

A meeting of the Town Board of the Town of Lewisboro, Westchester County, New York, was held on September 12, 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, Allen Hershkowitz, Suzanne Whalen,
Town Attorney - Leslie B. Maron

ABSENT: Councilman - Pat Daigle

Also present was Deputy Supervisor Joann Vasi.

Mr. Nordgren called the meeting to order at 7:33 p.m.

PUBLIC COMMENT PERIOD

There was no comment from the public.

COMMENDATION – To Meals on Wheels Volunteers

Mr. Nordgren read the attached letter commending the volunteers who deliver meals to home-bound residents.

CLAIMS – Approved for Payment

On motion by Mr. Nordgren, seconded by Mr. Hershkowitz, the Board approved payment of claims in the amount of \$269,599.73, including \$28,463.05 paid prior to audit.

PLANNING – Presentation by Hudson River Riverkeeper Attorney

Leila Goldmark, an environmental attorney for Riverkeeper gave a presentation on the effects of sprawl including the economic and social effects. Ms. Goldmark noted that the New York City water supply covers 200 square miles and provides over 1.4 billion gallons of water every day to over 9 million New Yorkers. 90% of the water comes from the west side of the Hudson from the Catskill and Delaware watersheds. This 90% comes through two aqueducts and two Croton watersheds so any development or anything that happens in those areas affects the entire water supply.

Ms. Goldmark said sprawl is defined as haphazard auto-oriented development characterized by strip malls outside of the existing downtown centers with poorly planned subdivisions in a formerly rural area. She said such development doesn't benefit communities, diminishes natural resources and diminishes the sense of community structure. Ms. Goldmark spoke about the impact of stormwater pollution on water quality and species habitat.

Ms. Goldmark's presentation included the effects of air pollution caused by sprawl. She said a car-dependent culture means more cars, more air pollution, more health problems. She addressed

the economic impacts of sprawl-style development. Contrary to popular opinion development does not automatically benefit a community. The myth is that new development raises tax revenue. That is true in the short term but in the long term taxes are raised because the cost to provide services exceeds the tax revenue generated. This is true of residential development and big-box type of commercial development where one is not working with local businesses. She stressed the economic harm caused by development of large stores which are part of world-wide corporations. It is hard for local businesses to compete. She cited the impact of a Wal-Mart store on the local economy in Ticonderoga, New York. She said money spent at such a store is not recycled back into the community the way money spent in a local business does. Socially when Main Street businesses fail, main streets and business areas become more desolate and the nature of the community is lost. She exhibited a picture of Main Street in Brewster, New York which is typical of a walkable community. However there is an impact of big-box stores recently built a mile or two down the road. The relocation of the post office outside of the downtown area has also had an impact on local business.

Ms. Goldmark's presentation stressed the importance of retaining farm land and protecting it from development.

Ms. Bacal commented on the change in focus on impervious surfaces. She said it was recognized that some of the larger residences were contributing greatly to problems with impervious surfaces.

OAKRIDGE WATER AND SEWER TREATMENT PLANT – Status Report

Bill Bright of Delaware Engineering updated the Town Board on the work they are doing at the Oakridge Water and Sewer Treatment plant. He said they are taking the original system designed to remove iron and manganese and modernizing it. The system was designed for the first phase of Oakridge and was never expanded as the development grew.

Mr. Bright explained the removal of iron and manganese, noting that the wells are very high in manganese. They can't use wells #4 and #5 on a regular basis. Well #5 yields 70 gallons per minute but the Health Department doesn't want it used because of its high iron content. Mr. Bright reported that the new filters have been delivered and are on-site, and they can begin the process of dismantling the old system. With new filtering more of the wells can be used, and well #2, which has issues with radionuclides won't be needed as much. With less use the levels of radionuclides, specifically uranium, may drop. Installation of the new filter system and removal of the old one will take about four to six weeks, but no one will be without water during that time.

