



**AGENDA
TOWN OF LEWISBORO
TOWN BOARD MEETING
TOWN HOUSE
NOVEMBER 23, 2015
7:30 P.M.**

I. PUBLIC COMMENT PERIOD

II. COMMUNICATIONS

- 1. Proclamations for Lewisboro Troop One Eagle Scouts Liam Hafter, Nicholas Stelluti, Aidan Andrews and Jed Fink**
- 2. Proclamation from the Honorable Sean Patrick Maloney Recognizing and Honoring America's Veterans**

III. PUBLIC HEARING Regarding the Establishment of a Local Law Allowing the Town of Lewisboro to Break the 2016 Budget Cap

IV. CONSENT AGENDA

Approval of Minutes of November 9, 2015

V. NEW BUSINESS

- 1. Resolution to Approve Application for a License to Operate a Cabaret by Smith Ridge Catering, LLC**
- 2. Resolution Consenting to Change of Control from Cablevision Systems Corporation to Altice N.V.**
- 3. Resolution to Accept the Operation and Maintenance Policy of the East of Hudson Watershed Corporation**

4. Discussion of Preliminary 2016 Budget
5. Discussion of Application to Westchester County for \$175,000.00 of WQIP Funds for Repairs to Salt Dome Roof (\$150,000.00) and Balance of Cost for Vacuum Truck (\$25,000.00)

VI. APPROVAL OF CLAIMS

VII. POLLING OF BOARD

VIII. ANNOUNCEMENTS

Town Board Meeting on Monday, December 7 at 7:30 p.m. at the Town House, 11 Main Street, South Salem.

IX. MOTION TO GO INTO EXECUTIVE SESSION

Items submitted for inclusion on the agenda for regular Town Board Meetings must be received by the Supervisor's Office by noon on the Thursday preceding the meeting. Items of significant importance may be added if deemed necessary by the Town Board or Supervisor.

Town Board Meetings Accessibility: The Town of Lewisboro is committed to providing equal access to all its facilities, services and activities to the fullest extent possible. The Town House, Cyrus Russell Community House, Onatru Farmhouse, and the Town Offices at Orchard Square are accessible to persons with physical handicaps. If anyone who wishes to attend any meeting of the Town Board has special needs, please contact the Supervisor's Office (763-3151) at least one week before any scheduled meeting, and we will try to accommodate whenever possible.

Local Law No. ___ of the Year 2015

Town of Lewisboro, Westchester County, New York

A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c

Section 1. Legislative Intent.

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Lewisboro, County of Westchester, pursuant to General Municipal Law §3-c, and to allow the Town of Lewisboro, County of Westchester to adopt a town budget for (a) town purposes, (b) fire protection districts and (c) any other special or improvement district governed by the Town Board for the fiscal year 2016 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority.

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override.

The Town Board of the Town of Lewisboro, County of Westchester is hereby authorized to adopt a budget for the fiscal year 2016 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application

thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

APPLICATION FOR LICENSE
TO OPERATE A CABARET
IN THE TOWN OF LEWISBORO

Town of Lewisboro
Town Clerk's Office
11 Main Street
PO Box 500
South Salem NY 10590

- 1 Name of applicant: Smith Ridge Catering LLC
- 2 Location of cabaret: 920 Oakridge Common, South Salem NY 10590
- 3 Business address 920 Oakridge Common, South Salem NY 10590
- 4 Business Telephone number 914 533-7424 LM 11/5/15
- 5 Home and Emergency phone nrs: 914 815-5752 LM 11/5/15 11/10/15
- 6 Name of owner: Philip G pine
- 7 Name(s) & addresses of
officers of business: Philip G Pine 610 Pinebrook Blvd New Rochelle NY
Mariette Solleveld 131 Old Hawleyville Rd Bethel CT
- 8 Operator of premises: Philip G Pine
- 9 Type of musical entertainment: Live entertainment
- 10 Number of sq ft in the room or rooms used for cabaret purposes: 3800 sq ft
- 11 Licence Fee: \$150.00

Signature of applicant

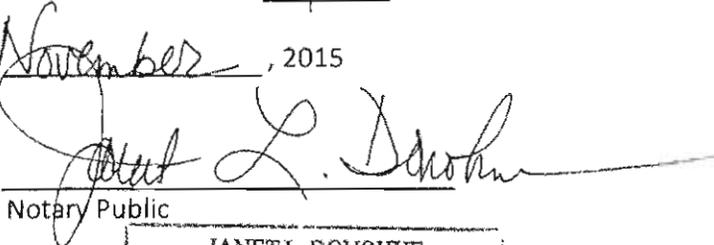


Title

Manager

Sworn before me this 4 Day of

November, 2015


Notary Public

JANET L. DONOHUE
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DO6259627
Qualified in Westchester County
Commission Expires April 16, 2016

Smith Ridge Catering LLC

The Willows
920 Oakridge Common
South Salem NY 10590

October 30, 2015

Janet Donohue , Town Clerk
Town of Lewisboro
PO Box 500
South Salem NY 10590

Dear Janet,

Please be advised that Smith Ridge Catering LLC dba the Willows is applying to the NY State liquor authority for renewal of our on premises liquor license for the premises located at 920 Oakridge Common, South Salem NY 10590.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip G Pine". The signature is stylized and cursive.

