

Westchester Lake Dam/Wallace Pond
Meeting Minutes
May 24, 2021

In attendance:

Supervisor Linda Puglisi
Deputy Supervisor Councilman Richard Becker
Councilwoman Debra Carter
Councilman James Creighton
Town Attorney Thomas Wood
Deputy Town Attorney Michael Cunningham
Director of DOTS Michael Preziosi
Assessor Tom Waitkins

Supervisor Puglisi welcomed everyone to the meeting, including Town Board members, Town staff and residents of Westchester Lake, also known as Wallace Pond area, located in northern Cortlandt. This is a public meeting and notices have been given to the press and the community.

LPuglisi: This is a very lovely part of our town with over 100 homes around this lake. Recently the NYS Department of Environmental Conservation (DEC) has given notice to this HOA and copied to the town the status of this Dam with violations. Repairs and or reconstruction must be done to the dam. Our Town Attorney, Mr. Thomas Wood, will discuss the brief history of the dam and the lake and the current situation and possible remedies, including the amount of money that he is legally saying that the town can pay out to this project assisting the HOA. He will tell you that percentage. Later we will talk to the Town Assessor, Mr. Thomas Waitkins. He will discuss the Park District on how it is established and why, and that process. The Town Board and I also voted on retaining an engineering consultant (Schnabel) and we are spending \$160,000 for that study of the dam. We are also seeking grants from other levels of government: the State - from the DEC - we will talk to our elected officials in the State to help us and any Federal grant monies that we can apply to assist all the residents in this neighborhood. We are also seeking help from the NYS DOT.

TWood: Briefly, many communities throughout NYS are facing this situation. Many decades ago, many lakes and dams were built and constructed for the enjoyment and benefit of communities throughout the State; however, over the many years, many of these associations have become dysfunctional and they have not been able to maintain the common facilities that were built as part of their original communities.

Many issues have developed over the years, not just in Cortlandt, with respect to these associations. In our particular case the Lake District or the HOA, in the mid-70's there was a (failure) to pay some taxes on the property; therefore, the property came to the town In Rem. When this was discovered by residents who were revitalizing the HOA in the early 1980's the property was conveyed back to the town. During that period, it was the town's intent to convey all of the property (the lake and the dam) and some adjoining lots back to the HOA. What actually happened was the lakebed still remained in the name of the Town and over the years that has worked to the advantage to the point that the Town Board has been able to take some modest steps to help with the chemical treatments to the lake to fight algae, etc. Now NYS DEC throughout the State has been inspecting Dams and issuing notices to the owners of record, which in this case is the HOA, which is what I would describe as defunct - (it

has not been active as a corporation or an agency. Over the years, we have attempted to figure out how we could address the problem and assist the community. One concern the area residents have always raised is if general town funds were to be used it would have to be a facility opened to all the town residents. That is a two-fold problem: one for the local community and secondly, because of the lake itself and access to it, it would have limited benefit to the other residents of the town, other than those immediately around it.

This evening many of the professional staff of the town will discuss their areas of expertise. We will hear from the Town Engineer with respect to the studies that are necessary and the Supervisor has referred to an engineering firm that the Town Board has retained to begin an engineering study of the dam - its current state and what proposal could be made to repair the dam to the satisfaction of the DEC. We are allowing that to be used as a part of the power that the Town Board has to expend general funds when they are exploring the possibility of establishing a Park District. A Park District would be a geographical area - defined properties would be in the district and the owners of property within that district would participate in the operation of the lake and the dam. It has always been a concern as to what the cost of that would be and how could the homeowners afford it.

