

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on March 10, 2008 at 7:30 p.m. at the South Salem Library, 15 Main Street, South Salem, New York.

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

Also attending was Deputy Supervisor Joann Vasi, Facilities Maintenance Manager Joel Smith, Director of Finance Rose Sickenius and Wetland Inspector Bruce Barber.

Mr. Brancati called the meeting to order at 7:35 p.m.

PLEDGE OF ALLEGIANCE

The Supervisor led the Pledge of Allegiance to the flag.

TREE CUTTING - Request for Tree Cutting Permit

The Board discussed a request on behalf of Todd Farm LLC for a tree cutting permit to create grazing pastures on property located on Todd Road. The property involved is 14 acres, and the trees will be cut for the purpose of establishing a goat farm.

Mr. Brancati said he, the Wetland Inspector Bruce Barber and the Town Attorney Jessica Bacal met with Mr. Borteck, the attorney for the applicant along with Dan Ginnel, the realtor for the property, about their desire to create pasture land. The entire property, 102 acres, called Todd Farm was added to the county agricultural district late last year. The applicant wants to raise kosher organic meat goats on 14 acres. In order to do that they need to clear the majority of the land and restore it to meadow. A forest management plan was prepared for them by Andrew Hubbard, a forester and soil scientist. The wetland inspector walked the property with Mr. Hubbard last week. Mr. Barber said he has reviewed his report. The property affected is the northwest corner of the property. The number of trees to be left would be 67, with trees ranging in diameter from 14 to 30 inches, including black cherry, black birch, black oaks, red oaks, hickories and sugar maples. The applicant needs a tree permit under Chapter 203 of the Town Code and a wetland activity permit might be needed. Mr. Brancati said the Town's zoning code provides for ranching and requires two acres for the first animal and one acre for each additional animal. The applicant wants a total of 97 goats initially. The 102 acres would permit 101 goats. Mr. Brancati said the Town Board may want to review that zoning chapter at some point.

Mr. DeLucia said in the general property information it says 129 acres, but the letter from the attorney says there are 102.9 acres, and asked which is correct. Mr. Borteck said it was 102.9 acres. He added that the property was part of a larger property, the Oltman property, which had been the subject of a subdivision application.

Mr. Perruzza asked how the 14 acres was decided upon. Mr. Borteck said it was consistent with the most environmentally advantageous portion of the property. He presented a copy of site plan for the Oltman subdivision which showed an area for a house and subsurface sewage disposal area, and that area is being used for the goats. The terrain is relatively flat and there are few wet areas. Mr. Borteck said everything would be set back from the wetlands and from the road.

Mr. Brancati explained that the agricultural district designation would provide technical assistance and financial assistance, but doesn't say the applicant has to adhere to local laws. Applicants can appeal to the State Department of Agriculture and Markets if they feel the local laws are too restrictive. Mr. Borteck said under the Agriculture and Markets guidelines the establishment of grazing pastures and non structural things is not subject to site plan approval. If there was site development, the applicant would submit an application for site plan approval.

Mr. Perruzza asked how far from Lake Katonah the site will be. Mr. Barber replied that it is a "significant" distance. Mr. Barber said he met with the forester and Dan Ginnel to define the area in question that was to become pasture land. It is very well marked by existing stone walls, approximately 14 acres in size. They looked for wetlands, and did find wetlands in the westernmost section of the property, and that was marked in the field. One was a seep that a farmer had created, the other was a natural seep, which is across the street. Those areas will be mapped using GPS. If there are no activities within 150 feet of those areas, no wetland permit will be required. Mr. Barber said the second thing they looked at was trying to work with zoning requirements. According to Planning Consultant Will Agresta the land can carry 100 or 101 goats. In doing the simple math it looked like there would be 98 goats, which would be 7 goats per acre plus or minus. Mr. Barber said they also talked about a run-in shed and some type of structure that would be sited as far from wetlands as possible and on a higher rise on the driest point on the site, so they may or may not need a site plan. There was a lot of discussion about the transition from forest to meadow which would entail a time frame when the property would be subject to erosion on the site. The site is mildly sloping, and as you get past the stone walls it is steeply sloping. Mr. Barber said they talked about runoff during construction and how to treat the stumps. He understands that the forester will be preparing an erosion control plan.