Philip G Pine
Managing Member

STATE OF NEW YORK
 EXECUTIVE DEPARTMENT
 DIVISION OF ALCOHOLIC BEVERAGE CONTROL
 STATE LIQUOR AUTHORITY

Standardized **NOTICE FORM** for Providing a 30-Day Advance Notice to a Local Municipality or Community Board in connection with the submission to the State Liquor Authority of a (check one)

New Application **Renewal Application** Alteration Application
 Corporate Change for an On-Premises Alcoholic Beverage License

| | | | | |
|---|--|---|--|---|
| 1. | Date the original copy of this Notice was mailed to the Local Municipality or Community Board: | Month | Day | Year |
| THIS 30-DAY ADVANCE NOTICE IS BEING PROVIDED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD | | | | |
| 2. | Name of the Local Municipality or Community Board: | TOWN OF LEWISBORO | | |
| ATTORNEY REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S LICENSE APPLICATION NOTED AS ABOVE FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE | | | | |
| 3. | Attorney's Full Name is: | JOHN ALONS | | |
| 4. | Attorney's Street Address: | 126 BARKER AVE | | |
| 5. | City, Town or Village: | MT. KISCO | State: | NY |
| 6. | Business Telephone Number of Attorney: | 914-666-2525 | | |
| FOR NEW APPLICANTS, PROVIDE DESCRIPTION BELOW USING ALL INFORMATION KNOWN TO DATE FOR ALTERATION APPLICANTS, ATTACH COMPLETE DESCRIPTION AND DIAGRAM OF PROPOSED ALTERATION(S) FOR CURRENT LICENSEES, SET FORTH APPROVED METHOD OF OPERATION ONLY DO NOT USE THIS FORM TO CHANGE YOUR METHOD OF OPERATION | | | | |
| 7. | Type(s) of alcohol sold or to be sold under the license: (*X* One) | <input type="checkbox"/> Beer Only | <input type="checkbox"/> Wine and Beer Only | <input checked="" type="checkbox"/> Liquor, Wine and Beer |
| 8. | Extent of Food Service: (*X* One) | <input checked="" type="checkbox"/> Restaurant (Sale of food primarily; Full food menu; Kitchen run by chef) | <input type="checkbox"/> Tavern/Cocktail Lounge/Adult Venue/Bar (Alcohol sales primarily-meets legal minimum food availability requirements) | |
| 9. | Type of establishment: (*X* all that apply) | <input type="checkbox"/> Recorded Music <input checked="" type="checkbox"/> Live Music <input type="checkbox"/> Disc Jockey <input type="checkbox"/> Juke Box <input type="checkbox"/> Patron Dancing (Small scale) <input type="checkbox"/> Karaoke Bar <input type="checkbox"/> Cabaret, Night Club, (Large Scale Dance Club) <input type="checkbox"/> Capacity of 600 or more patrons <input type="checkbox"/> Hotel <input type="checkbox"/> Bed & Breakfast <input checked="" type="checkbox"/> Restaurant <input type="checkbox"/> Club (e.g. Golf/Fraternal Org.) <input checked="" type="checkbox"/> Catering Facility <input type="checkbox"/> Stage Shows <input type="checkbox"/> Topless Entertainment <input type="checkbox"/> Recreational Facility (Sports Facility/Vessel) | | |
| 10. | Licensed outdoor area: (*X* all that apply) | <input type="checkbox"/> None <input type="checkbox"/> Rooftop <input checked="" type="checkbox"/> Patio or Deck <input type="checkbox"/> Freestanding Covered Structure <input type="checkbox"/> Garden/Grounds <input type="checkbox"/> Sidewalk Café <input type="checkbox"/> Other (Specify): None | | |
| 11. | Will the license holder or a manager be physically present within the establishment during all hours of operation? (*X* one) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | |
| 12. | License serial number: | 1223144 | Expiration Date: | 06-30-15 |
| 13. | The applicant's or license holder's full name, as it appears or will appear on the license: | SMITH RIDGE CATERING LLC | | |
| 14. | The Trade name, if any, under which the establishment conducts or will conduct business: | THE WILLOWS | | |
| 15. | The establishment is located within the building which has the following street address: | 420 OAKRIDGE COMMON | | |
| 16. | City, Town, or Village: | SOUTH SALLEN | NY | Zip Code: 10590 |
| 17. | The establishment is located on the following floor(s) of the building at the above address: | | | |
| 18. | Within the building at the above address, the establishment is located within the room(s) numbered as follows: | | | |
| 19. | Business telephone number of applicant/licensee: | 914-533-7424 | Business fax number of applicant/licensee: | 914-533-7086 |
| 20. | Business e-mail address of applicant/licensee: | DGP.2557@GMAIL.COM | | |
| 21. | Does the applicant or license holder own the building in which the establishment is located? (*X* one) | <input type="checkbox"/> Yes (If "Yes", SKIP items 22-25) <input checked="" type="checkbox"/> No | | |
| OWNER OF THE BUILDING IN WHICH THE LICENSED ESTABLISHMENT IS LOCATED | | | | |
| 22. | Building owner's full name is: | SMITH RIDGE ASSOCIATES LLC | | |
| 23. | Building owner's street address: | 420 OAKRIDGE COMMON | | |
| 24. | City, Town, or Village: | SOUTH SALLEN | State: | NY |
| 25. | Business telephone number of building owner: | 914-533-7424 | | |
| 26. | I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license. By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true | | | |
| | Printed Name: | PHILIP G. PINS | Title: | MANAGING MEMBER X |

