

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on January 30, 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, Suzanne Whalen
Town Clerk - Kathleen G. Cory
Town Attorney - Jessica Bacal

ABSENT: Councilman - Al Perruzza

Also attending were Deputy Supervisor Joann Vasi, Facilities Maintenance Manager Joel Smith and Director of Finance Michael Melillo. Representing Town committees were Zoning Board Chairman William Lonergan, Planning Board Chairman P. J. Rossi, and member Richard Ellrodt, Antenna Advisory Board Chairman Ted Sohonyay and committee members Neil Berman, Alan Cole and Arthur Einstein, Architecture and Community Appearance Review Council Chairman Re Hagele, and Chairman of the Open Space Advisory Committee Ed Delaney.

CELLULAR TOWERS – Presentation by Homeland Towers re Wireless Services Proposal

Mr. Manny Vicente, president of Homeland Towers addressed the Board regarding his company's proposal to build cellular towers in the Town of Lewisboro. Mr. Vicente said his company is unique in the industry, working directly for municipalities. Mr. Vicente said he has been in the business for over 10 years. Before starting this company he was the northeast regional director for Nextel Communications and built out their infrastructure from Maine to the Carolinas, building over 4000 sites in his career.

Mr. Vicente reviewed the difficulties involved in establishing cellular sites, and presented his company's plan to locate and build cellular tower sites in Lewisboro. He said they focus on bring public health benefits and financial benefits to the community where the towers are located. He said they test the strength of signals throughout the Town and then go through a site qualification process. A goal of that process is to minimize the impact on the community. They try to find municipally-owned sites, but if none are appropriate, they then look at quasi-government properties such as water districts, fire districts, etc., then not-for-profit, and lastly private landowners. Mr. Vicente said most of Lewisboro is residential properties, and generally they are not conducive to cellular tower use. There is also a lot of sanctuary and preserve property which is generally not used, although not out of bounds. He said his company doesn't act without authority or approval of the Town Board. He said his company's agenda is to prepare an infrastructure plan for the Town and execute that plan so a wireless service company can come in.

Mr. Vicente said one of the things his company does which the wireless carriers don't do is that they take extra steps to insure the aesthetics of a site. They will provide whatever the municipality wants in the most appropriate way. The Town is in control of the process. He stressed the importance of public safety communication, and said his company offers free space on every tower they build for the use of public safety agencies including public works departments.

Mr. Brancati asked Mr. Vicente to discuss the liability municipalities face when there isn't adequate cellular service. Mr. Vicente said there are attorneys who will bring litigation against towns for not making cellular infrastructure available. He said he has done some research on potential sites in Lewisboro and one of the best sites in Town is in the Town Park where the old ski tow was. Other options might be at Onatru Farm Park. He cautioned against a site in Vista as the elevation is too low. He was asked about the area on Route 123 where St. Paul's Chapel is, and it was noted that the chapel has a steeple. Mr. Vicente said he had not, but would go through the site qualification process if his firm was engaged by the Town. He noted that if a tower was built, it would have to be tall enough to accommodate the five licensed carriers, with a ten-foot separate between each carrier on the tower. He made the point that a church steeple may not be tall enough to accommodate five carriers and provide enough coverage.

The Board and Mr. Vicente discussed the process of getting approval from the State Legislature to locate a cellular tower on parkland. Ms. Bacal noted it is a time consuming process.

Mr. Mahoney asked Mr. Vicente how his firm was compensated for their work, and what the Town's financial responsibility would be. Mr. Vicente said the plan was done at his firm's cost, that is their business risk. He would just need a letter of authorization from the Town Board. If there were Town properties that fit the bill they would lease each property directly from the Town on a 30-year lease and then sub-lease to the carriers. A large percentage of the rents they collect would be shared with the Town. There is no cost to the municipality for what they do. They are currently working with the Town of Bedford. Mr. Vicente stressed that the Planning Board is involved in the process along with the Town Board, but the Town Board controls the procedural aspects. He also said that it is unproductive to subject an applicant to a gauntlet of approval processes designed to discourage troublesome applicants. He said a middle-of-the-road process works very well.

