

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on January 23, 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, Facilities Maintenance Manager Joel Smith and Director of Finance Michael Melillo.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was lead by scouts Ethan Duffy, Brian Casper, and Liam Hafter of Troop 1.

MINUTES - Approved

On motion by Mr. Mahoney, seconded by Mrs. Whalen, the Board voted 5-0 to approve the minutes of December 19, 2006.

PUBLIC COMMENT PERIOD

There was no comment from the public.

WETLAND INSPECTOR – Appointment of Bruce Barber

Mr. Mahoney noted that the Board has decided to appoint an interim wetland inspector. Mr. DeLucia and Mr. Brancati praised Mr. Barber, noting they have heard many good things about his work.

On motion by Mr. Mahoney, 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

RESOLVED, that Bruce Barber be and hereby is appointed Wetland Inspector on an interim basis at the pleasure of the Board, and be it further

RESOLVED, that the hourly rate paid to Mr. Barber shall be \$95.

BELL PROPERTY - Report re Sale of Houses

Mr. DeLucia reported that there are two prospective buyers for the houses on the Bell property. One buyer is appearing before the Planning Board to get an opinion as to whether he could rebuild a garage on the site on a former garage. Another potential buyer got an engineering report on the house he was interested in purchasing, and the Board needs to discuss that report in executive session.

OAK RIDGE WATER AND SEWER DISTRICTS – Reminder re Public Hearing on Bonding

Ms. Bacal noted that the Board will be holding a public hearing on January 30 regarding the borrowing plan for funding the upgrade to the Oakridge sewer treatment plant. Director of Finance Michael Melillo explained that the Town previously took out a bond anticipation note for \$1,300,000, and there is \$800,000 remaining that was not spent.

Mr. Mahoney read the public hearing notice which has been advertised in the Lewisboro Ledger. Mrs. Vasi said notices of the public hearing will be distributed to Oakridge residents. Mr. Mahoney noted that some residents attended the January 16 meeting when the project engineers explained the upgrade work.

SPCA – Authorize Supervisor to Sign Contract

On motion by Mr. Mahoney, 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 Supervisor be and hereby is authorized to sign an agreement with the SPCA of Westchester for the year 2007.

HIGHWAY DEPARTMENT – Approval of Vehicle Leases

The Board reviewed a request from the Superintendent of Highways to enter into leases for equipment for his department.

Ms. Bacal said she had reviewed the leases, and the Highway Superintendent said the lease funding was included in his 2007 budget. Mr. Brancati said Mr. Ripperger wants to get the vehicles this year as next year the prices will be higher due to stricter vehicle standards. Mrs. Whalen expressed concern about the number of vehicles that have been purchased recently. She asked for details on what trucks are being replaced and what will happen to those vehicles.

Mr. DeLucia said he remembers discussing these leases during the budget work sessions. Mr. Brancati said he has inspected all the vehicles with Mr. Ripperger, noting that some of them are

15 years old. Mr. Perruzza noted that approval of these leases will use up all of the budgeted funding for vehicles for the year.

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 approve the lease of a 2007 17,950 lb. GVWHD, diesel-powered cab/chassis with dump body and power reversible angle plow from Interstate at a cost of \$53,397.00.

On motion by Mr. Brancati, 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

RESOLVED, that the Town Board does hereby approve the lease of a 2007 17,950 lb. GVWHD, diesel-powered cab/chassis with heavy duty platform body with hydraulic lift gate and power reversible angle plow from Interstate at a cost of \$49,065.00.

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 approve the lease of a 2007 42,000 lb. GVW diesel-powered truck with combination dump body, material spreader and power reversible angle plow from Interstate at a cost of \$119,329.00.

BELL PROPERTY – Sale of Conservation Easement

Ms. Bacal advised that the closing for the DEP easement on the Bell property will be held on March 27, 2007 in Kingston, New York. The Town has been waiting for the payment of \$1,000,000 which will be used to reimburse the Town for money borrowed for the purchase of the property.

CLAIMS – Approved for Payment

On motion by Mrs. Whalen, seconded by Mr. Perruzza the Board voted 5-0 to authorize payment of claims in the amount of \$263,997.36 and \$31,516.84 on a supplemental audit.

OAKRIDGE WATER AND SEWER DISTRICT – Authorize Cleaning of Water Tank

Facilities Maintenance Manager Joel Smith said the water tank at the Oakridge water plant needs to be cleaned. Quotes were sought from 11 vendors, and the Town got no response. A firm has been found that can do the work, and Mr. Smith asked for permission to hire them. Mr. DeLucia said the Oakridge residents have complained about water quality during periods of high use so this work must be done.