 **CABLEVISION**
Cablevision Systems Corporation
1111 Stewart Avenue
Bethpage, New York 11714

October 30, 2015

Peter Parsons, Supervisor
Town of Lewisboro
Town House
11 Main Street
PO Box 500
South Salem, NY 10590

Dear Supervisor Parsons:

I am writing to you on behalf of Altice N.V. (“Altice”) and Cablevision Systems Corporation (“Cablevision”).

As you may have heard, on September 16, 2015, Altice and Cablevision entered into a definitive merger Agreement whereby Altice will acquire Cablevision, whose subsidiary (the “franchisee”) currently holds a franchise to offer service in your community. This transaction – which is the result of a merger of Altice and the parent corporation of the franchisee – will, upon closing, result in a change of ultimate control over the franchisee in your community. The franchise and the franchisee will remain the same. We expect the transaction to close in the first half of 2016.

Pursuant to the terms of the franchise between the franchisee and your community, we are required to obtain your consent for the change of control. For that purpose, and in accordance with Federal Communications Commission (“FCC”) rules, we have enclosed for your review an original and two copies of the FCC-specified “Form 394.” The Form 394 and its attachments are designed to provide you with all of the information necessary to assess the financial, legal, and technical capabilities of Altice with regard to the operations of the franchise. We are also including a draft consent resolution for your consideration.¹

Over the last decade, Altice has established itself as a premier global provider of video, phone, and Internet service, with a reputation for providing excellent customer service. Like Cablevision, Altice has invested heavily in upgrading its facilities to keep its customers at the forefront of new communications technologies. As part of this transaction, Altice has no current plans to change the terms and conditions of service or operations of the cable system in your community. Upon completion, Altice will combine its resources and operational expertise with

¹ Pursuant to Section 617 of the Federal Cable Act, if you choose to take no action on our request for consent to transfer control of the franchisee, your consent will be deemed granted after 120 days. 47 U.S.C. § 537.

Town of Lewisboro

October 30, 2015

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Cablevision's knowledge of the local cable marketplace to build upon the successes of Cablevision and further enhance the customer experience in your community. More detail on the benefits of the transaction are set out in the "Public Interest Statement" that was included with the companies' FCC filing and is included in the package of information that we have provided to you.

We appreciate your attention to this important matter and hope to secure your consent promptly so as to facilitate a quick close to the transaction. I look forward to working with you and urge you to contact me with any questions, comments, or concerns at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Ahouse". The signature is fluid and cursive, with a large initial "D" and "A".

Dan Ahouse
Cablevision Systems Corporation

Enclosure

PUBLIC INTEREST STATEMENT

A. Introduction

Approval of the proposed Transaction will enable Altice to build on Cablevision's legacy of network investment, consumer-focused products and services and innovative approaches to video pricing and packaging, broadband connectivity, WiFi service deployment, and enthusiastic embrace of over-the-top video services. Cablevision subscribers, in turn, will benefit from Altice's global scale, access to capital, and fresh perspective, all of which will be brought to bear in Cablevision's already fierce daily contest against much larger rivals such as Verizon, AT&T/DIRECTV and DISH in the New York Metro area, the nation's most competitive market. The Transaction not only will fortify Cablevision to better serve consumers, but also will reduce vertical integration in distribution and programming, while posing no horizontal harms. It therefore serves the public interest and should be approved.

The proposed Transaction will enhance competition and spur pro-consumer innovation by enabling Cablevision to build on its position as an innovative and dynamic participant in the marketplace for wired and wireless broadband, video and voice services. Indeed, the proposed Transaction — and the roughly 35 million subscribers served by Altice abroad — will provide Cablevision with additional scale by spreading the fixed cost of developing additional innovative and competitive service offerings across a larger subscriber base that to date has not been available to Cablevision. The proposed Transaction will afford Cablevision access to Altice's scale as well as its unique global perspective and technical expertise developed in some of the most competitive communications markets. These resources, in turn, will help ensure that Cablevision's service remains on the cutting edge of available bandwidth, network reliability and consumer value.

The Transaction also will reduce vertical integration in the U.S. cable distribution and programming markets by separating common control over Cablevision's cable systems and the

deployed a network of more than 1.3 million WiFi hotspots throughout the New York Metro area, which give its broadband subscribers access to unlimited wireless broadband at no extra charge. Moreover, these hotspots form the backbone of other innovative product offerings such as Cablevision's Freewheel service, which provides users with a dedicated phone number and unlimited data, talk, and text when connected to WiFi.