Mr. Mahoney asked the Chairman of the Antenna Advisory Board for his opinion. Mr. Sohonyay said Mr. Vicente's business approach is unique in the industry. He said the sites Homeland Towers has mentioned correspond to what his committee has identified, and the firm will be testing radio signal strength indications around Town, under actual conditions. Other applicants have only submitted computer models to estimate strength.

OAKRIDGE WATER AND SEWER DISTRICTS - PUBLIC HEARING – Proposed Bonding for Oakridge Sewage Treatment Plant Upgrade

The public hearing was called to order. There was no objection to the time or form of the notice.

Bill Bright from Delaware Engineering explained that the proposed bonding will pay for required upgrades to the Oakridge sewage treatment plant. The upgrade work is required by the terms of the utility's permit to discharge treated water. The work will involve a completely new building, new equipment, new disinfection system, new electrical service. Mr. DeLucia asked if there will be any interruption in service for the residents.

Mr. Bright explained that a temporary treatment plant will be built on-site. The residents will notice no interruption in wastewater services. There may have to be a few interruptions for

connections of new pipes, but the residents will be notified well in advance. The water tank cleaning was also noted, with that work taking place within a week or two.

Mr. Bright said the utility has as stringent a SPDES permit as there is in New York State. It was explained that a SPDES permit means State Pollution Elimination Discharge System which is issued by the State of New York. The permit conditions set the parameters for the treatment of sewage and the quality of the effluent discharged. The SPDES permit has a construction timetable by which the upgrade must be completed. Mr. Bright said a bond anticipation note will be obtained to cover the construction costs, and after the new phase is approved, that developer will contribute a million dollars. At the end of the project the entire cost will be bonded. There is an old bond anticipation note to be paid off. Mr. Bright said they will be applying for funding from the State Clean Water State Revolving Fund, which is low-interest loans. Once the whole project is completed the entire project will be refinanced through the Environmental Facilities Corporation to save money on the interest rates. He said he has been working on this project for six years. Mr. Brancati said the Town is under State and Federal requirements to upgrade the plant. Mr. Bright said the Town stepped in because under private ownership the plant had reached a state of catastrophic failure. It took so long because it is a very unique project as the water and sewer plant are in the same building. Issues with the water system had to be solved first. Mr. DeLucia said the goal is to have the project completed in nine months. Mr. Bright said he spoke to the DEC Regional Engineer for this area and told him the project would be finished by the end of the year.

Ms. Bacal presented the proposed resolution to comply with the State Environment Quality Review Law. She explained the project narrative that accompanies the short environmental assessment form and references the permits required and provisions of law involved.

Cynthia Daniels of 25 Split Rock Road said they were aware of the repairs that had to be made, but they were not aware of the phasing in of Phase IV of Oakridge. She said the residents were assured several years ago that their water system would not be compromised. Mr. Bright said the new section was part of the original approval process. Whether or not the payment of \$1,000,000 is collected, the property is in the metes and bounds description of the district, and the district is obligated to provide water and sewer service.

Mr. DeLucia said the upgrade project is not being done for the benefit of the new section of Oakridge. The Town inherited an issue and is working on improvements. The additional water coming from the wells drilled by the developer is very important. The Planning Board has been adamant about not letting that section be developed until proper water service is available for existing residents.

Scott Cantro of 23 Split Rock Road said the Town didn't inherit the problem, the residents who are paying for upgrades inherited it. Mr. DeLucia said the Town did not want to take it over. Mr. Cantro said the problems having been going on for 10 years. He suggested that the Town pay for the water problem, noting that the residents pay for water and sewer, taxes, and the sprinkler problem. He suggested the neighbors be allowed to dig their own wells. Mr. DeLucia said he felt the Health Department mandated that the neighborhood be part of the Oakridge system. He said

the costs of a district must be paid for by that district—the Town cannot burden the rest of the Town with their costs.

