

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on March 18, 2008 at 7:30 p.m. at the Town House, 11 Main Street, South Salem, New York.

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

ABSENT: Councilmen - Peter DeLucia, Al Perruzza

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

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.

MINUTES – Approved

On motion by Mr. Welsh, seconded by Mr. Brancati, the Board voted 3-0, to approve the minutes of February 11, 2008.

PUBLIC COMMENT PERIOD

There was no comment from the public.

MEMORIAM – Donna Seedorf, Kurt Buckhout

Supervisor Brancati noted the sudden passing of Donna Seedorf, the wife of Town Justice Marc Seedorf, a teaching assistant at Lewisboro School and tireless volunteer for the ambulance corps and other local organizations, and Kurt Buckhout, a long-time teacher and coach in the Katonah-Lewisboro school district. He expressed the Town's condolences to both families, saying that both Donn and Kurt will be greatly missed.

DRUG ABUSE PREVENTION COUNCIL – Report re Activities

Patricia Warble, Director of the Bedford-Lewisboro-Pound Ridge Drug Abuse Prevention Council reported on activities of the organization. The Council started as a hot-line about 25 years ago and evolved to an organization encompassing the three towns.

There are three primary areas they work in. One is programming, including Family University which started 15 years ago, and presentations. The Family University model has been adopted throughout the county. The Council also distributes a newsletter called "Of Substance" which is sent out to 16,500 addresses each September. She stressed that the Council works with all sectors

of the community--government, law enforcement and businesses. The Town of Bedford and Town of Lewisboro Youth Officers attend all meetings.

Ms. Warble said they offer systematic training for effective parenting, for parents of pre-schoolers through teenagers. She displayed a brochure entitled "Parents who host lose the most" concerning parents who host parties where alcohol is served to under-age drinkers. She said she works 3 days a week for the Council and also works for Student Assistance Services where she is the point person on the Westchester Coalition for Drugs and Alcohol for Youth which is a cooperative venture between the County Executive's office and the Office of DWI and Prevention. She said the work that the DAPC does compares very favorably with other efforts in the county and in some cases is a model that other organizations emulate.

Mr. Pavalow asked for statistics to show how many youngsters are being arrested. Ms. Warble said they stay in touch with the police who report to them. She said the Katonah-Lewisboro School District did a Pride survey 4 years ago which is still on their website which gives clear information about what is going on with kids. She said nationally alcohol use has gone down, and Lewisboro reflects what most Westchester communities reflect, which is below average for beer and alcohol in the 9<sup>th</sup> grade, but for 12<sup>th</sup> grade the numbers get higher. Ms. Warble said they did a parental survey and got back 410 survey responses. What they found was that kids are drinking more than they would like them to, and that parents are "clueless" about what is going on. A lot of it comes down to parenting and school support.

Ms. Warble explained that teenagers are getting prescription drugs from the home medicine cabinet. They are finding them at home or from their grandparents, or where they babysit, even from other kids who may have a prescription. The police are asking for a program addressing prescription drugs.

Mr. Brancati thanked her for coming, and for the work of the Drug Abuse Prevention Council.

UNSAFE BUILDINGS – Hearing re Unsafe Buildings at 28 Fairmount Road

Mr. Brancati called the hearing to order regarding the unsafe buildings at 28 Fairmount Road in Goldens Bridge. Deputy Building Inspector Peter Barrett reported that the Board last addressed the property at a hearing on March 3. He reported that in August of 2007 the Town issued a request for proposals for cleanup of the Stein property. At that time the owner, Brian Stein, reported that a vendor, Androtti Construction, would be handling the cleanup of his property. Nothing further was ever heard.

Since the March 3 meeting the Building Department has had no contact with Mr. Stein, no phone calls and no office visitors regarding his property. All contact has been emails from Mr. Stein, two of which contained what the Board has as a plan outlined by Mercado Construction for remediation of this property. The plans are deficient in a lot of ways and Mr. Barrett said he hasn't seen that any effort has been made to do a site assessment as to the hazards. Ms. Bacal said it might be helpful for Mr. Mercado to present his case.

Mr. Brancati said the Board already has a plan to deal with the problem at the property. Mr. Mercado had been asked to provide authorization from Mr. Stein authorizing him to act on his behalf. Mr. Mercado indicated that he had brought that authorization. Mr. Brancati also said the Board gave him a copy of the document that was put out last August detailing all the things the Town felt needed to be done for remediation. What the Board needed from him was the plan. Mr. Brancati said the property will be cleaned up whether Mr. Mercado has a plan or the Town's plan is used.