In a departure from entrenched industry practices, Cablevision leveraged these investments to become one of the first cable operators in the country to introduce a variety of affordable service offerings targeted specifically at the needs and interests of "cord-cutters" and "cord-nevers." For instance, Cablevision was the first cable operator to partner with and offer HBO Now and Hulu as over-the-top services to its broadband customers, and it recently announced a similar deal to sell CBS "All Access" and SHOWTIME Internet video services. In another pioneering offer, Cablevision offers "cord-cutters" a package of broadband Internet, Freewheel, access to all 1.3 million Optimum WiFi hotspots, and a free digital antenna for receiving over-the-air broadcast television stations for under \$35 a month, with an option to add HBO NOW and Hulu at those services' standard rates.

Altice is driven by the same competitive philosophy and the conviction that the convergence of broadband, video and voice services will continue to drive competition. Accordingly, Altice focuses on building, upgrading and operating advanced networks that offer best-in-class connectivity for all types of services to compete on the basis of the best fixed network in the market. Altice — led by its founder and controlling shareholder, Patrick Drahi — is a long-term strategic enterprise with a strong track record of implementing pro-consumer network improvements and efficiencies and reinvesting in the networks it acquires. If the Transaction is approved, Altice would bring to Cablevision its considerable experience in upgrading and managing Cablevision's network, the transmission and IT assets of its service provider affiliates.

transformation.

C. The Transaction Will Enhance Cablevision's Competitiveness by Expanding its Access to Managerial, Operational and Capital Resources.

Maintaining a world-class network while developing innovative services and business models is expensive. Cablevision is a far smaller company than rivals such as Verizon, AT&T/DIRECTV and DISH, and accordingly, it is at a disadvantage in making major competitive investments. Cablevision's smaller customer base limits its ability to spread the costs of research, development, and deployment, and to drive innovation through its relationships with equipment manufacturers and other providers of network and service inputs. In fact, a number of U.S. cable providers have opted for technology developed by larger cable operators to ensure what is perceived to be a more viable and robust technology path going forward in light of increasing capital commitments. Projects that are prohibitively expensive or risky when undertaken by a company with 3.1 million subscribers, however, can become far more feasible when undertaken by a company like Altice, with nearly 35 million subscribers worldwide. The Transaction thus would help level the playing field by giving Cablevision the ability to invest with the backing of Altice's global scale and access to capital, as well as its considerable technical and operational expertise.

Altice's senior management team, including its controlling shareholder, Patrick Drahi, has been active in the cable industry for nearly 30 years. Altice itself is a public company with global scale. It is a leading provider of communications services to nearly 35 million subscribers in diverse regions around the world, including in Western Europe, Israel, the French Caribbean and Indian Ocean regions, and the Dominican Republic. Thus, as a new entrant into the U.S. market, Altice would bring a fresh perspective based on its experience in diverse markets around the world, including a strong commitment to investment in fixed broadband (particularly fiber) at a time when

approximately 98 percent of Numericable's network has been upgraded to DOCSIS 3.0, and its network is capable of delivering download speeds to subscribers of between 100-200 Mbps. Likewise in Belgium and Luxembourg, where the entire network has been upgraded to DOCSIS 3.0 and today can offer speeds that are 10 to 200 times faster — from 4 Mbps in 2013 to 50-200 Mbps today — than when Altice acquired control of Numericable in 2013.

Altice's network investment philosophy has led to similar outcomes in the other jurisdictions in which it operates. For instance, when Altice acquired cable provider Hot in Israel in 2011, Hot's network had not been upgraded to DOCSIS 3.0 and was capable of delivering download speeds of only 3-7 Mbps. Today, 100 percent of Hot's network has been upgraded to DOCSIS 3.0 and it is capable of delivering download speeds of between 30-200 Mbps. And in Portugal, where Cabovisão's network had not been digitized when Altice acquired it in 2012, Cabovisão subscribers today have access to a network that is 94 percent upgraded to DOCSIS 3.0 and affords download speeds of up to 360 Mbps.

D. The Transaction Will Enhance Competition By Reducing Vertical Integration.

Beyond strengthening Cablevision's ability to remain an innovative and competitive broadband provider, the Transaction will enhance competition by reducing vertical integration in the cable distribution and programming markets. In the *AT&T/DIRECTV Order*, the Commission noted that in certain prior transactions, "the Commission found that competitive harm would likely result from the vertical integration of significant programming interests (including RSNs or other programming) that could not be addressed by the Commission's program access rules."² Like the AT&T/DIRECTV transaction itself, however, the proposed Transaction does not raise any such concerns because Cablevision does not have "a significant amount of vertically

² *Applications of AT&T Inc. and DIRECTV*, MB Docket No. 14-90, FCC 15-94, at ¶ 176 (July 28, 2015) (*AT&T-DIRECTV Order*).

any of the competitive risks raised by mergers among larger providers.⁷

* * *

For all the reasons stated above, the Transaction serves the public interest by ensuring Cablevision is able to remain a robust and innovative competitor capable of providing consumers with world-class voice, video, and broadband Internet connectivity.

⁷ See Remarks of Jon Sallet, Federal Communications Comm. General Counsel at Telecommunications Policy Research Conference, “The Federal Communications Commission and Lessons of Recent Mergers & Acquisitions Reviews,” September 25, 2015.

