OFFICE OF THE SUPERVISOR

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Town of Somers

WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

RICK MORRISSEY
SUPERVISOR

SOMERS TOWN BOARD
COMBINED WORK SESSION/REGULAR MEETING
THURSDAY, AUGUST 20, 2015 6:30PM

www.somersny.com

6:30PM – Executive Session

7:00pm – Work Session

I. ***PLEDGE OF ALLEGIANCE:***

II. ***ROLL CALL***

III. ***PUBLICE HEARING:***

PUBLIC COMMENT

IV. ***APPROVAL OF MINUTES:*** April 9, 2015 Public Hearing re: DEIS and proposed Local Law to amend Chapter 170 entitled Zoning, Section 170-13CMultifamily residence MFR District of the Code of the Town of Somers for Somers Crossing; April 9, 2015 Public Hearings re: Petition for the Extension of the Expansion of the Windsor Farm water District and the Petition to Extend Somers Sewer District #1; April 9, 2015 Regular Meeting; May 7, 2015 Work Session; May 14, 2015 Public Hearing re: proposed Local Law to consider adding Chapter 135 entitled Property Maintenance to the Code of the Town of Somers; May 14, 2015 Regular Meeting; June 4, 2015 Work Session; June 11, 2015 Public Hearing re: Conservation Easement for Deans Bridge Associates, LLC, June 11, 2015 Regular Meeting; July 9, 2015 Public Hearing re: granting a of preliminary development concept plan approval and the reclassification of the site located at 16 Route 6 (Lot 15.07-1-6) for the proposed Hidden Meadow Development to the Multifamily Residence Baldwin Place District (MFR-BP) Floating Zone from an existing R80 Residence District pursuant to Section 170-13 Multifamily Residence MFR District,

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July 9, 2015 Public Hearing re: proposed Local Law to add Chapter 83 entitled Community Choice Aggregation (Energy) Program to the Code of the Town of Somers and adopt a Resolution with regard to the Town's participation in the Community Choice Aggregation Program and July 9, 2015 Work Session/Regular Meeting.

V. ***DEPARTMENT REPORTS:*** The Town Clerk announces receipt of the following monthly reports: Town Clerk, Building Inspector, Zoning Board of Appeals, Plumbing, Bureau of Fire Prevention, Parks & Recreation, Planning & Engineering, Tax Receiver, Director of Finance and Department Heads

VI. ***BUSINESS OF THE BOARD:***

A. ***PARKS & RECREATION:***

B. ***TOWN BOARD:***

1. Authorize the Town's Attorney to execute a Consent Judgement in the following matter: Rex Realty of Connecticut Inc. v Town of Somers – Index #23200/10 et al.

2. Buenta and Eastern Way, Purdys – request for Stop Sign – discussion.

3. – Discussion with Michael Blum, Chairman SEEC:
   a. Solarize NY
   b. Authorize Supervisor to execute MOU with Hudson River Greenway for the Complete Streets Project in the amount of $10,000.00.

4. Proposed Accessory Apartment Code change – discussion.

C. ***FINANCIAL:*** - No additional business.

D. ***HIGHWAY:*** - No additional business.

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E. ***PERSONNEL:***

1. Current Vacancies:
   Somers Energy Environment Committee
   Affordable Housing Board (5 – unexpired 2 year terms ending 7/11/2015)
   Zoning Board of Appeals (1 – unexpired term ending 12/31/2017)
   Architectural Review Board (3 – 3 year terms ending 3/9/2018)

2. Upcoming Vacancies:
   Assessment Board of Review (1 – 5 year term ending 9/30/2020)

3. Announce hiring of Mr. Robert Persaud as Senior Account Clerk, at an annual salary of $42,760.00, Group IV Step 3 of the CSEA Agreement, in the Finance Office effective July 20, 2015.

4. Appoint Mr. Chris Hanley to the Risk Management Committee to serve at the pleasure of the Town Board

5. Acknowledge retirement of Police Officer John R. Fitzgerald effective August 31, 2015.

F. ***PLANNING & ENGINEERING:*** - No additional business.

G. ***POLICE:*** - No additional business.

H. ***PROPOSED CONSENSUS AGENDA:***

1. Authorize replace of the $47,000 Bond issued by Hanover Insurance Company for Insite Towers LLC for New Cingular Wireless PCS, LLC, per August 5, 2015 memo from Steven Woelfle, Principal Engineering Technician.

2. Announce renewal of liquor license for PJ's Restaurant per August 6, 2015 memo from Kathleen R. Pacella, Town Clerk.

3. Award painting of Mt. Zion Church to Paul's Painting in the amount of $10,250.00 per July 28, 2015 memo from Historic Properties Board.

4. Accept the following Bonds:
   a. $500.00 Barr Erosion Control Bond – 48.05-1-14
   b. $500.00 Wisenburger Stormwater Management and Erosion and Sediment Control Permit – 16.10-1-44 and 45

5. Authorize Supervisor to execute the following:
   a. Stormwater Control Facility Maintenance and Access Agreement with John Zadejelovich, 61 Granite Springs Road.
   b. NYSOFA Certification attesting that funding will be used solely to support salary/benefits for Nutrition Staff.
   c. 2015/2016 School Tax Warrant.
   d. Annual Service Agreement with Kinsley Power Systems for the three power generators and transfer switches at the Travis Road Primary and Secondary Pump Stations and the Windsor Road Sewer Pump Station.

6. Authorize return of $320.00 North County Development Street Opening bond, per July 14, 2015 memo from Tom Chiaverini, Superintendent of Highways.

7. Authorization to prepare new service contracts for Electric, HVAC and Plumbing services per August 12, 2015 memo from Efrem Citarella, Building Inspector.

8. Return of Erosion Control Bond:
   a. $200.00 Kapur Stormwater Management and Erosion and Sediment Control Permit – 26.20-2-24

2015 CALENDAR

September 3, 2015	7:00pm	Town Board Work Session
September 10, 2015	7:00pm	Town Board Regular Meeting
October 1, 2015	7:00pm	Town Board Work Session
October 8, 2015	7:00pm	Town Board Regular Meeting
November 5, 2015	7:00pm	Town Board Work Session
November 11, 2015	7:00pm	Town Board Regular Meeting
December 3, 2015	7:00pm	Town Board Work Session
December 10. 2015	7:00pm	Town Board Regular Meeting

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APRIL 9, 2015 – PUBLIC HEARING

Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening April 9, 2015 at 7:35 PM that the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Rick Morrissey
	Councilman	Richard G. Clinchy
	Councilman	Anthony J. Cirieco
	Councilman	William G. Faulkner
ABSENT:	Councilman	Thomas A. Garrity, Jr.

Also present were Kathleen R. Pacella, Town Clerk, Patricia Kalba, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

The Supervisor said that this was a continuation of two public hearings with regard to the Draft Environmental Impact Statement (DEIS) and a proposed Local Law to amend Chapter 170 entitled Zoning, Section 170-13C Multifamily Residence MFR District of the Code of the Town of Somers for Somers Crossing.

Mr. Richard O'Rourke of Keane and Beane, PC, representative for the Applicant, said as the Supervisor had stated this was a continuation of a public hearing on the Draft Environmental Impact Statement (DEIS) in connection with a re-zoning to create a Multi-Family Residential District (MFR-D) on 26.8 acres bordering Route 202 and Route 100. He explained what was being proposed and the proposed action of the DIES was a text change to allow this development to go forward. He said that what was examined was 80 Multi-Family Housing Units with a neighborhood Grocery Store of approximately 19,000 square feet. Mr. O'Rourke said that the public hearing had been opened and continued to that evening. He said that the format for this meeting was that they were not there to answer questions that was something that they were required by law in answer to the preparation of the Final Environmental Impact Statement (FEIS).

The Supervisor declared the hearing open.

Mr. Michael Blum, Somers, Chairman of the Somers Energy Environment Committee, asked if this particular development looked at the possibility of starting out with solar. He said that they were a member of the Economic Improvement Committee and they were an organization that put together funding for Renewable Energy and Solar Projects. He said that they were prepared to sit down with the Developer and discuss those kind of capabilities in the development. Mr. Blum hoped that they would at least consider the use of renewable energy as part of the development project.

Mr. Michael Dulong, Staff Attorney with Hudson Riverkeeper, said that his colleague was present at the last meeting and as it was explained, Riverkeeper was a Not-for-Profit, Member Supported Organization dedicated to protecting the Hudson River and the drinking water. He said that they were still reviewing the DEIS, specifically the Stormwater Pollution Prevention Plan. He said that they planned to submit detailed written comments. Mr. Dulong said that he wanted to call their attention back to the 1.1 acres of permanent Wetland Buffer disturbance. He explained that Wetland Buffers were critical to the protection of wetlands and provide water quality functions. He continued that the DEIS had not satisfied the SEQRA Requirement to review all reasonable alternatives to remove the project from the Wetland Buffer. Mr. Dulong stated except for the no action alterative and the no zoning change alternative the applicant only evaluated alternative in that 1.1 acre disturbance. He said that he respectfully submitted that the Town Board had a duty to require the Applicant to look at those alternatives. He said that included any alternative, the reconfiguration of the Grocery Store parking lot, the construction of multi-level parking lot or scaling back the development to get out of the buffer. Mr. Dulong said

that in addition to the SEQRA requirement the Town Code mandated that the Board had to reject the application unless the Applicant can show that there was no feasible on site alternative. He said those were their main concerns and they were happy to discuss their concerns further with the Town Board or the Applicant. Councilman Clinchy asked if Mr. Dulong had a written summary of his comments. Mr. Dulong said that they were going to be submitting written comment by the end of the comment deadline.

The Supervisor said that he received an email from a resident who was concerned with the traffic increase to an already congested area during peak travel times. He said that the email went on to say that the resident did not see anything in the document with regard to a turning lane or things of that nature and asked if those traffic aides were going to be addressed. Mr. O'Rourke said that they would be and that they would be addressing all of the questions that were raised.

Councilman Clinchy said that he said from the beginning that traffic and protection of the water supply were the two biggest things that were before them. He said that a question that he was asked was what the affordable housing component was of the development. Mr. O'Rourke said that was an issue that would be addressed in the FEIS and had been raised. The Supervisor said that some of the Planning Board Members had raised that question as well.

Councilman Cirieco said that the Planning Board had raised questions about density issues, setback issues, the wetland buffer and parking and all of that was going to be addressed as part of their requirement. Mr. O'Rourke said that they would address all questions or concerns that had been raised. The Supervisor said that they had received a number of comments from New York City Department of Environmental Protection and the New York State Department of Environmental Conservation with regard to density issues. He said that it appeared some work needed to be done to answer a lot of the questions. Mr. O'Rourke said that was part of the SEQRA process, it required for a written documentation to ensure that the issues raised were addressed.

Councilman Clinchy asked how long they anticipated it to take for them to answer all of the questions and concerns and create the FEIS. Mr. O'Rourke explained that process. Mr. Gus Boniello, Applicant, said while they were working on the answers for the FEIS which will most likely take two to three months, they will be discussing the project with the Planning Board. He said that a lot of the question had to do with site design and they were going to be work with the Planning Board with regarding to the design.

The Supervisor said that he would like to add his comments and he has said them from early on in the project. He said that as a resident and a member of the Town Board he felt that 80 Units was quite dense for what was being proposed. He said that additionally he felt that the project should be taxed as Fee Simple, they were not condos and they were Townhouses. The Supervisor said the when and if possible they remove any encroachments out of the wetland buffers. He said that he knew those were elements that they will address. He said that he also wanted to echo Mr. Blum's comments with regard to alternative energy sources.

Councilman Cirieco said that he shared the Supervisor's sentiments. He said that he wanted to discuss trends, one of the things that they face as a Town was that Assessed Values were declining. He said that this type of project brought ratable and revenue. He said that was an important aspect as well and why he found it an interesting project. Councilman Cirieco said that being said there were a lot of issues that needed to be ironed out.

The Town Attorney said that there was something that he noticed in the Planning Board comments with regard to the parking for the Grocery Store. He said from personal experience, the store being proposed hired a large number of employees because they had full kitchens and prepared foods. He said that the thought that the site could only have 47

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parking spaces when they had more than 47 employees was not feasible. The Town Attorney said that the Town needed to look at their Parking Standard. He said that the new concept in food stores was much different than when the Ordinance was written. He said that the stores had many more employees because they offer many more services. The Supervisor said that another comment from the Planning Board was to study placement of the parking behind the store and to eliminate the existing exit of the Somers Town Shopping Center onto Route 202. He encouraged the Developer to reach out to their neighbor.

Councilman Clinchy said that the units that were being proposed were going to be Geothermal. He asked if that included the grocery store as well. Mr. Boniello said that the grocery store was proposed to be Geothermal at that time.

Councilman Cirieco said that he was asked if the store was going to be leased or sold. Mr. Boniello said that had not been finalized.

There being no other comments from the public,

Thereupon motion of Supervisor Morrissey, seconded by Councilman Faulkner, the public hearing with regard to the Draft Environmental Impact Statement (DEIS) was declared closed with a ten (10) day written comment period and the public hearing with regard to the proposed Local Law to amend Chapter 170 entitled Zoning, Section 170-13C Multifamily Residence MFR District of the Code of the Town of Somers was adjourned indefinitely at 7:50 PM.

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Town Clerk

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APRIL 9, 2015 – PUBLIC HEARING

Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening April 9, 2015 at 7:55 PM that the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Rick Morrissey
	Councilman	Richard G. Clinchy
	Councilman	Anthony J. Cirieco
	Councilman	William G. Faulkner
ABSENT:	Councilman	Thomas A. Garrity, Jr.

Also present were Kathleen R. Pacella, Town Clerk, Patricia Kalba, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

The Supervisor said that this was two public hearings with regard to the Petition for the Extension of the Expansion of the Windsor Farm Water District and the Petition to Extend Somers Sewer District #1 that were going to be held simultaneously.

The Town Clerk presented affidavit of public notice of the public hearing that appeared in the Somers Record on March 26, 2015 and posted on the Town Clerk's bulletin board the same day.

The Supervisor declared the hearing open and asked for comments from the public.

Mr. Richard Williams, representing Insite Engineering, Site Civil Engineers of the Hidden Meadows Somers Project, introduced those present with him that evening. He said that this was a project that the Town Board was familiar with as they had been before them in the past and he explained the proposed project. He explained that a past meeting with the Town Board it was agreed that the Planning Board take over the project as Lead Agency and they had done so and they had spent the last year and half before the Planning Board. Mr. Williams said that the Planning Board had gone through a very thorough Environmental Assessment of the property. He said that ended at the January 28, 2015 Planning Board Meeting where the Planning Board unanimously adopted a Negative Declaration and that was what brought them back to the Town Board. He said that they were petitioning to be included into the Windsor Farm Water District and Somers Sewer District #1. Mr. Williams said that there were force mains that ran along the front of their property and that was how they were proposing to connect to the Public Sewer and that they were proposing to extend the water main that currently terminated at Windsor Road. He said that this proposal would assist with creating the loop of the water system. He said looking forward once the Water and Sewer Districts were extended they will stay before the Town Board at which time they will seek to have the Overlay Zone applied to the property. Mr. Williams said that once that was complete they would go back to the Planning Board for completion of the Subdivision and Site Plan.

Councilman Clinchy asked there had been any changes to the plan since they had been before the Town Board and if they was anything they should know about with regard to the project. Mr. Williams stated that the plans had stay substantially the same since they were last before the Board.

Councilman Clinchy said that a question that the Town Board had received from a member of the public was what benefit Somers got from this project. He said that he knew that looping the water system was a benefit and another benefit is the access to the recreation space. He asked what the current status of what the applicant could do to make it easier to use the space or improvements to the space.

Mr. Ken Kearney, Kearney Reality Group, explained that when they started the project they discussed the possibility of building an access road to the neighboring property which was owned by the Town of Somers. Councilman Clinchy said that he wanted to add that the property had been land locked and the Town had not been able to use that land. He said that was one of the advantages to the Town was opening up the property to use. Mr. Kearney said in order to open up his property they were doing a significant amount of work on Route 6. He explained that they were adding a turning lane and they were also working on the curb and grabbing some of the strormwater that was untreated. He said that they were putting a significant amount of money into stormwater mitigation. Mr. Kearney said that their initial thought was to continue the access road up to the Town of Somers property. He said that after discussions with the Planning Board, there had been mixed feelings about building a road to nowhere. He said that something will be done they were just not positive as to what at that time. Mr. Kearney said that they were going to be running the utilities up to the property line. Mr. Williams said that Mr. Kearney had agreed to work with the Town provided he was given direction.

Supervisor Morrissey said that it was his understanding that they were asking for bit of a redesign on the Site Plan. He asked if they could explain that to the Board. Mr. Williams explained that the changes were made to the space in the center of the property. He said that the Planning Board encouraged them to look at alternatives to expand the center green space and they were able to accommodate that request.

Councilman Clinchy asked if School buses would be able to make the turn in the development. Mr. Williams said that they reached out to the District to see if the buses would be coming into the site and the School District did not make that determination until they received a request once the development was completed. He said that they studied the bus movements both ways and the road ways were being designed so that they could come into the site.

The Supervisor asked what their status was with the Architecture Review Board. Mr. Williams said that he did not believe that they had submitted to the Architecture Review Board, the process that they had been focused on was completing the Environmental Review and having the Overlay applied. He said that they still had to go through the entire Site Plan and Subdivision process with the Planning Board.

The Supervisor asked the Town Attorney to walk them through the process of closing the public hearings and adopting the resolutions. The Town Attorney explained that after the Board closed the public hearings they had a Resolution to Extend the Windsor Farm Water District and a Resolution to Extend Sewer District #1.

Mr. Michael Blum, Chairman of the Somers Energy Environment Committee, said that they would very much like to share with the Developer their Complete Streets Project. He said that it was not just sidewalks, it was pathways and bikeways. He said that there may be a possibility to connect this as well as some other developments with the Complete Streets Project. Mr. Blum said that he would also like to encourage them to use Solar Energy. He said that it was a lot less expensive to start using the renewable energy from the start rather than retrofitting to an existing development. Mr. Kearney said that they were looking into that and he would have a conversation with Mr. Blum.

There being no one else to be heard on motion of Supervisor Morrissey, seconded by Councilman Cirieco, the public hearing with regard to the Expansion of the Windsor Farm Water District was declared closed at 8:15 PM.

There being no one else to be heard on motion of Supervisor Morrissey, seconded by Councilman Faulkner, the public hearing with regard to the Extension of Somers Sewer District #1 was declared closed at 8:15 PM.

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Town Clerk

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APRIL 9, 2015 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening April 9, 2015 at 6:15 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Rick Morrissey
	Councilman	Richard G. Clinchy
	Councilman	Anthony J. Cirieco
	Councilman	William G. Faulkner
ABSENT:	Councilman	Thomas A. Garrity, Jr.

Also present were Kathleen R. Pacella, Town Clerk, Patricia Kalba, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

The Supervisor said that it was in order for the Board to enter into an executive session with regard to personnel and contracts to return that evening.

Thereupon motion of Supervisor Morrissey seconded by Councilman Cirieco, the meeting was adjourned to an executive session with regard to personnel and contracts at 6:15 PM to return that evening.

7:15 PM – meeting reconvened

Legislator Kaplowitz County update

The Supervisor said that the Board had the privilege of having the Chairman of the Westchester County Board of Legislators, Town of Somers District 4 Legislator Michael Kaplowitz present that evening to update them on Westchester County. Legislator Kaplowitz stated that he had the honor of representing Somers along with District 2 Legislator Peter Harckham. He said that Legislator Harckham sent his regrets, he was unable to be present that evening. He said that Legislator Harckham would be joining him before the Town Board for their second update later in the year, he had also announced that he would not be running again. Legislator Kaplowitz said that for the 5th straight year there had been no raise to the County Taxes and Somers portion for that year was going up 0.83%, which was a manageable and reasonable increase. He pointed out that from 2001 to 2015 the total County tax increase was 3.51% and explained the increases and decreases that the communities received throughout those years. He said that the County Executive stated that he was going to put in for a 0% tax increase for the coming year and they would deal with that in November. Legislator Kaplowitz said that because unemployment was going in the right direction they were seeing consumer confidence was going up and that was reflected in Sales Taxes and Mortgage Tax Receipts. He said that the Town of Somers benefited from that because Westchester was one of the Counties that shared those things with the citizens on a municipal basis. He said that unfortunately the beginning part of this year they were seeing a slowing down of that, and hopefully that will pick back up.

Councilman Faulkner asked if there had been any thought about the weather with regard to the decrease in the Sales Tax. Legislator Kaplowitz said that they were hoping that was the case.

Legislator Kaplowitz he said that Bi-Partisanship was the means of getting things accomplished. He stated that the Town Board did that well on the Town level and he had been trying to introduce that as much as possible on the County level. He said that he felt that for the last year and a half they had accomplished that. Legislator Kaplowitz said that the 17 Legislators had been working more efficiently and better than previous Boards had in the past. He said that they had all been focused on the outcomes and being productive. He stated that this was credited to all of the County Legislators and the County Executive and his office. Legislator Kaplowitz said that there were disagreements but they were handling them respectfully. The Supervisor said that the Town recognized under Legislator Kaplowitz's leadership that County Government had become more efficient and they were

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getting down to the business of running the County. He said that the Town appreciated that very much.