We have done some extensive legal work. We are proposing to have the residents of the area and the Town Board consider establishing a Park District in this area. The Park District would comprise all the properties that are geographically somewhat adjacent and were originally part of the Westchester Lake subdivision. With those boundaries set - we are applying for grants from NYS to see what money could be made available to help drive down costs. We are proposing that the residents of the area and the Town Board consider establishing a Park District. The Park District would be charged with the obligation to own and maintain the lake and the dam. It would be to the benefit of only those property owners within that geographic area of the Park District. To commence that process the town board has authorized the engineering study and the engineers will study the possible establishment of the district. That report will come back to the Town and that combined with information of our own Town engineer we would then prepare a preliminary boundary map of the proposed district. All this information will be public as it comes to us. At a future juncture, the Town Board would then hold a public hearing and the hearing would be to consider the establishment of a Park District. It would discuss the boundaries of the district, there would be an engineering report summarizing the proposed costs and expenses and what the money would be spent for, which would be based on the engineering study that has been commissioned. Based on the comments following the Public Hearing, the Town Board deems if there would be an interest to go forward. The Town Board would then schedule the matter for a referendum vote that referendum would be for all of the property owners within the proposed district, and it would have to be approved at an open election of the owners of 51% of the assessed value of the properties within that proposed Lake District.

If it is approved by the voters it must then be submitted to the NYS Comptroller who has to review the district to make sure we have adhered to all the processes and laws and the Comptroller has to agree that whatever the financial plan is in their opinion is viable and appropriate both as to the amount to be expended as well as to the amount to be charged in annual taxes for the Park District. If the Comptroller signs off on it and that is filed with the Town Board then can the Town Board formally establish the District? Then and only then can we take the steps to implement the work that is to be proposed.

The other question that has been brought up is what the Town can do to assist. We have found an opinion of the State Comptroller from 2002 and that opinion speaks to the fact that if the Town Board makes a credible finding that there is a general benefit somehow to the general public the Town Board is able to make a partial contribution to this type of a project. So even though NYSDOT doesn't feel that if this dam breached it would be a threat to Rte. 9 and not a

threat to many downstream properties the Town Board could and it is proposed that the Town Board consider making credible findings and absorb 25% of the cost as a general town-wide expense. That would be an upfront payment as part of the bond or out of the town's treasury. Based on the Park District that would be established it would appear that the Town owns 18% of the property in the proposed district. Therefore, the town legally could contribute to the annual cost of having that 18% of the assessed value of the district.

All in all, under the proposal that I have presented, the Town as a whole would be contributing about 37% of the total cost of whatever the estimated costs come back from the consultants. This is one plan that we are working on. You will learn from the Assessor that the assessment that you have on your house right now is the assessed value that will be utilized in a Park District. A Park District would be billed on your April town tax bill - it would be a separate line with the District name.

That is a summary of the information I have gathered and the proposal we are asking the community and TB to discuss to go forward to resolve this ongoing issue.

LPuglisi: Thank you for the report. That answers questions that the residents have raised. The town could be the vehicle for the bonding.

TWood: Yes. Once you establish a Park District, the Town has the authority to borrow the funds and the Town staff, the engineer in particular, would be able to supervise the construction project. We would obtain all the permits. Once the district is established anything that has to be done with respect to the lake or the dam would be the responsibility of the Town on behalf of that district.

LPuglisi: So this would typically be a 30-year bond?

TWood: Yes. We have also discussed this with the Town's bond counsel - Orick Associates, who is one of the preeminent bond counsels. They concur that the TB would be able to borrow the funds and it would be a 30-year bond length.

LPuglisi: Now there are low interest rates so it is a good time to borrow. The TB voted on retaining the engineering consultant for \$160,000. On March 16 of 2021. Based on Tom Wood's expertise and the properties that we have, TB and I could vote on 25% of the initial cost of reconstruction of the dam and 18% each year for 30 years on the property that the Town owns.

RBecker: The 18% that you are saying that the Town owns - where is that?

TWood: There are some parcels that are around the lake itself and 1 or 2 other lots.

RBecker: Basically, what we are saying is we have ownership of them?

TWood: We have ownership of them and even though the town owns them, there is still an asset value on them. Therefore, it does not pay taxes generally because it is town owned but in a special district, you would be allowed to pay the tax in that special district.