Mr. Cantro asked what happened to the idea of hooking up to New Canaan for water. Mr. Bright said that is still an option, but tonight's meeting is about the wastewater treatment plant, not about the water system. Mr. Rossi said this work needs to be done to satisfy the current residents, and it has nothing to do with the new phase being planned.

John Koh, 7 Split Rock Road said once those new units come on line the systems will be taxed and the problem will come right back. Mr. Bright said a new filter system has been installed which is four times as large as it needs to be. The problem with dirty water has been tank-related and main-related. The overall water quality and quantity is in better shape than ever. Mr. Koh asked "why are we here?" Mr. Bright explained the need to pay for the sewer treatment plant upgrade. Mr. Koh asked what will happen when the new units come on line. Mr. Bright said the plant is designed for 107,000 gallons per day, the SPDES permit allows 80,000, the flow rate today is around 45,000 gallons. The new Phase IV will generate only about 15,000 gallons of wastewater a day, and there is more than enough excess capacity in the plant to handle that. The extra homeowners will reduce the costs to the remaining homeowners and the demand will still be below the design flow of the plant.

Mr. DeLucia said there are many more approvals needed before Phase IV is final. The work under discussion tonight is to meet the needs of the existing residents.

Ray Clark said issues are being brought up tonight because people have lost confidence. He said the reason people are upset is that there have been many special assessments the residents have been asked to pay, and now they are being asked to pay another \$5,000,000. He asked if the Town will come back in a year or two and tell them they don't have adequate water. Mr. Clark said he had confidence that there was enough capacity in the sewer plant, but wasn't sure about the water supply.

Mr. Rossi said the developer of Phase IV is stuck at a certain point until the Planning Board is comfortable that the current residents aren't going to be burdened by the new units. One of the things the Planning Board asked them to do was put the new well on line to prove the water quantity and quality. The Planning Board is trying to use some forethought in the process. The application hasn't gone to a public hearing yet because the Planning Board is not comfortable with the current plans. They are still doing due diligence. However that has nothing to do with tonight's meeting—this is about the sewage treatment plant funding.

Mr. Bright said there haven't been any shortages or any problems with volume of water since the new system was put in. Water quality leaving the plant meets all standards—there is no iron, there is adequate supply. The requirement they have to meet is twice the average peak demand with the largest well out of service, and they meet that.

Mr. Mahoney said he was sorry the Town couldn't do anything financially for the residents in Oakridge. He said Mr. Bright would provide any documentation they need.

Mr. Clark said the Board should be commended for their efforts to correct the problems. Mr. Ellrodt noted that the former owner, Phil Pine failed to pay taxes and the Town foreclosed on the plants and that's how the Town ended up with the sewer and water system.

Marlene Schaefer asked if the residents will be asked to provide more money in the future for the water system. Mr. Bright said all the equipment is in and on line.

Mr. Rossi said he has been asked if Mr. Pine is still involved in any way. He said he has asked at least three times and was assured that he was not.

John Loffredo said he has a business in the shopping center. He said his concern was the cost and if it all had to be borne by the Oakridge residents. He commented on the cost of his water bills, and asked if other options were explored that would lessen the financial burden.

The Board assured him they would try to borrow money at the lowest possible rate. In answer to a question about the term of the bond, Mr. Mahoney said it would be 25 to 30 years.

In answer to a question about sewer bills, the Receiver of Taxes Joann Vasi explained that sewer bills are included in the property tax bills for Oakridge residents.

On motion by Mr. DeLucia, seconded by Mrs. Whalen, the Board voted 4-0 to close the public hearing.