RESOLUTION NO. _____

**RESOLUTION APPROVING THE CHANGE OF INDIRECT CONTROL OF THE
FRANCHISEE UNDER THE CABLE TELEVISION FRANCHISE**

WHEREAS, Cablevision Systems Westchester Corporation (“Franchisee”) owns, operates and maintains a cable television system (the “System”) in the Town of Lewisboro, New York pursuant to a cable television franchise (“Franchise”) granted by the governing body of the Town of Lewisboro (the “Franchise Authority”), and Franchisee is the current duly authorized holder of the Franchise; and

WHEREAS, pursuant to an Agreement and Plan of Merger (“Agreement”), Neptune Merger Sub Corp., a Delaware corporation and a subsidiary of Altice N.V. (“Acquiror”), will merge with Cablevision Systems Corporation (“Cablevision”) (which owns 100% of the ownership interests in Franchisee), and, as a result, the indirect control of Franchisee will change (the “Change of Control”); and

WHEREAS, Franchisee and Acquiror have requested the consent of the Franchise Authority to the Change of Control in accordance with the requirements of the Franchise and have filed an FCC Form 394 with the Franchise Authority (the “Application”); and

WHEREAS, the Franchise Authority has reviewed the Application, followed all required procedures in order to consider and act upon the Application, considered the comments of all interested parties, and concluded that Acquiror has the legal, financial and technical qualifications of Acquiror to indirectly control Franchisee,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The Franchise Authority hereby accepts the Application and consents to the Change of Control, all in accordance with the terms of the Franchise and applicable law.

SECTION 2. Subject to compliance with the terms of this Resolution, any action necessary with respect to the Change of Control has been duly and validly taken.

SECTION 3. This Resolution shall be deemed effective as of the date of its passage.

This Resolution shall have the force of a continuing agreement with Franchisee and Acquiror, and Franchise Authority shall not amend or otherwise alter this Resolution without the consent of Franchisee and Acquiror.



**EAST OF HUDSON
WATERSHED CORPORATION**

2 Route 164
Patterson, NY 12563
Tel: 845-319-6349
Fax: 845-319-6391

November 10, 2015

To the Chief Elected Officials of Member Municipalities,

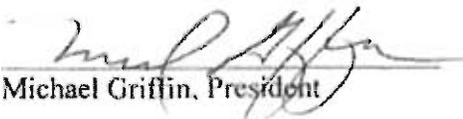
Today the Board of Directors of the EOHWC adopted an Operation and Maintenance Policy ("O&M Policy"), conditioned on each member municipality agreeing by resolution of its legislative body to accept the Policy. I'm enclosing for your review and action the EOHWC Board resolution, a model member resolution, the O&M Policy (5 pages) and the Annual Estimated O&M Cost (1 page).

It is critically important that each of you give this your immediate attention. The MS4 Permit requires each municipality to maintain the stormwater retrofit practices ("SRPs") that have been or will be installed. Failure to do so would violate the permit and may cause the phosphorus reduction credits we've amassed to be lost. In a worst case, if EOHWC does not step up to the plate and ensure O&M is performed, all municipalities could be liable for a permit violation and bubble compliance would collapse.

In addition, we have been told by representatives of DEP that while they may be willing to fund some or all of the next five years of SRP construction, they are not willing to fund O&M. They are looking to the municipalities to take on that responsibility as their contribution to the overall effort. Without DEP funding of SRP construction, all the cost of the next five years would fall on the municipalities.

The Annual Estimated O&M Cost I've enclosed is only an estimate to give you an idea of the numbers our engineers have calculated. As O&M is performed we will acquire actual data that will give us more accurate figures, hopefully less than what is conservatively estimated on the enclosed sheet. The basic concept is that municipalities will be expected to perform the O&M in the most efficient way possible. As you will see in the Policy, some will get reimbursement from EOHWC and some will pay in, depending on the allocation in the Policy.

Again, please give this your immediate attention. If at all possible, please return your adopted resolution to me at EOHWC no later than December 31. This is a very important step in our negotiations for funding for years 6-10 of the MS4 Permit. If you have questions about how the policy works or how it will apply to your municipality, feel free to contact me or Kevin Fitzpatrick at EOHWC.


Michael Griffin, President

**BOARD OF DIRECTORS
EAST OF HUDSON WATERSHED CORPORATION
2 Route 164, Patterson, NY 12563**

RESOLUTION TO ADOPT O&M POLICY

Resolution #: R-1110-07

Moved By: _____

Dated: November 10, 2015

Seconded By: _____

At the meeting of the Board of Directors of the East of Hudson Watershed Corporation held on November 10, 2015, the following resolution was adopted:

WHEREAS, the MS4 Permit applicable to all member municipalities requires the municipality to maintain each stormwater retrofit project (SRP) for its useful life to ensure that it continues to operate as it was designed; and

WHEREAS, DEP has indicated that while it may to some extent be willing to continue funding the construction of SRPs approved by NYSDEC as part of the regional stormwater retrofit plan, it is not willing to fund the non-construction costs of operation and maintenance (O&M) of completed SRPs, as such expenses may not be paid from bond proceeds; and