Legislator Kaplowitz said with regard to the County Budget there were things people did not recognize. He said that about 40% of the Budget was Social Services, services to people who needed assistance. He said that there were a lot of Children Programs in the budget.

Legislator Kaplowitz said with regard to Affordable Housing, if the Town had projects that a Developer wanted to develop they were willing to do anything that could be done on the County level. He said that they had the 2009 Affordable Housing Settlement requirement and an economic and moral rational for building Affordable Housing. He said that kudos was noted by the Monitor for Somers efforts and their projects going forward. Legislator Kaplowitz said that they were going to continue to work with the Town and assist with the Sewer District resources where necessary.

Legislator Kaplowitz said that they were on track with the 2009 Housing Settlement. He said that there had been 750 units built and they barely got over that line on December 31, 2014. He said that they needed to do better to ensure they get 750 units by the end of next year.

Legislator Kaplowitz said that an area that they fell down a bit but were able to replace it was with the Community Development Block monies (CDBG). He said that people were not aware that the County receives $5,000,000.00 to $7,000,000.00 a year of their money back from the Federal Government. He said that in 2011, 2012, 2013 and 2014 they lost $22,500,000.00 of that money. Legislator Kaplowitz said that they did sue to try to recover some of that and they had been unsuccessful thus far. He said that with the help of Congresswomen Nina Lowey, the New York State Governor and working with HUD they did recover 2015 and beyond. He said that because Somers had moved in the building of Affordable Housing where other communities had done nothing they were looking at ways of getting the Town their fair share. Legislator Kaplowitz said that this money could be used for low and median income areas, Seniors, sidewalks and for a number of things that the Town was aware of. He said that HUD would be rolling out with the Congresswoman the criteria and the process to get the application and submitting.

Legislator Kaplowitz said that the Westchester Knicks were new to the County Center. He said that they had a real good season and it was fun to have them in the County. He said that they made Westchester their home this past season.

Legislator Kaplowitz said that the Atlantic Bridge Pipeline project had risen some concern within the Town of Somers. He said that what they had done on the County level was attend meetings, passed resolutions, interceded and discussed the potential effects this could have on park lands and communities. He said that health and safety were major concerns and although they did not have jurisdictions they stood with the Town. Councilman Clinchy said that there had been good news for Somers with regard to the project. The Supervisor said that he received an email that day confirming the fact that the Atlantic Bridge Project, which was going to heavily impact the Town of Somers had ratcheted back the volume of gas that was needed. He said that moved the terminus of the pipeline out of the Preserve to somewhere off of Route 6. He said that he was not aware of where on Route 6 it was going to be placed. The Supervisor said that it was no longer being developed through 53 homes in the Preserve.

Legislator Kaplowitz said that since 2005 he had tried to get an Energy Department and a go to person at the County. He said that there were a lot grant monies and opportunities and on Monday they would be legislating to have an Energy Director. He said that they were going to work with NYPA so that they would have a go to person. Legislator Kaplowitz said that they were going to be able to assist Businesses, Individuals and Municipalities.

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Legislator Kaplowitz thanked the Board for their time that evening. The Supervisor thanked Legislator Kaplowitz for all that he did for the Town of Somers.

The Supervisor said that it was in order for the Board to open the continuation of the public hearings with regard to the Draft Environmental Impact Statement and a proposed Local Law to amend Chapter 170 entitled Zoning, Section 170-13C Multifamily Residence MFR District of the Code of the Town of Somers.

7:35 PM – hearing opened
7:50 PM – meeting reconvened

The Supervisor said that it was in order for the Board to open two public hearings with regard to the Petition for the Extension of the Expansion of the Windsor Farm Water District and the Petition to Extend Somers Sewer District #1.

7:55 PM – hearing opened
8:15 PM – meeting reconvened

Extend the Windsor Farm Water District

The Supervisor said that it was in order for the Board to adopt a Resolution to extend the Windsor Farm Water District as follows:

RESOLUTION TO EXTEND THE WINDSOR FARMS WATER DISTRICT

WHEREAS, a Petition, Map and Plan have been prepared by KEARNEY REALTY AND DEVELOPMENT GROUP, INC. dated February 26, 2015, for the extension of The Windsor Farms Water District of the Town of Somers, New York, and duly presented to this Town Board; and

WHEREAS, an Order was duly adopted by the Town Board on March 12, 2015, reciting the filing of said petition, the improvements proposed, the boundaries of the proposed extension, and the estimated expenses thereof and specifying April 9, 2015, at 7:30 p.m. as the time and the Town Hall in said Town as the place where the said Board would meet to consider the petition and to hear all persons interested in the subject thereof, concerning the same; and

WHEREAS, such Order was duly posted, published and served as required by law; and

WHEREAS, a hearing in the matter was duly held by the Board on the 9th day of April, 2015, commencing at 7:30 p.m. o'clock at the Town Hall in said Town and considerable discussion upon the matter having been had, and all persons desiring to be heard having been duly heard and thereupon the hearing being duly closed; and

WHEREAS, the Planning Board as Lead Agency under SEQRA adopted a Negative Declaration on January 28, 2015, having conducted a complete environmental review under SEQRA; and

WHEREAS, the Town Board has reviewed the submissions for the Proposed Action and, in particular, the subsections pertaining to the proposed expansion of The Windsor Farms Water District; and

WHEREAS, based upon its review of the submitted petition and the environmental record for the Proposed Action, the Town Board makes the following environmental findings pursuant to SEQRA:

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1. As discussed in the Water Engineering Report, there is adequate capacity in the existing system to service the project.

2. In view of the documented need for looping the water supply system in this portion of the District, the Applicant has agreed with input from the Town Engineer to design and install same.

3. The Town Board has given due consideration to the environmental proceedings conducted by the Planning Board.

4. The Town Board has weighed and balanced relevant environmental impacts with social, economic and other considerations.

5. These SEQRA Findings provide a rationale for the Board's decision(s).

6. The Town Board hereby certifies that the requirements of Part 617 of Title 6 NYCRR have been met.

7. The Town Board hereby certifies that consistent with the social, economic and other essential considerations, from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

NOW, upon the evidence given at such hearing and on motion of Supervisor Morrissey, seconded by Councilman Clinchy, it is

RESOLVED AND DETERMINED, that (a) the petition aforesaid is signed and acknowledged or proved as required by law; it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers with respect to the boundaries of the proposed district extension as herein approved and it is otherwise sufficient; (b) all property and property owners within the proposed district extension are benefitted thereby; (c) all the property and property owners benefitted are included within the limits of the proposed district expansion; and (d) that it is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED, that the extension of The Windsor Farms Water District as proposed in said petition be approved; that such extension be designated as "the Hidden Meadows Extension"; that the improvements to be constructed by the Petitioner or its successors therein mentioned be constructed at the sole cost and expense of the Petitioner, and such extension be bounded and described as set forth in Schedule A attached hereto; and it is further

RESOLVED, that the Town Clerk shall file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control in Albany, New York and record same with the County Clerk, County of Westchester, Division of Land Records within ten (10) days hereof.

Roll Call:	Vote:
Hon. Rick Morrissey	Aye
Councilman Anthony J. Cirieco	Aye
Councilman William G. Faulkner	Aye

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Councilman Richard G. Clinchy	Aye
Councilman Thomas A. Garrity, Jr.	Absent

SCHEDULE A

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Somers, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at a point on the southerly side of Route 6 where the same is intersected by the westerly side of lands of the City of New York;

THENCE southerly along lands of the City of New York, South 30 degrees 01' 40" East 67.93 feet to a monument;

THENCE still southerly along lands of the City of New York, South 16 degrees 21' 00" East 371.99 feet to lands of Algonquin Gas Transmission Company;

THENCE southwesterly along same, South 54 degrees 40' 55" West 817.78 feet to an angle point;

THENCE westerly still along lands of Algonquin Gas Transmission Company, North 86 degrees 12' 40" West 206.98 feet;

North 85 degrees 59' SO" West 127.1 feet;
North 85 degrees 37' 40" West 163.84 feet to a stone wall;

THENCE northerly along center of wall, North 16 degrees 55' 25" East 186.61 feet;

North 16 degrees 48' 10" East 60.85 feet;
North 15 degrees 22' 50" East 198.36 feet;
North 16 degrees 02' 25" East 157.63 feet;
North 15 degrees 53' 55" East 99.62 feet;
North 9 degrees 25' 40" East 67.09 feet;
North 5 degrees 35' 00" East 220.70 feet to the southerly side of Route 6;

THENCE easterly along Route 6, South 71 degrees 12' 30" East 223.20 feet;

South 77 degrees 15' 30" East 263.40 feet;
South 58 degrees 22' 40" East 73.56 feet;
South 85 degrees 40' 20" East 31.53 feet
North 72 degrees 10' 50" East 118.14 feet;
North 70 degrees 07' 20" East 135.65 feet to the point or place of BEGINNING.

Extend the Somers Sewer District No. 1

The Supervisor said that it was in order for the Board to adopt a Resolution to extend the Somers Sewer District No. 1 as follows:

RESOLUTION TO EXTEND THE SOMERS SEWER DISTRICT NO. 1

WHEREAS, a Petition, Map and Plan have been prepared by KEARNEY REALTY AND DEVELOPMENT GROUP, INC. dated February 26, 2015, for the extension of Sewer District No. 1 of the Town of Somers, New York, and duly presented to this Town Board; and

WHEREAS, an Order was duly adopted by the Town Board on March 12, 2015, reciting the filing of said petition, the improvements proposed, the boundaries of the proposed extension, and the estimated expenses thereof and specifying April 9, 2015, at 7:30 p.m.

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as the time and the Town Hall in said Town as the place where the said Board would meet to consider the petition and to hear all persons interested in the subject thereof, concerning the same; and

WHEREAS, such Order was duly posted, published and served as required by law; and

WHEREAS, a hearing in the matter was duly held by the Board on the 9th day of April, 2015, commencing at 7:30 p.m. o'clock at the Town Hall in said Town and considerable discussion upon the matter having been had, and all persons desiring to be heard having been duly heard and thereupon the hearing being duly closed; and

WHEREAS, the Planning Board as Lead Agency under SEQRA adopted a Negative Declaration on January 28, 2015, having conducted a complete environmental review under SEQRA; and

WHEREAS, the Town Board has reviewed the submissions for the Proposed Action and, in particular, the subsections pertaining to the proposed expansion of Somers Sewer District #1; and

WHEREAS, based upon its review of the submitted petition and the environmental record for the Proposed Action, the Town Board makes the following environmental findings pursuant to SEQRA:

1. As discussed in the Wastewater Engineering Report, there is adequate capacity in the existing system to service the project.

2. The Petitioner is proposing to construct a pump station on the subject site that will pump sewage into the force main along U.S. Route 6 leading to the County Peekskill Hollow Sewage Treatment Plant. This pump station would be constructed by the Petitioner and will ultimately be owned and operated by Somers Sewer District #1.

3. Connection to the sewer district will eliminate several problems that would be associated with an on-site sewage disposal system, including on-site impacts associated with treatment and disposal, plant operational costs, reservation of land to accommodate an on-site plant, reservation of land to accommodate disposal fields and buffers for noise and odor.

4. Consistent with the Wastewater Engineering Report upon approval of the proposed expansion of Sewer District #1, it is the Town Board's intention to petition the Westchester County Board of Legislators to extend the boundaries of the Peekskill Hollow Sewer District to include Petitioner's property therein.

5. The Town Board has given due consideration to the environmental proceedings conducted by the Planning Board.

6. The Town Board has weighed and balanced relevant environmental impacts with social, economic and other considerations.

7. These SEQRA Findings provide a rationale for the Board's decision(s).

8. The Town Board hereby certifies that the requirements of Part 617 of Title 6 NYCRR have been met.

9. The Town Board hereby certifies that consistent with the social, economic and other essential considerations, from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be

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avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

NOW, upon the evidence given at such hearing and on motion of Supervisor Morrissey, seconded by Councilman Clinchy, it is

RESOLVED AND DETERMINED, that (a) the petition aforesaid is signed and acknowledged or proved as required by law, it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers with respect to the boundaries of the proposed district extension as herein approved and it is otherwise sufficient; (b) all property and property owners within the proposed district extension are benefitted thereby; (c) all the property and property owners benefitted are included within the limits of the proposed district expansion; and (d) that it is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED, that the extension of the Somers Sewer District No. 1 as proposed in said petition be approved; that such extension be designated as "The Hidden Meadows Extension"; that the improvements to be constructed by the Petitioner or its successors therein mentioned be constructed at the sole cost and expense of the Petitioner, and such extension be bounded and described as set forth in Schedule A attached hereto; and it is further

RESOLVED, that the Town Clerk shall file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control in Albany, New York and record same with the County Clerk, County of Westchester, Division of Land Records within ten (10) days hereof.

Roll Call:	Vote:
Hon. Rick Morrissey	Aye
Councilman Anthony J. Cirieco	Aye
Councilman William G. Faulkner	Aye
Councilman Richard G. Clinchy	Aye
Councilman Thomas A. Garrity, Jr.	Absent

SCHEDULE A

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Somers, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at a point on the southerly side of Route 6 where the same is intersected by the westerly side of lands of the City of New York;

THENCE southerly along lands of the City of New York, South 30 degrees 01' 40" East 67.93 feet to a monument;

THENCE still southerly along lands of the City of New York, South 16 degrees 21' 00" East 371.99 feet to lands of Algonquin Gas Transmission Company;

THENCE southwesterly along same, South 54 degrees 40' 55" West 817.78 feet to an angle point;

THENCE westerly still along lands of Algonquin Gas Transmission Company, North 86

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degrees 12' 40" West 206.98 feet;

North 85 degrees 59' SO" West 127.1 feet;
North 85 degrees 37' 40" West 163.84 feet to a stone wall;

THENCE northerly along center of wall, North 16 degrees 55' 25" East 186.61 feet;

North 16 degrees 48' 10" East 60.85 feet;
North 15 degrees 22' 50" East 198.36 feet;
North 16 degrees 02' 25" East 137.63 feet;
North 15 degrees 53' 55" East 99.62 feet;
North 9 degrees 25' 40" East 67.09 feet;
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South 77 degrees 15' 30" East 263.40 feet;
South 58 degrees 22' 40" East 73.56 feet;
South 85 degrees 40' 20" East 31.53 feet
North 72 degrees 10' 50" East 118.14 feet;
North 70 degrees 07' 20" East 135.65 feet to the point or place of BEGINNING.

Petition the County Board of Legislators to extend the County District

The Town Attorney said that the Town Board also needed to Petition the County Board of Legislators to extend the County District to include the Hidden Meadows property that they just extended their local Sewer District to.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Cirieco, it was unanimously,

RESOLVED, that the Town Board of the Town of Somers hereby authorizes the Attorneys for the Town to prepare a Petition to the Westchester County Board of Legislators to extend the Peekskill Hollow Sewer District to include the boundaries of the Hidden Meadows extension area of Somers Sewer District No. 1, and be it further

RESOLVED, that upon preparation thereof, the Supervisor be authorized to execute and file same with the Board of Legislators of Westchester County.

Motion made by Supervisor Morrissey

Seconded by Councilman Cirieco

Roll Call:	Vote:
Hon. Rick Morrissey	Aye
Councilman Anthony J. Cirieco	Aye
Councilman William G. Faulkner	Aye
Councilman Richard G. Clinchy	Aye
Councilman Thomas A. Garrity, Jr.	Absent

Monthly reports

The Town Clerk presented monthly reports from the Town Clerk, Building Inspector, Parks and Recreation, Tax Receiver, Planning and Engineering, Zoning, Plumbing and Bureau of Fire Prevention.

Earth Week Activities

The Supervisor said that the next item on the agenda was an update from the Energy Environment Committee with regard to activities for Earth Week. Ms. Flo Brodley, Somers Energy Environment Committee, said that that Earth Day was celebrated on April

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22nd, the Town of Somers through the Energy Environment Committee was honoring the Town's commitment to Sustainability with a comprehensive calendar of events for the entire week. She pointed out the different events and urged all to participate as much as they could.

Public Hearing for propose Chapt. 135

The next item on the agenda was with regard to scheduling a public hearing with regard to a proposed Local Law to add Chapter 135 entitled Property Maintenance to the Code of the Town of Somers on May 14, 2015.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Faulkner, it was unanimously,

RESOLVED, that the Town Board does hereby schedule a public hearing with regard to a proposed Local Law to add Chapter 135 entitled Property Maintenance to the Code of the Town of Somers on May 14, 2015.

Bond Refunding of the Angle Fly Preserve Bond

The Supervisor said that the next item was to authorize Bond Refunding of the Angle Fly Preserve Bond. He explained that the interest rates were down since the Bond was taken to finance the purchase of the Angle Fly Preserve. He said that this was a saving of more than $20,000.00 a year and about $450,000.00 over the life of the Bond. The Supervisor said that the Director of Finance will provide the Board with more information for the next meeting.

PERSONNEL:

Current Vacancies:

Somers Energy Environmental Committee
Affordable Housing Board (5 – unexpired 2 year term ending July 11, 2015)
Assessment Board of Review (1 – unexpired 5 year term ending September 30, 2015)
Library Board of Trustees (1 – 5 year terms ending December 31, 2014)
Planning Board (1 – 7 year term ending December 31, 2021)

Medicare Part "B" reimbursts.

The Supervisor said that it was in order for the Board to authorize Medicare Part "B" reimbursements to retirees for the period of September 1, 2014 to December 31, 2014.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Clinchy, it was unanimously,

RESOLVED, that the Town Board does hereby authorize Medicare Part "B" reimbursements to retirees for the period of September 1, 2014 – December 31, 2014 per memo dated April 7, 2015 from Robert Kehoe, Director of Finance.

Consensus agenda

The next item on the agenda was the consensus agenda. The Supervisor said with regard to item number 10 language needed to be added. He said that it should read: Sustainable Westchester, Inc. in concert with the Somers Energy Environment Committee will issue an RFP for bids. He said by adding that to the resolution it will allow for the Town to become part of the bidding process.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Faulkner, it was unanimously,

Purchase of handicap accessible/ inclusive playground equipment

1a. RESOLVED, that the Town Board does hereby authorize to purchase the and execute contracts with Game Time for handicap accessible/inclusive playground equipment (on State Bid) to replace the original handicap accessible piece in Reis Park per memo dated March 26, 2015 from Steven Ralston, Superintendent of Parks & Recreation.

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Execute agreement for installation of equipment

1b. RESOLVED, that the Town Board does hereby authorize permission to execute agreement for installation of equipment with Pat Corsetti in the amount of $16,725.00 per memo dated March 26, 2015 from Steven Ralston, Superintendent of Parks & Recreation.

Use of donation of monies from the Gilbert Beaver Farm, Inc.

1c. RESOLVED, that the Town Board does hereby authorize use of donation of monies from the Gilbert Beaver Farm, Inc. in the amount of $48,450.00 per memo dated March 26, 2015 from Steven Ralston, Superintendent of Parks & Recreation.

Allocate partial payment of the equipment

1d. RESOLVED, that the Town Board does hereby give permission to allocate $25,000.00 for partial payment of the equipment as designated per memo dated March 26, 2015 from Steven Ralston, Superintendent of Parks & Recreation.

Bid for Summers Camp Trips Transportation

1e. RESOLVED, that the Town Board does hereby give permission to go to bid for Summer Camp Trips Transportation per memo dated March 26, 2015 from Steven Ralston, Superintendent of Parks & Recreation.

Additional Escrow Account for the Somers Crossing project

2. RESOLVED, that the Town Board does hereby authorize additional Escrow Account monies in the amount of $24,500.00 for the Somers Crossing project per memo dated March 11, 2015 from Joseph Barbagallo, P.E., Town Consulting Engineer.

4 Girls Varsity Soccer Team State Champions Signs

3. RESOLVED, that the Town Board does hereby authorize approval of four (4) Girls Varsity Soccer Team State Champions Signs (30" x 30") per the Architectural Review Board (ARB) approval, and

DOES HEREBY, refer placement of the signs to the Superintendent of Highways.

30 Day Waiver for the Pub at Somers

4. RESOLVED, that the Town Board does hereby authorize waiving of 30 day notice for application of a new liquor license for The Pub at Somers, Inc. "The Pub", 152 Route 202, Lincolndale, NY 10540.

Accept Erosion Control Bond

5. RESOLVED, that the Town Board does hereby accept Erosion Control Bond in the amount of $500.00 from AT&T Mobility c/o Bechtel (applicant) for Stormwater Management and Erosion and Sediment Control for 17.05-20-2 & 3 and West Hill Drive ROW per memo dated March 23, 2015 from Wendy Getting, Senior Office Assistant.

Execute Westchester County Department of Senior Programs and Services

6. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the following with the Westchester County Department of Senior Programs and Services per memo dated March 23, 2015 from Barbara Taberer, Nutrition Program Director:

a. 2015 IIIC-1 Federal Funds = $15,747.00, Corresponding NSIP = $5,825.00
IIIC-2 Federal Funds = $13,449.00, Corresponding NSIP = $4,975.00

b. AAA Transportation Services Second Amendment for PY 2015/2016 in the amount of $6,324.00.

c. Title III-B Transportation Services Second Amendment PY 2015 Federal Funding in the amount of $3,483.00.