LPuglisi: It is almost 20% that we would pay every year for 30 years; the initial would be 25% of construction and \$160,000 for this engineering consultant. In kind services for the Town would

be part thereof - legal and engineering advice. That is where we are. I am pleased that we can now contribute.

Michael Preziosi, Director of Department of Technical Services will now speak to us.

MPreziosi: A letter was circulated to the Westchester Lake HOA, which is about 150 parcels. Not every parcel is going to be part of the potential Parks District but we wanted to try to get everyone notice about this meeting.

The consulting engineering contract - the firm is Schnabel Engineering - they were the firm that has helped in the past in addressing NYSDEC rules and regulations pertaining to dam safety. Back in 2015, they got the HOA and dam back in compliance with the paperwork. We have extended the contract with them for \$160,000. They will start preliminary geo-technical investigation to determine the size and depth of the foundation and dam that will need to be reconstructed in order to maintain the water behind the dam on Westchester Lake.

They will start to address open comments and prepare preliminary drawings in order to establish a more finite and concrete cost estimate in which a potential Park District will be based. Once we have that, which we anticipate to take a better part of this year, we will propose another follow-up meeting and have a more realistic number to share with residents. Since the last meeting in February, the Town Board did pass a resolution authorizing our department to apply to the FEMA (a Federal Emergency Management Agency) High Hazard Potential Dam Grant Program that is being administered in NYS by the NYSDEC. Currently there are \$650,000 - that is statewide that any individual owner, municipality, HOA, etc. that has a high-hazard dam that is designated as NYSDEC Class C high-hazard would be eligible to apply for a grant. The maximum amount that is receivable through this program is \$100,000 and the money has to be used for design purposes. It is a competitive grant - there is not a lot of money out there statewide but we will do our best to secure a grant. The grant value that we are asking for is \$100,000. We are currently expending about \$160,000. In addition, it will be another \$140,000. If the Parks District does progress and the final construction drawings are needed in order to get out this project.

The third task that we have completed is we have created a website in order to get information out there - www.townofcortlandt.com/projects. It has information on this project and others. Finally, we submitted and solicited letters to all the elected officials, State agencies and NYSDOT (since Rte. 9 is downstream of the dam and classified as a high-hazard dam that could lead to a washout or undermining of Rte. 9), asking for financial assistance, outlining the tremendous cost and burden on the homeowners surrounding the lake. We are exhausting all of these avenues. Several homeowners have also reached out to the elected officials, as well - so thank you. We hope we will get some good response back from these agencies.

LPuglisi: It is important to reach out to Assemblywoman Sandy Galef, Senator Peter Harckham, and Governor Cuomo. Unfortunately, only \$100,000 is available in the grant but it would chip away at the larger amount. We will continue to look out for other grants.

Michael are you notifying the NYSDEC of what we are doing - holding our meetings and updating our residents and about the engineering study?

MPreziosi: I will do that with the direction of the Town Board. We did reach out to the DEC when the initial dam safety assessment was released. They did indicate the Westchester Lake Home Association as the dam owner. Now that the town has engaged with the consultant and

are working cooperatively with the homeowners of the Westchester Lake subdivision, we will update the NYSDEC on behalf of everybody.

LPuglisi: We - the Town Board - are directing you to please notify the DEC periodically about the progress so they know we are working with the residents.

MPreziosi: Ok, absolutely.

The engineering company has been gathering some information behind the scenes and will be engaging both the wetlands delineation as the stream is a regulated watercourse that heads toward Rte. 9 as is the lake, which is also a regulated DEC wetland. We will reach out and start the permitting process before any exploratory work is performed. Within the next 30 days, they will start the geotechnical investigation.

We will notify DOT, DEC and the Army Corps of Engineers.

LPuglisi: Thank you. I want the community to see the progress we have made since our last meeting. Many steps have been taken thus far. The homeowners will have to decide if they want to start the Parks District.

Tom Waitkins, Assessor will now speak.