WHEREAS, the Executive Committee has developed and recommends for adoption by the Board of Directors the annexed O&M Policy providing for the equitable sharing of the costs and responsibilities of O&M by all member municipalities in a manner consistent with the MS4 Permit bubble compliance concept; and

WHEREAS, approval of the O&M Policy is a Type II action exempt from the State Environmental Quality Review Act (SEQRA) under 6 NYCRR 617.5(c)(1) as it relates to the routine maintenance of the SRPs;

NOW THEREFORE IT IS HEREBY RESOLVED by the Board of Directors of the East of Hudson Watershed Corporation that:

1. The Board of Directors hereby approves the annexed O&M Policy providing for the equitable sharing of the costs and responsibilities of O&M by all member municipalities in a manner consistent with the MS4 Permit bubble compliance concept, conditioned on the legislative body of each member municipality agreeing to comply with the terms and conditions of the O&M Policy; and

2. Authorizes the President to distribute to each member municipality the annexed Model Member O&M Resolution with a request that the member municipality promptly adopt the model resolution or a similar resolution assuring that it will comply with the terms and conditions of the O&M Policy.

Aye _____ Nay _____

Michael Griffin, Chair

[Town/Village/County] of _____

**Resolution Regarding O&M
of Stormwater Retrofit Projects**

Resolution No. _____

Moved by: _____

Date: _____, 2015

Second by: _____

WHEREAS, the [Town/Village/County] of _____ is a member of the East of Hudson Watershed Corporation (“EOHWC”), a not-for-profit local development corporation formed to assist the member municipalities in complying with the stormwater retrofit requirements of the Municipal Separate Storm Sewer System Permit (MS4 Permit); and

WHEREAS, EOHWC has installed and will continue to install stormwater retrofit projects (SRPs) or has reimbursed member municipalities for installing SRPs in compliance with the first five-year Regional Stormwater Retrofit Plan and intends to do so for the second five-year plan to the extent funding is provided by New York City Department of Environmental Protection (DEP); and

WHEREAS, the MS4 Permit requires member municipalities to maintain each SRP for its useful life to ensure that it continues to operate as it was designed; and

WHEREAS, the Board of Directors of EOHWC has adopted an O&M Policy providing for the equitable sharing of the costs and responsibilities of O&M by all member municipalities in a manner consistent with the MS4 Permit bubble compliance concept, conditioned on the legislative body of each member municipality agreeing to comply with the terms and conditions of the O&M Policy; and

WHEREAS, approval of the O&M Policy is a Type II action exempt from the State Environmental Quality Review Act (SEQRA) under 6 NYCRR 617.5(c)(1) as it relates to the routine maintenance of the SRPs; and

WHEREAS, approval of the O&M Policy is in the best interests of the [Town/Village/County] as it assures continued compliance by the [Town/Village/County] with the MS4 Permit;

NOW THEREFORE IT IS HEREBY RESOLVED by the [Legislative Body] of the [Town/Village/County] of _____ that:

1. The [Town/Village/County] of _____ accepts and agrees to the terms and conditions of the EOHWC O&M Policy; and

2. Authorizes the [Supervisor/Mayor/County Executive] to take whatever other actions are required to implement this resolution.



EAST OF HUDSON WATERSHED CORPORATION

PO Box 176
Patterson, NY 12563
Tel: 845-319-6349
Fax: 845-319-6391

POLICY FOR THE OPERATION AND MAINTENANCE of EOHWC STORMWATER RETROFIT PRACTICES Adopted November 10, 2015

The nineteen municipalities, represented by the East of Hudson Watershed Corporation (EOHWC) have over 150 stormwater retrofit practices planned for, or constructed within their individual municipalities. Each of these projects, over time will require maintenance in order for the practice to maintain optimal efficiency in its operation. Within the EOHWC there has been much discussion concerning funding for, and completion of the maintenance required for these stormwater retrofits. This Policy will define how maintenance of the stormwater retrofit projects (SRP's) will occur.

In order for stormwater practices to remain effective at reducing phosphorus, proper maintenance is essential. Each stormwater retrofit that is installed by the EOHWC will have its own unique set of maintenance requirements and maintenance cycle, however some generalities can be made. Maintenance can be broken down into three parts; inspections, routine maintenance and non-routine repairs that may be required after large storms, or as a result of other unforeseen problems. Practices can be broken down into classes which have similar maintenance periods and requirement. These classes would include wet ponds, created wetlands, infiltration, and filter practices.

The NYSDEC General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-15-003) places the ultimate responsibility with each individual municipality for all stormwater practices within their jurisdiction including those considered stormwater retrofits. Part VI.Q states, "A covered entity must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the covered entity to achieve compliance with the conditions of this SPDES general permit."

At present, Towns and Villages are considered 'traditional land use control MS4's' as they hold the authority to make land use decisions under zoning and subdivisions controls. As such, they are obligated under the General Permit to maintain an inventory¹, provide for inspections and ensure the maintenance of all stormwater practices within their jurisdiction². The NYSDEC language in the General Permit covers both publically-owned, and privately owned stormwater management facilities that are located in, or under a municipality's jurisdiction.