Refund Bonds

7. RESOLVED, that the Town Board does hereby authorize the refund of the following Bonds per memos from Syrette Dym, AICP, Director of Planning and Steven Woelfle, Principal Engineering Technician:

a. $ 225.00 – AT&T Mobility Steep Slopes Permit Application Fee –

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17.05-1-6.

b. $1,000.00- Degasperis for T.J./Lloyd Taft Erosion/Sediment Control Permit 38.13-2-10.5

Correction to an Erosion Control Bond

8. RESOLVED, the Town Board does hereby authorize correction of Silvio Management for the Hallic Place Wright's Court Site "B" Site Plan Erosion Control Release in the amount of $4,516.00 from Tax Map 17.11-1-5 & 18 to the corrected Tax Map 17.11-1-5 per memo dated March 18, 2015 from Steven Woelfle, Principal Engineering Technician.

Support International Awareness Day

9. RESOLVED, that the Town Board does hereby adopt resolution of support for International Noise Awareness Day on Wednesday, April 29, 2015.

WHEREAS, Noise Awareness Day, sponsored by The League of the Hard of Hearing, is being observed in the Town of Somers and throughout the world on the twenty ninth day of April 2015, and

WHEREAS, exposure to excessive noise can and does permanently damage hearing, and excessive noise is also detrimental to the quality of life, for New Yorkers. The League for the Hard of Hearing and the New York City Department of Environmental Protection (DEP) have developed a public/private partnership that is working with many city agencies to address noise related problems that impact on the quality of life in our city and towns; and

WHEREAS, New Yorkers and visitors are already noticing lower noise levels on the streets and in public places, we can all help by being good neighbors, by reporting excessive noise and by refusing to put ourselves, our neighbors and our children in danger of permanent hearing loss,

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Somers, in recognition of this important initiative, does hereby proclaim, Wednesday, April 29, 2015 in the Town of Somers as "NOISE AWARENESS DAY."

Participate in a Community Choice Aggregation Pilot Program

10. RESOLVED, that the Town Board does hereby pass resolution to participate in a Community Choice Aggregation Pilot Program to allow residents to purchase electricity from energy service companies, and

WHEREAS, Sustainable Westchester, Inc., a not-for-profit organization comprised of several municipalities in Westchester County, including the Town of Somers, sought approval of a demonstration community choice aggregation ("CCA") program in Westchester County, which would allow local governments to participate in a Sustainable Westchester program to procure energy supply from energy service companies ("ESCOs") for the residents of the municipalities, and

WHEREAS, on February 26, 2015, the Public Service Commission of the State of New York approved implementation of the first community choice aggregation ("CCA") pilot program in New York State, which allows Sustainable Westchester to put out for bid the total amount of natural gas or electricity being purchased by local residents or small businesses, and

WHEREAS, the program is intended to provide consumers with the ability to lower their overall energy costs, and

WHEREAS, the potential benefits of CCA programs include price stability for a fixed contract term, lower prices, more favorable contract terms, and

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the ability to design a program that reflects local preferences and needs, including a preference for cleaner power sources, and

WHEREAS, the Westchester pilot program is intended to include residential and small non-residential customers, and to permit the aggregation of both electric and natural gas purchases, and

WHEREAS, Sustainable Westchester, Inc. in concert with Somers Environment and Energy Committee, will issue a Request for Proposal (RFP) to suppliers to provide energy to participants, and will then award a contract, and

WHEREAS, Sustainable Westchester, Inc. or the Town of Somers will request individual customer data from the utility, and the selected supplier will then notify the bundled customers of the contract terms and the customer's opportunity to opt-out of the program within twenty (20) days;

NOW THEREFORE, BE IT RESOLVED, that the Town of Somers shall enter into an agreement to participate in a Sustainable Westchester program for its residents and business consumers who are not currently purchasing electricity from an energy service company (ESCO), only if: 1) the default price is guaranteed to be consistently less than the utility price for the same period; or 2) the default price is fixed at a level that is less than the average utility price for the same commodity, for the same customer class, over the preceding twelve month period; or 3) the default price is at first set at a level that is less than the average utility price for electricity, for the same customer class, over the preceding twelve month period, and only floats upward by less than twenty-five percent (25%) of the price increases implemented by the utilities, and

BE IT FURTHER RESOLVED, that the Supervisor of the Town of Somers is hereby authorized to execute any and all documents to give effect to this resolution.

Annual Town wide roadside litter cleanup

11. RESOLVED, that the Town of Somers does hereby announce the Annual Town wide roadside litter cleanup for April 12 through April 26, 2015.

Return of Snow Maintenance Bond

12. RESOLVED, that the Town Board does hereby authorize the return of the following Snow Maintenance Bonds per memos dated March 25, 2015 from Steven Woelfle, Principal Engineering Technician:

a. $4,070.00 – Lafayette Street Properties for the Wooded Acres Subdivision.
b. $1,600.00 – Mrs. A. Pacheco for the Maple Ridge Subdivision.

Request for Stop Sign

13. RESOLVED, that the Town Board does hereby refer a request for a stop sign at the intersection of Entrance and Buenta Way to the Somers Police, Superintendent of Highways and Principal Engineering Technician for review and comment.

Renewal of Lincoln Hall Citizens Task Force

14. RESOLVED, that the Town Board does hereby authorize the renewal of the Lincoln Hall Citizens Task Force to serve at the pleasure of the Town Board.

Transfer to the General Fund for Snow Maintenance Deposits

15. RESOLVED, that the Town Board does hereby authorize transfer of $9,952.00 to the General Fund for Snow Maintenance Deposits per memo dated March 26, 2015 from Steven Woelfle, Principal Engineering Technician.

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Execute an Easement and Maintenance Agreement with Somers Realty Corp.

16. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute an Easement and Maintenance Agreement with Somers Realty Corp. for the Sewer Pump Station Parcel located on property of Somers Realty.

Transfer to the General Fund for the Chase Manhattan Bank Erosion Control Bond

17. RESOLVED, that the Town Board does hereby authorize transfer of $1,221.00 to the General Fund for the Chase Manhattan Bank Erosion Control Bond per memo dated March 26, 2015, from Steven Woelfle, Principal Engineering Technician.

The Supervisor said that that there was a correction that was needed to be made to the March 12, 2015 agenda. He said they adopted a resolution with regard to a new Cingular Wireless at Heritage Hills refund for $1,800.00. He said that the refund should be for $1,840.00.

The Supervisor said that the Town of Emergency Shelter Training was going to be held on Saturday, April 11, 2015 from 8:30 AM to 3:00 PM at the Heritage Hills Lake Lodge.

The Supervisor said that the Somers Lion's Pancake Breakfast was going to be held on Saturday, April 11, 2015. He said that over 1,500 breakfasts will be served and that this was quite a community event.

The Supervisor said that Somers Litter Taskforce was hosting their Roadside Cleanup from April 12th through April 26th. He said that bags and gloves will be handed out at the Lion's Club Pancake Breakfast, the Town House and the Somers Library. He said that the orange bags should be left on the roadsides and either the Town of Somers Highway Department or the State DOT will pick them up.

The Supervisor said the Somers E-Waste Recycling Day was being held on April 18th from 9:00 AM to 5:00 PM in the parking lot between Somers Intermediate School and the Somers Middle School. He said that this was a great opportunity to get rid on old dysfunctional computers and items of that nature. He said that the event was being sponsored by the Somers PTA and City Carting and there was a flyer on the Town Website of acceptable items. Councilman Clinchy said that there also will be a shredder available for $5.00 per box.

The Supervisor said sign up for Parks and Recreation 2015 Spring and Summer programs was available on the Town Website under the Parks and Recreation tab.

Councilman Faulkner said that the Somers Education Foundation Gala was being held on Saturday, April 18th and they will be honoring four new inductees into the Somers Hall of Fame. He said that there were still seats available and urged all to join them for a fun filled evening.

Councilman Cirieco said that Partners in Prevention was having a Meet and Greet meeting on the Somers Middle School Library on April 28th at 7:00 PM. He invited everyone to come out and meet the Committee and be introduced to what they were trying to accomplish.

Claims for the payment of all Town Bills in the amount of $686,131.62 were presented and allowed for payment as shown on the Abstract of Audited Claims on file in the office of the Town Clerk.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Faulkner, the meeting was adjourned at 8:45 PM.

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Town Clerk

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MAY 7, 2015 – WORK SESSION

Minutes of a work session meeting of the Town Board, Town of Somers held on Thursday evening May 7, 2015 at 6:05 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Rick Morrissey
	Councilman	Thomas A. Garrity, Jr.
	Councilman	Anthony J. Cirieco
ABSENT:	Councilman	Richard G. Clinchy
	Councilman	William G. Faulkner

The Supervisor said that it was in order for the Board to enter into an executive session with regard to personnel.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Garrity, the meeting was adjourned to an executive session with regard to personnel at 6:05 PM to return that evening.

7:05 PM – meeting reconvened

Councilman Clinchy and Councilman Faulkner were present at 7:05 PM

The Supervisor said that before this evenings meeting the Board wanted to recognize the Somers Boys and Girls Indoor Track Teams. He said that each of the individuals had represented the Town of Somers in their different Track Events and both Teams won the title of New York State, Section One, Class A, Champions. He read and presented each Team a proclamation from the Town Board.

This being a work session the following actions were taken:

The Supervisor said that the Somers Energy Environment Committee requested that they adopt two resolutions that evening.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Garrity, it was unanimously,

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute a Memorandum of Understanding (MOU) by and between Booz Allen Hamilton, Inc. and the Town of Somers.

Thereupon motion of Councilman Garrity, seconded by Councilman Clinchy, it was unanimously,

RESOLVED, that the Town Board does hereby authorize and endorse the Municipal Grant Request Application as follows:

WHEREAS, the Town of Somers is applying to the Hudson River Valley Greenway for a grant under the Hudson River Valley Greenway Grant Program for a project entitled Complete Streets to be located in the Town of Somers,

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project in located;

NOW THEREFORE, BE IT RESOLVED, that the governing Board of the Town of Somers hereby does approve and endorse the application for a grant under the Hudson River Valley Greenway Grant Program, for a project known as Complete Streets and located within this community.

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This being a work session no further actions were taken.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Faulkner, the meeting was adjourned at 11:00 PM.

The Supervisor said that it was in order for the Board to reopen the May 7, 2015 Town Board work session at 11:00 PM to make a series of appointments.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Cirieco, it was,

RESOLVED, that the Town Board does hereby appoint Jan Corning to the Somers Planning Board to a seven (7) year term ending December 31, 2021.

Councilman Clinchy abstained

Thereupon motion of Supervisor Morrissey, seconded by Councilman Garrity, it was unanimously,

RESOLVED, that the Town Board does hereby appoint Sari Maenza to the Lincoln Hall Task Force to serve at the pleasure of the Board.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Faulkner, it was unanimously,

RESOLVED, that the Town Board does hereby appoint Ellen Devey to the Somers Affordable Housing Board to a term ending July 11, 2015.

Thereupon motion of Supervisor Morrissey, seconded Councilman Faulkner, the meeting was declared closed at 11:03 PM

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Town Clerk

MAY 14, 2015 – PUBLIC HEARING

Minutes of a public hearing of the Town Board Town of Somers held on Thursday evening May 14, 2015 at 7:15 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Rick Morrissey
	Councilman	Richard G. Clinchy
	Councilman	Thomas A. Garrity, Jr.
	Councilman	William G. Faulkner
ABSENT:	Councilman	Anthony J. Cirieco

Also present were Kathleen R. Pacella, Town Clerk, Patricia Kalba, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

The Supervisor explained that this was a public hearing with regard to a proposed Local Law to consider adding Chapter 135 entitled Property Maintenance to the Code of the Town of Somers.

The Town Clerk presented affidavit of public notice of the public hearing that appeared in the Somers Record on April 30, 2015 and posted on the Town Clerk's bulletin board the same day.

The Supervisor declared the hearing open and asked for comments from the public.

Mr. Richard Nash, Somers Litter Task Force, said that they were trying very diligently to beautify the Town. He thanked the Board for all of their support and all that they did to make the cleaning of the Town easier. Councilman Faulkner thanked Mr. Nash and the rest of the Task Force for everything that they did for the Town. The Supervisor thanked Mr. Nash for adopting Lake Road and for all of the time he put into cleaning up that area. Mr. Nash said that he felt that if this was enforced with fines it would make people think before they litter and keep their properties clean. Councilman Garrity said that he applauded the efforts of Mr. Nash and Ms. Moravick for all of the efforts getting the Task Force started. Mr. Nash said that they did form a Not-For-Profit Organization and they were hoping to get people to support that so that they can continue their efforts.

Councilman Garrity asked if this was indicating that if there was an abandoned house the Town could find out the cost of repairing it and place a lien on the residence. The Town Attorney explained that this Local Law was with regard to property maintenance. He said that it piggybacked on the New States Building Maintenance Code. Councilman Garrity asked if it addressed the yards. The Town Attorney said that it addressed the yards as well. He explained that New York State Building Code had everything that the Town wanted except for the ability to Lien and that was what the Local Law did for the Town.

There being no one else to be heard on motion of Supervisor Morrissey, seconded by Councilman Garrity, the public hearing was declared closed at 7:25 PM

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Town Clerk

MAY 14, 2015 – REGULAR MEETING

Minutes of a regular meeting of the Town Board Town of Somers held on Thursday evening May 14, 2015 at 6:05 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Rick Morrissey
	Councilman	Richard G. Clinchy
	Councilman	Thomas A. Garrity, Jr.
	Councilman	William G. Faulkner
ABSENT:	Councilman	Anthony J. Cirieco

Also present were Kathleen R. Pacella, Town Clerk, Patricia Kalba, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

The Supervisor said that it was in order for the Board to enter into an executive session with regard to contract negotiations.

Thereupon motion of Supervisor Morrissey, Councilman Faulkner the meeting was adjourned to an **executive session with regard to contract negotiations at 6:05 PM to return** that evening.

7:15 PM – meeting reconvened

The Supervisor invited the two Boy Scouts who were present that evening to lead the Pledge of Allegiance. Councilman Garrity introduced Boy Scouts Declan Talleur and Eric Danmeyer and explained that they were both working towards earning their Eagle Scout Award and needed to attend a Civic Event. He said that they were both great young men who work well with the younger Scouts.

The Supervisor said that it was in order for the Board to open a public hearing with regard to a proposed Local Law to consider adding Chapter 135 entitled Property Maintenance to the Code of the Town of Somers.

7:15 PM – hearing opened
7:25 PM – meeting reconvened

The Supervisor said that it was in order for the Board to adopt a Negative Declaration with regard to a proposed Local Law to consider adding Chapter 135 entitled Property Maintenance to the Code of the Town of Somers.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Clinchy, it was unanimously,

RESOLVED, that the Town Board does hereby adopt a Negative Declaration with regard to a proposed Local Law to consider adding Chapter 135 entitled Property Maintenance to the Code of the Town of Somers.

The Supervisor said that it was in order for the Town Board to adopt a Local Law to consider adding Chapter 135 entitled Property Maintenance to the Code of the Town of Somers.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Clinchy it was unanimously,

RESOLVED, that the Town Board does hereby adopt a Local Law to consider adding Chapter 135 entitled Property Maintenance to the Code of the Town of Somers as follows:

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A Local Law to Amend the Code of the Town of Somers by adding Chapter 135 entitled Property Maintenance.

Be It Enacted by the Town Board of the Town of Somers as follows:

Chapter 72 entitled BRUSH, GRASS AND WEEDS is hereby rescinded.

Chapter 135. PROPERTY MAINTENANCE

§135-1. Legislative intent.

The Town Board of the Town of Somers hereby determines that it is necessary for the health, safety, appearance and general welfare of the residents of the Town of Somers to provide a method whereby improved properties and public lands within the Town are clean, properly maintained and free from vermin, nuisances, hazards, debris and litter. The Town Board acknowledges the existence of the Property Maintenance Code of New York State (2010) as amended and that its administration and enforcement is the responsibility of the Building Inspector. The provisions of said Code are incorporated herein and made a part hereof.

§135-2. Enforcement and compliance; notice of violation.

A. Any owner, tenant, or occupant of any property responsible for the creation of an offense in violation of this chapter located within the Town of Somers shall remove such offense when ordered to do so by the Building Inspector within thirty (30) days of the service of written notice of violation as provided in Subsection C below.

B. Any person responsible for the creation of an offense in violation of this chapter affecting a public street or other public property within the Town of Somers shall remove such offense when ordered to do so by the Building Inspector or his representative within thirty (30) days of the service of written notice of violation as provided in Subsection C below.

C. All written notices of violation under this section shall be served on the owner, tenant, or occupant, responsible for the creation of such offense on any property located within the Town of Somers by posting a copy of such violation notice upon the front portion of the property or upon the main structure and by mailing a copy of such notice by certified mail/return receipt requested, to the owner of the property as shown on the latest assessment rolls of the Town. In the case of any person responsible for the creation of an offense existing upon a public street or public property, notice may be personally served on such person or mailed by ordinary mail to such person at such person's last known address.

D. The Building Inspector shall be responsible to direct the proper securing of dumpsters, containers or enclosures upon all properties, and such officer shall provide written notice of violation to the owner, tenant, occupant or other party as provided in Subsection C, which shall require the removal within thirty (30) days of any vermin, nuisance, hazard, debris or litter thirty (30) days of any vermin, nuisance, hazard, debris or litter not properly secured within a dumpster, container or enclosure.

E. In the event that a Notice of Violation issued to an owner, tenant, or occupant on any property located within the Town of Somers is not remedied to the satisfaction of the Building Inspector within the time provided for in the Notice of Violation, a Summons shall issue returnable in Justice Court of the Town of Somers.

§135-3. Penalties for offenses.

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A. Any person found guilty of a violation of any provision of this chapter shall be punished by a fine of not less than $250. to a maximum of $500. Any person found guilty of a second offense of any provision of this chapter within 18 months of the date of the first conviction shall be punished by a fine of not less than $500 and not more than $1,000. Any person found guilty of a third offense of any provision of this chapter within 18 months of the date of the second conviction shall be punished by a fine of not less than $2,500. and not more than $5,000. Any person found guilty of a fourth or subsequent offense of any provision of this chapter within 18 months of the date of the third conviction shall be punished by a fine of not less than $5,000. and not more than $7,500.

B. The continuation of an offense against the provisions of this chapter shall constitute, for each week the offense is continued after issuance of the Notice of Violation, a separate and distinct offense hereunder.

§135-4. Removal by Town; charges.

A. Upon the failure of an owner, tenant or occupant, responsible for the creation of such offense to comply with a notice to correct a condition as cited within the days allotted, the Town Board may hold a public hearing. The public hearing shall be held upon notice posted conspicuously on the affected property and forwarded to the last known address of the property owner, as it appears on the current tax records of the Town, by certified mail, return receipt requested. Posting and service of such notice shall not be less than 10 days prior to the date of such hearing.

B. The Town Board, after a public hearing as provided in Subsection A, may cause any vermin, nuisance, hazard, debris or litter as defined in this chapter to be removed from any property within the Town of Somers upon the failure of such owner, tenant or occupant to comply with any order of the Town Board. Said removal shall be performed by a private contractor hired by the Town. The Town Board shall ascertain the cost of the proceeding and the costs of removal, and such costs shall be charged and assessed against the owner of the property. The expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

C. The removal of any vermin, nuisance, hazard, debris or litter by the Town of Somers or its agents shall not operate to excuse such owner, tenant or occupant from properly maintaining any premises as required by this chapter, and such owner, tenant or occupant shall, notwithstanding such action, be subject to any other penalties for herein.

§135-5. Vacant or abandoned properties.

A. Upon failure to respond and comply with the requirements of the notices described in §135-2C within 30 days from posting and mailing, the Building Inspector will perform an inspection of the premises and submit a detailed report to the Town Board describing the level of vermin, nuisance, hazard, debris or litter as defined in herein. The Official will further investigate and detail the circumstances of the abandonment of the premises, as well as perform due diligence regarding the current status of the property. The report will also contain the scope of the work required to remove any vermin, nuisance, hazard, debris or litter affecting the health, safety and welfare of the neighboring properties, residents and the public at large.

B. Upon receipt and review of the report, the Town Board may, by resolution, authorize the necessary work to be done and pay the cost thereof out of general Town funds appropriated by the Town Board for such purpose.

C. The Town shall seek reimbursement for the cost of the work performed or the services rendered through any means permitted by law and/or by assessment against the

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owner of the property. The expense so assessed shall constitute lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner as other Town charges in the manner provided for the assessment of the cost of public improvements pursuant to Article 4, §64, 5-a of the Town Law of the State of New York (general powers of town boards, removal of fire and health hazards and weeds), as amended.

§135-6. Severability and partial invalidity.

If any section of this chapter shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this chapter.

§135-7. Effective date. This Local Law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.

PUBLIC COMMENT:

There being no one to be heard on motion of Supervisor Morrissey, seconded by Councilman Garrity, public comment session was declared closed.