Mr. Bright said the Town Board now has the option of seeking to purchase water from other sources without "a gun to their head." He also noted that the Town has a contract with Patterson Supply for equipment and they give the Town a 25% discount. A question was asked regarding lead in the water. Mr. Bright said the lead comes from the solder used to connect the pipes, not from the water. He said they will be dealing with the lead issue as part of the overall water treatment process.

Mr. Bright said they are going to automate the wells so they will operate off the tank levels, not on a time clock as they do now. A new pressure system will also be installed, and aeration will be installed to help remove radon. Mr. Bright said aeration is 99% effective at removing radon. There is also an issue with MTBE from a nearby gas station. However, when a new well was installed, the developer was required to monitor private wells. During that monitoring they found a private well with a filter installed by the Department of Environmental Conservation, and were able to trace it back and get a spill number and contact person. Although there has been no remediation the level of MTBE has begun to drop. The gas tanks have been removed so it is expected that the levels will continue to drop and eventually the MTBE will disappear. It was noted that Oakridge will soon be served by five wells.

To finalize his report, Mr. Bright said in four to six weeks they hope to have the filter system installed. A series of tests needs to be run after that, with completion four or five weeks after the installation.

CONTRACTS – Amend Contract with Delaware Engineering

The Board reviewed an amendment to the contract with Delaware Engineering. The Town Attorney reported that he had a few minor changes to the amendment but was otherwise satisfied with it.

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

THE VOTE:	Yes	- Nordgren, Bacal, Hershkowitz, Whalen	(4)
	No	- None	(0)
	Absent	- Daigle	(1)

RESOLUTION

RESOLVED, that the Supervisor be and hereby is authorized to sign an amendment #2005-2 to the agreement with Delaware Engineering for work on the Oakridge temporary water treatment plant at a cost not to exceed \$50,000.

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

THE VOTE:	Yes	- Nordgren, Bacal, Hershkowitz, Whalen	(4)
	No	- None	(0)
	Absent	- Daigle	(1)

RESOLUTION

RESOLVED, that the Supervisor be and hereby is authorized to sign amendment #2005-3 to the agreement with Delaware Engineering for day to day tasks which include searching for water, emergency response when necessary, regulatory issues, etc. at an hourly rate of \$90.00 per hour.

TOWN PROPERTY – Onatru Farmhouse – Plans for Structural Work/ Town House Addition/Campus Plan

Mr. Nordgren viewed the proposals from Robert Benoit and Edward Ozols for detailed engineering drawings for structural work to be done at Onatru Farmhouse. Facilities Manager Joel Smith commented that his department installed about 20 floor jacks to support the farmhouse with all the books displayed for the library fair book sale. The proposals the Board received were for detailed engineering drawings. He said the Maintenance Department can do all the work for an estimate to be under \$100,000. Mr. Nordgren asked about the grant for this work.

Ms. Bacal said there is no grant available for this work. She questioned the proposals the Board was reviewing. Mr. Nordgren reviewed the status of other Town property projects. Regarding the library, the Town Engineer has met with ACARC and the Town Engineer is meeting with the planning consultants on Thursday and they are trying to work out details on the campus plan. On the Town House addition the initial thought of just bumping out 10 feet was felt by the Architecture and Community Appearance Review Council to make the building “long and funny” and the Town Attorney and others suggested squaring off the back of the building. Other experts also thought that was a good idea. The Building Inspector met today with Mr. Ozols to discuss that before he comes back to the Board. Mr. Nordgren said ACARC is meeting with Mr. Ozols also and then they will get back to the Board with the results. Mr. Cargain has been talking to the State historic preservation organization and Joel Smith has been taking pictures, so progress is being made.

The work at Onatru would be simply structural. Mr. Nordgren said quotes were sought by getting in touch with two architects/engineers. Both bidders had to spend some time walking through the building with Joel Smith and the Building Inspector. One quote was \$7200, and the other was \$10,000. They had to do some investigation to come up with a rough idea of what it might cost. Ms. Bacal noted that Mr. Ozols is an architect, not an engineer. Mr. Nordgren said architects are legally allowed to do engineering drawings. He asked the Board to choose one quote and have that person do detailed drawings. Joel Smith said he spoke to Mr. Benoit today and his quote is now \$13,000.