Under the requirements of the General Permit, Towns and Villages should already be maintaining, or causing maintenance to be performed on, the stormwater management practices in their respective jurisdictions. This includes all drainage control structures such as stormwater ponds, and other practices installed as part of their highway drainage system. This also includes stormwater management practices

¹Part VII.A.5.a.vi. "maintain an inventory of post-construction stormwater management practices within the covered entities jurisdiction" [including] "type of practice, maintenance needs per the NYS Stormwater Management Design Manual, SWPPP and dates and type of maintenance performed."

²Part VII.A.5.a.vii 'ensures adequate long-term operation and maintenance of management practices identified in Part VII.5.a.vi. by trained staff, including inspection to ensure that the practices are performing properly.'



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constructed as part of a subdivision or site plan approved by the Town or Village. Pursuant to the requirements of the General Permit, municipalities must already have written procedures³, the equipment and the manpower to provide inspections and maintenance to the stormwater infrastructure in their respective municipalities. Since municipalities must already have a program in place, it should be relatively simple to manage the additional EOHWC retrofit practices constructed in their municipalities, although their individual resources will likely need to be supplemented.

With participation in the EOHWC, each municipality has agreed to “bubble compliance”, or a shared responsibility for the installation of stormwater retrofits. While each individual municipality will ultimately be responsible for the retrofits located within their jurisdiction, it is generally agreed that the EOHWC should remain involved in some fashion for meeting the maintenance requirements for as long as the EOHWC is in existence.

The EOHWC has chosen the following means for providing maintenance to EOHWC SRP’s;

Each stormwater retrofit will require maintenance specific to each individual retrofit. This maintenance obligation will be described in a written plan, prepared for each project by the design engineer preparing the construction documents in consultation with the host municipality. The maintenance plan shall include the design life of each SRP, recommended inspection schedule and checklist which also provides basic design criteria for the practice, required maintenance activities, an estimate of time needed and cost of such activities, schedule of such activities, and a present worth cost for inspecting and maintaining the SRP for its design life. Three copies of the maintenance plan shall be provided to the host municipality, along with an as-built drawing upon completion of construction of the retrofit. Moving forward, each maintenance plan shall be reviewed and approved by the chief elected officer of the host municipality prior to the SRP construction being placed for bidding.

Each municipality will be responsible for providing the inspections and maintenance of the stormwater retrofit practices (SRP) within, or under their jurisdiction. Maintenance shall be completed in accordance with the maintenance plan that has been prepared for the project.

The EoH municipalities have sought to achieve compliance with the stormwater regulations and the retrofit program through bubble compliance i.e., a sharing of the overall phosphorus reduction requirements for all of the EoH municipalities. Similarly the expense of paying for the cost of maintenance of the stormwater retrofits that have been installed would be shared between the municipalities in proportion to each of their obligations for phosphorus removal. The O&M **financial obligation** for each municipality will be based on their percentage of the overall 5-year phosphorus reduction (see Table 1) and the estimated annual total O&M cost for maintaining the stormwater retrofits.

Municipalities will be reimbursed by the EOHWC for costs incurred for providing maintenance at the actual cost plus 2% for administration. Municipalities can individually chose how to accomplish maintenance responsibilities to find the most cost-effective and efficient means; either by using municipal staff/highway departments, or through the use of private contractors.

³Part IX.A.6



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When completing SRP maintenance by contracting with a private contractor, all contracts seeking reimbursement from the EOHWC must follow EOHWC procurement policies. However, as the minimum requirement to qualify for reimbursement of maintenance costs, municipalities must request at least three written quotes from three different contractors in order to ensure that the work is being completed at a fair price. Where there is a conflict between a municipality's procurement policy and the EOHWC procurement policy, the EOHWC procurement policy will govern.

Costs associated with the use of municipal employees and equipment to provide SRP maintenance shall be.

Work completed by municipal employees and consultants will be reimbursed at cost, based on a schedule of values, and subject to a cap. The EOHWC Board of Directors shall establish a schedule of reimbursement rates for completing SRP maintenance. The schedule shall provide a maximum hourly rate for municipal employees, consultants and equipment. Reimbursement costs shall also be capped by the estimate of time needed and cost of such activities found in the maintenance plan. Any exceedance of the cap must be approved by the EOHWC Board of Directors.

Financing O&M Requirements

The EOHWC shall oversee the O&M operations for the retrofits installed by the Corporation. The EOHWC shall create a separate fund (a bank) to fund the estimated cost of providing the annual operation and maintenance cost of all the stormwater retrofits in the Program. Each municipality is responsible to provide their proportionate share of this amount to the EOHWC as either a direct payment or as a documented labor and capital expenditure to be applied as credit toward O&M costs.

Twice annually, in June and November municipalities will submit an invoice for reimbursement of the actual cost for providing maintenance of the stormwater practices under their jurisdiction. Invoices will be reviewed by the EOHWC staff and Executive Board. Actual costs incurred will be credited against any amount due and owing to the Corporation. Where there is a surplus, the municipality would receive a refund. EOHWC staff shall be responsible for spot checking inspections completed by each municipality and ensuring that the maintenance of each practice is being completed in a timely and efficient manner.

