conditioning, Inc., all subject to the review and approval of the documents by the Town Attorney.

Mr. Ohman commented that they couldn't make appearances before the Planning Board and ACARC until the final plans were ready. They are taking steps to schedule those appearances.

OAKRIDGE WATER AND SEWER DISTRICT – Set Date For Public Hearing on Bonding

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

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

RESOLUTION

At a regular meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, held at the Town House, 11 Main Street, in South Salem, New York, in said Town, on January 16, 2007, at 7:30 o'clock P.M., Prevailing Time.

PRESENT:

Edward P. Mahoney  
Supervisor

Peter B. DeLucia  
Councilman

Al Perruzza  
Councilman

Suzanne Whalen  
Councilman

Edward Brancati  
Councilman

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In the Matter	:	
of	:	
the Increase and Improvement of the	:	ORDER CALLING
Facilities of the Oakridge Sewer District	:	PUBLIC HEARING
in the Town of Lewisboro, Westchester	:	
County, New York	:	
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WHEREAS, the Town Board of the Town of Lewisboro, Westchester County, New York, has had under consideration the increase and improvement of the facilities of the Oakridge Sewer District in said Town, consisting of the reconstruction and re-equipping of the Oakridge Sewer facility, including construction of an influent room, roof replacement, tank reconditioning, installation of chemical feed systems, replacement of filter equipment, electrical system improvements, heating and ventilation improvements, lab and control room equipment, and related and incidental improvements and expenses in connection therewith, and

WHEREAS, the Town Board of said Town has duly caused to be prepared a map, plan and report, including an estimate of cost relating to said increase and improvement of facilities of such Oakridge Sewer District; pursuant to an engineering report prepared by Delaware Engineering, P.C., professional engineers, through 2005; and

WHEREAS, the maximum estimated cost to such Oakridge Sewer District of such increase and improvement of facilities was determined to be \$2,000,000; and

WHEREAS, such cost shall be annually apportioned and assessed upon the several lots and parcels of land within such Oakridge Sewer District in the manner provided by law and levied and collected in an amount sufficient to pay the principal and interest on said bonds as the same become due;

WHEREAS, an environmental analysis has been prepared pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act (“SEQRA”) in connection with such increase and improvement and use and the Town Board received and reviewed said analysis and made a SEQRA determination based on the completed environmental analysis on May 16, 2006; and

WHEREAS, at a meeting of said Town Board duly called and held on May 2, 2006, the Town Board ordered that a hearing be held on the aforesaid increase and improvement on June 6, 2006;

WHEREAS, on June 6, 2006, the Town Board held the aforesaid public hearing and thereafter adopted an order determining the aforesaid increase and improvement, at an estimated maximum cost of \$2,000,000 to be in the public interest, and adopted a bond resolution authorizing \$2,000,000 bonds to pay the cost thereof;

WHEREAS, it has since been determined, following the receipt of bills, that the estimated maximum cost should be increased to \$5,400,000;

WHEREAS, it is now desired to call a public hearing on said proposed increase and improvement of facilities and the map, plan and report, including the revised estimate of cost pursuant to Section 202-b of the Town Law; NOW THEREFORE BE IT

ORDERED by the Town Board of the Town of Lewisboro, Westchester County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, shall be held at the Town House, 11 Main Street, in South Salem, New York, in said Town, on January 30, 2007, at 8:00 o’clock p.m. Prevailing Time, for the purpose of conducting a public hearing on the proposed increase and improvement of the facilities of Oakridge Sewer District in said Town, and the map, plan and report including revised estimate of cost referred to in the preambles hereof, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Section 2. The Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be published in the Lewisboro Ledger, the official newspaper of said Town, and posted in the manner prescribed by law, which notice shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Lewisboro, Westchester County, New York will hold a public hearing at the Town House, 11 Main Street, South Salem, New York in said Town, on January 30, 2007 at 8:00 p.m. Prevailing Time, for the purpose of hearing from the public relating to the proposed increase and improvement of the facilities of the Oakridge Sewer District in said Town, consisting of the reconstruction and re-equipping of the Oakridge Sewer Facility including construction of an influent room, roof replacement, tank reconditioning, installation of chemical feed systems, replacement of filter equipment, electrical system improvements, heating and ventilation improvements, lab and control room equipment, and related and incidental improvements and expenses in connection therewith including incidental expenses in connection therewith, at a revised maximum cost of \$5,400,000, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same. Such cost shall be annually apportioned and assessed upon the several lots and parcels of land within such Oakridge Sewer District in the manner provided by law and levied and collected in an amount sufficient to pay the principal and interest on said bonds as the same become due.

