

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was scheduled for May 2, 2005 at 7:30 p.m. at the South Salem Library, 15 Main Street, South Salem, New York 10590.

PRESENT: Supervisor - James Nordgren
Councilmen - Jessica Bacal, Pat Daigle, Allen Hershkowitz, Sue Whalen
Town Clerk - Kathleen G. Cory
Town Attorney - Leslie B. Maron

Also attending was the Deputy Supervisor Joann Vasi.

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

Mr. Nordgren called the meeting to order at 8:14 p.m.

MINUTES – Approved

On motion by Mr. Nordgren, seconded by Mr. Hershkowitz, the Board voted 5-0 to approve the minutes of March 21, April 4 and April 11.

TOWN PROPERTY – ADA Compliance and Facilities Upgrade

The Board discussed a proposal to spend up to \$7500 for a preliminary site plan sketch of the Town House campus. Mr. Nordgren said the Board is at the point where a joint meeting of approving boards is needed for the library's expansion plans. He said that Town planning consultant Will Agresta recommended a meeting of the Town Board to discuss the parameters and budget for the study. The Board has discussed the study at a work session. The consultants will meet with the Highway Superintendent and Facilities Manager Joel Smith regarding ADA plans for the Town House and expansions at the Highway garage to incorporate needs for Town facilities. The consultants will prepare a site analysis and draw a minimum of three sketch plan alternatives which should define circulation, parking and remaining building areas. Mr. Nordgren said the Board will then meet with the Planning Board to obtain input on sketch plan alternatives. At that point it might be a good time for the joint meeting. Mr. Nordgren said he thought that \$7500 would be an appropriate cap on the expense for the sketch plan alternatives.

Mr. Agresta said the sketch plans would be a collaboration of three consultants, Jay Fain wetlands, Tom Altermatt, Town Engineer, and himself as Town planner. The work would involve an overview of the Town campus from the aspect of circulation, parking, existing problems on the campus from a safety and aesthetic point of view, and from a functional point of view, given the different uses and types of meetings that occur on the campus. There was a report a few years back that identified some of the issues. Since then the library expansion plan has come forward. The consultants will take that information and focus on where the Town is going with its facilities.

Mr. Agresta said the consultants will identify the issues and from there develop sketch plan alternatives. The alternatives are primarily focused on how to mitigate the existing safety and parking issues and the travel ways, and from there define what land is left over that could be used for buildings and expansions. That will also define how much building you would possibly get. There are other issues such as storm water, sewer and water that come into consideration. He said safety and circulation issues need to be done regardless of any other plans. Hopefully the campus overview will help the Town Board make the decisions that have been hard to make over the past few years.

Ms. Bacal asked if there had ever been a site plan of this entire campus. Mr. Agresta said there are different versions but they were more quick desktop kind of sketches. This study will deal with specific issues. It will determine if the Town can go in a direction to do anything. Mr. Nordgren said he liked Mr. Agresta's plan to look at circulation and parking needs, which is the logical sequence in planning. They will look at what the site can hold and from that get into the size of boxes for each building instead of working backwards by trying to make an expanded building fit the site. For the first time the Board will look at what can be managed by appropriate best-management practices, safety concerns and management needs on the entire parcel. It will tell the Board if there can be any expansion at all on the buildings. Mr. Nordgren said the Board will work with ACARC and the library to see if something can work there given the parameters set by the Zoning Board. He said this is the logical way to do an overall site plan for the campus.

Mr. Agresta said when the defined building areas are drawn they may overlap. The Town Board may have to decide how much of available building area is needed for Town use and how much can be given to the library.

Mr. Agresta said when the Board starts looking at trees that are worth saving, the distances that need to be preserved between the edge of pavement and pedestrian paths, and separation between buildings, that is going to start dictating the building envelopes.

Mrs. Whalen asked how much more work would be involved in getting into a real plan. Mr. Agresta said it would definitely be more than the initial \$7500 and would involve all the permitting procedures as well.