Each municipality's financial obligation will fall into one of two categories:

- 1) The estimated O&M financial obligation of your municipality is **less** than your yearly O&M costs. Those municipalities that are required to contribute towards retrofit maintenance fund must provide payments to the EOHWC on the following schedule:
 - § January 1, 2016. 35% of total O&M estimates costs minus any incurred costs for completing retrofit maintenance.
 - § May 1, 2016. 35% of total O&M estimates costs minus any incurred costs for completing retrofit maintenance.
 - § September 1, 2016. 30% of total O&M estimates costs minus any incurred costs for completing



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retrofit maintenance.

In case 1, the actual expenses incurred by the municipality will serve as a credit towards meeting its responsibility to the EOHWC O&M program. The difference between the actual expenses and the municipality's financial obligation will be due as payment to the EOHWC.

- 2) The estimated O&M financial obligation for your municipality is **more** than your yearly O&M Costs.

Those municipalities that will receive O&M funds must provide documentation of inspection and maintenance completed for each project to the EOHWC on the following schedule:

- § June 30, 2016. O&M Documentation for December 1, 2015 thru May 31, 2016.
§ November 30, 2016. O&M Documentation for June 1, 2016 thru November 30, 2016

In case 2, the municipality will document all expenditures for the O&M program. Once the municipality has reached the estimate annual O&M costs, the EOHWC will reimburse the municipality for the additional required O&M which exceeds its financial obligation.

These reimbursements will be capped by the calculated percentage contribution for the overall bubble compliance. Any additional expenditure will be documented by the municipality. All overages to the estimated municipal costs must be verified and approved by the EOHWC prior to the work being completed. These costs will be then included in an updated budget for the next O&M calendar year.



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TABLE 1

| Municipality | 5-Year Phosphorus Reduction (kg) | Percent Contribution |
|---------------------|---|-----------------------------|
| Bedford | 32.2 | 7.01% |
| Brewster | 9.2 | 2.00% |
| Carmel | 72.0 | 15.67% |
| Cortlandt | 11.6 | 2.52% |
| Kent | 33.6 | 7.31% |
| Lewisboro | 35.5 | 7.73% |
| Mount Kisco | 18.7 | 4.07% |
| New Castle | 25.1 | 5.46% |
| North Castle | 1.0 | 0.22% |
| North Salem | 19.1 | 4.16% |
| Patterson | 17.2 | 3.74% |
| Pawling, Town | 3.5 | 0.76% |
| Pawling, Village | 4.3 | 0.94% |
| Pound Ridge | 9.5 | 2.07% |
| Putnam County | 30.9 | 6.72% |
| Putnam Valley | 1.0 | 0.22% |
| Somers | 50.0 | 10.88% |
| Southeast | 31.1 | 6.77% |
| Yorktown | 54.0 | 11.75% |
| Total | 459.5 | 100.00% |

ANNUAL ESTIMATED O&M COST

| | 5-Year Phosphorus Reduction Requirement | Estimated Annual O&M Total | Estimated Share of Annual O&M Total | Difference |
|---------------|---|----------------------------------|--|----------------|
| Bedford | 32.2 | \$ 21,902 | \$ 17,055.84 | \$ 4,846.11 |
| Brewster | 9.2 | \$ 3,427 | \$ 4,873.10 | \$ (1,445.90) |
| Carmel | 72.0 | \$ 27,418 | \$ 38,137.28 | \$ (10,719.68) |
| Cortlandt | 11.6 | \$ 2,678 | \$ 6,144.34 | \$ (3,466.84) |
| Kent | 33.6 | \$ 19,171 | \$ 17,797.40 | \$ 1,373.50 |
| Lewisboro | 35.5 | \$ 14,073 | \$ 18,803.80 | \$ (4,730.86) |
| Mt. Kisco | 18.7 | \$ 7,336 | \$ 9,905.10 | \$ (2,568.75) |
| New Castle | 25.1 | \$ 4,142 | \$ 13,295.08 | \$ (9,153.08) |
| North Castle | 1.0 | \$ - | \$ 529.68 | \$ (529.68) |
| North Salem | 19.1 | \$ 8,954 | \$ 10,116.97 | \$ (1,163.41) |
| Patterson | 17.2 | \$ 30,572 | \$ 9,110.57 | \$ 21,461.12 |
| Pawling (T) | 3.5 | \$ 11,500 | \$ 1,853.90 | \$ 9,645.97 |
| Pawling (V) | 4.3 | \$ 4,284 | \$ 2,277.64 | \$ 2,006.36 |
| Pound Ridge | 9.5 | \$ - | \$ 5,032.00 | \$ (5,032.00) |
| Putnam County | 30.9 | \$ 10,399 | \$ 16,367.25 | \$ (6,967.84) |
| Putnam Valley | 1.0 | \$ - | \$ 529.68 | \$ (529.68) |
| Somers | 50.0 | \$ 38,369 | \$ 26,484.22 | \$ 11,884.35 |
| Southeast | 31.1 | \$ 29,902 | \$ 16,473.19 | \$ 13,429.13 |
| Yorktown | 54.0 | \$ 9,264 | \$ 28,602.96 | \$ (19,338.81) |
| Total | 459.5 | \$ 243,390 | \$ 243,390 | |