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

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

RESOLUTION

ISSUANCE OF NEGATIVE DECLARATION

**OAKRIDGE SEWER DISTRICT INCREASE AND IMPROVEMENT
SEQR UNLISTED ACTION**

WHEREAS, the Town Board of the Town of Lewisboro, as Commissioners of the existing Oakridge Sewer District, is considering 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, at a maximum estimated cost of \$5,400,000 (hereinafter referred to as the "proposed action"); and

WHEREAS, the existing sewer treatment plant is located within the Oakridge multifamily development complex, within an R-MF Zoning District, as shown on the Town of Lewisboro Tax Maps as Sheet 49D, Block 9829, Lot 6.1; and

WHEREAS, the above noted cost of the proposed action is proposed to be financed by the issuance of bonds of said Town pursuant to the provisions of the Local Finance Law and may include the sale of the bonds or notes to the New York State Environmental Facilities Corporation pursuant to §169 of the Local Finance Law; and

WHEREAS, the majority of the proposed increase and improvement consists of the repair, replacement and reconstruction of existing facility infrastructure within the existing Oakridge Sewer facility building; and

WHEREAS, the proposed action includes the enlargement of the existing Oakridge Sewer facility building by the addition of approximately 1,400 square feet; and

WHEREAS, both the proposed building addition and repair, replacement and reconstruction aspects of the proposed action are classified as Type II actions pursuant to the provisions of SEQR 6 NYCRR Part 617.5(c)(1), (2) and (7); and

WHEREAS, the funding of the proposed action, capital improvements, at the estimated maximum cost of \$5,400,000 is for the Type II actions and thus might also be considered a Type II action pursuant to SEQR 6 NYCRR Part 617, however, since no specific Type II action is listed in Part 617.5 relating to the funding aspect of the proposed action, the action as a whole has therefore been classified as an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Lewisboro Environmental Quality Review Law (LEQR); and

WHEREAS, the Town Board has reviewed and considered the Short EAF dated May 30, 2006 prepared in support of the proposed action; and

WHEREAS, the Town Board has reviewed and considered the engineering report and plan prepared in support of the proposed action, including an estimate of cost, as prepared by Delaware Engineering PC. Professional Engineers, dated March 5, 2003, revised through February 22, 2005;

WHEREAS, on January 30, 2007, the Town Board held and closed a duly noticed Public Hearing pertaining to the proposed action, at which time all interested parties were afforded an opportunity to be heard on this matter;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Lewisboro, as Commissioners of the Oakridge Sewer District, hereby determine that the proposed Unlisted action, as described herein, will not have a significant adverse effect on the environment, pursuant to SEQR 6 NYCRR Part 617 and LEQR, and further determines that the preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration; and

BE IT FURTHER RESOLVED, that the Town Board relies on the following reasons to support its SEQR determination of non-significance:

1. It is in the public interest, health and safety to increase and improve the facilities of the Oakridge Sewer District. The proposed action will result in a better functioning and operating facility, including facility upgrades with improved treatment capabilities above that originally required and installed.
2. The cost of the proposed action will be annually apportioned and assessed upon the several lots and parcels of land within the Oakridge Sewer District in the manner provided by law and levied and collected in an amount sufficient to pay the principal and interest on the bonds issued relating thereto as the same become due.
3. The construction aspects of the proposed action primarily consist of the repair, replacement and reconstruction of existing facilities, thus related physical and environmental adverse impacts will be generally limited to the interior of the existing and expanded Oakridge Sewer facility.
4. The existing SPDES plant capacity will remain unchanged by implementation of the proposed action.
5. The proposed building addition is very small in area (approximately 1,440 square feet) and will be constructed in an area previously disturbed and currently maintained as impervious surface and/or lawn/landscaping. Related land impacts will be minimal and mitigated by the construction of a retaining wall to further limit the extent of land disturbance required.
6. Appropriate erosion and sedimentation controls will be utilized during the temporary construction phase of the proposed action. Erosion controls will be maintained and checked regularly to contain all planned construction activities. With the utilization of the above controls, no significant adverse environmental impacts are anticipated.
7. Visually, the expanded building will be similar to that which exists with limited, if any, changes in appearance to adjacent buildings, facilities and residences.
8. Implementation of the proposed action will not result in any significant adverse environmental impacts on land, plants and animals, or associated habitat areas. No trees or threatened or endangered plant or animal species will be impacted.
9. Implementation of the proposed action will not impact existing air quality conditions or result in a significant increase in noise levels. There will be no impairment of air quality, no increase in traffic, or adverse environmental impacts on transportation infrastructure facilities, and there will be no significant change in the use of either the quantity or type of energy resources. Noise and odors due to construction activities will generate short term, localized environmental impacts which will be temporary and insignificant.
10. Implementation of the proposed action will not result in a change in use or significant increase in the intensity of use, and will not encourage or attract a large number of people to the facility.