Mr. Barber said he asked the forester to reflag or mark all the trees that will stay because several of the ribbons have come down. Approximately 140 trees per acre will be taken out. The goal of the applicant is to have the property look similar to adjacent meadows. It will not look like a second-growth forest. That is an agricultural activity, a reclamation of pasture land. He said Agriculture and Markets will look at the stone walls as an indication that it was pasture land. Mr. Barber said he will continue to work with the applicant to balance the agricultural component of the project to be sure there is no degradation of water supply. He said the Town will be getting a map from the forester which is a good first step in terms of permitting, and he has asked for a copy of a Cornell study regarding the carrying capacity of the land. Mr. Barber said he wants to make sure that the land is capable of sustaining that particular goat population on that acreage, and he wants to take a look at the forage crop they are putting in.

Mr. Borteck said that it is his understanding, and the applicant is agreeable, to providing those things. In terms of stocking, the best management practices for goats in the industry are based on weight, and at full maturity they would be in the 90-pound range after 3 months. That is not the

breeding population. Mr. Borteck said overstocking the property is counterproductive. This breed of goats

feeds on brush and weeds and it is not healthy for them if they get too close to the soil. Anything done on the property would be consistent with best farming practices.

Mr. Barber said they are using the stone wall along Todd Farm as what they believe is the property border indicator, and a GPS map for the 150 foot setback from the stone wall. He said they also suggested the applicant avail himself of the Watershed Agricultural Council for farm planning to insure that environmentally sensitive practices are undertaken in the Croton Watershed.

Mr. Perruzza asked if there any change vis-a-vis soil or environmentally-associated ancillary changes when land goes from pastoral to forest and back to pastoral, and does that have any concerns for the rest of the surrounding area. Mr. Barber said the meadow component would be a younger successional element of the ecosystem. There was a meadow there once they stopped farming, and what succeeded that was trees and shrubs and the property is actually going backwards ecologically. It will affect the soils, and Mr. Barber understands they will be bringing in leguminous-types vegetation which changes the soil makeup and the microbiology of the soil from the normal habitat. From a range perspective are we losing elements of significant biodiversity? It is close to the road, what is called an "edge component", (an ecological niche). One of the things that is looked at is if there is anything threatening native species, but it certainly is not unique habitat.

Mr. Pavalow asked what will happen to the 1900 trees being removed. He also asked how the Town will know that the right trees have been removed. Mr. Barber said the forester will mark the trees to be removed twice, with one very close to the ground so once they are removed you can still see the marking. There will be pre-work meetings to be sure everyone understands the markings, and there will be periodic inspections.

Mr. Brancati said the Board has options in issuing the permit. The Board can attach conditions such as days and hours of logging, the Board can require a performance bond to insure compliance, can require that there be two cuts to each tree, and such other safeguards as appropriate to minimize the environmental impact of such cutting or removal operations.

Mr. Barber said he wasn't enthusiastic about the tree cutting, but the use will be better than some other agricultural uses that could have gone on there. If the tree cutting is done carefully it will look like surrounding properties in the long-term. He said he is encouraged by the applicant's willingness to work with the Town.

Mr. Perruzza asked if the Town can be assured it will look like the surrounding properties. Mr. Barber said as it has been represented to him, it will. He said the Town will be getting information from Cornell regarding what types of vegetation will be in the pasture, how it will look. Goats are animals that will gnaw on anything but they do need a substantial diet.

Mr. Welsh asked if there were similar operations that the Board could refer to or see, but Mr. Barber couldn't think of any nearby.

Mr. Barber added that goats are very active animals and there will be a need for some type of fencing along Todd Road. He said he wants to see what the fence will look like as that is not in keeping with surrounding areas. He would like the fencing to be as innocuous as possible.

Mr. Pavalow said there are a number of plans such as a sediment plan and fencing plan, and he asked if there is a schedule for all of that.

Mr. Borteck said there are two different issues. The affected disturbed area would be seeded promptly after cutting. Regarding the plans, it will be a couple of years before the pasture is established and the consultants determine what the stock plan should be. Mr. Pavalow said there is an erosion and sediment plan, and a plan to cut the trees down, and he assumes they are related to each other.

Mr. Barber said there is a sequencing plan starting from day one, and the map will be tied in to the narrative sequencing plan. Within that sequencing plan there will be phases, and they will not go forward unless that area is stabilized. Mr. Barber said he did talk to the applicant about the best way to establish vegetation, perhaps with a cover crop first to nourish the soil for the eventual desired planting.

Mr. Brancati said he assumed there will be no slaughtering the goats on the property, and he was assured by Mr. Borteck and Mr. Ginnell that there wouldn't be any slaughtering of goats, just raising of goats on the property.

Mr. DeLucia said what the Board is here for tonight is approval or denial of a tree cutting permit. He asked if all the concerns would be addressed by Mr. Barber and the Planning Board for site plan approval, or by the Zoning Board. Mr. Barber said the Town Board will tie some very important erosion and sediment control, wetland, and other environmental controls to that permit. He asked the Town Attorney if a public hearing was required.