Ms. Bacal asked Mr. Agresta if he could use any of the previous plans. Mr. Agresta said they will, but stressed that they are at the sketch level. Mr. Agresta said all of the consultants have worked for the Town for a long time and will probably end up doing much more work than is billed. Mr. Nordgren said now is the time to put pencil to paper and come up with a specific plan for the joint meeting. Mr. Hershkowitz said this plan will be more than a study, it will actually provide a template within which everything gets situated.

Mr. Agresta said if it turns out that nothing can be done on the site, it will be a study. If the study leads to something more, it becomes a plan. Mr. Agresta said the work could be ready by mid-June. Mr. Nordgren said he will set a joint meeting for the second week in June.

On motion by Mr. Nordgren, seconded by Mr. Hershkowitz the Board voted as follows:

with might indicate that the library plan as it is today doesn't work. The Board might find that what the Town House needs to do couldn't work.

Mr. Nordgren said it appears that the community is saying "work with what the sites gives you so that there are no untoward effects on water or trees or people," instead of trying to make something fit that may not fit. Mr. Agresta said part of the analysis is to give the decision-makers the information they need to either consider something or reject something. He said the consultants are not closing their eyes to any possibility on the campus. Mr. Nordgren said the Town is getting input to go ahead and put something that is conceptual on pape. The next step is to actually making a plan to analyze and see if it fits and conforms to architectural, zoning and good planning and neighbors concerns, and then "build the damn thing".

Tom Casper of 9 Main Street said Mr. Nordgren's statement seems to suggest that the study was going to include the library's compromise and proposal as-is. Mr. Casper asked if the Board was doing a "square-one" analysis or was it directing the consultants to do their analysis with the library plan as proposed? Mr. Nordgren said he would not respond but would see who else wants to speak.

Mrs. Whalen said she felt the Board has to do the study with the library's proposed expansion because that's what is at issue right now. There will be a joint meeting and the boards will discuss whether we can accommodate that. To do it any other way is just a revamping of parking and circulation. The Board is looking at the issue of whether the library's new proposal will fit. Mr. Nordgren said it is a little more nuanced than that—it is not trying to bend circulation and parking to fit the exact box, it's designing with all that in mind but first seeing if the room is there instead of the other way around. That would be the proper sequence of planning. Ms. Bacal added "or to see what's left over after that expansion." Mr. Nordgren said that is correct, the study will insure that the Board is not giving up the Town's flexibility just to the library which would happen if it wasn't designed simultaneously. That is something which has not happened until now. Mr. Daigle said in the end someone will place the proposed library on the three alternatives to see how they work. He said the consultants are not going to place the library addition and design around it. They are doing the studies without the addition, and then we will see how it could work.

OAKRIDGE WATER AND SEWER DISTRICTS – Declaration of State of Emergency

Mr. Nordgren said a state of emergency is needed at the Oakridge Water District in order to repair the water system. Mr. Nordgren said since the Town took over the water and sewer systems in 2002 a new well has been drilled and an upgrade has been started. The Town was hit with new nationwide radionuclide requirements in November or December of 2003. The requirement was that by 2007 everyone had to sample for radionuclides. Bill Bright of Delaware Engineering sampled water throughout 2004, and by the end of that year it became clear that the water from wells #2 and #6 was exceeding the new limits for radionuclides, which are a result of degrading uranium and found naturally. The Town was caught in the middle of an upgrade with new regulations and no procedure to filter. Mr. Bright studied to see what it would take to filter out the radionuclides. Apparently no one else in the country is filtering it and the Town's little water company is the first to start doing so. The estimate was \$8.4 million dollars. At that point the

Town investigated the purchase of water from nearby Connecticut towns. Although talks are continuing, a diversion permit would be needed and regulators from Connecticut are saying it won't be issued any time soon. Mr. Bright explained the quandary to the Department of Health. He told them the Town knows there are radionuclides in the water, but the answer is several years away and \$8.4 million which worked out to \$1,245 per year per dwelling unit.