11. Implementation of the proposed will not involve any disturbances of wetlands or watercourses, and will not cause any loss or degradation of wetlands, watercourses, wetland functions, water quality, groundwater, flood control or wildlife habitat.

12. Implementation of the proposed action will not result in any significant adverse environmental impacts on subsurface water resources, agricultural land resources, topography, soils, geology, or public health and welfare.

13. Implementation of the proposed action will not impact existing police, fire, emergency, health, or public school services.

14. Implementation of the proposed action will not result in any significant adverse environmental impacts on aesthetic resources, recreation, any areas designated as a Critical Environmental Area, open space resources, or on historic or archaeological resources.

BE IT FURTHER RESOLVED, that a copy of this Resolution, as issued and adopted herein, shall be circulated, filed and noticed in accordance with the requirements of SEQR 6 NYCRR Part 617 and LEQR, as appropriate.

On motion by Mrs. Whalen, seconded by Mr. DeLucia, the Board voted 4-0 to approve the bonding resolution as follows:

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

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 30, 2007, at 8:00 o'clock P.M., Prevailing Time.

PRESENT:

Edward P. Mahoney
Supervisor

Edward Brancati
Councilman

Peter DeLucia
Councilman

Suzanne Whalen
Councilman

ABSENT:

Al Perruzza
Councilman

-----	:	
In the Matter	:	
of	:	
the Increase and Improvement of the	:	PUBLIC INTEREST ORDER
Facilities of the Oakridge Sewer District	:	
in the Town of Lewisboro, Westchester	:	
County, New York	:	
-----	:	

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, at a estimated maximum cost of \$5,400,000; 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 estimated maximum cost to such Oakridge Sewer District of such increase and improvement of facilities is determined to be \$5,400,000, an increase of \$3,400,000; 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 it has been determined that such increase and improvement of the facilities of the Oakridge Sewer District will not result in any significant environmental effects; and

WHEREAS, at a meeting of said Town Board duly called and held on January 16, 2007, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet

to consider the increase and improvement of the Oakridge Sewer District in said Town at a estimated maximum cost of \$5,400,000 and to hear all persons interested in the subject thereof concerning the same 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; and

WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by law, to-wit: a duly certified copy thereof was published in a newspaper of general circulation in this Town, on January 18, 2007, and a copy of such order was posted on January 17, 2007, on the signboard maintained by the Town Clerk of the Town of Lewisboro, pursuant to Section 30, subdivision 6 of the Town Law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; and NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve 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, at an estimated maximum cost of \$5,400,000.

Section 2. This order shall take effect immediately.

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

Edward Mahoney	VOTING	Aye
Edward Brancati	VOTING	Aye
Peter DeLucia	VOTING	Aye
Suzanne Whalen	VOTING	Aye

The order was thereupon declared duly adopted.