Ms. Bacal examined the authorization Mr. Mercado brought and said the Town Board could accept it. Mr. Stein had also emailed regarding Mr. Mercado's authorization to represent him.

Mr. Mercado said he has been involved with the property since the middle of February as a future developer of the property. On March 3 they attended a Town meeting and were told to give a comprehensive plan. On March 4 they sent Mr. Barrett a request for the bid package and for any type of other comprehensive plan they may have in place. On March 5 they were sent a letter by email from counsel stating that it would not be made available to them. Mr. Mercado said that on March 13 he sent Mr. Barrett a short proposal summarizing the previous August 7, 2006 issues at 28 Fairmount Road. Mr. Mercado said the issues would be addressed. On the 13<sup>th</sup> they updated that information to itemize the list of August 7, 2006 in further detail. On March 14 they received a letter from Mr. Barrett attaching a bid document from August 07 referring to the cleanup of the property. The August letter referred to an asbestos-removal project, and a non-asbestos removal project. Nowhere in the documents does it state the actual location of the asbestos. The cover letter addresses an issue of "probable hazardous material." As of this date they have no evidence that there is hazardous material on the property. The bid document has 16 pages referring to an asbestos removal project but yet does not address where the asbestos is, if any. It also has pages that do address itemized issues but the material is aerosol spray cans etc. that are common household products and they can be disposed of at normal recycling centers and gas stations.

Mr. Mercado said their common goal is to resolve this matter. Now that they have these bid documents, they can address these documents as they are. He said the only issue is that they still don't have any evidence of the locations of the "so-called asbestos". They would have to perform that, and would like to review the process. He said had they received the bid document earlier they could have started earlier. Mr. Mercado said it was actually delivered to them at 4:00 on Friday afternoon and they have not formally responded to it yet. At this time he and Mr. Stein are looking to clean up the property and move on. They would like to come up with a common solution in an expedited way.

Mr. Mercado said the only way to resolve the problem is to come up with quick solutions and they will abide by them. He said the owner should not have to absorb the expense of taking down four buildings as an asbestos project when there is no evidence of asbestos.

Mr. Brancati said with respect to the bid document, the Town couldn't release the winning bid. What the Board could and did release was the actual bid document which has been public since August of last year. Ms. Bacal said their request for the "bid" was somewhat ambiguous.

Mr. Pavalow asked if it was correct that if Mr. Stein had taken care of his property in the normal fashion there would be no problem. Ms. Bacal said that is correct. Mr. Brancati said the buildings didn't get into their current state as an eyesore and hazard overnight--they have been that way for years. He said the Board wants to see it resolved as quickly as possible. They want the buildings gone and the property cleaned up. The Board will work with Mr. Mercado, but the property will be cleaned up.

Mr. Barrett said because Mr. Stein hadn't addressed the issue for so many years, the Town hired a consultant, Building Environmental Consultants, who did a site assessment and identified asbestos and identified the need to have the conditions abated. That is something for which the Town paid a lot of money. This is what Mr. Stein needs to do—get a site assessment done to determine if there is asbestos there—the Town's consultants say there is in different areas. That needs to be addressed and is the biggest part of the project. Taking down the buildings is the easy part. All Mr. Mercado needs to do is file for a demolition permit. No one has ever looked into that. The big issue is the hazardous material. Ms. Bacal said what is needed, and has not been received, is a comprehensive plan from Mr. Mercado on behalf of Mr. Stein.

Mr. Barrett said they need to go out to the property, do a site assessment, and identify what the Town has been told is there. After further discussion, Ms. Bacal asked Mr. Mercado if he had anything further to add to the record.

Mr. Mercado said there is talk that there is an assessment that has already been done. He wanted to know why Mr. Stein wasn't told the assessment was done. Mr. Brancati said it is something the Town paid for. If Mr. Stein had cleaned up the property the Town would not have had to spend taxpayer money to have it done. Ms. Bacal said the Town has information from its consultant. She said Mr. Mercado may do an assessment which is different, but he has to do it and come up with a plan. Mr. Mercado suggested Mr. Stein reimburse the Town for its assessment and use that. Ms. Bacal said that would be fine. Mr. Brancati said the Town could provide Mr. Mercado with a copy of all communication sent to Mr. Stein. Ms. Bacal said the emphasis should be on the plan and if he is willing to pay to obtain the Town consultant's report that would expedite matters.