Approval of the minute

The Supervisor said that the first item on the agenda was the approval of the minutes.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Faulkner, it was unanimously,

RESOLVED, that the Town Board does hereby adopt the minutes of the February 5, 2015 Work Session; the February 12, 2015 Regular Meeting; the March 5, 2015 Public Hearing with regard to the DEIS Somers Crossing Project and proposed Local Law to amend Chapter 170 entitled Zoning, Section 170-130 Multifamily Residence MFR District; the March 5, 2015 Work Session; the March 12, 2015 Regular Meeting and the April 2, 2015 Work Session.

Monthly reports

The Town Clerk presented monthly reports from the Town Clerk, Building Inspector, Director of Finance, Parks and Recreation, Tax Receiver, Planning and Engineering, Zoning, Plumbing and Bureau of Fire Prevention.

Annual Stormwater and MS4 Report

The next item on the agenda was that Annual Stormwater and MS4 Report. Ms. Syrette Dym, Director of Planning went through a PowerPoint presentation with the Board and answer their questions. She stated that the presentation and the full report were available on the Town of Somers website.

Refunding Bond Resolution

The Supervisor said that the next item was with regard to a Refunding Bond Resolution with regard to the Angle Fly Preserve. He said that the Finance Director and the Town's Bonding Agent approached him with the possibility of Refunding the Bond. He said that by doing so at that time the Town would save about $351,000.00 over the life of the Bond.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Faulkner, it was unanimously,

REFUNDING BOND RESOLUTION DATED MAY 14, 2015.

A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.00 OR SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS", AND PROVIDING FOR

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OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

WHEREAS, the Town of Somers, Westchester County, New York (hereinafter, the "Town") heretofore issued $4,100,000 Public Improvement (Serial) Bonds, 2006, pursuant to duly authorized bond resolutions dated September 7, 2000 and July 7, 2005 authorizing said serial bonds for the acquisition of certain parcels of land for active and passive park and recreational purposes, and a bond determinations certificate of the Supervisor (hereinafter referred to as the "Refunded Bond Certificate"), such Public Improvement (Serial) Bonds, 2006, now outstanding in the amount of $3,200,000, maturing on May 1 annually in each of the years 2016 to 2036, both inclusive, as more fully described in the Refunded Bond Certificate; and

WHEREAS, it would be in the public interest to refund all or a portion of the $3,095,000 outstanding principal balance of said bonds maturing in the years 2017 to 2036, both inclusive (the "Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will result in present value savings in debt service as so required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Somers, Westchester County, New York, as follows:

Section 1. For the object or purpose of refunding the $3,095,000 outstanding principal balance of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, (iv) the redemption premium payable on the Refunded Bonds, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding $3,500,000 refunding serial bonds of the Town pursuant to the provisions of Section 90.00 or Section 90.10 of the Local Finance Law (the "Town Refunding Bonds" or the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately $3,325,000, as provided in Section 4 hereof. The Town Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of $5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-15 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Supervisor pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law and pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

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Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Supervisor shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Supervisor.

The Refunding Bonds shall be issued in registered form and shall not be registerable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the Town shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of $5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Supervisor providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Supervisor as fiscal agent of the Town for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Supervisor, as chief fiscal officer of the Town, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he or she shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Supervisor is also hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds.

The Supervisor is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

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The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Supervisor, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph g of Section 90.00 of the Local Finance Law or subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law, as applicable, and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds, for the class of objects or purposes financed by the Refunded Bonds, pursuant to paragraph a of Section 11.00 of the Local Finance Law, is 30 years pursuant to subdivision 21(a) thereof calculated from May 1, 2006;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the class of objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph a of Section 90.00 of the Local Finance Law and subdivision 1 of paragraph a of Section 90.10 of the Local Finance Law, as applicable;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the aggregate of the refundings authorized by this resolution (collectively, the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refundings, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and hereby made a part hereof. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of $3,325,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in said Exhibit A. This Town Board recognizes that the Refunding Bonds may be issued in one or more series, and for all of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the Town will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The Supervisor is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00

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of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Supervisor; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.00 or Section 90.10 of the Local Finance Law as applicable. The Supervisor shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Supervisor is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said President shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said Town of Somers, Westchester County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall be annually levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the Town to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the Town shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the Town hereby elects to call in and redeem each of the Refunded Bonds which the Supervisor shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded

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Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at public competitive sale or at private sale to an underwriter as shall be determined by the Supervisor for purchase prices to be determined by the Supervisor, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as may be required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the Supervisor, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to a purchasing underwriter if sold at private sale. After the Refunding Bonds have been duly executed, they shall be delivered by the Supervisor to the purchaser or to the Underwriter in accordance with said purchase contract upon the receipt by the Town of said the purchase price, including accrued interest.

Section 11. The Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Supervisor and all powers in connection thereof are hereby delegated to the Supervisor. The Supervisor shall be further authorized to issue said Refunding Bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law as said officer shall determine necessary.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The foregoing resolution was duly put to a vote which resulted as follows:

ROLL CALL:	Supervisor Rick Morrissey	VOTING	AYE
	Councilman Richard G. Clinchy	VOTING	AYE
	Councilman Thomas A. Garrity, Jr.	VOTING	AYE
	Councilman Anthony J. Cirieco	VOTING	ABSENT
	Councilman William G. Faulkner	VOTING	AYE

Schedule public hearing for Conservation Easement

The next item on the agenda was to schedule a public hearing with regard to a Conservation Easement for Deans Bridge Associates, LLC. Mr. Tim Allen, Bibbo Associates, Engineer for the Applicant explained that the property was subdivided in 2009 – 2010. He said that it was 10 acres and they divided it into 3 lots with 4 ½ acres was a Conservation Easements. He said that the plat was filed but somewhere in the process the Conservation Easement

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was not filed as well as the Driveway Easement. Mr. Allen pointed out where the Conservation Easement was on a map of the property.

Thereupon motion of Councilman Garrity, seconded by Councilman Clinchy, it was unanimously,

RESOLVED, that the Town Board does hereby schedule a Public Hearing on June 11, 2015 for the Conservation Easement for Deans Bridge Associates, LLC

The Supervisor said that it was in order for the Board to adjourn the meeting to an executive session to have a discussion with the Town Attorney with regard to personnel matter.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Garrity, the meeting was adjourned to an executive session at 7:55 PM with regard to a discussion with the Town Attorney with regard to a personnel matter, to return that evening.

8:00 PM – meeting reconvened

PERSONNEL:

Current Vacancies:

Somers Energy Environmental Committee
Affordable Housing Board (5 – 2 year terms ending July 11, 2015)
Assessment Board of Review (1 – unexpired 5 year term ending September 30, 2017)
Library Board of Trustees (1 – 5 year terms ending December 31, 2014)
Zoning Board of Appeals (1 – 7 year term ending December 31, 2017)

Upcoming Vacancies:

Town Employee misconduct

The Supervisor said that it was in order for the Board to adopt a Resolution to allow the Supervisor to take appropriate action regarding an employee's misconduct while in the employment of the Town.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Faulkner, it was unanimously,

RESOLVED, that the Town Board does hereby authorize the Supervisor to take appropriate action regarding an employee's misconduct while in the employment of the Town.

Appoint K. O'Keefe to the Assessment Board of Review

The Supervisor said that it was in order to appoint Ms. Kate O'Keefe to the Assessment Board of Review.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Clinchy, it was unanimously,

RESOLVED, that the Town Board does hereby appoint Kate M. O'Keefe to the Assessment Board of Review to the unexpired term of Michael Pacella ending September 30, 2017.

A. Farber Somers Library Director II.

The Supervisor said that it was in order to announce the hiring of Mr. Andrew Farber as Somers Library Director II.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Clinchy, it was unanimously,

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RESOLVED, that the Town Board does hereby announce the hiring of Andrew Farber as Somers Library Director II, effective June 1, 2015 at an annual salary of $85,000.00.

Consensus agenda

The Supervisor said that the next item was the consensus agenda. He said that there was additional language to be added to item number 11. He said that the Resolution should include Nutrition and Town House as well. The Supervisor said that item number 3 needed to be removed from the consensus agenda because it required a Roll Call Vote.

Decline donation of 0 Juniper Drive

The Supervisor said that it was in order for the Board to decline the donation of property located at 0 Juniper Drive, known as Parcel Id 5.15-3-4.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Clinchy, it was unanimously,

RESOLVED, that the Town Board does hereby decline donation of property located at 0 Juniper Drive in Lincolndale, known as Tax Map ID 5.15-3-4.

VOTE:

AYES:	4	Faulkner, Clinchy, Morrissey, Garrity
NOES	0	
ABSENT:	1	Cirieco

The Supervisor said returning to the consensus agenda, with regard to item number 16, he wanted to Thank Ms. Marguerite S. Davis for her years of service in the Planning and Engineering Department. He said that she will be missed by all. Councilman Clinchy said with regard to item number 12d, he wanted to thank Mr. Detz for adopting the road and helping the Town.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Garrity, it was unanimously,

Award bid for Sumer Camp Trip Transportation

1a. RESOLVED, that the Town Board does hereby award bid for Summer Camp trip transportation to Baumann & Sons Buses, Inc. in the amount of $8,195.00 per memo dated April 29, 2015 from Steven Ralston, Superintendent of Parks & Recreation. Bids received were as follows:

Baumann & Sons Buses, Inc.	$8,195.00
Royal Coach Lines, Inc.	$8,405.00

Hire T. Silva Summer Maintenance Worker

1b RESOLVED, that the Town Board does hereby authorize the hiring of Tyler Silva Summer Maintenance Worker at an hourly rate of $11.00 per memo dated April 29, 2015 from Steven Ralston, Superintendent of Parks & Recreation.

Request to West County for HIF for the water line ext. for Hidden Meadows

2. **RESOLUTION OF THE TOWN OF SOMERS TOWN BOARD AUTHORIZING THE SUPERVISOR TO SUBMIT AN APPLICATION AND ENTER INTO AN INTERMUNICIPAL/DEVELOPER AGREEMENT FOR A HOUSING IMPLEMENTATION FUND GRANT FROM WESTCHESTER COUNTY IN SUPPORT OF THE FAIR AFFORDABLE HOUSING DEVELOPMENT TO BE LOCATED AT 16 ROUTE 6 (Hidden Meadows at Somers).**

WHEREAS, Westchester County (the "County") has established a Housing Implementation Fund to provide infrastructure and other improvements to encourage and support the development or preservation of affordable housing; and

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WHEREAS, The Kearney Realty and Development Group Inc., or its successor (the "Developer") proposes to construct an affordable affirmatively furthering fair housing rental development and related amenities at Hidden Meadows at Somers. 16 Route 6 (the "Development") in the Town of Somers (the "Town"); and

WHEREAS, in order to make the proposed development viable, infrastructure must be constructed, including, but not limited to: the extension of a water main, road widening, wastewater pumping station, stormwater management, and other related work, the ("Infrastructure Improvements"), as more fully set forth in a schedule of work; and

WHEREAS, the completion of the Development requires the assistance from the Westchester County Housing Implementation Fund, ("HIF") to subsidize the cost of the Infrastructure Improvements in order to assure affordability of the Development and to improve the sewer infrastructure related to the site of the Development and nearby properties; and

WHEREAS, the Town desires the HIF assistance from the County for the Development and will enter into an Intermunicipal/Developer Agreement (IMDA) with the County and the Developer; and

WHEREAS, pursuant to the IMDA, the construction of the Infrastructure Improvements shall be performed through a competitive public bid by the Town pursuant to Section 103 of the General Municipal Law; and

WHEREAS, pursuant to the IMDA, the County shall, if needed, be granted temporary easements for the area(s) upon which the Infrastructure Improvements shall be constructed and

WHEREAS, prior to the commencement of construction of the Development, the County will record a Declaration of Restrictive Covenants which will require that the units to be constructed in the Development will be affordable to households with incomes at or below 50% and 60% of the County Area Median Income a period not less than years; and

WHEREAS, it is recognized that Chapter 298 of the Westchester County Code requires that 40% of the units benefit from HIF funded infrastructure improvements must be affordable units as defined the County unless an exception is specifically requested by the municipality: and

WHEREAS, the Town of Somers requests the County's consideration of funds for Infrastructure Improvements recognizing that approximately 30% of the units in the development will be affordable units, all of which will benefit from these improvements; and

WHEREAS, it is understood that the Town will be responsible for the maintenance of the Infrastructure Improvements.

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to submit an application to Westchester County for a Housing Implementation Fund grant for the Development in an amount not to exceed $1.6M; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to enter into an IMDA with Westchester County and the Developer and take all

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necessary steps to facilitate and implement the terms of the IMDA and the scope of work appended to such agreement.

3. REMOVED to Regular Meeting for Roll Call Vote.

West County Joint Gov. Efficiency Plan

4. RESOLVED, that the Town Board does hereby authorize the Supervisor and Director of Finance to execute three (3) certifications in relation to the Westchester County Joint Government Efficiency Plan per email from Robert Kehoe dated May 1, 2015.

Resignation of M. Pacella from ABR

5. RESOLVED, that the Town Board does hereby acknowledge the resignation of Michael Pacella from the Assessment Board of Review effective April 27, 2015.

Hire J. Mintzes Part-time Senior Account Clerk

6a. RESOLVED, that the Town Board does hereby authorize the hiring of Joye Mintzes as Part-time Senior Account Clerk at an hourly rate of $24.43 in the Finance Office effective April 27, 2015, per memo dated May 7, 2015 from Barbara J. Sherry, Confidential Secretary to the Supervisor.

Hire J. Yanza, Full Time Road Maintainer

6b. RESOLVED, that the Town Board does hereby authorize the hiring of Jose Yanza, Full Time as a Road Maintainer at an annual salary of $49,439.00 (to be paid 90% for the first 6 months according to the Teamster CBA) effective April 27, 2015 per memo dated April 27, 2015 from Thomas E. Chiaverini, Superintendent of Highways.

Hire M. Cleary part-time summer employee

6c. RESOLVED, that the Town Board does hereby authorize the hiring of Michael J. Cleary VI as part-time summer employee at an hourly rate of $14.00 effective on or about June 1, 2015 for the Amawalk-Shenorock Water District (ASWD), per memo dated April 27, 2015 from Adam Smith, Superintendent of Water & Sewer.

Additional hours for S. Dym

7. RESOLVED, that the Town Board does hereby authorize additional hours to Syrette Dym, Town Planner from 29 hours per week to 35 hours per week at an annual salary of $97,125.00 for a one year period beginning May 11, 2015 and ending on May 10, 2016 and,

DOES HEREBY, authorize the Supervisor to execute contract for same.

Authorize Refunds

8. RESOLVED, that the Town Board does hereby authorize the refund of the following items per memos from Syrette Dym, Town Planner, Steven Woelfle, Principal Engineering Technician and Wendy Getting, Senior Office Assistant:

a. $ 965.00 – Maurice & Jill Franzese – Wetland Permit – SEQRA Professional Fee 17.12-2.36
b. $ 500.00 – Wooded Acres Dev. Corp. (Boniello Land & Realty LTD.) - Stormwater Mgmt. & Erosion & Sediment Control – 48.17-1-35.
c. $ 970.00 – Plumbrook Manor Subd. (Suozzi) – SEQRA Professional Fee – 16.11-1-15.
d. $ 500.00 – Carminucci Wealth Mgmt. Site Plan – SEQRA Professional Fee – 17.11-2-3.
e. $6,498.45 – MetroPCS New York LLC at Lincoln Hall – SEQRA Professional Fee – 16.15-1-1.
f. $ 200.00 – Acocella – Erosion & Sediment Control Permit – 27.20-1-23.
g. $1,000.00 – Somers Chase & Toll Bros. – Bond for incomplete items for the issuance of a Certificate of Occupancy – 28.05-1-29.

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h. $ 200.00 – DiLuna Stormwater Management & Erosion & Sediment Control Permit – 28.17-1-1.

i. $ 885.00 – Olde Farm Estates Subdivision (DeVito & Son. Inc.) Resolution #96-18.

Transfer SEQRA Prof. Fees to General Fund

9. RESOLVED, that the Town Board does hereby authorize the transfer of $1,196.00 from SEQRA Professional Fee to the General Fund for the Chase Manhattan Bank Site Plan (The Phillips Group) – 17.11-1-21, per memo dated April 24, 2015 from Syrette Dym, Director of Planning.

Return Snow Maintenance Bond

10. RESOLVED, that the Town Board does hereby authorize the return of $4,400.00 Snow Maintenance Bond to Bonie Wood Realty C0. (Highview Subd. Sect. III) per memo dated April 20, 2015 from Steven Woelfle, Principal Engineering Technician.

Bid for Sale of old Equipt.

11. RESOLVED, that the Town Board does hereby authorize going to bid for the sale of old non-functioning computer equipment at the Somers Library, a Konica 2223 Copy Machine approximately 20 years old located at the Nutrition Department at Van Tassell Memorial Park and a Panasonic VHS Movie Camera AG-190 approximately 20 years old, located in the Town House.

Agreement with Garden State Fireworks

12a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute an agreement with Garden State Fireworks, Inc. in the amount of $10,000.00.

Execute the 2015/2016 Municipal Snow & Ice Agreement Extensions

12b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2015/2016 Municipal Snow & Ice Agreement Extensions with NYDOT per letter dated April 1, 2015 from Jorge A. Argote, P.E., Resident Engineer, Westchester North.

Execute the WIN

12c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the WIN in the amount of $74,915.00 & NSIP in the amount of $49,842.00 Third Amendment. Nutrition Services PY 2015-2016 per memo dated April 22, 2015 from Barbara Taberer, Program Director.

Execute an Adopt-A-Road Agreement

12d. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute an Adopt-A-Road Agreement with Richard Detz for Forest Lane and Eastview Place to Lakeview Drive in Shenorock.

Authorize additional funding Somers Crossing SEQRA Review

13. RESOLVED, that the Town Board does hereby authorize additional funding not to exceed $2,100.00 for the Somers Crossing SEQRA Review for Tim Miller Associates per letter dated April 21, 2015 from Frederick Wells, RLA, Senior Vice President, TIM MILLER ASSOCIATES, INC.

Execute Annual Maintenance Agreement with Gentech LTD

14. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Annual Maintenance Agreement in the amount of $595.00 from Gentech LTD. for the Town House Generator per email from Barbara Sherry dated May 1, 2015.

Refund SEQRA Prof. Fees

15. RESOLVED, that the Town Board does hereby authorize a refund of $1,000.00 SEQRA Professional Service Fee to Boniello Land & Realty LTD. for the Farm (Country Hollow Lot Line Change,) per memo dated May 11, 2015 from Syrette Dym, Director of Planning.

Resignation of M. Davis Intermediate Clerk

16. RESOLVED, that the Town Board does hereby acknowledge with regret the resignation of Marguerite S. Davis, Intermediate Clerk in the Planning & Engineering Office effective May 29, 2015.

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The Supervisor said that James Reynold's Day was going to be held on May 17th at 1:30 PM at Mt. Zion Church. He said that this was dedicating his headstone and there will be a Ceremony attended by the Daughters of the American Revolution.

The Supervisor said that Relay for Life was going to be held on Friday May 29th from 7:00 PM to 7:00 AM between the Somers Intermediate School and the Somers Middle School..

The Supervisor said that the Lynn Adams Memorial 5k Run and the 1 Mile Fun Walk was going to be held on Saturday June 6th. He said that there was a pre-registration link with information available on the Town website.

The Supervisor said that on May 21st at 8:00 AM at the Middle School was having a Living History Event. He encouraged all that were able to attend the event.

The Supervisor said that they were looking for volunteers to assist with the flag placement on Veteran's gravesites on Saturday, May 17th at 10:00 AM for Memorial Day. He said that the major Cemeteries in Town had been taken care of, this was for the small Cemeteries throughout the Town.

The Supervisor said that the Memorial Day Parade was going to be held on Monday, May 25th, lineup was at the Somers Middle School at 9:30 AM and the Parade began at 10:00 AM. The Parade Route was from the Somers Middle School to Ivandell Cemetery where there will be a Ceremony and refreshments will be served at the Town House after the Parade.

Councilman Faulkner stated God Bless all of the Veterans. He said that also on May 15th at Somers High School there would be the Harlem Wizards Fundraiser.

The Supervisor said that the regular meeting on June 11th was going to begin at 7:30PM.

Claims for the payment of all Town Bills in the amount of $699,005.95 were presented and allowed for payment as shown on the Abstract of Audited Claims on file in the office of the Town Clerk.

Thereupon motion of Councilman Faulkner, seconded by Councilman Garrity, the meeting was adjourned at 8:10 PM.

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Town Clerk

JUNE 4, 2015 – WORK SESSION

Minutes of a work session of the Town Board of the Town of Somers held on Thursday evening June 4, 2015 at 6:30 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Rick Morrissey
	Councilman	Thomas A. Garrity, Jr.
	Councilman	Anthony J. Cirieco
ABSENT:	Councilman	Richard G. Clinchy
	Councilman	William G. Faulkner

The Supervisor said that it was in order for the Board to enter into an executive session with regard to personnel and contracts.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Garrity, the meeting was adjourned to an executive session at 6:30 PM with regard to personnel and contract to return that evening.

7:10 PM – meeting reconvened

The Supervisor asked Boy Scout Michael Alteri to lead the Board in the Pledge of Allegiance. Councilman Garrity explained that Scout Alteri was present that evening working on his Communications Badge as part of his requirement for his Eagle Scout Award.