* * *

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 30, 2007, at 8:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Mahoney, and upon roll being called, the following were

PRESENT:

Edward Mahoney, Supervisor
Edward Brancati, Councilman
Peter DeLucia, Councilman
Suzanne Whalen, Councilwoman

ABSENT:

Al Perruzza, Councilman

The following resolution was offered by Councilwoman Whalen who moved its adoption, seconded by Councilman DeLucia, to-wit:

BOND RESOLUTION DATED JANUARY 30, 2007.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$3,400,000 BONDS OF THE TOWN OF LEWISBORO, WESTCHESTER COUNTY, NEW YORK, TO PAY PART OF THE \$5,400,000 ESTIMATED MAXIMUM COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE OAKRIDGE SEWER DISTRICT IN AND FOR SAID TOWN.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an order dated January 30, 2007, said Town Board has determined it to be in the public interest to increase the facilities of the Oakridge Sewer District in the Town of Lewisboro, Westchester County, New York, at a estimated maximum cost of \$5,400,000; and

WHEREAS, it is now desired to provide funding for such capital project; NOW, THEREFORE, BE IT

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

Section 1. For the class of objects or purposes of paying costs of 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, there are hereby authorized to be issued \$3,400,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$5,400,000 and that the plan for the financing thereof is as follows:

(a) by the issuance of the \$3,400,000 bonds of said Town authorized to be issued pursuant to this bond resolution; and

(b) by the issuance of the \$2,000,000 bonds of said Town authorized to be issued pursuant to bond resolution dated June 6, 2006.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Lewisboro, Westchester County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. 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.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Lewisboro, Westchester County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Town Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Town Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Town Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Town Supervisor consistent with the provisions of the Local Finance Law.

Section 9. The Town Supervisor is hereby further authorized, at his or her sole discretion, to execute a project financing agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said Village in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 10. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts

necessary to effect the issuance of the aforesaid bonds and, or notes, without resorting to further action of this Town Supervisor.

Section 11. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Town Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 12. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 13. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 14. This resolution, which takes effect immediately, shall be published in full in *The Lewisboro Ledger*, a newspaper having general circulation in said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

Edward Mahoney	VOTING	Aye
Edward Brancati	VOTING	Aye
Peter DeLucia	VOTING	Aye
Suzanne Whalen	VOTING	Aye

The resolution was thereupon declared duly adopted.

CELLULAR TOWERS – Discussion with Homeland Towers

Mr. DeLucia reviewed with Mr. Vicente the services his company would provide. During discussions about finding the best site, Ms. Bacal asked if they would expend extra money to utilize a “not-quite-the best” site. Mr. Vicente said they would do that. With regard to special requests they would say “if that is what you want, we’ll figure out a way to do it.” He said his company does not say “a site by any means necessary”, but stressed that his firm has the ability to get towers erected.

In answer to a question from Mrs. Whalen, Mr. Vicente said his firm does all the maintenance on the site. It is their investment and they want to protect it. They also market the tower—the more carriers the more the revenue.

Mr. Brancati asked what their experience is with interference with emergency calls. Mr. Vicente said interference does happen. He said there has to be enough separate between the antennas for each carrier. There are other ways to manage interference if necessary. Mr. Sohonyay a well-designed, correctly built tower will eliminate interference. Mr. Vicente said steps can be taken via frequency changes as well.

Mr. Rossi said the Town does have expertise on its Antenna Advisory Board to make sure when these applicants independent of each other come before the Town, there are not duplicative towers that cause frequency issues.

Mr. Brancati said the plan is a good business model, and he suggested the Town talk to the towns of Mt. Pleasant and Bedford and see what their experience has been. Mr. Vicente said Mt. Pleasant is ready to go, but Bedford is not completely finalized. Mr. Sohonyay asked if there was a Bedford site that would help Lewisboro. Mr. Vicente said the sites in Lewisboro will never cover any other town. He said the towers there are 150 feet to accommodate other carriers. It was noted that each time a carrier is added to the tower the Town’s revenue increases.

Re Hagele commented on the potential for private owners to put up towers. He said it would make sense for Homeland Towers to test coverage and be able to say that their tower will cover all of a given area, thus precluding the need for a private tower. Mr. Hagele said he is present to point out the aesthetic concerns. He commented that a cell tower doesn’t have to be a “tower”, it can be an obelisk or monument design. He said that type of design should be considered, especially if the tower is going in the Town Park.

Alan Cole said one incentive to locate the towers on Town property is that the Town gets the revenue, which may help to offset taxes.