Mr. Brancati said the Town is being extremely lenient here, but for the sake of resolving this the Town will release the report, with the Board's consensus, if Mr. Stein is willing to pay for this assessment. He asked Mr. Mercado if two weeks was enough time.

Ms. Bacal said the Board would still have to review it and admit it. Mr. Pavalow said one step is getting Mr. Stein to agree to pay for the assessment, then he has another week to submit a plan, and the Board has to decide whether to accept it. Mr. Brancati questioned the time period, and Mr. Barrett said the law provides a 30-day time period to complete the work.

Mr. Brancati said he would like to have this matter back on the agenda for the March 31 work session. Ms. Bacal said if Mr. Stein wants the assessment, the check must be here by Friday. If he wants to submit his own plan, the Board will give him one week from tomorrow to submit a plan.

Mr. Pavalow asked what the negatives were if the Town just went ahead and did it. Ms. Bacal said she didn't think that would be proper due process. She said the Town has to give the owner a chance to do it himself. She said the Town has given him more than adequate opportunity to do it. She said it was proper to give him a one-time opportunity to submit a comprehensive plan.

Mr. Pavalow asked if the Board says "one more week" and there isn't a plan presented, or an unacceptable plan is presented, does the Town have a right to start work? Ms. Bacal said if the owner submits a plan and the Town deems it unacceptable, at that point the Town has an obligation as well as a right, to clean up that property. Mr. Brancati said the Board is going to allow this to continue to the 31<sup>st</sup> only in case they need to get a new assessment.

Mr. Brancati made a motion to close the hearing, seconded by Mr. Welsh, and the Board voted 3-0 to close the hearing. Mr. Brancati said the Board expects that on March 31 when the Board has its work session at 7:30 in the Library, it will have received a comprehensive plan from Mr. Mercado that is either satisfactory or not, and if the Board accepts it the Building Department will follow that recommendation and issue a permit for cleanup. If the recommendation is not acceptable, the Town will get the permit and proceed.

Mr. Mercado said he agreed and understood.

Gene Gallagher of Boulder Lane, Goldens Bridge said he read in the Westchester Business Journal on February 25 that JP Morgan Chase was seeking to file against Brian Stein for foreclosure on a mortgage affecting property located at 28 Fairmount Road. He wondered what the impact would be and if it affected the proceedings. Mr. Mercado said that is the reason why he is involved. Mr. Brancati said Mr. Stein was still the owner of record and it wouldn't slow the proceedings. He said the Board will have the plan by March 31, will have received it by April 6 and deemed it acceptable or not, and come the 7<sup>th</sup> whether it is Mr. Mercado or the Town, that permit will be issued and within 30 days those buildings are coming down.

TREE CUTTING- Application of Todd Farm LLC

Mr. Brancati said this item will be tabled for a week. The Wetland Inspector has prepared a draft of a permit but more information is needed. The State Department of Agriculture and Markets has suggested a restrictive covenant for the agricultural use, and more time is needed to get the paperwork together.

MAPPING – Authorize Agreement with Sewall Company for GIS Mapping Work

Mr. Brancati explained that the Town's digital tax maps were prepared by two different firms several years ago and the maps do not match up. The Town's tax map firm, James W. Sewall Company will be retained to work on the maps to reconcile the differences. An additional contract is required for this work.

Ms. Bacal said she had received a final version of the contract via fax late today. She recommended that the Supervisor be authorized to sign it when the original is received.

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

THE VOTE:	Yes	- Brancati, Pavalow, Welsh	(3)
	No	- None	(0)
	Absent	- DeLucia, Perruzza	(2)

RESOLUTION

RESOLVED, that the Supervisor be and herby is authorized to sign a contract with the James Sewall Company for geographic information services related to the Town’s tax maps.

WESTCHESTER COUNTY – IMA Re Stormwater Education and Outreach

Mr. Brancati said the Town of Lewisboro is in complete compliance with the MS4 Phase II Stormwater regulations. The County has gotten a \$200,000 matching grant for education and outreach. The County is paying \$150,000 of the costs, and the matching funds of \$43,000, will be spread out among the 43 municipalities in the county.