This being a work session no actions were taken.

Thereupon motion of Councilman Garrity, seconded by Councilman Clinchy, the meeting was adjourned at 8:10 PM.

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Town Clerk

JUNE 11, 2015 – PUBLIC HEARING

Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening June 11, 2015 at 7:45 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Rick Morrissey
	Councilman	Richard G. Clinchy
	Councilman	Anthony J. Cirieco
	Councilman	William G. Faulkner
ABSENT:	Councilman	Thomas A. Garrity, Jr.

Also present were Kathleen R. Pacella, Town Clerk, Patricia Kalba, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

The Supervisor said that this was a public hearing with regard to a Conservation Easement for Deans Bridge Associates, LLC.

The Town Clerk presented affidavit of public notice of the public hearing that appeared in the Somers Record on May 25, 2015 and posted on the Town Clerk's bulletin board the same day.

The Supervisor declared the hearing open and asked for comments from the public.

Mr. Tim Allen, Bibbo Associates, representing Deans Bridge Associates, LLC. explained that the subdivision was proposed for 10 acres and the Plat was filed although the Easements were never filed. He said that at that point in time they were asking the Board to approve the Conservation Easement. He stated that in was 3.77 acres of the 10 acre parcel and this had already been approved by the Planning Board and this was an oversight.

Town Attorney said that the way the filing worked at that time was that the original went to his Office and as soon the Plat went on Record they walked the Easements Documents over for filing. He said that he did not recall the circumstances for this instance but somehow the Plat was released from the Planning Department and he never received the original documents to file. The Town Attorney stated that he had compared the originals and that there were no changes.

There being no one else to be heard on motion of Supervisor Morrissey, seconded by Councilman Clinchy, the public hearing was declared closed at 7:50 PM.

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Town Clerk

JUNE 11, 2015 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held om Thursday evening June 11, 2015 at 7:30 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Rick Morrissey
	Councilman	Richard G. Clinchy
	Councilman	Anthony J. Cirieco
ABSENT:	Councilman	Thomas A. Garrity, Jr.
	Councilman	William G. Faulkner

Also present were Kathleen R. Pacella, Town Clerk, Patricia Kalba, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

The Supervisor said that the Board was going to begin that evening's meeting with the Energize NY and the Somers Energy Environment Committee's Recognition Ceremony. He said that Somers Energy Environment Committee was formed a number of years ago with former Chairman Herb Oringel. He said that Mr. Oringel did an excellent job pulling that Committee together and based on his leadership they were able to do some great things. The Supervisor said that brought them to the recent years with Chairman Michael Blum. He said that the Town Board chartered that Committee to harness the Community's interest and develop strategies towards ensuring that the Town was sustainable. He said that they did see energy waste in the Community as a top priority in achieving their sustainability goals. The Supervisor said that evening they were honoring those who were helping the Town achieve their overall energy reduction goals by participating in the Energy Somers program. He said that was the Town's Comprehensive Home Energy Efficient Program. He said that many residents had taken the challenge, many more than who were present that evening. The Supervisor said that those residents have had Energy Audits and had taken the results of the Audits and made their homes more energy efficient. He said that the Town Board thanked all of the residents that had participated, the hard work of Flo Brodley and others of the Committee. He said that the program had gained awareness and achieved some great benefits for the Town. The Supervisor said that the Town of Somers has had 62 homes energized for an annual savings to those homes of approximately $105,000.00. He said that he wanted to congratulate all of the newly energized homes, he thanked them for their leadership in reducing their homes energy waste and helping the Town achieve their sustainability goals. He said that he was going to turn the presentation over to Ms. Flo Brodly, Energize Liaison of the Somers Energy Environment Committee.

Ms. Brodly thanked the Town Board for all of their support of their Committee. She said that they seek to enhance the community by creating and maintaining environmental integrity through physical and social connectors such as the Complete Streets project and energy efficiency programs that they were recognizing that evening. She introduced the members of the Somers Energy Environment Committee that were present that evening and stated that they were all members of the community. Ms. Brodley introduced the Contractors that were present that evening who had been kind and generous with their donations. She thanked all of the residents who had participated in the Energy Efficiency in the Energize NY and Energize Somers programs. She said that the Director of Energize NY, a grassroots organization, had contributed so much to their Community. Ms. Brodley introduced Mr. Tom Bregman, Director of Energize NY.

Councilman Faulkner present at 7:35 PM.

Mr. Tom Bregman thanked all those who were present and the Somers Town Board. He said that they worked mainly in Northern Westchester and had been doing this since 2010. He said that recognition events that they had were really an important part of recognizing the work that was being done. Mr. Bregman said that they were just letting the residents know that this was something that could be done, it was the residents that were taking the

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big step and getting the work done. He said that evening they would be presenting Certificates and seals to be displayed on or in Resident's homes.

The Supervisor said that it was in order for the Board to open a public hearing with regard to a Conservation Easement for Deans Bridge Associates, LLC.

7:45 PM – hearing open
7:50 PM – meeting reconvened

Councilman Garrity present at 7:50 PM

Approval of Conservation Easement for Deans Bridge Assoc., LLC

The Supervisor said that it was in order for the Board to approve the Conservation Easement for Deans Bridge Associates, LLC.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Faulkner, it was unanimously,

RESOLVED, that the Town Board does hereby approve the Conservation Easement between the Town of Somers and Deans Bridge Associates, LLC. for property known as Section 17.08, Block 1, Lots 8.1, 8.2 and 8.3, subject to the easement consisting of 4.637 acres, more or less.

PUBLIC COMMENT:

There being no one to be heard on motion of Supervisor Morrissey, seconded by Councilman Faulkner, public comment session was declared closed.

Monthly reports

The Town Clerk presented monthly reports from the Town Clerk, Building Inspector, Director of Finance, Parks and Recreation, Tax Receiver, Planning and Engineering, Zoning, Plumbing and Bureau of Fire Prevention.

Update reg. Parks and Recreation

The Supervisor said that the next item on the agenda was a discussion with Mr. Steven Ralston, Superintendent of Parks and Recreation. He said that the Board had requested to hear from Department Heads from time to time with regard to the operation of their Departments. He said that he invited Mr. Ralston that evening to give the Board an overview of his Department. Councilman Clinchy said that this was not just important for the Town Board but for the residents as well. He said that this will show how the Town worked, the people who were in charge and issues they were facing.

Mr. Ralston stated that they did not run without the extreme amount of cooperation they received from the Town Board, the Parks and Recreation Board, the vast number of volunteers, employees and the residents. He said that they were the caretakers of the resources of the community and it was everyone who made the Parks what they were, not just the Parks Department. He said that there were 825 acres of Park Land in the Town of Somers. Mr. Ralston said that the Parks Staff was responsible for the maintenance of Reis and Van Tassell Parks and all of the amenities, Bailey Court, Koegel Park, West Somers Park, the Dog Park and Angle Fly Preserve, when necessary in connection with the Friends and the Angle Fly. He said that the Park Maintenance Staff was also responsible for all of the ground maintenance for all of the municipal properties in Town and that included two non-Town owned properties used by the Youth Sports Leagues, St. Joseph's and Firemen's Fields.

Mr. Ralston stated that they had a good working relationship with the Somers School District that they could not otherwise run Department Programs without. He said that the Schools were their rain sight for the Summer Day Camp and all of the After School Programs were run in the School District Buildings. He said in cooperation the Town hosted many of their Sports Programs.

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Mr. Ralston pointed out a donation of inclusive playground equipment from Gilbert Beaver Farms and it was installed 3 weeks ago. He said that the Pavilion had been refurbished with the cooperation of the Building Department, the exterior of the Administration Building and the Maintenance Building was being redone. He said that the Stage will be completely refurbished in time for the Independence Day Celebration. Councilman Garrity asked if that was all being done with in-house Staff. Mr. Ralston said that it was all being done by Town Staff and under budget. He said with regard to the multi-purpose court they had purchased basketball stanchions last year that would be installed this year. He said that it was also being used for Roller Hockey, which was very popular.

Mr. Ralston stated that Day Camp started June 29th and registration had increased this year. He said that they employed approximately 70 Part-time Staff members to run Tusker Trax and the Day Camp for the Summer. He explained what water activities were available during Camp.

Mr. Ralston said that June 27th was the Annual Independence Day Celebration and this was one of the Town's biggest activities for the year. He said that there was also the free Summer Concert Series in the Park which began on July 11th and all of the information with regard to that was on the Town Website under the Parks link.

The Supervisor said that he wanted to mention the Fireworks that had become rather popular. He said that the Somers Lions Club was accepting donations to pay for the Fireworks.

Mr. Ralston urged the residents to be conscious of their speed while entering and exiting. He said that they were working on some speed controls devices to be placed. He asked that everyone dispose of their trash before leaving the Parks in the respective receptacles. Mr. Ralston said that once Day Camp began residents were going to be required to have a bracelet to use the Playground during Camp hours. He said that bracelets could be obtained in the Parks Office. He said that he also wanted to remind the residents that there was a Dog Park in the Town of Somers and they encouraged its use. Mr. Ralston said that permits were available in the Parks Office once the Dog Owner had the appropriate New York State License issued by the Town Clerk.

Councilman Garrity said that there were so many improvements done to the Park. He said that Mr. Ralston was doing a great job and he was making the parks great and enjoyable. The entire Board echoed Councilman Garrity sentiments.

Announce Bids of Sale of Used Equipment.

The next item on the agenda was to announce the results of the Bid for the Sale of Used Office Equipment and Non-Functioning Computer Equipment. The Supervisor announced that no Bids were received. He said that he was requesting that the Board authorize him to dispose of all equipment listed.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Faulkner, it was unanimously,

RESOLVED, that the Town Board does hereby authorize the disposal of old non-functioning computer equipment at the Somers Library, a Konica 2223 Copy Machine approximately 20 years old located at the Nutrition Department at Van Tassell Memorial Park and a Panasonic VHS Movie Camera AG-190 approximately 20 years old, located in the Town House since no bids were received.

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Discussion w/ reg to DOT proposed traffic control device for Route 139

The Supervisor said that he needed to add an item to that evening's agenda. He stated that Councilman Cirieco, Councilman Faulkner and himself attended the New York State Department of Transportation (NYSDOT) presentation for Traffic Control devices that were being considered for the Route 139 road way in front of the Somers High School. He explained that there were two proposals being considered. The Supervisor said they thought that they would discuss this because there was not a lot of public in attendance at the meeting. He said that the NYSDOT received a request from the School to address the traffic control in the mornings and afternoons during school. He explained the two option were a round-about or a traffic light with turning lanes and he had a rendition of both options.

Councilman Cirieco said that at the meeting they were broken down into groups and he explained both options to the public. He said that he thought there was going to be another meeting, they just wanted to educate the public with regard to the options. Discussion ensued with regard to the project and the different options. Councilman Cirieco urged all residents to express their opinions and suggestions. The Supervisor said that the information would be available on the Town website.

PERSONNEL:

Current Vacancies:

Somers Energy Environmental Committee
Affordable Housing Board (5 – 2 year terms ending July 31, 2015)
Architectural Review Board (3 – 3 year terms ending March 9, 2018)
Parks and Recreation Board (3 – 3 year terms ending March 9, 2018)
Zoning Board of Appeals (1 – 7 year term ending December 31, 2017)

Upcoming Vacancies:

Consensus agenda

The next item was the consensus agenda. Councilman Cirieco said with regard to item number 19, he had a conversation with the Supervisor with regard to the contract with J. O'Connell and Associates, Inc. He said that the thought was a great idea but he would like to push this off until they saw where they stood with their revenue before making a commitment. The Supervisor said that he had the same concerns and that was why the date of contract was to be determined. It was agreed that item was going to be removed from the agenda at that time. He said that they needed to add an item number 24, acknowledging with regret the Retirement of Doreen Cardaci, Senior Account Clerk in the Finance Office effective July 31, 2015 and authorize the canvassing of the Westchester County, Senior Account Clerk, Civil Service list. He said that they also needed to add an item number 25 to the consensus agenda, to schedule a public hearing for July 9, 2015 with regard to the proposed Community Choice Aggregation (Energy) Program.

Thereupon motion of Councilman Garrity, seconded by Councilman Clinchy, it was unanimously,

Women's Club Day Camp Scholarship

1. RESOLVED, that the Town Board does hereby accept with gratitude $1,800.00 donation from the Somers Women's Club to provide scholarships for Day Camp participants per memo dated May 27, 2015 from Steven Ralston, Superintendent of Parks & Recreation.

Hiring Day Camp Staff

2. RESOLVED that the Town Board does hereby authorize the hiring of the Day Camp and the Tusker (Teen Travel) Trax staff beginning June 29, 2015 – August 7, 2015 and to continue to hire as needed per memo dated May 27, 2015 from Steven Ralston, Superintendent of Parks & Recreation.

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2015 Summer Day and Tusker Trax Camp Staff		
NAME	POSITION	HOURLY RATE
ADAMS, SARAH	COUNSELOR	6.5
ALBERO, JOHN	CIT	3.34
ANDRIANO, LUCAS	COUNSELOR	6.67
AQUILINO, BLAKE	CIT	3.34
AQUILINO, NICHOLAS	COUNSELOR	10
ARITA, DEANNA	COUNSELOR	6.33
AUSIELLO, HEATHER	ASST. DIRECTOR	18.33
BUCHHOLZ, ALEXANDER	COUNSELOR	6
CANNON, ERIN	COUNSELOR	6.5
CARLETON, MARISSA	COUNSELOR	6.5
CARNAZZA, ERIK	COUNSELOR	6.67
CARRILLO, BROOK	COUNSELOR	8.21
CASEY, CAROLYN	COUNSELOR	6.33
CASEY, CRAIG	COUNSELOR	6.83
CIANFAGLIONE, SCOTT	DIRECTOR	28.57
CLIFF, CAROLINE	COUNSELOR	8.04
CORBETT, JULIA	COUNSELOR	6.33
CUCHINELLI, DOREEN	ASST. DIRECTOR	19.17
CUNHA, SARA	CIT	3.34
DEANGELIS, NICOLE	COUNSELOR	6.5
DIMAURO, ALEXIS	COUNSELOR	6.33
DIMAURO, ANTHONY	COUNSELOR	6.67
DIMAIO, DANA	CIT	3.34
DISANTO, RONALD	SPORTS SPECIALIST	14.29
DONOVAN, KATHLEEN	COUNSELOR	6
DONOVAN, MIKE	COUNSELOR	6.67
DRISCOLL, MEGAN	COUNSELOR	6.33
DUENAS, ISABELLA	COUNSELOR	6.5
ELISEO, KERIANN	FIRST AID SUPER	15
FUSCO, MATTHEW	CIT	3.34
GABRIEL, JACK	COUNSELOR	6.67
GERMAINE, MIA	CIT	3.34
GILDEA, CHRISTINE	COUNSELOR	6
GRAY, MICHAEL	COUNSELOR	6.83
GRUBMAN, JENNIFER	COUNSELOR	6
HALPER, KEVIN	CIT	3.34
HARWOOD, ALEXANDER	COUNSELOR	6.5
KASETA, SARA	COUNSELOR	6.33
KORNBLATT, SARAH	COUNSELOR	6.83
LAZZARA, JOSEPH	COUNSELOR	6.33
LEVINE, JUSTIN	COUNSELOR	6.67
LIBERATORE, JESSICA	COUNSELOR	8.04
LOCKWOOD, TARA	COUNSELOR	6
LOGAN, TIMOTHY	COUNSELOR	8.04
MARIANI, MATTHEW	CIT	3.34
MASCIOLI, VICTORIA	COUNSELOR	6
MCCORMACK, ASHLEY	COUNSELOR	6.5
McGUIRE, MARIA	DIRECTOR	31.67
MICHAUD, ALLISON	COUNSELOR	6.33
MOLLAGHAN, MARYKATE	COUNSELOR	6.33
MULLEN, THOMAS	COUNSELOR	8.04

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NATOLE, DANIELLA	COUNSELOR	8.04
NATOLE, DOREEN	DIVISION HEAD	30
NATOLE, MICHAEL	COUNSELOR	6.33
NEALON, RYAN	COUNSELOR	6.67
ORENSTEIN, PATRICIA	DIVISION HEAD	16.33
PIRES, MICHAEL	COUNSELOR	8.04
REES, KAYLA	COUNSELOR	6.67
RIGHETTI, STEPHANIE	COUNSELOR	6.33
RINALDI, ELLIE	COUNSELOR	6
RIPPON, KAELA	COUNSELOR	7.17
SANTORE, COURTNEY	DIVISION HEAD	15.17
SCHLEISSMANN, NICHOLAS	COUNSELOR	6.67
SHEA, JENNIE	COUNSELOR	6.67
SMITH, DORIS JANE	DIVISION HEAD K	33
TURCHICK, TAYLOR	COUNSELOR	6.33
WEISBROT, RACHEL	COUNSELOR	6

Reduction of Rec Fees for Avalon Bay

3. RESOLVED, that the Town Board does hereby authorize a memo to the Parks and Recreation Board to recommend to the Somers Planning Board the reduction of recreation fees by $200,000.00 for Avalon Bay. Recommendation is based on Village Green Maintenance agreement. Additionally Avalon Bay has agreed to increase fire protection above Town Code Standards.

Public hearing for Reclassification of Hidden Meadows to MFR-BP

4. RESOLVED, that the Town Board does hereby set a public hearing to take public input in consideration of the granting of approval of a Preliminary Development Concept Plan and the Reclassification of the site located at 16 Route 6 (Lot 15.07-1-6) for the proposed Hidden Meadow Development to the Multi-family Residence Baldwin Place District (MFR-BP) Floating Zone Pursuant to Section 170-13 Multifamily Residence MFR District of the Code of the Town of Somers for July 9, 2015per memo dated May 28, 2015 from Syrette Dym, Director of Planning.

Summer Town Board Meeting Schedule

5. RESOLVED, that the Town Board does hereby set a summer meeting schedule for Town Board meetings to July 9, 2015 Combined Work Session/Regular Meeting and August 20, 2015 Combined Work Session/Regular meeting per memo dated May 27, 2015 from Barbara Sherry, Confidential Secretary to the Supervisor.

Resignation of D. Acampora, Part-time Chauffeur

6. RESOLVED, that the Town Board does hereby acknowledge the resignation of Dennis Acampora, Part-time Chauffeur for the Nutrition Program.

Hiring of J. Malek, Seasonal Clerk in the Court Office

7. RESOLVED, that the Town Board does hereby authorize the hiring of Julia Malek, beginning June 1, 2015 as Seasonal Clerk in the Court Office for ten (10) weeks to work no more than 30 hours per week per memo dated May 20, 2015 from Justices Timone and Mc Dermott.

Resignation of W. Kehoe as chairman of the Risk Management and Safety Committee

8. RESOLVED, that the Town Board accepts with regret the resignation of William Kehoe as chairman of the Risk Management and Safety Committee per e-mail dated June 11, 2015.

Reimbursement from the Insurance Reserve

9a. RESOLVED, that the Town Board does hereby authorize reimbursement from the Insurance Reserve in the amount of $250.00 for the replacement of the front windshields on Highway Truck #9 per memo dated May 18, 2015 from Thomas E. Chiaverini, Superintendent of Highways.

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Reimbursement from the Insurance Reserve

9b. RESOLVED, that the Town Board does hereby authorize reimbursement from the Insurance Reserve in the amount of $653.40 for the repair damage to the left rear of Highway Vehicle Car #1 – 2012 Chevy Tahoe per memo dated May 29, 2015 from Thomas E. Chiaverini, Superintendent of Highways.

Awarding contract for the Cypress Lane Water Main Replacement

10. RESOLVED, that the Town Board does hereby authorize awarding contract for the Cypress Lane Water Main Replacement to Landscape Unlimited, Inc. in the amount of $97,500.00 per
May 26, 2015 memo from Adam Smith, Superintendent of Water and Sewer. The bids received were as follows:

Landscape Unlimited, Inc.	$ 97,500.00
Baker Digging, Inc.	$127,460.00

Waiving of 30 day notice for application of a new liquor license for The Pub at Somers

11. RESOLVED, that the Town Board does hereby authorize waiving of 30 day notice for application of a new liquor license for The Pub at Somers, Inc. "the Somers Pub," 152 Route 202 Lincolndale, NY 10540.

Execute a Consent Judgment in the matter of Anglebrook Golf Club

12. RESOLVED, that the Town Board does hereby authorize the Town's Attorney to execute a Consent Judgment in the matter of Anglebrook Golf Club v Town of Somers per memo dated May 18, 2015 from Roland A. Baroni, Jr., Town Attorney.