The map, plan and report, including estimate of cost, relating to this project is on file in the Office of the Town Clerk where it is available for public inspection during normal business hours.

BY ORDER OF THE TOWN BOARD

TOWN OF LEWISBORO

BY: KATHLEEN G. CORY, TOWN CLERK

Dated at South Salem, New York

This 16<sup>th</sup> day of January, 2007

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

Edward P. Mahoney	VOTING	Aye
Peter B. DeLucia	VOTING	Aye
Al Perruzza	VOTING	Aye
Suzanne Whalen	VOTING	Aye
Edward Brancati	VOTING	Aye

The order was thereupon declared duly adopted.

ATTORNEY – Authorize Special Counsel re Dog Case

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

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

RESOLUTION

RESOLVED, that Special Counsel Margaret Clark be and here by is authorized to proceed with prosecution in the matter of Town of Lewisboro vs. Steven Miller.

PARKS AND RECREATION – Authorize Attendance at Conference

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

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

RESOLUTION

RESOLVED, that Christine Grey be and hereby is authorized to attend the 2007 Clemson University Executive Development Program for Park and Recreation Professionals scheduled from February 25 to March 1 in Clemson, South Carolina.

LAKES COMMITTEE – Discussion re Mission Statement

The Board reviewed a proposed mission statement for the Lakes Committee. Ms. Bacal asked for more time to review some legal questions. Apparently lakes committees are not that common, and she wants to look into the description of their duties.

Mr. Brancati would like to have it approved by January 30, prior to the committee’s meeting on the 31<sup>st</sup>. Ms. Bacal noted that the Town applied for the grant, which comes from the DEP and is administered by the county. Ms. Bacal questioned the ownership of Lake Truesdale. An audience member said the bottom of the lake is owned by the Truesdale Estates Association, and the dam is owned by the Truesdale Lake Property Owners Association. Mr. Brancati said he was sure ownership varied from one lake to another.

GRANTS – Proposal to Cooperate with Town of Pound Ridge in Watershed Grant

Mr. Brancati said the Town of Pound Ridge has received a grant in the amount of \$25,000 for a water quality implementation study of Lake Kitchawan. Lewisboro has been asked to cooperate in the study and contribute \$5,000. For that money the Town will have access to all the findings of the report. The Board agreed and will approve it at the February 6 meeting.

EAGLE SCOUT – Proposed Project

The Board reviewed a proposed project from an Eagle Scout candidate. Mr. DeLucia said the scout proposed to construct an exercise trail with stations. Each station would have instructions

on how to do the exercise and the apparatus. The scout would have to design the project and solicit funding and arrange for installation. The equipment costs about \$3,000. The Superintendent of Parks and Recreation has expressed some concern regarding maintenance. Mr. DeLucia felt that with better quality equipment maintenance would be lessened.

Mr. Brancati said his concern was that the Town would not be able to fund the same level of support for other Eagle Scout candidates. Mrs. Whalen also expressed reservations about giving out that level of funding.

Mr. DeLucia suggested other ways the Town could contribute to the project, such as loan of cement mixer, etc.

EXECUTIVE SESSION – Employment History, Litigation

On motion by Mr. DeLucia, seconded by Mr. Mahoney the Board voted 5-0 to go into executive session for the purpose of discussing the employment history of a particular person and current litigation.

On motion by Mr. Mahoney, seconded by Mrs. Whalen, the Board voted to come out of executive session.

ADJOURNMENT

On motion by Mr. Mahoney, seconded by Mr. DeLucia, the Board voted 5-0 to adjourn at approximately 11:00 p.m.

Kathleen G. Cory  
Town Clerk