Mr. Welsh said this is a vehicle to channel this MS4 Phase II funding. Mr. Brancati said the IMA is between all the municipalities, and the \$200,000 allows the in-kind support and allows the County to spend its match. Mr. Welsh asked for confirmation that there was no cost to the Town. Mr. Brancati said the Town just has to prove it spent \$1345 relating to stormwater education and outreach programs dating back to March of 2003. The Town has spent that multiples of times already. Mr. Welsh asked about obligations for insurance, etc. Ms. Bacal said the insurance certificate was filed and she has reviewed it. She called the Board’s attention to the fact that the agreement is contingent upon receipt of the DEC funds, the Westchester County Board of Legislators approving the fund, and adoption of the State budget. The County also has the right to terminate the agreement.

Mr. Brancati gave some examples of the expenditures, such as the printing and mailing of the stormwater brochure. Mr. Pavalow said the county decides it wants to do something, still costing taxpayer money, so the question becomes “is this something we all want?” Mr. Pavalow said he wanted to make the point that it sounds like it is free, but it’s not, it is paid for in other taxes.

Mr. Welsh said the requirements are going to be there anyway and this is going to help the Town defray the impact. If the Board didn’t do this, the requirements would still be there and the Town would have to take it all out of its own pocket.

Mr. Pavalow asked if the Board could disagree with the county or the state. Mr. Brancati said the Board could do that even without an agreement. There are always things that the county or state proposes that the Town Board won’t always agree with. Mr. Brancati said the stormwater regulations come from the Environmental Protection Agency to the State Department of Environmental Conservation, and the Town doesn’t have a choice. Mr. Brancati added that the next phase of stormwater requirements is coming in April. He is waiting to see what they are going to propose, and there will be some appreciable costs to taxpayers. Mr. Brancati said he attended a meeting last week of watershed coalition towns in Putnam, Dutchess and northern

Westchester counties and everyone is looking to New York City for funding. The northern towns are being asked to protect their drinking water. He said when the new regulations are known the Board will share them with the rest of the community. Mr. Brancati said the Town sends its tax dollars to the state, county and federal government and gets a fraction of it back, so any time we have an opportunity to get some of it back it is a good thing.

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

THE VOTE:	Yes	- Brancati, Pavalow, Welsh	(3)
	No	- None	(0)
	Absent	- DeLucia, Perruzza	(2)

RESOLUTION

RESOLVED, that the Supervisor be and hereby is authorized to sign the MS4-Phase II Stormwater Education and Outreach Program Intermunicipal Agreement with Westchester County.

DONATION – Acceptance of Donation of Miniature Replica of Raleigh Tavern

Mr. Brancati explained that the Town has been offered a model replica of the Raleigh Tavern at Williamsburg, Virginia. During the 1930’s and 40’s a local resident named Enzo Yocca ran the South Salem Studios, which was a business that made models. During the Second World War they made lead miniatures of ships which were used to train pilots to identify ships from the air.

Tom Herzog of South Salem noted that during that time Mr. Yocca provided needed employment for many local residents.

The tavern replica is being donated by Bedford Attorney Al Jacobsen, and the Town Historian Maureen Koehl has recommended that the Town accept the donation.

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

THE VOTE:	Yes	- Brancati, Pavalow, Welsh	(3)
	No	- None	(0)
	Absent	- DeLucia, Perruzza	(2)

RESOLUTION

RESOLVED, that the Town Board does hereby accept donation by Al Jacobsen of Bedford Village, New York of a two-inch scale replication of the parlor of the Raleigh Tavern in Colonial Williamsburg, replication said to have been built approximately 1939 by M. Yocca of South Salem, New York and valued at \$8,500, and be it further

RESOLVED, that the Town Clerk be and hereby is authorized to issue a letter of receipt for the donation .

TOWN PROPERTY – Request to Purchase Town Property on Debbie Lane

The Board reviewed a request from Robert Pincus and Linda Weisz of Debbie Lane to purchase a strip of Town property on Debbie Lane and adjacent to land they own. Mr. Brancati noted that the strip of land provides the only access to a large parcel of Town-owned land behind Debbie Lane. Mr. Brancati recommended that the Board not sell the right-of-way that leads to the Town property.

Ms. Bacal said the requesting parties thought the land behind them was the Momsen Preserve and access would not be a problem. Research indicated that the land was not part of the Momsen Preserve.