Ms. Bacal said she didn't think a public hearing was required, but she will research the question and confirm the process. She said the discussion tonight is a first step.

Mr. DeLucia said his concern was the also the monitoring of the project. He asked if the Building Department did that, and will Mr. Barber be inspecting. He also asked if the erosion plan had to be submitted to the Planning Board.

Mr. Brancati said based on the Town's zoning ordinance the Town Board can attach all those conditions to the permit the Board issues. Mr. DeLucia asked if a property in an agriculture district is subject to site plan review.

Mr. Brancati said the Department of Agriculture and Markets understands that local municipalities do have site plan review procedures, so they have come up with a streamlined site plan review.

Ms. Bacal said the applicant still has to go through the SEQR process. Mr. Borteck said the project is a Type II action which is exempt from SEQR. Ms. Bacal said the Board needs to demonstrate that it has considered SEQR.

Mr. Welsh suggested giving an application package to the Conservation Advisory Council as an educational opportunity.

Mr. Welsh asked if getting permission tonight was critical. Mr. Borteck said it is environmentally favorable to cut before the blooming season, and now is a good time to get tree contractors. He said they are approaching the point where time is of the essence.

Mr. Brancati asked if the Board could have everything submitted before the permit is issued. He asked if it could be done by next week.

Mr. Barber said it would be better to have everything submitted so the conditions can be based on those documents when the permit is issued. In the meantime it can be referred to the CAC and Planning Board. Mr. Borteck said he will advise the applicants tomorrow as to documents needed. An important issue is the designation of an overseer, and he would be comfortable with Bruce Barber.

#### TOWN PROPERTY – Onatru Farmhouse – Review of Plans

Architect Robert Benoit presented copies of drawings for ADA improvements and structural upgrades to the Onatru Farmhouse. Mr. Benoit said he incorporated the previously drawn structural work into the ADA improvements. He recommended that the Town bid out the structural changes and the elevator, but they have option to have the Maintenance Department do some of the work such as changing the doorways and access points, etc.

Mr. Benoit said he has identified the size of the doorways and what is needed to upgrade them. Final plans will be drawn based on tonight's conversation with the Board.

Mr. Brancati said upstairs only the hinges had to be changed on some doors and they would be wide enough.

Mr. Benoit said the Maintenance Department can do some work regarding the plumbing, and he suggested turning the downstairs utility area into a handicapped accessible bathroom. The Board and Mr. Benoit discussed various ways of creating handicapped bathroom downstairs, the location of the elevator, and discussed the need for a handicapped bathroom upstairs. It was noted that the cost to convert the existing upstairs bathroom would be quite high. It was decided that it made the most sense to restore a former bathroom on the second floor and make that a handicapped bathroom. The space has been converted to a storage room and could easily be restored to a bathroom.

Mr. Benoit said he has to refer to the drawings done previously by Edward Ozols as the "governing drawings" as they were prepared under Mr. Ozols' license although Mr. Benoit did

the actual work. During the bid process those drawings may need to be available as part of the bid package. All of the Ozols' work has been incorporated into the new drawings. Mr. DeLucia said the Board is talking about eliminating one bathroom on the first floor, and on the second floor restoring a bathroom where it used to be and widen doorways where needed. Mr. Benoit said he is recommending that the Maintenance Department widen the doors. Mr. DeLucia advised that a bid package be prepared.

After discussion, Mr. Benoit said he would have the final drawings in two weeks. Mr. Brancati said the Board still has to go through the approvals process. He said the Town also has to send everything to HUD for their approval. Ms. Bacal said as soon as construction starts a letter could go out to the Justice Department alerting them to the action.

FINANCE – Discussion of Financial Policies

The Town's Director of Finance met with the Board to discuss proposed financial policies. The Board reviewed a proposed procurement policy, investment policy and debt management policy, and sample policies from other towns. The Town's auditor will be reviewing these policies as will the Town Attorney. The Board also discussed various purchasing options, and the purchase of a new telephone system.

The Board members will review the policies for adoption next week.

POLICE BENEVOLENT ASSOCIATION – Authorize Consolidated Agreement

Mr. Brancati outlined problems with the Police Benevolent Association agreement which consisted of several different signed documents. He has consolidated the documents into one agreement with the help of the Town's labor attorneys, and asked the Board for authority to sign the consolidated agreement. Mr. Brancati said there is nothing in the consolidated agreement that was not in the original documents.