Mr. Hershkowitz asked Mr. Smith what information he was looking for from the bidders. Mr. Smith said he was looking for their expertise and a level of detail.

Ms. Bacal said the Town must have an engineer’s seal on the work to protect the Town from liability. She said Mr. Smith is perfectly capable of executing the plans presented but the plans must have the stamp or approval of a qualified engineer. Mr. Nordgren said the Town wants that for liability reasons, and also wants to “do it right” and in the most economical way. Ms. Bacal said the Town needs more than one quote or bid, and she felt the Town should have one other engineer. Mr. Nordgren said the Town could get a third quote. The Board agreed to get a third engineering quote by the next meeting.

HOUSING – Progress Report

Mr. Nordgren asked the Town Attorney about plans to designate the apartments at Onatru as affordable housing units. Mr. Maron said he was not ready to discuss it yet. Regarding the affordable housing set-asides that the county has requested, the Zoning Board has advised the Board to go ahead, but keep them apprised. (Mandatory set-asides would be a set percentage of a new development that is designated and sold as affordable housing units.) Bedford has a 10% set-aside, North Salem requires 20% and Somers 20%.

TRAIL LICENSE – Acceptance of Trail License on Rickel Property/Mt. Holly Road East

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

THE VOTE:	Yes	- Nordgren, Bacal, Hershkowitz, Whalen	(4)
	No	- None	(0)
	Absent	- Daigle	(1)

RESOLUTION

RESOLVED, that the Supervisor be and hereby is authorized to sign a trail license on the Rickel property at 16 Mt. Holly Road East.

PARKS AND RECREATION – Update on Pool Project

Mr. Nordgren presented an architect’s rendering of what the refurbished pool will look like. Mr. Nordgren said bids were due a week or two ago, but none were received. He said he called potential bidders and asked why they didn’t bid. Their reasons were questions about the bid, questions about timing, bonding, the amount of paperwork. Two new potential bidders have been identified and the project will be rebid for a September 30 deadline.

GOLDENS BRIDGE - Authorize Supervisor to Sign Grant for East Lot Landscaping

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

THE VOTE:	Yes	- Nordgren, Bacal, Hershkowitz, Whalen	(4)
	No	- None	(0)
	Absent	- Daigle	(1)

RESOLUTION

RESOLVED, that the Supervisor be and hereby is authorized to sign necessary legal documents on behalf of the Town of Lewisboro in conjunction with a grant obtained through the office of State Senator Vincent Leibell. Said grant was used for landscaping at the Metro-North East parking lot in Goldens Bridge.

GRANTS – Discussion re Grantwriter Contract

Mr. Nordgren noted that the grant writer’s contract expires on September 1. The Board discussed a possible renewal of the contract and decided to hold a conference call with the grantwriter to have their questions answered.

AUDITOR – Authorize Contract

The Board reviewed contracts with the Town’s auditors. The Town Attorney reported that there are three separate agreements.

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

THE VOTE:	Yes	- Nordgren, Bacal, Hershkowitz, Whalen	(4)
	No	- None	(0)
	Absent	- Daigle	(1)

RESOLUTION

RESOLVED, that the Supervisor be and hereby is authorized to sign agreements with Demilia & Honigman for Justice Court audit, general audit and consulting services.

TOWN OFFICIALS AND EMPLOYEES – Appointment of Kimberly Woodstead

The Board discussed the permanent appointment of Kimberly Woodstead to a part-time position in the Building Department. It was noted that although she will be working with her mother-in-law Barbara Woodstead, overall supervision of the department is by the Building Inspector and it has been determined that there is no ethics violation

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

THE VOTE:	Yes	- Nordgren, Bacal, Hershkowitz, Whalen	(4)
	No	- None	(0)
	Absent	- Daigle	(1)

RESOLUTION

RESOLVED, that Kimberly Woodstead be and hereby is appointed as a permanent part-time employee in the Building Department.