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

THE VOTE:	Yes	- Brancati, Pavalow, Welsh	(3)
	No	- None	(0)
	Absent	- DeLucia, Perruzza	(2)

RESOLUTION

RESOLVED, that the Town Board does hereby decline the request from Robert Pincus and Linda Weisz to purchase a strip of Town-owned land adjacent to their property on Debbie Lane.

CLAIMS

On motion by Mr. Brancati, seconded by Mr. Welsh, the Board voted 3-0 to approve the payment of claims in the amount of \$745,322.34.

REPORTS – Monthly

On motion by Mr. Brancati, seconded by Mr. Welsh, the reports from the Planning Board, Police and Building Departments were received and filed. Mr. Pavalow noted that he will not vote to accept the Police Department report next month unless the requested changes in reporting format are implemented.

TREE CUTTING – Todd Farm LLC

Diane Doesserich of 60 Forest Range Road, Lake Katonah questioned the tree cutting on the Todd Farm property on Todd Road. Mr. Brancati said he had received a call about tree cutting, and he sent the Building Inspector and Wetland Inspector out and the cutting was stopped. He noted that about 3 acres of trees were cut down. The owner’s representatives have had meetings with the Town Board and other Town officials, and the Wetland Inspector has walked the site. The property owners have agreed to work with the Town. If and when the Town issues the requested permit it will be issued with all necessary conditions. The Town has been provided with a forestry management plan. The Wetland Inspector has put together a draft document, and the Town Board is still reviewing the language for a proposed restrictive covenant. Mr. Brancati said an applicant in an agricultural district can appeal to the State Department of Agriculture and

Markets if they feel a local law or ordinance is too restrictive. The agency will make a decision and come back to the Town and order changes. Mr. Brancati said the Town does not see a problem with its ordinance. The person who would make that determination, Bob Somers from Agriculture and Markets, suggested the restrictive covenant approach. The covenant has to be for a specific period of time, often 99 years, and for the original intent and purpose which is agricultural operations. Mr. Brancati said the covenant would be in addition to any conditions imposed with the tree cutting permit.

Mr. Brancati also said the Department of Agriculture and Markets has worked very hard to promote agriculture throughout the State and they do not want to see the land being used to circumvent the original intent.

A question was asked if the owners had to prepare an environmental impact assessment due to the wetlands nearby. Mr. Brancati said he did not believe they did, but they did have to come up with a stormwater pollution prevention plan. Mr. Welsh noted that the area where the trees were cut is outside the wetland buffer. Ms. Bacal added that the owners were called in to meet with the Supervisor, counsel and consultants to discuss what their plans were, and they were questioned quite extensively about their plans.

#### HIGHWAYS – Route 138 Drainage Problem

Gene Gallagher of Boulder Lane noted there is standing water along Route 138 near the intersection with Fairmount Road, even when there has been no recent rain. Mr. Brancati said that is in the state highway right of way and it is the State's responsibility. Mr. Brancati said he noticed some trees hanging over the road near Waccabuc River Lane, notified the Town's Highway Superintendent who called the State and they came out and cut it down. Mr. Brancati said he would call the State about the water issue.

#### TREE CUTTING – Discussion re Penalty

Ms. Doesserich questioned whether the owners of Todd Farm would pay a penalty for cutting trees without a permit. Ms. Bacal said they didn't need a permit for the number of trees cut. Mr. Brancati said often people are not aware of what the Town's ordinances are. He said the Town is trying to work on better education with respect to wetlands, and working with residents to make it easier for residents to know the laws. Most people want to follow the laws and in this instance they started, and it was unfortunate. As soon as they knew there was a problem they have been completely amenable. Mr. Welsh said in some cases a developer is given constraints and told "no", and as soon as someone walks away cuts down the tree and says "well, that's the cost of doing business". In this case it is probably not like that because it is not likely the Town would have denied the permit. He said "it is on the edge, and bothers me too."

Mr. Brancati said if the Board had denied the permit it would be within its right to order them to restore the property to its original condition. Ms. Doesserich said the owner has tried to develop the property several times and she found it hard to believe he was unaware of the requirements. Mr. Brancati said the Board would keep her updated on the project. It will either be on the March 24 or March 31 Town Board agendas. Ms. Doesserich asked how many goats will be on the property, and Mr. Brancati said 97 or 98, under the threshold in the zoning code, which may have

to be revised based on a more sound methodology which is more acceptable to animal rights groups and the State Department of Agriculture and Markets.