Mr. Nordgren said Mr. Bright has come to an agreement with the Department of Health to do a temporary water filtration system which would allow the Town to use the two iron-laden wells, #4 and #5 which have been out of service. Mr. Nordgren said the Board is going to declare an emergency to order the filtration equipment. Instead of spending \$8.4 million dollars, it will cost \$65,000. If it goes well once filtration begins, Oakridge would have drinking water that meets the radionuclide requirements. He said the temporary solution would be more than short-term and would provide drinking water that does meet standards for radionuclides.

Mr. Nordgren said that by bringing on wells #4 and #5 in addition to #1 and #2, and another well that yields about 45,000 gallons a day will actually be fairly close to meeting the Health Department requirement that with the best well out of service the Town must be able to meet twice the average demand. The Health Department was concerned because the Town had only two wells. Oakridge now has 5 wells. The Phase IV developers have been in limbo. They drilled one well but when the Town began looking for water elsewhere they stopped doing any more well work. Now hopefully they will go ahead and the sooner they can do that the sooner they will pay the \$1,000,000 payment they promised to the Oakridge facility, reducing the financial burden on the homeowners.

Ms. Bacal asked why the Town was on the forefront of radionuclide filtration when others are not required to filter. Mr. Nordgren said the Health Department is using their discretion to impose this requirement. Ms. Whalen asked if in 2007 the Town would have to implement the \$7,000,000 upgrade. Ms. Jacobson said no. In answer to a question from Ms. Bacal, Ms. Jacobson said declaring a water emergency expedites the installation of the temporary system. Mr. Maron said it allows the Town to save about six weeks by eliminating the public bidding process. The Town will still seek quotes but does not have to formally advertise for bids. Mr. Nordgren said the Town is not declaring an emergency because the Town has a solution to the problem of radionuclides, and has agreed with the Department of Health on a remediation plan. Mr. Nordgren and Mr. Hershkowitz noted that Bill Bright of Aquarion came up with a solution that will ensure safe water for the Oakridge homeowners.

On motion by Mr. Nordgren, seconded by Mr. Daigle the Board voted as follows:

THE VOTE:	Yes	- Nordgren, Bacal, Daigle, Hershkowitz ,Whalen	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

WHEREAS, the Oakridge Water District's wells #2 and #6 have high levels of radionuclides; and

WHEREAS, the Oakridge Water District’s wells #4 and #5 have significantly lower levels of radionuclides; and

WHEREAS, the Oakridge Water District’s consulting engineers, Delaware Engineering have recommended the immediate installation of a temporary water filtration and treatment facility that will:

1. Enable the water for the wells to be blended to produce an entry point concentration that meets regulatory requirements for radionuclides and other standards;
2. Permit safer and more effective filtration of the water; and
3. Ensure the production of an adequate supply of potable water that is necessary because of the upcoming high use season. Without said emergency action the facility would not be able to produce the required amount of potable water and could be in violation of the New York State Sanitary Code Part 5., and

WHEREAS, in order to protect and health and safety of the persons served by the Oakridge Water District it is necessary to install the new filtration equipment as soon as possible; now therefore, be it

RESOLVED, that the Town Board of the Town of Lewisboro hereby declares an emergency in the Oakridge Water District to permit the acquisition of a water filtration system for the temporary water treatment facility at the Oakridge Water District.

TOWN OFFICIALS AND EMPLOYEES – Reinstatement of Police Office Sandy Kanuk

The Board reviewed a memo from the Police Chief asking that leave granted to Officer Sandy Kanuk be terminated and that she be returned to active status.

On motion by Mr. Nordgren, seconded by Ms. Bacal the Board voted as follows:

THE VOTE:	Yes	- Nordgren, Bacal, Daigle, Hershkowitz ,Whalen	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the leave of absence for Police Officer Sandy Kanuk be and hereby is terminated and that Police Officer Sandy Kanuk be and hereby is reinstated as a Police Officer in the Town of Lewisboro.