Accept Stormwater Management & Erosion & Sediment Control Permit for Wooded Acres Development Corp

13. RESOLVED, that the Town Board does hereby accept $500.00 Stormwater Management & Erosion & Sediment Control Permit for Wooded Acres Development Corp, & Gus Bonello – 48.17-1-35 per memo dated April 9, 2015 from Wendy Getting, Senior Office Assistant. **This is a correction from the May 14, 2015 Regular Meeting whereby it was put on the Agenda for a refund not an acceptance.**

2015 Retirement reporting

14. RESOLVED, that the Town Board does hereby adopt resolution for standard work day reporting for elected and appointed officials for the NYS Retirement System:

BE IT RESOLVED, that the Town of Somers, Location Code 30038 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on record of activities maintained and submitted by these officials to the Clerk of this body:

Title	Name	Standard Work Day (Hrs/Day)	Term Begins/Ends	Participants in Employers' Time Keeping System (Y/N)	Days/Months (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system
Elected Officials							
Town Board	Thomas A. Garrity, Jr	6	1/1/12-12/31/15	N	11.67		
Town Board	Anthony J Cirieco	6	1/1/14-12/31/17	N	5.25		
Town Board	William G. Faulkner	6	1/1/14-12/31/17	N	4.03		
Highway Superintendent	Thomas E. Chiaverini	6	1/1/12-12/31/15	N	29.50		
Tax Receiver	Joan Ribaudo	6	1/1/14-12/31/17	N	31.50		
Judge	Michael J. McDermott	6	1/1/12-12/31/15	N	17.00		
Appointed Officials							

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Assessor	Teresa Stegner	7	10/1/13-9/30/19	Y			
Parks & Rec Board Chair	James Papa	7	1/1/15-12/31/15	N	1.26		
Director of Finance	Robert Kehoe	7	1/1/15-12/31/15	Y			
Deputy Town Clerk	Patricia Kalba	7	1/1/15-12/31/15	Y			
Deputy Highway Superintendent	Louis Noto	7	1/1/15-12/31/15	Y			
Deputy Receiver of Taxes	Michele A. McKearney	7	1/1//15-12/31/15	Y			
Zoning Board of Appeals Chair	Victor Cannistra	7	1/1/15-12/31/15	N	.55		

On this 15th day of June, 2015

Signature: *Kathleen R. Pacella* Date enacted: June 11, 2015

I, Kathleen R. Pacella, Clerk of the governing board of the Town of Somers, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on 11th day of June, 2015, on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto
Set my hand and the seal
Of the Town of Somers.

Increase of maximum hourly rate for Mechanical Street Sweeper

15. RESOLVED, that the Town Board does hereby authorize increase of maximum hourly rate to $135.00 for Mechanical Street Sweeper and use the lowest rate whenever possible per memo dated May 28, 2015 from Thomas E. Chiaverini, Superintendent of Highways.

Execute the Collective Bargaining Agreement with the CSEA Local 1000

16. RESOLVED, that the Town Board does hereby authorize Supervisor Rick Morrissey and Councilman Richard Clinchy to execute the Collective Bargaining Agreement with the CSEA Local 1000 beginning January 1, 2014 – December 31, 2017.

Refund and Credit

17. RESOLVED, that the Town Board does hereby authorize Refund and Credit in the amount of $235.59 to Brenda L. Dietrich as per letter dated May 6, 2015 from Mary Beth Murphy, Executive Director, Westchester County Tax Commission.

Change Workers Comp. Carrier to PERMA

18. RESOLVED, that the Town Board does hereby authorize change in Workers Compensation carriers from New York State Insurance Fund to PERMA at a minimum cost savings of $22,000.00.

RESOLUTION TO JOIN MUNICIPAL GROUP SELF-INSURANCE PROGRAM

WHEREAS, the Authorized Representative of the Town of Somers desires to secure the Town of Somers's obligation to provide volunteer firefighters' benefit law, volunteer ambulance workers' benefit law and workers' compensation benefits, as applicable, through participation in a group self-insurance program of which the Town of Somers will be a member,

The Authorized Representative of the Town of Somers, duly convened in regular session, does hereby resolve, pursuant to, and in accordance with the provisions of Section 50 of the New York State Workers Compensation

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Law and other applicable provisions of law and regulations thereunder, as follows:

Section 1. The Authorized Representative (hereinafter "Representative") of the Town of Somers does hereby resolve to secure the Town of Somers's obligation to provide volunteer firefighters' benefit law, volunteer ambulance workers' benefit law and workers' compensation benefits, as applicable, through participation in a group self-insurance plan of which the Town of Somers will be a member;

Section 2. The Representative of the Town of Somers does hereby resolve to become a member of Public Employer Risk Management Association, Inc., a workers' compensation group self-insurance program for local governments and other public employers and instrumentalities of the State of New York

Section 3. In order to effect the Town of Somers's membership in said group self- insurance program, the authorized officer of the Town of Somers is hereby authorized to execute and enter into the Public Employer Risk Management Association Workers' Compensation Program Agreement, annexed hereto as Exhibit A, on behalf of the Town of Somers.

Section 4. This Resolution shall take effect immediately.

19. REMOVED

Change in SEQRA reimbursement

20. RESOLVED, that the Town Board does hereby authorize a change in SEQRA reimbursement for Sylvie Dym, Town Planner from $102.23 to $103.83per email dated June 2, 2015 from Robert Kehoe, Director of Finance.

Execute the Climate Smart Communities Custom Services Strategy agreement

21. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Climate Smart Communities Custom Services Strategy agreement.

Release of Stormwater Management & Erosion & Sediment Control Permit

22. RESOLVED, that the Town Board does hereby authorize the release of $500.00 – Renna – Stormwater Management & Erosion & Sediment Control Permit – 17.13-3-13 per memo dated June 3, 2015 from Steven Woelfle, Principal Engineering Technician.

Reappoint J. Papalia, J. Boniello and K. Westerman to Parks and Recreation Board

23. RESOLVED, that the Town Board does hereby reappoint John Papalia to the Somers Parks & Recreation Board to a three (3) year term ending March 9, 2018.

RESOLVED, that the Town Board does hereby reappoint James Boniello to the Somers Parks & Recreation Board to a three (3) year term ending March 9, 2018.

RESOLVED, that the Town Board does hereby reappoint Kevin Westerman to the Somers Parks & Recreation Board to a three (3) year term ending March 9, 2018.

Resignation of D. Cardaci, Senior Account Clerk in the Finance Department

24. RESOLVED, that the Town Board does hereby with regret accept the resignation of Doreen Cardaci, Senior Account Clerk in the Finance Department effective July 30, 2015 and,

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DOES HEREBY, authorize canvassing the Civil Service List for Senior Account Clerk position.

Schedule Public hearing to establish a Community Choice Aggregation (Energy) Program

25. RESOLVED, that the Town Board does hereby authorize scheduling of a public hearing on July 9, 2015 for a Local Law to establish a Community Choice Aggregation (Energy) Program in the Town of Somers.

The Supervisor said that the Independence Day Celebration was going to be held on Saturday June 28, 2015 at Reis Park at 4:00 PM.

Councilman Cirieco congratulated the Class of 2015 and wished them luck in College.

The Supervisor said that earlier that evening they were at the Somers High School Sports Recognition Ceremony. He said that they congratulated all of the Athletes but specifically called attention to the Somers Girls Soccer Team and their New York State Championship Title. He said that they were also very proud of the Somers Girl Lacrosse Team and their 2nd Place New York State Title.

Councilman Clinchy said that he attended the Somers High School Senior Convocation Ceremony and that was equally impressive.

Councilman Faulkner said that he wanted to also congratulate the Class of 2015, especially his daughter and all of her friends. He said that they were all an exceptional group of young people.

The Supervisor said that there were going to be 4 signs placed in Town in honor of the Girls Soccer Teams New York State Championship.

Claims for the payment of all Town Bills in the amount of $636,060.16 were presented and allowed for payment as shown on the Abstract of Audited Claims on file in the office of the Town Clerk.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Faulkner, the meeting was adjourned at 8:55 PM.

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Town Clerk

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JULY 9, 2015 – PUBLIC HEARING

Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening July 9, 2015 at 7:10 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Rick Morrissey
	Councilman	Richard G. Clinchy
	Councilman	Thomas A. Garrity, Jr.
	Councilman	Anthony J. Cirieco
	Councilman	William G. Faulkner

ABSENT:

Also present were Kathleen R. Pacella, Town Clerk, Patricia Kalba, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

The Supervisor said that this was a public hearing with regard to the granting a of preliminary development concept plan approval and the reclassification of the site located at 16 Route 6 (Lot 15.07-1-6) for the proposed Hidden Meadow Development to the Multifamily Residence Baldwin Place District (MFR-BP) Floating Zone from an existing R80 Residence District pursuant to Section 170-13 Multifamily Residence MFR District. He invited Ms. Syrette Dym, Director of Planning to review the process.

The Town Clerk presented affidavit of public notice of the public hearing that appeared in the Somers Record on June 25, 2015 and posted on the Town Clerk's bulletin board the same day.

Ms. Dym said that she wanted to review where they were with the project and what the Board was being asked to do at that time. She said that the Hidden Meadow project was located at 16 Route 6 (Lot 15.07-1-6) and in September 2013 there was an application by Kearney Realty and Development Group. She said that the application proposed a 53 unit project to include 45 Market Rate Town Houses and additional 8 Town Houses within those 8 Town Houses there would be 8 One Bedroom Affordable Units, therefore there would be 16 Affordable Units in total. Ms. Dym said that in order to accomplish this project the Developer requested the designation of the Multifamily Residence Baldwin Place District (MFR-BP). She said that it was determined that there needed to be some adjustments both in the Zoning text and in the Comprehensive Master Plan in order to accomplish that request. She said that the Town Board undertook a series of actions which included the text changes, the environmental review and the approvals to the Comprehensive Master Plan that was necessary. Ms. Dym said that a Negative Declaration was issued by the Planning Board with regard to this action. She said that Town Board was being asked that evening to take public comments in order to make a decision regarding the approval of both granting of preliminary development concept plan, which was being considered by the Planning Board and the reclassification of the site located at 16 Route 6 (Lot 15.07-1-6) for the proposed Hidden Meadow Development to the Multifamily Residence Baldwin Place District (MFR-BP) Floating Zone from an existing R80 Residence District pursuant to Section 170-13 Multifamily Residence MFR District. She said that after the Board took public comments she wanted to go over the draft Resolution she had prepared and the findings of the Resolution. Ms. Dym said that was so that the Board was clear as to what they were voting on a result of the Resolution.

The Supervisor declared the hearing open and asked for comments from the public.

<u>Mr. Ted Kugler, Mahopac Avenue</u>, said that he was a 35 year resident of the Town of Somers and this project was something that the Town needed. He said that they needed affordable housing in the Town so that their children could stay in Town and raise their families. He said that he also owned a local business that was within 5 miles of Somers

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and he would like a place for his employees to buy a home in Somers. Mr. Kugler supported this project and he hoped that the Town Board supported it as well.

Councilman Garrity said that Mr. Kugler brought up a good point, there were 16 Affordable Units within the project as per definition by HUD. He said that meant a certain percentage of average income. He said that the other Units were not going to be high priced units, they were going to be affordable for people starting out or downsizing.

Councilman Cirieco said that he liked the project because of the mixed concept of Affordable Units and Market Rate Units. He said that the Developer was known as a good builder and had a good track record in Town.

The Supervisor said that this project was kind of unique with the Affordable Town Houses with an Affordable Unit within the unit. He said that someone was not only buying a Town House they were going to have a built in tenant. He said that he had not seen that before and it seemed like an interesting and progressive model.

Mr. Michael McDonough, said that his family owned a business on Mahopac Avenue and they employ about 50 people and less than 20% of them live in Somers. He said that a lot of them would like to live in Somers but they cannot afford it. He said that the affordable units were great but the Kearney's were also proposing very affordable Market Rates as well and that was fantastic.

Mr. Ken Kearney, Kearney Realty and Development Group, said that the concept of the Town Houses with the rentals underneath was used in New Castle 25 years ago and he pointed out where they were located. He said that it worked out well for them. He explained that they were going to work with the homeowners and educate them on how to be a landlord. He explained that the project was a mixed income and a mixed use.

Councilman Cirieco asked Mr. Kearney to explain how they were marketed. Mr. Kearney said that the 37 units were marketed by his company and they were fortunate that their partner, Housing Action Council was the appointed Marketing Consultant by Westchester County. He said that Ms. Rose Noonan of the Housing Action Council would be handling the marketing for the 8 Affordable Homeownership Units. He said that they would sell those units first and once they were sold Ms. Noonan would handle the Marketing for the 8 Affordable Rental Units.

There being no else to be heard on motion of Supervisor Morrissey, Councilman Clinchy, the public hearing was declared closed at 7:25 PM.

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Town Clerk

JULY 9, 2015 – PUBLIC HEARING

Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening July 9, 2015 at 7:35 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Rick Morrissey
	Councilman	Richard G. Clinchy
	Councilman	Thomas A. Garrity, Jr.
	Councilman	Anthony J. Cirieco
	Councilman	William G. Faulkner

ABSENT:

Also present were Kathleen R. Pacella, Town Clerk, Patricia Kalba, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

The Supervisor said that this was a public hearing with regard to a proposed Local Law to add Chapter 83 entitled Community Choice Aggregation (Energy) Program to the Code of the Town of Somers and adopt a Resolution with regard to the Town's participation in the Community Choice Aggregation Program.

The Town Clerk presented affidavit of public notice of the public hearing that appeared in the Somers Record on June 25, 2015 and posted on the Town Clerk's bulletin board the same day.

The Supervisor explained that the Board approved joining Sustainable Westchester and they would be purchasing energy. He said that the Town of Somers as a Community Choice Aggregation Program participant each resident and business would be able to sign up with them. He said that it was almost a guaranteed lower rate. He said that no one was made to change and had the option of staying with their current provider. The Supervisor said that once the Local Law and Resolution were enacted the residents and business owners would be receiving a notification from Sustainable Westchester. He continued that at that time the resident or business owner could opt-out of the Community Choice Aggregation Program.

Councilman Faulkner pointed out that if a resident or business owner opted-in and at a later time wanted to opt-out they could do so at that time.

The Supervisor said that they felt that this was a great benefit to the residents. He said that the energy was going to be purchased in bulk and that would lower the rates.

Councilman Clinchy said that there were a number of Towns in Westchester that were joining them although they were proud to say the Town of Somers was on the forefront.

Councilman Cirieco said that he liked that there were other alternatives that would be available to the residents

Councilman Garrity said that he compares this to the Oil Plan that the Town already had in place.

The Supervisor declared the hearing open and asked for comments from the public.

There being no one to be heard on motion of Supervisor Morrissey, seconded by Councilman Garrity, the public hearing was declared closed at 7:37 PM.

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Town Clerk

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JULY 9, 2015 – WORK SESSION/REGULAR MEETING

Minutes of a combined work session/regular meeting of the Town Board of the Town of Somers held on Thursday evening July 9, 2015 at 7:00 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Rick Morrissey
	Councilman	Richard G. Clinchy
	Councilman	Thomas A. Garrity, Jr.
	Councilman	Anthony J. Cirieco
	Councilman	William G. Faulkner

ABSENT:

Also present were Kathleen R. Pacella, Town Clerk, Patricia Kalba, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

The Supervisor said that two members of the Somers Police Benevolent Association (PBA) were there that evening to make a presentation the Somers Youth Sports Association (SYSO). Mr. Graham Leftwich, Secretary of the Somers PBA and Mr. Bob Matuszewski, Vice President of the Somers PBA introduced themselves. Mr. Matuszewski said that they were there to present an Automation External Defibrillator (AED) to SYSO. He said that they hoped that it would never need to used and wished them much luck with it.

Mr. Nicholas Ward-Willis, past President of SYSO, introduced Mr. Chris Lieberman, Current SYSO President said that everyone involved in SYSO was extremely grateful for the PBA's donation of the AED. He said that as was said hopefully this was a gift that they will never have to use. He said that this was part of their ongoing efforts to raise awareness of the need for AEDs and CPR training in Youth Sports. Mr. Ward-Willis said that they had raised about $7,500.00 of their fund raising goal of $25,000.00. He said that that was to have AED on the Town Fields for off hours when Coaches or people with a key to the AEDs were not available. He said that the PBA's donation was greatly appreciated and he sincerely thanked them.

Councilman Clinchy asked Mr. Ward-Willis to briefly explain how the AED worked and what they were used for. Mr. Ward-Willis said that an AED was used whenever there was a sudden Cardiac Arrest. He said that may happen in sports when hit by a ball or the child might have an unknown Heart Ailment. He said that also a Coach or Parent might be in need of assistance, the AED was available for everyone.

The Supervisor thanked the Somers PBA for their gracious donation.

The Supervisor said that the Board was presenting a Certificate of Appreciation to Mr. William F. Kehoe. He said that this was in recognition of Mr. Kehoe's 25 years of service to the Library Board of Trustees, 16 years of service on the Risk Management and Safety Committee and his input to the Somers Master Plan. He presented Mr. Kehoe with the Certificate of Appreciation on behalf of the Town Board.

Mr. Kehoe said that it had been an honor, a privilege and a pleasure to give his time to the Town of Somers. He thanked the Board for their recognition.

Councilman Garrity said that he worked with Mr. Kehoe on the Risk Management Committee. He said that Mr. Kehoe took everything that came before them very seriously. He said that because of Mr. Kehoe they were able to reduce costs in certain insurance areas and reduce claims in the Town. Councilman Garrity said that it was always a pleasure to work with him.

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Councilman Clinchy said that Mr. Kehoe had institutional knowledge of the Town and over the years they all had learned from him.

Supervisor Morrissey said that Mr. Kehoe was the quintessential volunteer and this Town ran on volunteers. He said that Mr. Kehoe was the perfect example of that and he will be missed. He thanked Mr. Kehoe for all of his service to the Town.

The Supervisor said that the Board was also presenting a Certificate of Appreciation to Mr. Michael Yee for his service to the Somers Energy Environment Committee (SEEC). He said that Mr. Yee was unable to be present that evening. He said that Mr. Yee was a guiding force within in SEEC to work on the Complete Streets Project. The Supervisor explained that the Complete Streets Project studied the installation of sidewalks from the Somers Town Shopping Center to the Somers High School and Reis Park. He thanked Mr. Yee for his service to the Town of Somers.

The Supervisor said that it was in order for the Board to open a public hearing with regard to the granting of preliminary development concept plan approval and the reclassification of the site located at 16 Route 6 (Lot 15.07-1-6) for the proposed Hidden Meadow Development to the Multifamily Residence Baldwin Place District (MFR-BP) Floating Zone from an existing R80 Residence District pursuant to Section 170-13 Multifamily Residence MFR District.

7:10 PM – hearing opened
7:25 PM – meeting reconvened

The Supervisor invited Ms. Dym to discuss the proposed Resolution with the Board. Ms. Dym stated that the Board had before them a draft Resolution with a series of whereas that took them through the history of the project. She said that the Board needed to focus on the finding portion of the Resolution. She explained in order for the Board to designate the property as an MFR-BP there were a series of findings that had to be made. Ms. Dym went through the findings with the Board so that they would be clear as to what they were voting on. She stated that the project met all the required findings in order for the Town Board to apply the MFR-BP to the site.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Cirieco it was unanimously,

RESOLUTION

GRANTING OF APPROVAL OF A PRELIMINARY DEVELOPMENT CONCEPT PLAN AND THE RECLASSIFICATION OF A SPECIFIC PARCEL TO THE MULTIFAMILY RESIDENCE BALDWIN PLACE DISTRICT (MFR-BP) FLOATING ZONE

Pursuant to § 170-13 Multifamily Residence MFR Districts of the Code of the Town of Somers

WHEREAS, the Town Board is considering the approval of a preliminary development concept plan and the reclassification of a specific parcel to the Multifamily Residence Baldwin Place MFR-BP District, a Floating Zone, pursuant to Section 170-13 Multifamily Residence MFR Districts of the Code of the Town of Somers to the property located at 16 Route 6 and identified as tax lot 15.07-1-6 on the tax maps; and

WHEREAS, the Project consists of a multi-family housing development with associated site appurtenances, consisting of (8) buildings containing (53) total units as follows: (37) market rate fee simple town homes, (8) fee simple affordable town homes and (8)

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affordable apartments, with its own individual entry, will be located within and owned by the owner of the corresponding affordable townhome, also with its own entry; and

WHEREAS, the project includes public water and sewer connections and onsite stormwater management; and

WHEREAS, multifamily residence districts were established in order to provide suitable opportunities within the Town for the development of housing designed to satisfy the needs of households maintained by the young, the elderly and families earning less than 80% of the county's median income, and to permit a broad array of housing types, dwelling unit sizes and forms of ownership/occupancy; and

WHEREAS, these districts are intended to provide for the construction of multifamily housing on sites determined to be appropriate based upon criteria established in the Town Development Plan and in conformance with the standards recommended therein, which standards are designed to promote the public health, safety and general welfare and to require the development of housing which is responsive to the variety of special size, design, locational and affordability needs of present and future residents of the Town; and

WHEREAS, it is the specific purpose and intent of the Multifamily Residence Baldwin Place MFR-BP District to provide the opportunity for the development of medium-density, multifamily housing in and adjacent to the Baldwin Place business center area on sites within an existing, expanded or new sanitary sewer district, capable of being served with a central water system, and with convenient access to major roads, regional shopping, community facilities and services, and to include affordable housing; and

WHEREAS, all multifamily residence districts are established on a floating-zone basis, subject to approval by the Town Board and in accordance with an approved preliminary development concept plan, and

WHEREAS, the Town Board reviewed and clarified the intent of both the 1994 Comprehensive Master Plan and the MFR-BP District in light of the changes in the Route 6 Baldwin Place corridor over the last 20 years; and

WHEREAS, on September 27, 2013, the Town Board received an application for placement of the MFR-BP district and a concept plan of development relative to that district for the subject site; and

WHEREAS, the Town Board referred the proposed preliminary development concept plan and the reclassification of the Project Site to the Multifamily Residence Baldwin Place District Floating Zone to the Town of Somers Planning Board on October 10, 2013 and the Town of Somers Open Space Committee on November 15, 2013 for review and comment; and

WHEREAS, the Town Board, having made required referrals, held required public hearings, and having determined through review by the Planning Board whom it asked and who accepted the role of Lead Agency under SEQRA that there were no significant environmental impacts resulting from reclassification of the property or from development of the preliminary development concept plan in a Negative Declaration issued, January 28, 2015, reviewed and clarified the intent of both the 1994 Comprehensive Master Plan and the MFR-BP District in light of the changes in the Route 6 Baldwin Place corridor over the last 20 years and approved such clarifications by resolution on October 9, 2014

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WHEREAS, in correspondence dated April 28, 2014 whereby the Planning Board approved proposed modification to the 1994 Town of Somers Comprehensive Master Plan and Associated Zoning Text Amendments to Section 170-13 Multifamily Residence MFR Districts; and

WHEREAS, in addition, as part of the issuance of the Negative Declaration of January 28, 2015 which, among other actions pertained to application of the MFR-BP floating zone on the subject site, the Town of Somers Planning Board provided its recommendation of approval regarding the proposed preliminary development concept plan and the reclassification of the Project Site to the Multifamily Residence Baldwin Place District Floating Zone; and

WHEREAS, in numerous memorandums and correspondence, the Town of Somers Open Space Committee provided its comments on the proposed preliminary development concept plan and the reclassification of the Project Site to the Multifamily Residence Baldwin Place District Floating Zone ending with correspondence of November 14, 2014 which stated its satisfaction with resolution of its issues and further recommendations subsequently incorporated into the plan and such correspondence constituted its recommendation of approval regarding such concept plan and zoning reclassification; and

WHEREAS, a duly advertised public hearing on the preliminary development concept plan and the reclassification of the Project Site to the Multifamily Residence Baldwin Place District Floating Zone was opened by the Town Board on July 9, 2015, at which time public comments were taken and the hearing was closed on July 9, 2015; and

WHEREAS, the Town Board has carefully considered all of the comments raised by the public and other interested agencies, organizations and officials, including those presented at meetings of the Board as well as those submitted separately in writing; and

NOW, THEREFORE, BE IT

RESOLVED, that the foregoing WHEREAS clauses are incorporated herein by reference and are fully adopted as part of this approval; and

BE IT FURTHER RESOLVED that the Town Board makes the following findings pursuant to §170-13 of the Town of Somers Zoning Law:

1. Minimum site area. The site meets the minimum site area of 10 acres to receive consideration for designation within the MFR-BP District. The site has an area of 16.8 acres.