TWaitkins: One of the primary concerns of the homeowners is the establishment of the Parks District and how that will affect their taxes. The current assessment on a property is the assessment that would be relevant to the new park district for taxation purposes. There is no reassessment in this scenario; there is no review of assessments in this scenario. The assessment that is there is it. That will be the basis for the application of the current assessment towards the established Parks District tax rates, which would result in a dollar amount. Again, this would be a new line item on the tax bill each year.

Tom Wood discussed the logistics of establishing a special district. From an assessment standpoint, the potential district would be put on each properties assessment. That is how it would be applied to the tax bill.

Assessment and Park District turn into a dollar amount: the assessment times the new established rate for that district. The rate is a function of the amortization of the debt for the aggregate number of parcels less the contribution from the town.

LPuglisi: You are saying this will be based on their current assessment. There is no reassessment.

TWaitkins: Correct.

RBecker: We are open to all ideas. We are presented with a situation that no one wants to be in. The DEC has deemed this Dam unsafe, there needs to be a remedy, and that remedy always involves money. We are trying to come up with a way to help homeowners so it does not become tremendously burdensome. The Town has legal restrictions and we cannot just take over the dam and start repairing it. We are trying to come up with a unique remedy and the point is we can do anything and everything we can legally to help the residents. There is unanimous consent among all five TB members. Anything and everything that can be done legally is on the table. The homeowners have to tell us if they are going to re-establish an HOA and if they are in favor of a Park District.

JCreighton: We know we want to help and we know there are very strict guidelines on what we can do. I am happy for the homeowners that the Town is willing to help and there is a path forward for us to actively help. Most lakes in NYS do not have that same situation and do not have the same willing partner. I know a few lakes I work with look at a \$2-3 million dollar Dam rehabilitation and there is no town to bond for it. The fact that our town can bond for it is a huge win. The headaches dealing with banks and homeowners is ridiculous. The fact that the town can legally help bonding, at a much lower rate, is huge. We have a way to contribute without going against the general town funds rule - it is a great thing. The HOA must elect an executive board (president, VP, secretary, treasurer), which will be required when signing grant paperwork. From there the Parks District will be able to direct its own future and be able to decide how they want money to be spent. The dam is issue #1 but there are improvements and other things that can always be done.

LPuglisi: Thank you for your work and your knowledge about lakes. I am sure the question of the cost is still a big question. We do not have that actual number but that is why we have retained the engineering firm that will tell us. It could be between \$2 - 4 million.

JCreighton: Another question is - what if they choose not to establish their HOA. The DEC has been patient listening to Michael Preziosi and the town stepping in and keeping them at bay but they need to hear from the homeowner group - they are officially the only ones they want to hear from. We will let the DEC know that there is progress.

LPuglisi: The HOA is on record with the State Comptrollers.

DCarter: We want direction from the residents. We have laid out the groundwork of what we can do. How will we proceed based on what they want?

JCreighton: With the engineering firm - once the studies are done that may set us up to seek additional Federal money - the Federal government has been talking about infrastructure improvements and funding and we are hopeful that the government will include dam infrastructure. A dam is part of critical infrastructure - we are hopeful for that. We should contact our Congressman Mondaire Jones.

Questions from the public:

Has the town reached out for Federal funds?

MPreziosi: Yes, - both Senators as well as Congressman Jones.

Kelly Levasseur-Reilly
42 Ruth Road

Is the lake that the Town owns - is that taxed or when you talk about the 18% are you just talking about parcels of land.

Michael Cunningham:

Our Engineering department did a study and I believe 18% includes the lake.

KLevasseur-Reilly: As it relates to the Parks District - can we talk about public vs. private? There was some confusion between this meeting and our last meeting - I understand the Town owns the lake and if we were to use a Parks Association, a lot of the residents have concerns about whether that would make our neighborhood a public park? I live very close to

the lake and have 3 small children. I know plenty of people that use the lake that I do not recognize. Will there be cars parking on the street? Trash? Would this be a public place that the Town can go to? Even if it were a Parks fund, would it be private for the residents here?