The Town Attorney said she assumed the Town's labor attorney Michael McDermott reviewed the consolidated document. Mr. Brancati said "Mr. McDermott did not review the entire document," but he said all the language is exactly the same as the original documents, and he would be comfortable with the Town Attorney reviewing it. Ms. Bacal said it probably should be reviewed in comparison to the original documents.

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

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

RESOLUTION

RESOLVED, that the Supervisor be and hereby is authorized to sign the consolidated Police Benevolent Association agreement for the period January 1, 2005 to December 31, 2008, subject to counsel's review.

MAPPING – Authorize Contract with Sewall Co. re Map Corrections

Mr. Brancati said the Town is interested in entering into a contract with the Sewall Co. to straighten out the down’s digital tax maps. The Town Attorney had questions regarding the contract so the Board will vote at a later date.

PARKS AND RECREATION – Town Pool – Authorize Purchase of Coping Tiles

On motion by Mr. DeLucia, seconded by Mr. Welsh, the Board voted 5-0 to authorize the Supervisor to sign an agreement for new coping tiles at the Town Pool.

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

RESOLUTION

RESOLVED, that the Supervisor be and hereby is authorized to sign the bid document for the purchase of replacement coping tiles from Barrasso and Sons, Inc. for the Town Pool.

WESTCHESTER COUNTY – Intermunicipal Agreement re Assessor’s Office

Mr. Brancati explained that the County Clerk has a program which allows Assessors to access records in the County Clerk’s office online. They have asked the Town to sign an agreement for use of the service.

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

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

RESOLUTION

Whereas, Westchester County has created an internet-based public viewing system of land records entitled the "Westchester County Land and Legal Records Public Viewing Application" (L&LR) and made it available at no cost to municipal governments, and

Whereas, although the information will be available to the public, access to the L&LR system will be limited to staff from the Assessor's office, via user identification numbers and passwords and further limited to land records only, and

Whereas, the L&LR system streamlines the manual, labor-intensive, costly and time consuming process currently utilized by the Westchester County Clerk's Office for the preparation and dissemination of deeds, mortgages and other land records documents, and

Whereas, the Town of Lewisboro will benefit from this system as a result of this increased efficiency, and

Whereas, Westchester County recently submitted a proposed Intermunicipal Agreement to the Town of Lewisboro that would grant remote access to the L&LR system for a five (5) year period, commencing retroactively to January 1, 2004 and ending December 31, 2008, and

Whereas, said agreement has been reviewed and approved as to form by the Town Attorney, in accordance with the attached memorandum, now therefore be it

Resolved, that the Town Supervisor is herein authorized, on behalf of the Town of Lewisboro, to execute an Intermunicipal Agreement with Westchester County to provide for remote access to the Westchester County Land and Legal Records Public Viewing Application System commencing retroactively to January 1, 2004 and ending December 31, 2008 in substantially the same form as attached hereto.

DOG CONTROL OFFICER – Appointment of Pamela Phillips

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

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

RESOLUTION

RESOLVED, that Pamela Phillips of South Salem, New York be and hereby is appointed Dog Control Officer for a term ending December 31, 2008, at an hourly rate of \$15.00 per hour.

FREEDOM OF INFORMATION – Grant Appeal of Denial of Access

The Board discussed an appeal filed by the Lewisboro Ledger in response to a denial of access to a record. The documents requested are records properly considered confidential under attorney/client privilege. However, the Board could choose to waive that confidentiality.

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

THE VOTE:	Yes	- Brancati, DeLucia, Pavalow, Welsh	(4)
	No	- None	(0)
	Absent	- None	(0)
	Abstain	- Perruzza	(1)

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the release of a letter from the Town Attorney to the Town Board dated February 19, 2008, pursuant to a Freedom of Information request from the Lewisboro Ledger.

WILD OAKS/OAK RIDGE SEWER TREATMENT PLANTS – Authorize Bid for Sludge Removal

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

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

RESOLUTION

RESOLVED, that the Town Board does hereby authorize the Facilities Maintenance Manager and Administrator of the Oakridge and Wild Oaks sewage treatment plants, Joel Smith, to seek bids for the removal of sewage sludge from those plants.

CONSULTANTS - Discussion re Town Planner and Town Engineer

The Board held a philosophical discussion about what they wanted in an engineer or planning consultant. Interviews will be scheduled for the firms that responded to the Town's request for proposals.

PUBLIC COMMENT PERIOD

There was no comment from the public.

EXECUTIVE SESSION - Litigation

On motion by Mr. Brancati seconded by Mr. DeLucia, the Board voted 5-0 to go into executive session to discuss litigation.

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

ADJOURNMENT

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

Kathleen G. Cory  
Town Clerk