WESTCHESTER COUNTY – Authorize Urban County Agreement

Mr. Nordgren explained that an agreement with the County of Westchester authorizes the Town to apply for community development block grants. He reviewed a list of previous grants issued to

the Town. Over the years since 1976 the Lake Kitchawan Association has gotten \$35,000 for clubhouse rehabilitation, weed control, dock construction and beach improvements, the Town has received \$50,000 for ADA improvements to the Goldens Bridge Community House, \$45,000 for a senior citizen bus and \$43,000 for a senior citizen van.

The Town Attorney said he had reviewed the contract and had no objections. Ms. Bacal said it was a good opportunity for the Town to obtain grant funds.

On motion by Mr. Nordgren, seconded by Ms. Bacal the Board voted as follows:

THE VOTE:	Yes	- Nordgren, Bacal, Daigle, Hershkowitz ,Whalen	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Supervisor be and hereby is authorized to sign the Urban County Cooperation Agreement with the County of Westchester for the fiscal years 2006 to 2008.

TOWN CLERK – Authorize Attendance at Conference

On motion by Mr. Nordgren, seconded by Mr. Hershkowitz the Board voted as follows:

THE VOTE:	Yes	- Nordgren, Bacal, Daigle, Hershkowitz ,Whalen	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board hereby authorizes the Town Clerk to attend the school sponsored by the New York State Association of Local Government Records Officers to be held in Lake Placid, New York on June 12 to 15 at a cost not to exceed \$400.00 plus mileage.

RECORDS MANAGEMENT – Authorize Contract for Records Storage

On motion by Mr. Nordgren, seconded by Mr. Daigle the Board voted as follows:

THE VOTE:	Yes	- Nordgren, Bacal, Daigle, Hershkowitz ,Whalen	(5)
	No	- None	(0)
	Absent	- None	(0)

RESOLUTION

RESOLVED, that the Town Board hereby authorizes a five-year Intermunicipal Records Storage and Management Agreement with Putnam County for the services of the Records Center.

CLAIMS – Approved for Payment

On motion by Mr. Nordgren, seconded by Mr. Hershkowitz the Board approved the payment of claims in the amount of \$285,557.91. Mr. Hershkowitz questioned the amount being paid for bottled water, and he questioned the availability of potable water. He was advised that some of the water is for drinking fountains.

EARTH DAY

Mr. Nordgren reported that the Earth Day event was taped and will be shown on cable television. Ms. Bacal commented that she was taken aback by the fact that she learned about this event after the fact. She said when something like this is planned and sponsored by the Town the Town Board members should not be the last to know. Ms. Whalen said people came up to her and asked about the event, and unless she made a concerted effort to find out she wouldn't know. She was embarrassed that she didn't have the information.

Mr. Hershkowitz congratulated Mr. Nordgren on the event. Mrs. Whalen asked who sponsored the event. Mr. Nordgren said it was sponsored independently and no money was spent by the Town. He said it was put together by two citizens, along with the Conservation Advisory Council, the Open Space Advisory Committee, the Trails Committee and the Maintenance and Parks Departments. Ms. Bacal said it was a Town event if Town committees were involved. Mr. Nordgren thanked Maryann Petrilena and the Parks and Maintenance Departments for their help.

MEETINGS – Dates Set

It was announced that the next regular Town Board meeting will be held on May 16. Work Sessions were scheduled for May 9 and May 23. All meetings begin at 7:30 p.m. at the South Salem Library.

PUBLIC COMMENT PERIOD

There was no comment from the public.

EXECUTIVE SESSION – Negotiations

On motion by Mr. Nordgren, seconded by Mr. Daigle, the Board voted 5-0 to go into executive session to discuss negotiations.

On motion by Mr. Nordgren, seconded by Ms. Bacal, the Board voted 5-0 to come out of executive session.

ADJOURNMENT

On motion by Mr. Nordgren, seconded by Mr. Daigle, the Board voted 5-0 to adjourn at approximately 9:45 p.m.

Kathleen G. Cory
Town Clerk