MC: That was a question for our bond counsel and based on his answers we do think there can be limitations on who can actually use the lake and the area that will be part of the Parks Dist. We will need a formal bond counsel opinion on that before we submit it to the State Comptroller's office but right now we do not think we would have to open it up to the entire town, just the taxpayers in the area.

KLevasseur-Reilly: Assuming everything works out and we have a beautiful new dam, is there a commitment from the town to make our lake better? Like a swimming lake? Right now, it is filled with algae. Since the town owns the lake is there any commitment to make it more beautiful.

LPuglisi: Of course, that would be testing the water quality before we could do that. We have done work on algae over the years. It is an ongoing problem on all lakes.

MPreziosi: The town has done a variety of studies with proposed improvements to correct some water quality issues as recently as 2017. Once the dam is repaired there will be more water retained behind the lake, which will help with the flow. Right now, the lake is very shallow because there is not enough water retention. By fixing the dam, the quality of the lake will improve. That is step 1.

We will be sending another mailing to the entire watershed that contributes to the lake about the MS4 program. We try to do public outreach and education to inform the public not to throw grass clippings down the drain, not to fertilize, pump out septic systems, etc. The Town will clean catch basins to help keep pollutants out of the waterbody. From this, you will see a rapid improvement to the water quality of the lake.

RBecker: I can talk from experience. I too live on a lake - Twin Lake and the Town also own part of the property there and we can enter into a similar agreement with you in which the Town would pay their proportionate share of the lake maintenance; in this case 18%. It is really not that expensive for what is involved. I am part of HOA and all of us share the cost, we all put in aerators. The Town contributed to the costs of those aerators but the homeowners provide their own electricity to run it. I have an aerator that is attached to my home and my bill did not go up significantly. We hired a lake consultant that comes once per month and puts in antibacterial treatments and each pays about \$20/month for that. We have a clean lake but no swimming. Councilman Creighton was wonderful - he served as our lake consultant and put us in touch with the right people, the aerators, and all that. We would be happy to do the same with Wallace Pond.

LPuglisi: Many years ago, I was the President of the HOA of Mohegan Colony and we have lake rights on Lake Mohegan. We did have swimming. Years ago copper sulfate was allowed by the DEC.

KLevasseur-Reilly: When I bought my home 10 years ago, I did not know that I was part of the Dam. I did not plan financially for any new costs. My priorities may be different from others but the key thing is to know how much everything is going to cost. I do not know where it will land.

LPuglisi: We will get those projections. Remember that the town can legally contribute a significant amount (25% initially and 18% for the life of the bond).

Loretta Taylor:

Thank you for the information you brought tonight, it is very helpful.
When will the engineering report from Schnabel be ready?

MPreziosi: First step is geotechnical investigation - soil borings and hammering to determine rock depth. From there they will prepare engineering drawings and then they will work up a more detailed cost estimate that we will share with the residents. I am estimating this will take a better part of 1 year. Early 2022 but hopefully sooner. Fieldwork should be done in the next 45 days.

LTaylor: It is difficult for people to make an intelligent assessment for what we want to do. Certainly, we all want to keep the lake but at the same time, there are a lot of other considerations we have to make, especially when it comes to costs. If we do not get the report until next year and the DEC is on our next to fix it we are caught between a rock and a hard place as to what to do.

MC: Could we get a preliminary estimate this summer? Maybe not a full engineering drawing to complete a plan.

MPreziosi: You are correct. We should have a good cost estimate in a few months.

JCreighton: To the extent that work needs to be done (as it relates to the DEC) the DEC will not allow the work to go forward unless there is a robust set of plans that they have reviewed and approved. If they know plans are being prepared, they know nobody can move forward unless there are plans that they have to approve. They will look for a consent order. Even if they are going to breach the dam, they will need plans for that, as well.

MPreziosi: The DEC looks for elective compliance, which the community and town is performing at this point.