2. Underlying Zoning. For consideration for designation within the MFR-BP District, a tract shall have an underlying zoning of R40 Residence District or R80 Residence District. The proposed site is located within the R40 Residence District.

3. Adjacency to Baldwin Place Business Center Area. For consideration for designation within the MFR-BP District, a tract shall have frontage on Route 6 and be located no further than 2,000 linear feet from the intersection of Route 6 and Mahopac Avenue. The proposed site has frontage on Route 6 and is located no more than 2,000 feet from the intersection of Route 6 and Mahopac Avenue.

4. Development Density. The proposed project meets the allowable development density and utilizes the allowable incentive density of one additional market-rate unit for each affordable unit in excess of the required 15% of the base permitted

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density, but does not exceed the maximum increase of 20% in the number of market-rate units.

5. Coverage. The proposed project complies with the maximum permitted building coverage of 20% and the maximum permitted combined coverage of buildings and paved surfaces of 40%. The project proposes 7.5% of building coverage and 18% of buildings and paved surfaces.

6. Maximum building height. The proposed project complies with the maximum permitted building height of 2.5 stories or 30 feet. The project proposes building heights of 22 feet.

7. Setbacks. The proposed project complies with all required building setbacks. All buildings within an MFR-BP District shall be set back at least 75 feet from any street line and 50 feet from any other lot line, except that the minimum setback from a common property line shard with land in an adjoining single-family residence district shall be at least 100 feet. Where the Planning Board determines that the objectives of such setbacks can be appropriately met with lesser distances, taking into consideration the nature of neighboring land uses, topographic conditions, existing vegetation, or other such similar factors, it may permit reduction in such setback requirements. The proposed setback shall be subject to Planning Board approval as part of its review of the detailed site development plans.

8. Traffic Access. The site has frontage on a major road, US Route 6. The access to the site is adequate to accommodate the anticipated traffic generation resulting from the multifamily development and it has been determined that Route 6 is capable of accommodating the additional traffic generated by the project.

9. Water and Sewerage Facilities. The site shall be connected to the Windsor Farms Water District and the Town of Somers Sewer District.

10. Drainage. The storm water drainage system serving the multifamily development is designed so that the rate of runoff from the site during the one-hundred-year storm will not exceed that which occurred prior to its construction. The calculation of the runoff rate and the design of the drainage system shall be subject of the approval of the Consulting Town Engineer.

11. Refuse collection, storage and disposal. The plans for the collection, storage, and disposal of refuse within the multifamily development shall be subject to Planning Board approval as part of its review of the detailed site development plans.

12. Underground utilities. All utilities, including electric, telephone and cable television service, shall be placed underground.

13. Fire Protection. The site plans for the multifamily development provide proper access for firefighting equipment and personnel. The location and number of hydrants shall be determined as adequate by the Bureau of Fire Prevention and approved by the Planning Board as part of its review of the final site development plans.

14. Off-street Parking. The proposed project complies with the number of required off-street parking spaces. The project proposes 118 parking spaces where 112 parking spaces are required.

15. Recreation area and Open Space. The proposed project meets and exceeds the MFR-BP Zoning District requirements for recreation and open space. To comply with the zoning requirements for recreation area, the project would need to provide 8,700 square feet of recreational area. The project is providing 11,400 square feet of recreational area, which includes a gazebo, playground, multi-purpose recreation field, picnic/barbeque area and multi-purpose sport court. In addition, a recreation fee will be paid to the Town of Somers. All portions of the

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development which are not used for buildings, streets, or designated recreation areas will be maintained as permanent open space.

16. Individual Unit Access. Each individual dwelling unit has its own separate entrance leading directly to the outside.

17. Central Antenna System. Cable television service is available to serve the multifamily development and a central television antenna system will not be required.

18. Minimum Floor Area. All proposed dwelling units meet the required minimum floor area requirements.

19. Exterior lighting shall be provided according to a lighting plan approved by the Planning Board.

20. The proposed project complies with the required number of affordable housing units as defined in §170-13 of the Town of Somers Zoning Law.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Somers, hereby approves the preliminary development concept plan and the reclassification of a Tax Lot 15.07-1-6 to the MFR-BP Multifamily Residence Baldwin Place District Floating Zone.

This Resolution shall have an effective date of July 9, 2015.

ROLL CALL:	Supervisor Rick Morrissey	AYE
	Councilman Richard G. Clinchy	AYE
	Councilman Thomas A. Garrity, Jr.	AYE
	Councilman Anthony J. Cirieco	AYE
	Councilman William G. Faulkner	AYE

The Supervisor said that it was in order for the Board to open a public hearing with regard to a proposed Local Law to add Chapter 83 entitled Community Choice Aggregation (Energy) Program to the Code of the Town of Somers and adopt a Resolution with regard to the Town's participation in the Community Choice Aggregation Program.

7:35 PM – hearing opened
7:37 PM – meeting reconvened.

The Supervisor said that it was in order for the Board to adopt the proposed Local Law adding Chapter 83 entitled Community Choice Aggregation (Energy) Program to the Code of the Town of Somers and adopt a Resolution with regard to the Town's participation in the Community Choice Aggregation Program.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Clinchy, it was unanimously,

RESOLVED, that the Town Board does hereby adopt a Local Law to add Chapter 83 entitled Community Choice Aggregation (Energy) Program to the Code of the Town of Somers as follows:

A LOCAL LAW TO ESTABLISH A COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM IN THE TOWN OF SOMERS

Be it enacted by the Town of Somers of the County of Westchester as follows:

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Section 1. The Code of the Town of Somers is hereby amended by adding a new Chapter 83, entitled "COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM," to read as follows:

ARTICLE I

§1. Legislative Findings; Intent and Purpose; Authority.

A. It is the policy of both the Town of Somers and the State of New York to reduce costs and provide cost certainty for the purpose of economic development, to promote deeper penetration of energy efficiency and renewable energy resources such as wind and solar, and wider deployment of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for residential and Small Commercial customers in those markets. Among the policies and models that may offer benefits in New York is community choice aggregation, which allows local governments to determine the default supplier of electricity and natural gas on behalf of its residential and Small Commercial customers.

B. The purpose of this CCA Program is to allow participating local governments including the Town of Somers to procure energy supply service for their residential and Small Commercial customers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing Distribution Utility. This Chapter establishes a program that will allow the Town of Somers to put out for bid the total amount of natural gas and/or electricity being purchased by local residential and Small Commercial customers. Bundled Customers will have the opportunity to have more control to lower their overall energy costs, to spur clean energy innovation and investment, to improve customer choice and value, and to protect the environment; thereby, fulfilling the purposes of this Chapter and fulfilling an important public purpose.

C. The Town of Somers is authorized to implement this COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0564, Petition of Sustainable Westchester for Expedited Approval for the Implementation of a Pilot Community Choice Aggregation Program within the County of Westchester, Order Granting Petition in Part (issued February 26, 2015) as may be amended, including subsequent orders of the Public Service Commission issued in connection with or related to Case No. 14-M-0564 (collectively, the "Order"). Order shall also mean orders of the Public Service Commission related to State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued December 15, 2104) to the extent that orders related to Case No. 14-M-0224 enable actions by the Town of Somers not otherwise permitted pursuant to orders related to Case 14-M-0564; provided, however, that in the event of any conflict between orders from Case No. 14-M-0564 and orders from Case No 14-M-0224, orders from Case No 14-M-0564 shall govern the CCA Program.

D. This Chapter shall be known and may be cited as the "COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM Law of the Town of Somers".

§2. Definitions.

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission's Uniform Business Practices or, if not so defined there, as indicated below:

Bundled Customers – Residential and Small Commercial customers of electricity or natural gas ("fuels") who are purchasing the fuels from the Distribution Utility.

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Small Commercial - Non-residential customers as permitted by the Order.

Community Choice Aggregation Program or CCA Program– A municipal energy procurement program, which replaces the incumbent utility as the default Supplier for all Bundled Customers within the Town of Somers.

Distribution Utility – Owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission.

Public Service Commission – New York State Public Service Commission.

Suppliers – Energy service companies (ESCOs) that procure electric power and natural gas for Bundled Customers in connection with this Chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

Sustainable Westchester – A not-for-profit organization comprised of member municipalities in Westchester County, New York.

§3. Establishment of a COMMUNITY CHOICE AGGREGATION (ENERGY) Program.

A. A COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM is hereby established by the Town of Somers, whereby the Town of Somers shall work together with Sustainable Westchester to implement the CCA Program to the full extent permitted by the Order, as set forth more fully herein. The Town of Somers' role under the CCA Program involves the aggregating of the electric and/or natural gas supply of its residents and the entering into a contract with one or more Suppliers for supply and services. Under the CCA Program, the operation and ownership of the utility service shall remain with the Distribution Utility.

B. The Town of Somers' purchase of energy supply through a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Town of Somers will not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with Suppliers on behalf of participating residential and Small Commercial customers.

C. In order to implement the CCA Program, the Town will adopt one or more resolutions that outline the process of and conditions for participation in the CCA Program, including but not limited to signing a contract for a compliant bid with one or more Suppliers, all as consistent with the Local Law and the Order.

D. The Public Service Commission supervises retail markets and participants in these markets through legislative and regulatory authority and the Uniform Business Practices, which includes rules relating to the eligibility of participating ESCOs, the operation by which ESCOs provide energy services, and the terms on which customers may be enrolled with ESCOs.

§4. Procedures for Eligibility; Customer Data Sharing.

A. As permitted by the Order, the Town of Somers may request from the Distribution Utilities aggregated customer information by fuel type and service classification on a rolling basis.

B. Sustainable Westchester, on behalf of the Town of Somers, shall issue one or more requests for proposals to Suppliers to provide energy to participants and may then award a contract in accordance with the CCA Program.

C. Sustainable Westchester or the Town of Somers if the Town of Somers so chooses, will then request individual customer data from the Distribution Utility in accordance with the CCA Program.

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D. Sustainable Westchester or the Town of Somers if the Town of Somers so chooses, and the selected Supplier will then notify Bundled Customers of the contract terms and their opportunity to opt out of the CCA Program.

E. In accordance with and for purposes of the Order, the existing Distribution Utility, New York State Electric & Gas Corporation will provide to Sustainable Westchester aggregate and customer-specific data (including usage data, capacity tag obligations, account numbers, and service addresses) of all Bundled Customers in the Town of Somers not currently enrolled with an ESCO.

F. Sustainable Westchester and the Town of Somers, will protect customer information as required by law, subject to the Order and the limitations of the New York State Freedom of Information Law.

§5. Choice of Energy Supplier; Opt-Out Notice and Procedure.

A. The Town of Somers or in conjunction with the ESCO will notify its residential and Small Commercial customers, by letter notice, of the Town of Somers' decision to establish the CCA Program, of the contract terms with an ESCO, and of the opportunity to opt out of the CCA Program.

B. The letter notice will be sent to each customer at the address provided by the Distribution Utility and explain the CCA Program and the material provisions of the ESCO contract, identify the methods by which the customer can opt out of the CCA Program, and provide information on how the customer can access additional information about the CCA Program.

C. The opt-out period shall be twenty (20) days.

D. CCA Program Bundled Customers upon enrollment will receive a welcome letter that will explain the customers' options for canceling the enrollment if they believe they were enrolled incorrectly or otherwise decide to withdraw from the CCA Program in favor of another Supplier. The welcome letter also will explain that residential customers are entitled to the added protection of the mandated Three (3) Day rescission period as detailed in Section 5(B)(3) of the Uniform Business Practices.

§6. Verification and Reporting.

A. Sustainable Westchester shall be responsible for filing an annual report with the Public Service Commission, which identifies the number of customers enrolled in the CCA Program by municipality and customer class, the number of customers who returned to utility service or service with another Supplier during the reporting period, and the average cost of commodity supply by month for the reporting period.

Section 2. This local law shall take effect upon filing with the Secretary of State.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Clinchy, it was unanimously,

RESOLUTION AFFIRMING THAT THE TOWN BOARD OF THE TOWN OF SOMERS SHALL ENTER INTO AN AGREEMENT TO PARTICIPATE IN A COMMUNITY CHOICE AGGREGATION ("CCA") PROGRAM THROUGH SUSTAINABLE WESTCHESTER, INC.

WHEREAS, Sustainable Westchester, Inc., a not-for-profit organization now comprised of over forty municipalities in Westchester County, sought approval of a demonstration community choice aggregation ("CCA") program in Westchester County in 2014, which would allow local governments to participate in a Sustainable Westchester program to

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procure energy supply from energy service companies ("ESCOs") for the residents of the municipalities, and

WHEREAS, on February 26, 2015, the Public Service Commission of the State of New York approved implementation of the first community choice aggregation ("CCA") pilot program in New York State, which allows Sustainable Westchester to put out for bid the total amount of natural gas or electricity being purchased by local residents or small businesses, and

WHEREAS, the program is intended to provide consumers with the ability to lower their overall energy costs, and

WHEREAS, the potential benefits of CCA programs include price stability for a fixed contract term, lower prices, more favorable contract terms, and the ability to design a program that reflects local preferences and needs, including a preference for cleaner power sources, and

WHEREAS, the Westchester pilot program is intended to include residential and small non- residential customers, and to permit the aggregation of both electric and natural gas purchases, and

WHEREAS, Sustainable Westchester, Inc. will issue a request for proposals to suppliers to provide energy to participants, and will then award a contract, and

WHEREAS, Sustainable Westchester, Inc. or the Town will request individual customer data from the utility, and the selected supplier will then notify the bundled customers of the contract terms and the customer's opportunity to opt-out of the program within twenty (20) days;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Somers shall enter into an agreement to participate in a Sustainable Westchester program for its residents and business consumers who are not currently purchasing electricity from an energy service company (ESCO), only if: 1) the default price is guaranteed to be consistently less than the utility price for the same period; or 2) the default price is fixed at a level that is less than the average utility price for the same commodity, for the same customer class, over the preceding twelve month period; or 3) the default price is at first set at a level that is less than the average utility price for electricity, for the same customer class, over the preceding twelve month period, and only floats upward by less than twenty-five percent (25%) of the price increases implemented by the utilities, and

BE IT FURTHER RESOLVED that the Town agrees to notify residents and business owners eligible for inclusion in a manner that the Town deems effective and efficient about the program in advance of the program's implementation, and

BE IT FURTHER RESOLVED that based upon the text and prior interpretations of the General Municipal Law ("GML"), a municipality may participate in a Community Choice Aggregation ("CCA") program without undertaking the referendum requirement of GML § 360, which applies only to the construction, leasing, purchasing, acquisition, use or ownership of a "public utility service" as defined in the GML.

BE IT FURTHER RESOLVED, that the Town Supervisor of the Town of Somers is hereby authorized to execute any and all documents to give effect to this resolution.

PUBLIC COMMENT:

There being no one to be heard on motion of Supervisor Morrissey, seconded by Councilman Clinchy, public comment session was declared closed.

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Monthly reports

The Town Clerk presented monthly reports from the Town Clerk, Building Inspector, Director of Finance, Parks and Recreation, Tax Receiver, Planning and Engineering, Zoning, Plumbing and Bureau of Fire Prevention.

Adjusting the timing of the payment of Rec Fees

The Supervisor said that the next item on the agenda was to acknowledge the Planning Board's approval of adjusting the timing of the payment of Recreation Fees with regard to the Merritt Park Subdivision. He said that this was referred from the Town Board to the Parks and Recreation Board. He explained that the subdivision would pay all of their Recreation Fees it would just be in a staggered fashion as homes were being built.

The Town Board acknowledges the Planning Board's approval of adjusting the timing of payment of Recreation Fees per memo dated June 16, 2015 from Syrette Dym, AICP, Town Director of Planning.

Councilman Garrity said that the reason for this was the applicant was doing quite a bit of offsite work to benefit Lake Lincolndale. He said that the improvements they were doing were expensive.

Discussion reg. traffic control device for Route 139

The next item on the agenda was a discussion and recommendation with regard to a traffic control device for Route 139. The Supervisor said that Councilman Cirieco, Councilman Faulkner and himself attention a New York State Department of Transportation (DOT) Public Meeting at Somers High School and there were not a lot of public present. He said that the Town Board wanted to engage the public and find out what the preferences were to a traffic control device for Route 139 at Somers High School. He invited the residents that were present that evening to give their imput and suggestions. Discussion ensued between the Town Board and the residents present with regard to their concerns and objections to a traffic circle being placed at that location. The Supervisor said that he would recommend to the DOT after holding a public discussion at a Town Board meeting the Town was leaning towards a standard traffic light as a traffic control device at that location.

PERSONNEL:

Current Vacancies:

Somers Energy Environmental Committee
Affordable Housing Board (5 – 2 year terms ending July 11, 2015)
Architectural Review Board (3 – 3 year terms ending March 9, 2018)
Zoning Board of Appeals (1 – 7 year term ending December 31, 2017)

Upcoming Vacancies:

Hire C. Bush, Part-time Intermediate Clerk in the Planning and Engineering Office

The Supervisor said that it was in order to authorize the hiring of Carolyn Bush, Part-time Intermediate Clerk in the Planning and Engineering Office.

Thereupon motion of Councilman Garrity, seconded by Councilman Faulkner, it was unanimously,

RESOLVED, that the Town Board does hereby authorize the hiring of Carolyn Brush, Part-time Intermediate Clerk in the Planning and Engineering Office, at an hourly rate of $15.00 to work no more than 17 hours per week beginning July 20, 2015 per memo dated June 10, 2015 from Syrette Dym, Director of Planning.

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Acknowledge V. Agudelo Summer Inter in Planning and Engineering Office

The Supervisor said that he wanted to acknowledge the Summer Intern in the Planning and Engineering Office. He said that Vanessa Agudelo was working in the Planning and Engineering Office on Mondays and Wednesdays to work on Planning items. He said that she was a resident of Peekskill and was a graduate of Kennedy Catholic High School and the Penn State. The Supervisor said that she was volunteering her time while she was seeking full time employment. He said that he wanted to recognize and appreciate her assistance.

Thereupon motion of Councilman Garrity, seconded by Councilman Faulkner, it was unanimously,

RESOLVED, that the Town Board does hereby authorize the volunteer services of Vanessa Agudelo as a Summer Intern in the Planning & Engineering Department to work on Monday and Wednesday.