On motion by Mr. Brancati, 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

RESOLVED, that the Town Board does hereby authorize Buffalo Industrial Diving Company to clean the main drinking water storage tank at Oakridge for the quoted price of \$9,200, and be it further

RESOLVED, that the Supervisor be authorized to sign the agreement, subject to review of the bid documents by the Town Attorney.

PARKS AND RECREATION – Town Pool – Permission to Install Drains

Mr. Mahoney reviewed a memorandum from the Superintendent of Parks and Recreation Dana Mayclim regarding the need for curtain drains to divert water from the slope above the Town pools. Two four-hundred-foot curtain drains are needed. The work can be done in-house for a cost of about \$9,750, and the Parks Foreman Randy Price will oversee the work.

Mr. DeLucia said this work was not part of the pool contract, it relates to the site. Mrs. Whalen said the drains are needed but the work wasn't budgeted. She asked where the money was coming from. Mr. Mahoney asked how much has been expended to date on the pool project. Mr. Melillo will get the information to him.

Mr. DeLucia reported that there is still a small leak in the main pool, at the site of the cracks that were repaired.

Mr. Brancati asked if the Town had any warrantee or guarantee on the pool. Mr. DeLucia said there is an industry standard of a one-year guarantee from completion, but that time period has

not started yet. He also said the Town has stopped paying Scott Pools until various issues are resolved in the spring.

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 authorize the Superintendent of Parks and Recreation to expend up to \$10,000 for installation of two four-hundred foot curtain drains to eliminate flooding at the Town Park pool site in the Town Park.

INSURANCE – Discussion re Indemnification of Volunteers

Mr. DeLucia said some of the Town’s volunteers have asked for clarification of their insurance coverage beyond the limitations of the Town’s policies. Ms. Bacal said if there were a judgment beyond the policy limits it would be extremely unusual, and it would have to be the result of conduct so egregious as to warrant newspaper headlines. She said the Town has very good coverage, and it is very unlikely that damages would be awarded that would exceed policy limits.

Mr. DeLucia suggested that the Supervisor send a memo to all volunteers explaining that they are covered and they needn’t be concerned unless they intend to commit illegal, immoral acts or otherwise act beyond their jurisdiction.

Mrs. Whalen asked about the specific limits. Ms. Bacal said insurance will pay a maximum of \$1,000,000 per claim with a \$2,000,000 aggregate annually.

After further discussion, Mr. Mahoney said the volunteers need to know what the insurance is, and that there is a limit to it. Mr. Perruzza suggested finding out how much a policy would cost if the town were to increase the limit. He said he felt \$1,000,000 coverage wasn’t that much, especially if it is divided by 5 members of a board, or 10 members if two boards are involved.

Former Supervisor Tom Herzog suggested that the Board have representatives of the Town’s insurance carrier come to a work session and explain the coverage and explain what else is available. Mr. DeLucia said the Town Board should schedule that meeting and let all the volunteer boards know so they can attend.

Mr. Brancati stressed that the Town Board is grateful for the work done by the volunteers, and they do have insurance coverage.

SUPERVISOR – Appointment of Liaisons

Mr. Mahoney and the Town Board made the following liaison appointments for 2007:

Mr. Mahoney: Advisory Committee for the Disabled, Building Department, Housing Committee, Planning Board, Police Department, Wild Oaks Sewer District, Oak Ridge (administration) South Salem Library, Planning Board

Mr. Brancati: Emergency Preparedness Committee, Antenna Advisory Board, School Board, Police Department, Housing Committee, Open Space Advisory Committee, Conservation Advisory Council

Mr. DeLucia: Cable Television Committee, Conservation Advisory Committee; Parks and Recreation Advisory Council, Wild Oaks Sewer District, Zoning Board of Appeals, Open Space Advisory Council, Housing Committee

Mr. Perruzza: Architecture and Community Appearance Review Council, Lakes Committee, Finance Department, Landmarks Advisory Council

Mrs. Whalen: Maintenance Department, Highway Department, Recycling Center, School Board, Library

TOWN PROPERTY – Spring Street Parking Lot

Mr. DeLucia brought up the issue of the Spring Street parking lot, and the commuter parking there. He said by his count today there were 16 Connecticut cars and 15 New York state cars parked in the Spring Street parking lot and a few open spaces. He suggested that the front row along Spring Street which has room for 8 cars, and the back row adjacent to the cemetery with room for 12 cars be designated for St. John's church parking. That would leave two rows of 10 spaces each which could be designated "Permit parking only." There were two cars parked along the driveway side of the lot. Mr. DeLucia he felt there were 40 potential spots, plus room for the police cars. From his experience on the Zoning Board Mr. DeLucia said he felt 34 spaces were needed for the church. The spaces along the cemetery drive could be overflow spaces.