LTaylor: Can we get a bullet point list of what Tom Wood talked about so I can understand what needs to be done - how and when.

LPuglisi: Minutes will be taken. MC will get those from Tom Wood also.

LTaylor: Once we establish the district is it possible to apply for additional monies.

LPuglisi: I believe yes - once an established Park District is formed.

JCreighton: It is definitely helpful that if your community had a parks district you would be your own little municipality. You would be eligible for the entire grant funding that municipal agencies are able to and hopefully the Federal government that will release a whole range of items. NYS should be helping lakes with algae issues and invasive species issues also.

There are a couple of products that are planned to be used for lakes and the expectation is the State will have some mechanism for assistance or funding. Once you have a Parks District, all those things are easier to accomplish.

A question:

Is it mandatory to have a new HOA vs. the Town taking care of the dam?

MC: What actually happens in a Parks District is the Parks District would take care of the dam. Every homeowner would pay a certain fee each year and then all the expenses are back charged to the Parks District. The HOA would still own some land but everyone would pay into a fund to the Parks District that would actually take care of all the maintenance.

LPuglisi: Once again, the Town could assist. Comptroller Patty Robcke would administer the funds and set-up a special, secured fund.

Jay Guzman (representing his parents who were unavailable) - 46 Ruth Road:
Many speakers tonight mentioned there are several grants that we could apply for - what are the dates or deadlines. I know many grants have to be submitted by a certain date and what are the dependencies for those grants? I know that the association is one of them so it would be helpful to know deadlines for grants as well as the dependencies that those grants need from the homeowners.

LPuglisi: As we said at the beginning of the meeting we are establishing this web page just for this subject and this information can be posted on that and the deadlines are something that Michael Preziosi, myself, Chris Kehoe (our grants writer in Planning Dept.) make sure that we meet the deadlines. We have been very successful for many years in making sure we do not miss the deadline and have brought in a lot of grant money. You can rest assured we will not miss any deadlines. Residents can also submit letters to assist in getting them.

MPreziosi: We have a dedicated staff that prepares grants working in conjunction with the individuals you see on this call and the Supervisor's office always forwards us over any grants we may have missed. There is also the Consolidated Funding application, which the Town applies for every year, which is for a variety of different grants.

JGuzman: It would be helpful to know any dependencies that the homeowners may need to do in order to actually get those done.

Question from the chat:

What are the things besides money will the residents be required to do for example - voting, hiring, etc.?

RBecker: You have to form your HOA, you have to hire an attorney, you have to select your team (president, vp, treasurer and secretary) and meet periodically, fill out the required forms that the town can assist you with.

LPuglisi: Our staff can do in-kind work for this HOA and perhaps the Parks District, in the future. We will walk them through it - legal, financial, engineering will be there to help. The Town Board and I, once we hear that over 51% are interested in establishing the district, we then hold public hearings- everyone comes out, and they make their statement and ask questions. Before the public hearings feel free to contact this staff/town board and ask your questions and we will all collectively get back to you.

JCreighton: On that same point, there are several things that the group would have responsibility for. When you are rehabilitating a dam, the things that go forward are sort of built

into the dam rehabilitation. The group would have responsibility for an I & M plan (inspection and maintenance) and an EAP (emergency action plan). Those things would be submitted to the DEC as part of the engineering studies. Actually, they have already been submitted as mentioned by Michael Preziosi - the prior engineering studies that were presented and they included the EAP and those types of documents. Those things would need to be refreshed every once in a while. Obviously when you have a new, rehabilitated dam, there is a lot less that needs to be done but the DEC would be inspecting the dam at least once per year.

LPuglisi: This engineering firm will be doing the initial study and evaluation of the dam but once the Parks District is established then a request for a bid for a contractor and then the TB will award that bid that is recommended to us by our staff. That company, with checks and balances will oversee and monitor that construction. There are many layers of protection. The emergency plan is a part thereof. We have done things like this before for other dams in other parts of the Town. We have experience.