IRAQ WAR – Comment re War

Mr. Welsh commented that tomorrow is the 5<sup>th</sup> anniversary of the US invasion of Iraq. He said there are a significant number of municipalities who have decided make a statement and call for expedited withdrawal and wrapping up of that “unfortunate venture.” Mr. Welsh said if he received any encouragement from the public or from the Board he would draft a resolution.

WEEK OF THE YOUNG CHILD – Resolution Adopted

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

THE VOTE:	Yes	- Brancati, Pavalow, Welsh	(3)
	No	- None	(0)
	Absent	- DeLucia, Perruzza	(2)

RESOLUTION

WHEREAS, the Country Childrens Center and other local organizations, in conjunction with the National Association for the Education of Young Children, are celebrating the Week of the Young Child, April 14 through 20, 2008; and

WHEREAS, the Country Childrens Center’s multi-faceted child care programs are essential to the Katonah-Lewisboro community and continue to improve early learning experiences that are crucial to the growth and development of young children; and

WHEREAS, all young children and their families across the country and in the Katonah-Lewisboro community deserve access to high-quality, early education and care; and

WHEREAS, teaching our children about the importance of the environment and how to preserve and care for it is essential to the future well being of the earth and our community; now therefore be it

RESOLVED, that the Town Board of the Town of Lewisboro does hereby proclaim April 14 through 20, 2008 as the Week of the Young Child in Lewisboro and encourage all citizens to work to make a good investment in early childhood care and education and teach their children personal responsibility for caring for our earth.

UNSAFE BUILDING – Discussion of Asbestos Removal Plan

Mr. Brancati asked the Town Attorney about accepting the asbestos removal portion of a cleanup plan for the buildings at 28 Fairmount Road. Ms. Bacal said the Town is still waiting to hear from Building Environmental Consultants whether the lowest bid had been accepted. This is our piece for the asbestos-related services. Mr. Brancati asked if this was part of the costs for

which the owner Brian Stein would reimburse the Town. There are asbestos removal costs, and non-asbestos removal costs. Ms. Bacal said that is correct.

Mr. Welsh questioned what the Board is accepting. Mr. Brancati said regardless of whether the Town does the work or not, the Town wants to retain Building Environmental Consultants as the Town's consultant to insure that all of the work is done correctly. Ms. Bacal said the Town has to pay the consultant and can't expect the owner to pay for that. Ms. Bacal said if the Board uses this consultant to check Mr. Stein's work she wasn't sure if the Town could ask him to pay for

that. If it was for monitoring, it would be on a per diem basis. Mr. Welsh said the Town would not be incurring these costs if not for the problems with Mr. Stein's property. He said he felt it should be reimbursed by Mr. Stein.

Ms. Bacal said the Town does not have to do this, it is opting to do more than it has to. Assuming he goes this route, Mr. Stein has hired someone to do this asbestos removal. The Town has decided it wants to be sure it was done in accordance with the Town's specifications. That is beyond what is required.

Mr. Welsh said if the Town was constructing a building that the Town was going to own, and engaged a general contractor to do it but the Board wanted assurance and hired a firm, the Town would have to pay for that. This case though, is fundamentally different because there are costs the Town would not otherwise incur because it doesn't have the expertise to review work being done by his contractor, and needs some help with that. He said his personal feeling is that the Town should charge him for that.

Mr. Brancati said normally the oversight would be conducted by the Building Department itself. The Board just feels this is a special enough instance to warrant going outside. That is a Town Board decision. The Board could have the Building Department review it. Mr. Brancati said the Town can bill Mr. Stein for the review of his plan. Ms. Bacal said the Town will bill Mr. Stein for that cost. Mr. Brancati said the Town will hire someone to monitor because of all the special situations that might be outside of Mr. Barrett's purview. The Board could also ask Mr. Barrett to go out there. Mr. Pavalow added "if he felt comfortable doing that."