OPEN SPACE ADVISORY COUNCIL – Discussion re Future of Committee

Ed Delaney, Chairman of the Open Space Advisory Council addressed the Board regarding his committee and its function. The committee was formed in 2001 with a mandate for 9 members and 2 alternates. Mr. Delaney has been chairman of the committee since its inception. Its original mission was to identify and analyze all the large parcels of land in town. He said they worked with the Conservation Advisory Council and assigned values to parcels. He said the committee has identified lots over 20 acres, assigned a development potential to them, visited the sites, in many cases contacted the owners. Mr. Delaney said one way to preserve open space is by tough environmental regulations. From now on, every single site plan and subdivision before the Planning Board has a built-in open space potential. He said his committee helped negotiate conservation easements, and participated in authorization for some of the funds for the Houlihan and Bell purchases. Unfortunately they did not participate in the closings which was a “huge mistake”. He said OSAC met with land preservation organizations such as the Taconic Land Trust, Norwalk River Alliance, Ridgefield Open Space, and they also met with the Towns of Bedford, North Salem, Ridgefield and Wilton because there are bordering open space commitments. The committee has established some valuable contacts in those towns.

Mr. Delaney said the committee has been contacted by other towns and villages asking for advice because Lewisboro was in the forefront of the open space effort. Mr. Delaney said the committee no longer needs to have 11 members. He suggested that the committee be incorporated into the Conservation Advisory Council as there is a redundancy of effort regarding open space between the two committees. He said he has assigned regions of town to certain members to watch for land sales, etc. and every single subdivision application has a built-in open space parcel. Mr. Delaney suggested taking two members out of OSAC and putting them on the CAC as part of the overall membership of that committee. If the Town wanted a particular site investigated or a neighbor contacted regarding an open space acquisition, the CAC could do that.

Mr. Delaney suggested an alternative would be to reformat the committee to a smaller group and challenge the committee to go in a new direction, perhaps looking at smaller parcels. Smaller parcels of open space can have just as much an impact on open space in certain neighborhoods as a larger parcel.

As a final comment, Mr. Delaney said he wanted the Town Board to begin considering how they would pay back the county if affordable housing cannot be provided as required. As a requirement for receiving \$1,000,000 toward the purchase of the Houlihan property, the Town must make a “good faith” effort to provide affordable housing, or return half the money.

Mr. Brancati mentioned a newspaper article regarding affordable housing in which Lewisboro and Somers were mentioned. He said the Town does owe the county \$500,000 if it doesn't make a good faith effort to provide affordable housing. Mr. Delaney again said it was unfortunate that the Open Space Advisory Council was excluded from the closing on the Houlihan and Bell properties. The Board noted there are still unresolved issues with the Houlihan purchase.

Mr. Delaney said affordable housing and open space are not mutually exclusive.

SOUTH SALEM LIBRARY – Proposed Resolution

The Board reviewed a proposed resolution regarding the proposal to move the library to the Town Park.

EXECUTIVE SESSION - Employment History, Litigation

On motion by Mrs. Whalen seconded by Mr. DeLucia the Board voted 4-0 to go into executive session for the purpose of discussing the employment history of a particular person and litigation.

On motion by Mr. DeLucia, seconded by Mr. Brancati the Board voted 4-0 to come out of executive session.

TOWN ENGINEER – Appointment

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

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

RESOLUTION

RESOLVED, that the Town Board does hereby reappoint Tom Altermatt as Town Engineer on a month to month basis at his current rate of salary, pending review of his contract.

TOWN PLANNER – Appointment

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

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

RESOLUTION

RESOLVED, that the Town Board does hereby reappoint Will Agresta of Rudikoff Associates as Town Planner on a month to month basis at his current rate of salary, pending review of his contract.

ADJOURNMENT

On motion by Mr. DeLucia, seconded by Mr. Brancati, the Board voted to adjourn at 11:40 p.m.

Kathleen G. Cory
Town Clerk