JGuzman: You mentioned there are other lakes or ponds in the Town of Cortlandt who have done something similar to this - is there any documentation you can provide the residents of Westchester Lake/Wallace Pond on how those HOA are working? Any pros or cons to that? How has the Town assisted those specific lakes or ponds? Anything to point us in the direction so we can form an intelligent decision about this issue. That would be helpful.

LPuglisi: One is the Continental Village Parks District and it comprises 3 municipalities: Cortlandt, Philipstown and Putnam. The municipalities pay a proportionate share as do the HOA's. During Hurricane Floyd of 1999, the dam of the Cortlandt Lake was breached significantly. Each part of that Parks District had to pay their fair share to remedy that remediation.

Another is the Furnace Dock Lake area. We were able to get Con Edison, who owned the lake at the time; they wanted to drain the lake and make it a stream. With the adjacent developer we bought that lake for \$300,000 with the developer putting in \$90,000. We were able to get Con Edison to reconstruct that dam for over \$1 million.

Lake Meahagh, the lake is owned by the Town. The weir, not a huge dam, we were able to get State funding for the repair (approx. \$100,000.)

Those are the three examples. We have that all documented. The Town Board has voted on these, every step of the way over the year. Feel free to talk to our engineer or any staff members. We are here to work together.

RBecker: Each situation is unique because it depends on the Town's involvement. Sometimes there is a dam, the town is totally uninvolved, and sometimes the Town owns the whole lake. We can try to search out something and provide you with documentation and legal advice as to how to set up your HOA and proceed.

JGuzman: Perhaps a link with external references on those documents would be extremely helpful.

John Irvine -

Regarding the tax map that listed all the parcels of land that are in this tax base which also includes Doris Lee Drive - that also represents the 150 houses/property and owners that need to vote to obtain 51% before we even go ahead with the Parks District - is that correct?

MPreziosi: The parcels that will be a part of the Parks District are still evolving. The map shown in Feb. showed the Westchester Lake subdivision, which is 155 homes. It incorporates parcels from Jean Drive, Jack Road all the way to Doris Lee and Sprout Brook. The parcels that would be enclosed in a potential Parks District would be the parcels that would have a benefit to the lake and have lake rights. That area will change over time. We are still trying to figure out the exact number of parcels that will be proposed for this district.

JIrvine: Everything will be a moot point if we do not get above that 51% - is that correct?

MC: That is correct.

JIrvine: All the other points we talked about tonight are important for the big picture but that 51% is the hurdle we all need to get over before we get to the other issues.

If the DEC is not happy, it was mentioned that they would blow up the dam and we will be responsible as homeowners for the payment of that process. Is that correct?

MPreziosi: Typically, what happens is that the DEC will look to evaluate the removal of the dam. Their first option would not be to reconstruct or rehabilitate the dam - they would restore a natural estuary with a stream flow. They would lien the HOA (a tax lien). That cost is up to the DEC.

JIrvine: We are on the hook either way.

MPreziosi: I do not know if that is the correct terminology - the DEC would look to remove the dam to create a safe function.

JIrvine: The parcels of land that Mr. Wood mentioned that compromise the 18% which includes the lake - is there a specific piece of property that the Town owns?

MC: It is on the tax map. There are many different section/block/lots that the town owns. Also, the lake has its own sect/block/lot. It is multiple - some are slivers.

LPuglisi: The Covid pandemic is not over but we are in a better place than last year. Our community center off West Brook Drive can be used for a neighborhood meeting - please call my office and we can let you use that room.

JIrvine: Do you have a timeframe as to when that updated tax base list will be ready?

LPuglisi: It will be posted on our webpage.

MPreziosi: It is a group effort. We have to touch base with the bond counsel to determine which parcels derive a benefit from the lake to incorporate them into the Parks Dist. We have been discussing internally but waiting for the feedback.

LPuglisi: This project is a priority for the Town Board and me. We talk about it all the time. Bond counsel is a piece of the puzzle.

