

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was scheduled for May 9, 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
Dep. Town Clerk - Florence Furdyna
Town Attorney - Leslie B. Maron

Also attending was the Deputy Supervisor Joann Vasi.

The Supervisor called the meeting to order at 7:30 p.m.

EXECUTIVE SESSION – Employment History/Negotiations

On motion by Mr. Nordgren, seconded by Mr. Daigle the Board voted 5-0 to go into executive session for the purpose of discussing the employment history of a particular person, and negotiations with the Highway Department employees.

On motion by Mr. Nordgren, seconded by Ms. Bacal the Board voted to come out of executive session at 8:10 p.m.

OPEN SPACE – Discussion re Purchase of Bell Property

Mr. Maron provided the Board with an update on the progress on the Bell property acquisition. He provided the Board with copies of the contracts which at this point are between the Westchester Land Trust and the present owners, Reifenheiser and Lyden. Those contracts were signed by the Land Trust and the due diligence has been arranged by the Land Trust and includes analyses of the buildings. The reports should be available by May 19.

Mr. Maron reported that the Town Engineer is working on subdivision plans for the three houses that are near Routes 35 and 123. The septic systems have to be located and expansion areas identified. He is doing an informal application to the Planning Board to get their reaction. If the Planning Board foresees any problems the Town Board would have to ask for an extension of the due-diligence period. After the due diligence is finished there will be a request that the Town Board adopt a resolution accepting assignment of the contracts and the Board will agree to the interim financing.

The Town Attorney explained that last year the Board approved a conservation easement contract with the New York City Department of Environmental Protection. The Town won't receive the \$1,000,000 for that easement until after the closing. The Town will have to borrow that money plus additional money, and will recoup it from the donees. That will be outlined in the assignment. Mr. Maron said he will want copies of the Land Trust agreements attached to the Town's agreement so the Town can recoup from the Land Trust if necessary. The Town will have to borrow money.

Mr. Nordgren said the tests being done on the existing houses include tank tightness tests, water tests, Department of Health approvals and Department of Transportation approval for the entrance for the public parking area. A wetland survey has been done, a survey on the large parcel has been done. Other tests include termite tests, radon tests, septic dye tests, visual inspections. The Building Inspector has done a walk-thru and verbally said things look fine. He has to issue letters in lieu of Certificates of Occupancy.

Mr. Nordgren said before the Town Board votes on the commitment there will be a public hearing. Mr. Maron said the resolutions will be adopted at a public hearing. Mrs. Whalen had requested a copy of the title policy. Mr. Maron said there are two and one has been sent to her. There were some issues with the other title relating to ownership of the beach at Lake Kitchawan. The property does belong to the Lake Kitchawan Association. The deed to that property had never been properly filed and couldn't be found. The Town did not want to own the beach.

Mr. Maron said once the Town Board has a better sense that the due diligence is without problems he will announce at a public meeting that the approval will be given at the following meeting. In response to a question from Mr. Daigle, Mr. Nordgren explained that State Senator Vincent Leibell has arranged for a donation of \$65,000 to cover the interest on the bridge loan. The Town will be borrowing \$2,000,000 to \$3,000,000 for a period of 12 to 18 months..

Mrs. Whalen noted that it may take longer to sell the houses. Mr. Nordgren said they looked at the average time a house stays on the market before sale, and it is under 12 months. The purchase of the property is being financed with a bond anticipation note at 2% interest so if the Town has to borrow \$2,000,000 the interest is \$40,000 a year. He said the cash flow will be laid out for the Board so everyone will understand it. Mr. Maron noted that the Town will be buying the houses without rental income from tenants and will have to maintain them and plow the driveways.

Mr. Maron said he asked the Town Planner to prepare an environmental assessment form.

TOWN PROPERTY – ADA Compliance and Facilities Upgrade

Mr. Nordgren confirmed that the Town Board members could make a joint meeting of the Planning Board, Zoning Board and ACARC regarding the Town campus plan if the meeting were held on June 9.

TAXATION - Foreclosures

Receiver of Taxes Joann Vasi announced that the Town has foreclosed on three one-car garages in the Oakridge condominium complex and should sell them. The Police Department should be asked to open the garages so the Town can clean them out if necessary. Mrs. Vasi said they are selling for about \$8,000. Within the next three months the Town will be the owner of a middle-income condominium unit there as well.

ADJOURNMENT

On motion by Mr. Nordgren, seconded by Mr. Hershkowitz, the Board voted to adjourn at 8:35 p.m.

Kathleen G. Cory
Town Clerk