HOUSING – Request for Funding for Engineering Study

The Board reviewed a memo from Jerome Kerner, chairman of the Housing Committee asking that the Board create a separate line item in the budget, Housing Investigation, and fund it with \$25,000. The 2003 middle income housing plan had a lot of conceptual ideas and in order to

investigate possibilities for housing sites funding is needed. Land to be studied would be land owned by the Town, fire districts or non-profit organizations.

Mr. Nordgren noted that the Town Engineer has looked at the Laurel Pond Swim Club property on Route 123. He did not think it was appropriate for housing, but would be suitable for a children’s park. Ms. Bacal said she thought it would be appropriate for the Housing Committee to come up with sites to study. The Board agreed to ask Mr. Kerner what sites the committee wanted to study.

HEALTH INSURANCE – Designation of Account Manager and Representative

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

THE VOTE:	Yes	- Nordgren, Bacal, Hershkowitz, Whalen	(4)
	No	- None	(0)
	Absent	- Daigle	(1)

RESOLUTION

RESOLVED, that Diane Jacobson be and hereby is authorized to act as account manager and James Nordgren be and hereby is designated authorized representative for Medicare Part D.

POLLING OF THE BOARD

Westchester Municipal Officials Association

Ms. Bacal asked that notices of dinner meetings held by the Westchester Municipal Officials Association be forwarded to Board members in a timely manner.

Highways – Leaf Pickup

Mrs. Whalen asked about the status of leaf pickup. Mr. Nordgren said the Highway Superintendent put the project out to bid to get quotes for removal of leaves since composting them is a problem. One bid was \$6500. Valley View Nursery is interesting in taking composted leaves. The Board reviewed options. For this year, the Highway Department will pick up the leaves and will put them at the Laurel Pond property, but site plan approval is needed from the Planning Board.

Town Property - Trailers at Laurel Pond Site

Mr. Nordgren said there is an issue with the school district trailers stored at the Laurel Pond property. He called the school district and asked whether they could be moved and the reply was that they have no other place to store them. They will also have to get site plan approval from the Planning Board.

Town Officials and Employees – Emergency Services Volunteers

The Board discussed a request for payment of salary to Fire Department volunteers who are expected to be called south to help with Hurricane Katrina relief. The consensus seemed to be that the Board would cover them for a brief period of time. There are six firefighters from Vista who are helping in Little Rock, Arkansas.

DONATION – Hurricane Katrina Relief

It was noted that the Town will be donating an excess tree to the South Salem Library Fair to be auctioned for hurricane relief. Ms. Bacal questioned exactly what relief organization will be receiving the donation. Mr. Nordgren will obtain the information.

MEETINGS – Dates Set

Upcoming Board meetings were scheduled for September 26 and October 17. There will be no regular meeting on September 19—the September 26th meeting will be a regular meeting. Work sessions will possibly be held on October 11 and October 24.

MILEAGE – New Rate Set

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

THE VOTE:	Yes	- Nordgren, Bacal, Hershkowitz, Whalen	(4)
	No	- None	(0)
	Absent	- Daigle	(1)

RESOLUTION

RESOLVED, that Town employees and elected officials shall be reimbursed for use of a personal vehicle for Town business, when a Town-owned vehicle is not available for use, at the per-mile rate set by the IRS of 48.5 cents per mile effective September 9, 2005.

EXECUTIVE SESSION – Employment History

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

On motion by Mr. Nordgren, seconded by Ms. Bacal, the Board voted to come out of executive session at 10:30 p.m..

ADJOURNMENT

On motion by Mr. Nordgren seconded by Ms. Bacal, the Board voted to adjourn at 10:30 p.m.

Kathleen G. Cory
Town Clerk