Mr. DeLucia proposed that the Town designate parking areas and issue parking permits to commuters using the lot. If in the future the lot is paved and striped perhaps more spaces could be found.

Mr. Brancati said he spoke to Rev. Harrington today and asked her if the 34 spots would be needed only on Sunday, and she replied, "no, they are needed during the week also." He said the Town needs to come closer to 34 spots for the church than the 20 Mr. DeLucia designated. He also said the Town is below the 500 permits guaranteed to residents under the contract with Metro-North for the Goldens Bridge lots, and that needs to be enforced. Mr. DeLucia said the 20 spots could be a first step toward meeting the church's needs.

Joel Smith, Facilities Maintenance Manager said the parking lot paving could cost as much as \$35,000 and might involve stormwater management permits. Mr. Mahoney stressed the desire to keep the management of the lot at the local level. Mr. Perruzza said the proposed solution is a compromise. Mr. DeLucia reminded the Board that the lot is overfilled making ingress and egress to the lot very difficult and creating a hazardous situation for parents dropping off their children for the church's nursery school.

Mr. DeLucia said pursuant to the public hearing, the Board is not going to the extreme of banning non-resident commuters, but will go to a permit process including both residents and non-residents, and will designate tow-away zones. Mr. Brancati said both residents and non-residents will have to get permits. Mr. DeLucia said there are two control points: one is the permitting process and the other is the location of the parking spaces. A ticket would be issued for parking improperly.

Mrs. Whalen said the Town still has to continue research with Connecticut to find another spot with more spaces for Connecticut residents. Ms. Bacal said the Ridgefield Academy turned them down. Mr. DeLucia said the Board has to act on a first step. Mrs. Whalen suggested moving the church parking to the front of the lot and the overflow parking to the back.

Mr. Mahoney asked how long implementation of the regulations will take. The Town Clerk advised that she will have to develop application forms, determine the format and material for the permits, and the Board will have to establish the fines.

During further discussion Mr. DeLucia noted that the lot was purchased a long time ago for cemetery purposes and the Town might need it for that. Mr. Mahoney said regardless it will stay Town property. Mr. DeLucia said the current fine structure would suffice for violations in this parking lot. As for fees, he suggested that resident permits be free and non-residents be charged a nominal amount. Mrs. Whalen said since in reality the Town is not talking about a lot of permits, why charge any fee at all. She suggested that non-residents not be charged either, as a show of cooperation between Lewisboro and Ridgefield. Mr. DeLucia noted the Town will have expenses for paving and striping the lot. Mr. Mahoney said the cooperation is that Lewisboro is willing to continue with the lot. Mr. DeLucia said if there is a fee from the beginning it wouldn't be a big adjustment to raise it in the future. Before the Board makes a decision on the fee, the Board asked the Supervisor to contact Ridgefield First Selectman Rudy Marconi and advise him that Lewisboro is going to accommodate some of his commuters and see what he thinks. Mr. Mahoney will also call Mother Lynn to tell them what the Town is planning. Mr. DeLucia said none of these decisions are easy, but the Board has to take its time and study all sides of the issue.

Mr. Mahoney asked how the Planning Board could allow the church to use a certain number of spaces when the HART bus was also using it. Ms. Bacal said there was no formal agreement. The shuttle bus was originally set to go from Ridgefield to Katonah without stopping in Lewisboro unless someone flagged it down. The idea was to keep cars off Route 35. Mr. Herzog said he asked HART, since they were going right thru South Salem anyway, to stop and pick up passengers, and the Town-owned lot seemed the logical place to use for parking. Mr. Mahoney suggested calling Ridgefield and telling them the informal agreement is being terminated. Mr.

Herzog pointed out that Lewisboro senior citizens use Ridgefield's recreational facility which includes an indoor pool, and Lewisboro residents can also use their recycling center.

Mr. DeLucia said the Town has to realize that it has other obligations and would try to work with Ridgefield. Francis Loewald of South Salem commented on the "incredible" recreational center that Lewisboro residents enjoy in Ridgefield.

REPORTS – Monthly

On motion by Mrs. DeLucia, seconded Mr. Perruzza reports from the Planning Board and Police Department were received and filed.

MEETINGS – Dates Set

Mr. Mahoney announced that the next Town Board meetings will take place on February 6 and February 20 at 7:30 p.m. at the Town House. A work session will take place on January 30, 2007 at 7:30 p.m. at the Town House.

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 and the lease/purchase or sale of real property.

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

ADJOURNMENT

On motion by Mr. Mahoney, seconded by Mrs. Whalen, the Board voted to adjourn at 10:55 p.m.

Kathleen G. Cory
Town Clerk