Donna Romanoski:

Earlier we said if we become a Parks Dist. then the Town could go and apply for a 30-year bond. It was pointed out that the interest rates are low and that the amortization would be like a mortgage - you have your interest and principle at the end. Could these be variable interest rate bonds as opposed to fixed?

MC: The Town has a bond counsel and a financial advisory firm, which helps us with our bond offerings. One thing that is important to note is the Town's bond rating is excellent. One of the best because of good fiscal planning over the decades. We have gotten good rates recently and they all have been fixed. It is almost like a competitive bid - you do an offering and whoever gives you back the best rate that is the one you go with. I would imagine that it would be fixed but we would not know until the time.

LPuglisi: Moody has upgraded us to an excellent status - over the years we have been doing good financial planning. We have low debt. Moody's says we can borrow close to \$400 million if we wanted to but we never would. I am retiring this year but I am pleased I am leaving the Town with low debt.

RBecker: The rates now are historically low so it is hard to imagine they will go lower and they can only go higher. It would be economically wise to grab it while you can. We will get the best rate we can.

Bridget Drury - 22 Jack Road.

When we were looking at the previous district - I am on the north side of Jack Road and looking at the zoning map and doing this we would very much like to have lake rights and therefore, happy to participate in what needs to be done to preserve the lake. Is there an opportunity, when we are setting this up to broaden the scope of what the HOA or Parks Dist. is?

LPuglisi: Historically that is difficult to do. The bond counselor would be advising staff. I realize there are more properties involved.

BDrury: If that is not possible, it is more of a question to the neighbors that are in the R20 zone if they will let us use the lake.

MC: The preliminary properties involved are based on the Westchester Lake subdivision map, filed in the 1950's.

BDrury: I understand that and that is why I am wondering if properties not in the R20 zone can join the HOA.

LPuglisi: To be determined.

Q & A questions:

If I choose to list my home for sale do, I need to disclose these items.

MC: Generally and in a forum like this, we do not comment on a private situation. I understand that may be a frustrating answer. Better if I do not comment.

LPuglisi: If the Parks Dist. is established the new buyer must abide by that decision by the HOA.

MC: Of course. It would be attached to the property, not the individual.

Question regarding Furnace Lake Dam and the cost?

MPreziosi: I want to caution everybody with financial implications and estimates - it is tough to compare apples to apples. We are talking about different sized dams, heights, access issues and requirements - whether it was constructed privately or publicly. It is not an exact comparison. We need the engineering firm to give us the estimate of costs.

LPuglisi: Each issue is unique, you are correct. Con Ed agreed to pay for the restoration of that dam. That was just one example of what transpired.

JCreighton: The geotechnical details are really, what will drive the cost of this. The railroad pond was a different type of dam. For this dam, we want to know all the different ways this can be done. Some ways we can get some value efficiency and advocate with the DEC to do things differently that might allow the costs to come in lower. We did impressed that this price come down, as low as it can be but it will be driven by what needs to be done. What footings are needed, what materials are there now? It could be less than \$3 million or it could be more.

LPuglisi: It needs to be done properly with no shortcuts.

In summary: This was a good meeting and dialogue. Staff gave reports to add to the discussion. Now, we want to get a preliminary projection of the costs from our engineering consultant. We will work on that. We will post all information on the web page related to this issue - seek grants by deadlines.

You can use the community center for a neighborhood meeting.
We will do everything we can do to help this neighborhood.

RBecker: While the town is investigating and working with the consultants on the least expensive, most expeditious way to repair the dam while we are looking for various grants and applying for them and while we are doing the legal homework of establishing the Parks District the homeowners have to pick an interim board. It does not have to be a permanent board and it can dissolve if you decide not to form the HOA. You have to have spokespeople and get those names to us so we can work with you to disseminate the information.

LPuglisi: The State Comptroller will want to know the names of the officers in the future. Thank you all for coming out. Any questions please contact our staff. We will get through this together.

Minutes submitted by:
Judi Peterson