Mr. Welsh said there are air assessments, etc. included so it is a specialty service. Ms. Bacal added that most Building Inspectors do not have that specialized knowledge. Mr. Welsh said he respectfully disagreed that the Town should absorb the cost of the oversight. Mr. Pavalow asked if the Town would be doing this anyway. Ms. Bacal said "yes", the Building Department would do it, and would then, as now, hire a consultant. Mr. Pavalow said there is no reason to hold off on this. Mr. Pavalow asked to clarify the estimated cost for the consultant as \$545 per shift for a minimum of an 8-hour shift. Mr. Welsh said the Board needs an estimate of the number of hours. Mr. Brancati said the company is estimating \$545 per 8-hour shift. If it is more than 8 hours, it is \$85 an hour. Mr. Pavalow asked much this type of work has cost in the past. He wanted to have an approximation. Mr. Brancati said he can table the issue, it is not critical to approve it tonight. Mr. Pavalow asked who is going to get the approximate estimate? Mr. Brancati said he would call Mr. Barrett tomorrow and ask.

Mr. Welsh said conceptually when someone comes to the Building Department there are user fees to cover the cost of inspections, etc. so this being something the Town couldn't possibly do in-house, in generic terms there are pass-thru user fees. The Planning Board, engineer, attorney, all those things have pass-thru user fees.

Facilities Maintenance Manager Joel Smith said the State Department of Labor mandates and specifies the testing that is required. Mr. Smith said his department arranged for the removal of asbestos from Town buildings, and the Town's Building Department was not involved. He felt the contractor would have to get a permit from the Department of Labor which would insure that testing requirements were met. Mr. Welsh clarified that the asbestos cannot be removed without third-party testing, and Mr. Smith said that was correct.

Mr. Pavalow asked if the Town needed to monitor it or would the State do it. Mr. Smith said in his experience the State was advised of the work, the time and place, and the locations to test.

#### ENVIRONMENT – Stream Monitoring

Mr. Brancati announced the 2008 Monitoring Season for the Westchester County Citizens Volunteer Monitoring program. The program entails collecting critters for water quality and much more. There is a training schedule, and training takes place in the Ward Pound Ridge Reservation on May 10 from 9 to 4 and involves taking samples of creeks and streams. It provides an opportunity to gather water quality data which can then be made accessible to the public through an on-line database. He urged anyone interested to call his office or call the county planning dept.

#### MEETINGS – Dates Set

Upcoming meeting dates for the Town Board are regular meetings on April 7 and April 21 at the South Salem Library, 7:30 p.m. Work sessions will be held on March 24, 26 and 31st at 7:30 p.m. The meetings on the 24<sup>th</sup> and 31<sup>st</sup> will be at the South Salem Library, the meeting on the 26<sup>th</sup> will be at Cyrus Russell Community House. The purpose of the work sessions on the 24<sup>th</sup> and the 26<sup>th</sup> is to interview candidates for Town planners and engineers. Mr. Brancati said Mr. Welch and Mr. Pavalow have developed a spread sheet to help the Board evaluate the firms. Mr. Welsh asked the Board to think about other criteria that might be added. He also asked anyone who had experience with the firms to offer their input.

#### PUBLIC COMMENT PERIOD

There was no further comment from the public.

#### EXECUTIVE SESSION – Employment History, Litigation, Lease, Purchase or Sale of Real Estate

On motion by Mr. Brancati seconded by Mr. Pavalow the Board voted 3-0 to go into executive session to discuss the employment history of a particular person, litigation, and the lease, purchase or sale of real property.

On motion by Mr. Brancati, seconded by Mr. Pavalow the Board voted 3-0 to come out of executive session.

ATTORNEY – Appoint Joseph Saccamano

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

THE VOTE:	Yes	- Brancati, Pavalow, Welsh	(3)
	No	- None	(0)
	Absent	- DeLucia, Perruzza	(2)

RESOLUTION

RESOLVED, that the Town Board does hereby retain Joseph Saccamano of the law firm of Jackson, Lewis to provide legal advice, for a fee not to exceed \$5,000.

BOY SCOUTS – Waives Fee for Eagle Scout Project

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

THE VOTE:	Yes	- Brancati, Pavalow, Welsh	(3)
	No	- None	(0)
	Absent	- DeLucia, Perruzza	(2)

RESOLUTION

RESOLVED, that the Town Board does hereby waive the required fees for Boy Scout Christopher Bergstrom in connection with Town approvals for his Eagle Scout project.

ADJOURNMENT

On motion by Mr. Brancati, seconded by Mr. Welsh the Board voted 3-0 to adjourn at approximately 11:50 p.m.

Kathleen G. Cory  
Town Clerk