Hire Full-time Senior Account Clerk in the Finance Office

The Supervisor said that he needed to add to the agenda the authorization to hire a Full-time Senior Account Clerk in the Finance Office on or about July 20, 2015 to replace Doreen Cardaci who is retiring on July 30th. He said that the annual salary for that position was not to exceed $45,597.00.

Thereupon motion of Councilman Garrity, seconded by Councilman Clinchy, it was unanimously,

RESOLVED, that the Town Board does hereby authorize the hiring of an appropriate candidate for the title of Senior Account Clerk in the Finance Department effective July 20, 2015 at an annual salary not to exceed $45,597.00 to replace Doreen Cardaci who is retiring the end of July per memo dated July 9, 2015 from Barbara J. Sherry, Secretary to the Supervisor.

Consensus agenda

The next item was the consensus agenda. The Supervisor said that there were a couple of additions he would like to make to the consensus agenda. He said that with regard to item number 1 they needed to add an item f and that was the 2015-2016 Workmen Compensation Agreement with PERMA. He said that agreement would be effective July 1, 2015 and the Finance Director and Insurance Carrier researched this and the Town would be saving money by that. The Supervisor said that they also needed to add an item g under number 1 which was the 2014 MOA with Somers, North Salem and Lewisboro Senior Citizen Nutrition Program. He said that there was an addition to item number 2 which was a $500.00 Bond for an Erosion Control Permit.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Faulkner, it was unanimously,

Execute the Snow and Ice Indexed Lump Sum Contracts

1a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Snow and Ice Indexed Lump Sum Contracts, Payment Factor Adjustment Amendment B for the winter of : **2014-2015**, per letter dated June 25, 2015 from Jorge A. Argote, P.E., Resident Engineer, Westchester North.

Execute the Mutual Aid and Rapid Response IMA

1b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Mutual Aid and Rapid Response Inter-Municipal Agreement (IMA) between the Town of Somers and the Westchester County Department of Public Safety per letter dated June 24, 2015 from Joy K. Mathai, Director of Administrative Services.

Execute Agreement with Danziger & Markhoff, LLP for Actuarial Services

1c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Agreement with Danziger & Markhoff, LLP for Actuarial Services for the fiscal year ending December 31, 2015 in the amount of $3,250.00

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per e-mail letter dated June 18, 2015from Edward A. Echeverria, FSPA, MAAA, CP, EA.

Execute 2015-2016 Westchester County Department Health Permit

1d. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute 2015-2016 Westchester County Department Health Permit to Operate the Somers Senior Nutrition Program located at Van Tassell House – 98 Primrose Street, Somers, New York per memo dated June 12, 2015 from Barbara Taberer, Program Director.

Execute agreement with Garon Fence Company, Inc

1e. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute agreement with Garon Fence Company, Inc. and establish a budget of $7,845.00 from Recreation Fees, for the removal and relocation of the outfield fencing at Van Tassell per memo dated June 23, 2015 from Steven Ralston, Superintendent of Parks & Recreation.

Execute the PERMA Workers' Compensation Employers Liability Program Agreement

1f. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Public Employer Risk Management Association Workers' Compensation Employers Liability Program Agreement effective July 01, 2015 per letter dated July 2, 2015 from Michael D. Ritchie, Member Service Specialist, Public Employer Risk Management Association, Inc.

Execute MOA for Senior Citizen Nutrition Program

1g. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2014 Memorandum of Agreement (MOA) among the Towns of Somers, North Salem and Lewisboro with regard to the Senior Citizen Nutrition Program per memo dated July 7, 2015 from Barbara Taberer, Program Director.

Accept Erosion Control Bonds

2. RESOLVED, that the Town Board does hereby authorize the acceptance of the following Erosion Control Bonds per memos from Wendy Getting, Senior Office Assistant:

a. $500.00 – Bonielle Land & Realty, Ltd. – Stormwater Management & Erosion & Sediment Control – 48.17-1-36.
b. $500.00 – Deutsch – Steep Slope & Stormwater Management & Erosion & Sediment Control – 48.18-1-5.
c. $300.00 – Lord – Wetland Permit – 48.17-1-5.
d. $500.00 – TS Transporters, Inc. (Calvello/Bordieri) Stormwater Management & Erosion & Sediment Control & Tree Preservation Permit – 37.13-1-2.
e. $500.00 – Del Leonardis Griffith/Senatore – Stormwater Management & Erosion & Sediment Control Permit – 16.08-1-30.

Return Erosion Control Bonds

3. RESOLVED, that the Town Board does hereby authorize the return of the following Erosion Control Bonds per memos from Steven Woelfle, Principal Engineering Technician:

a. $500.00 – Festo/North County Homes, Inc. – Steep Slope Stormwater Management & Erosion & Sediment Control/Tree Preservation Permit – 26.20-1-23.
b. $100.00 – Agostino – Steep Slopes/Erosion & Sediment Control Permit – 28.13-1-18.
c. $200.00 – Solitario (Bueti) – Stormwater Manatgement & Erosion & Sediment Control Permit - 38.05-2-20.

Refund SEQRA Professional Service Fess

4. RESOLVED, that the Town Board does hereby authorize the refunding of the following SEQRA Professional Services Fees per memos from Syrette Dym, AICP, Director of Planning:

a. $2,159.82 – Heritage Hills of Westchester Sewage Treatment Plant.

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b. $ 139.68 – New Cingular Wireless PCS, LLC (AT&T).

Resignation of M. Yee from SEEC

5. RESOLVED, that the Town Board does hereby acknowledge with regret the resignation of Michael Yee from the Somers Energy Environment Committee erective June 22, 2015.

Reimbursement from Insurance Reserve

6. RESOLVED, that the Town board does hereby authorize reimbursement from the Insurance Reserve in the amount of $1,000.00 for the repair of Highway Vehicle 2012 Chevy Tahoe Car #1 for accident occurring on January 18, 2015 per memo dated June 9, 2015 from Thomas E. Chiaverini, Superintendent of Highways.

RFP for the interior painting of Mt. Zion Church

7. RESOLVED, that the Town Board does hereby authorize Request for Proposals (RFP) for the interior painting of Mt. Zion Church per memo dated June 12, 2015 from the Historic Properties Board.

Completion and receipt of the annual Independent Auditors Report for the Justice Court

8. RESOLVED, that the Town Board does hereby acknowledge the completion and receipt of the annual Independent Auditors Report for the Justice Court for the year ending December 31, 2014.

The Supervisor said that the Somers Nutrition Program was in need of Volunteers, he asked anyone that was interested to check the Town website or call the Office.

The Supervisor said that he wanted to remind everyone that St. Luke's Food Pantry was up and operating. He said that they were looking for donations and it was his understanding that it was a very well used Food Pantry. Councilman Clinchy said that there was a website that listed items that they were in need of and what they offered.

The Supervisor said that the Somers Blood Drive held at the Town House on June 30th netted 28 donations of blood and he thanked all that donated. He said that the next Blood Drive would be held on Tuesday, September 1, 2015.

The Supervisor said that the next Town Board Meeting will be held on August 20, 2015 at 7:00 PM and that would also be a combined work session/regular meeting.

The Supervisor said that the Town had held their Annual Independence Day Celebration and it was not the driest celebration although they did ignite fireworks. He said that Lions' Club did provide food all day long and it was a great day.

The Supervisor said that he wanted to recognize the Somers Girl Lacrosse Team who came in second in the New York State Finals.

Councilman Faulkner said that on June 24th the Middle School had their graduation and he congratulated all of them. He said that on June 23rd the Class of 2015 graduated and he congratulated all of them as well.

Claims for the payment of all Town Bills in the amount of $782,483.98 were presented and allowed for payment as shown on the Abstract of Audited Claims on file in the office of the Town Clerk.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Faulkner, the meeting was adjourned at 8:30 PM.

DRAFT

_____

Town Clerk

Barbara Sherry

From: Rick Morrissey
Sent: Tuesday, July 14, 2015 1:27 PM
To: Mike Driscoll; Tom Chiaverini
Cc: Barbara Sherry
Subject: FW: Stop sign Eastern and Buenta in purdys ny

Importance: High

Mike / Tom:

Do we have an agreement on placing a stop sign at this location?

Thanks,

Rick Morrissey, MPA
Town Supervisor
Town of Somers
335 Route 202
Somers, NY 10589
Ph: 914-277-3637
Fax: 914-276-0082
supervisor@somersny.com
www.somersny.com

From: MacSweeney, Nadir
Sent: Tuesday, July 14, 2015 12:53 PM
To: Rick Morrissey; Mike Driscoll; Tom Chiaverini
Subject: RE: Stop sign Eastern and Buenta in purdys ny
Importance: High

On Sunday we had to call the police for people speeding down our road travelling at least 50mph!. My mother in law was almost hit on the corner we are complaining about, by a car speeding down Eastern way and turning right onto Buenta. If a child had of been on that corner theres no question they would have been killed.

This is an urgent request, please let me know when this stop sign is going in, so it will finally slow people down!.

Thank you,
Nadine MacSweeney

From: MacSweeney, Nadine
Sent: Friday, May 08, 2015 2:40 PM
To: Rick Morrissey; Mike Driscoll; Tom Chiaverini
Subject: RE: Stop sign Eastern and Buenta in purdys ny
Importance: High

I would like to follow up on this request. Today while walking up to the bus stop again a car came flying around the corner. This is our route to and from the bus stop where 8 children get on the bus, all under 10 yrs of age! Everyone speeds around the corner of Buenta and Eastern and it is an accident waiting to happen.

Thank you for your consideration,

Nadine

From: Rick Morrissey [mailto:supervisor@somersny.com]
Sent: Wednesday, March 25, 2015 12:15 PM
To: Mike Driscoll; Tom Chiaverini
Cc: MacSweeney, Nadine
Subject: FW: Stop sign Eastern and Buenta in purdys ny
Importance: High

Gentlemen:

I believe a re-evaluation of this intersection is in order. Please assess the current conditions and provide me and the Town Board with your findings and recommendations.

Thanks,

Rick Morrissey, MPA
Town Supervisor
Town of Somers
335 Route 202
Somers, NY 10589
Ph: 914-277-3637
Fax: 914-276-0082
supervisor@somersny.com
www.somersny.com

From: MacSweeney, Nadine [mailto:]
Sent: Wednesday, March 25, 2015 11:52 AM
To: Rick Morrissey
Cc: Barbara Sherry
Subject: RE: Stop sign Eastern and Buenta in purdys ny
Importance: High

I am writing this to urgently request you re – evaluate this corner. We now have 9 children on this corner and people speed around the corner coming down entrance and turning right onto buenta. It needs a stop sign, just cutting back the bush's has not stopped the issue. Just today we were walking back from the bus stop and a car came around the corner so fast it almost hit us! It is im possible to see around the corner and everyone cuts through Buenta way and speeds down the street. I will not wait till an accident happens, this needs to be addressed immediatley.

I have attached the original request.

Regards,
Nadine MacSweeney

From: Mary Beth Murphy <mbmurphy@somersny.com>:
To:
Subject: Stop sign Eastern and Buenta
Sent: Fri, Nov 15, 2013 5:25:08 PM

Ms. Mull
The Town Board discussed the request for a stop sign and reviewed recommendation from staff regarding the intersection you brought to our attention. Highway is instructed to correct the sight line issues by trimming or removing bushes and the police have been asked to increase speeding enforcement in the area. The Board asks that you contact them in a few months to report whether these steps have alleviated the traffic problems you noted.

Thank you.

Mary Beth Murphy
Town Supervisor
Town of Somers
335 Route 202
Somers, NY 10589
Ph: 914-277-3637
Fax: 914-276-0082
www.somersny.com

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TOWN POLICE
MICHAEL DRISCOLL
CHIEF

file –

Town of Somers

WESTCHESTER COUNTY, N.Y.

PO BOX 342
SOMERS, N.Y. 10589
T. 914-232-9622
F. 914-232-1795
Email: Police@SomersNY.com

May Agenda
EC - TB TC TA
4/24/15
DJS

RECEIVED
APR 23 2015
OFFICE OF THE SUPERVISOR
TOWN OF SOMERS

To: Somers Town Board

From: Chief Driscoll

Date: 4/22/2015

Re: Buenta Way – Eastern Way – Request for Stop Sign

The undersigned observed the above named intersection on several occasions and reports the following...

There is minimal vehicle traffic at this location mostly local residents - there are numerous children in the area including approximately 10 who board and exit the school bus at this location. Drivers proceeding east on Eastern Way making a right turn onto Buenta Way have zero visibility because of high growth of bushes on the corner causing a dangerous situation if vehicles do not slow down and proceed with caution. It was noted that some vehicle operators in order to save time and avoid stop signs in the area use this route.
In conclusion in the interest of safety, the undersigned recommends the removal of the bushes or the placement of a stop sign on the southwest corner of Entrance Way at Buenta Way. In the interim this department will give special attention to this location and issue summonses for violations observed.

Respectfully submitted,

Chief Michael W. Driscoll

PRINTED ON RECYCLED PAPER

Barbara Sherry

From: MacSweeney, Nadine >
Sent: Wednesday, March 25, 2015 11:52 AM
To: Rick Morrissey
Cc: Barbara Sherry
Subject: RE: Stop sign Eastern and Buenta in purdys ny
Attachments: LAKE PURDYS STOP SIGN REQUEST ENTRANCE BUENTA.DOC

Importance: High

I am writing this to urgently request you re – evaluate this corner. We now have 9 children on this corner and people speed around the corner coming down entrance and turning right onto buenta. It needs a stop sign, just cutting back the bush's has not stopped the issue. Just today we were walking back from the bus stop and a car came around the corner so fast it almost hit us! It is im possible to see around the corner and everyone cuts through Buenta way and speeds down the street. I will not wait till an accident happens, this needs to be addressed immediatley.

I have attached the original request.

Regards,
Nadine MacSweeney

From: Mary Beth Murphy <mbmurphy@somersny.com>;
To:
Subject: Stop sign Eastern and Buenta
Sent: Fri, Nov 15, 2013 5:25:08 PM

Ms. Mull
The Town Board discussed the request for a stop sign and reviewed recommendation from staff regarding the intersection you brought to our attention. Highway is instructed to correct the sight line issues by trimming or removing bushes and the police have been asked to increase speeding enforcement in the area. The Board asks that you contact them in a few months to report whether these steps have alleviated the traffic problems you noted.

Thank you.

Mary Beth Murphy
Town Supervisor
Town of Somers
335 Route 202
Somers, NY 10589
Ph: 914-277-3637
Fax: 914-276-0082
www.somersny.com

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message or attachments is prohibited. If you have received this e-mail message in error, please delete and notify the sender immediately. Thank you.

September 4, 2013

Supervisor Mary Beth Murphy
335 Route 202
Somers, NY 10589

Re: Stop Sign Request on Eastern and Buenta Way

Supervisor Murphy,

We are writing to urgently request a 3 way stop sign at the intersection of Buenta Way and Eastern way in Lake Purdys. We are requesting this for the safety of our children. There are 8 young children living on this corner, you cannot see cars coming from any direction as explained below;

- Turning left or right from Buenta Way onto Eastern way you cannot see anything unless you pull out into the middle of the road – which is too late if a car is coming or a child is riding their bike!
- Driving up entrance way you can not see cars or children coming out of Buenta way
- Driving down entrance way you cannot see cars or children coming out of Buenta way

In addition, cars speed down Buenta to Eastern way and make the turn so fast there's no way they can if there's a child or a car coming up or down from Eastern way. Likewise cars speed down Eastern way and you cannot see them until you pull out right in front of them from Buenta, or until they almost hit you turning the corner. This corner is an accident waiting to happen, we urge you to review this petition rapidly as we do not want a fatality to occur in our neighborhood, we have already had far too many close calls.

Regards,

Nadine & William MacSweeney – Buenta Way
Michael and Jennifer Coughlin – Eastern Way
Sarah and Gilles Bensimone – Eastern Way

Barbara Sherry

From: Rick Morrissey
Sent: Tuesday, July 21, 2015 6:16 PM
To: Michael Blum
Cc: Denise Schirmer; Barbara Sherry
Subject: Re: 3 for 3 - Selected along with New Castle for Solarize

Mike:
Looking forward to a synopsis of all you & your folks have accomplished this year at the August 20th TB meeting.
Rick

On Jul 21, 2015, at 3:27 PM, Michael Blum

Rick,

Not sure I told you but we have been selected as one of four town combinations to participate in wave 2 of solarize. When I present to the Board I will also present this initiative in detail.

So we have won or been selected for all of the grants and projects we applied for this year.

Here are the other towns

- Hastings-Dobbs Ferry
- Rye Brook
- Somers-New Castle
- Tarrytown

Mike Blum
Founder and CEO

The Uncommon Consultancy, Inc.

NEW YORK STATE OF OPPORTUNITY.

Hudson River Valley Greenway

August Agenda
SC - TB TA
D of Fin
SEEC
originals (3) - TC
7/22/15 by

BARNABAS MCHENRY
Chairman
Greenway Council

SARA GRIFFEN
Acting Chair
Greenway Conservancy

MARK CASTIGLIONE
Acting Executive Director

RECEIVED
JUL 21 2015
OFFICE OF THE SUPERVISOR
TOWN OF SOMERS

July 16, 2015

Hon. Rick Morrissey, Supervisor
Town of Somers
335 Route 202
Somers, New York 10589

Re: Grant: PL 15-06-03-W, Somers Complete Streets Project
Amount: Ten Thousand Dollars ($10,000.00)

Dear Supervisor Morrissey:

Congratulations! During a recent Board Meeting of the Hudson River Valley Greenway, at the recommendation of the Grants Committee, a resolution was passed unanimously approving funding for a matching grant to your community for the project and amount referenced above.

Enclosed please find three copies of an MOU between the Greenway and your organization. Please sign and notarize all *three copies* and return them to the Greenway office. A copy of the MOU will be forwarded to you when it has been fully executed.

At that time we will also provide payment information under the terms of the MOU. All agencies are now required to include a provision in all of our MOU's which requires grantees to accept electronic payment. Please see section five of your MOU for more information. If you are not yet registered, please fill out the electronic payment authorization form and mail **directly** to the address listed on the bottom of the form.

Again, congratulations on this award! I will be enthusiastically following your project. If you have any questions or concerns, please feel free to contact me or Financial Manager, Scott Keller.

Sincerely,

Mark Castiglione
Acting Executive Director

Encs.

NEW YORK STATE OF OPPORTUNITY. | Hudson River Valley Greenway

Memorandum of Understanding
Face Page

DATE: June 10, 2015

PROJECT
Somers Complete Streets Project, as set forth in detail in Schedule 1.

GRANTEE
Town of Somers
335 Route 202
Somers, NY 10589
A Municipal Corporation

GREENWAY
Hudson River Valley Greenway Communities Council
Name: Mark Castiglione
Title: Acting Executive Director
Telephone: (518) 473-3835
Facsimile: (518-473-4518
E-Mail: hrvg@hudsongreenway.ny.gov
Address: 625 Broadway – 4th Floor
Albany, New York 12207-2995

SPECIAL AWARD CONDITIONS
None

CONTRACT ID: PL 15-06-03-W
CONTRACT TYPE:
_X_ Greenway Communities Grant
___ Greenway Compact Grant

CONTRACT PERIOD
From: June 10, 2015
To: Two years after the date of execution

FUNDING AMOUNT
$ 10,000.00, (ten thousand dollars)

GRANTEE's GREENWAY STATUS AS OF:
December 2001
_X_ Greenway Planning Community
___ Greenway Compact Community

GRANTEE NYS VENDOR ID#:
GRANTEE FEDERAL TAX ID #: 136007329

CHIEF ELECTED/AUTHORIZED SIGNER
Name: Rick Morrissey
Title: Supervisor
Telephone: 914-277-3637
Facsimile: 914-276-0082
E-Mail 1: supervisor@somersny.com
E-Mail 2:
Grantee correct as necessary

LEAD PROJECT CONTACT
Name
Title:
Address:
Telephone:
Facsimile:
E-Mail 1:
E-Mail 2:
Grantee correct as necessary

Memorandum of Understanding
Signature Page

IN WITNESS WHEREOF, the parties hereto have executed this MOU as of the latest parties' signature date written below:

For the **GREENWAY:**

_____

Mark Castiglione
Acting Executive Director
Greenway Communities Council

Date _____

For the **GRANTEE:**

_____

Rick Morrissey
Supervisor
Town of Somers

Date _____

State of New York)
County of)
On this _____ day of _____in the year 20___,
before me personally came
_____, to me known, and
known to me to be the person described in and who executed
the foregoing instrument and he/she acknowledged to me
that he/she executed the same.

_____

Notary Public

MEMORANDUM OF UNDERSTANDING

I. BACKGROUND
This Memorandum of Understanding (MOU) is by and between the **GREENWAY**, a council of state and local government, and the **GRANTEE**, as identified on the Face Page hereof.

II. PURPOSE
The purpose of this MOU is to provide assistance to the **GRANTEE** for the PROJECT, as set forth in Schedule 1.

III. STATEMENT OF MUTUAL INTEREST AND BENEFITS
The Hudson River Valley Greenway Act calls for the creation of a regional planning compact among the villages, towns and cities of the Hudson River Valley Greenway area. The purposes of the compact are to foster regional planning, protect natural and cultural resources, enhance public access to the Hudson River, promote economic development (including tourism, agriculture and urban redevelopment) and foster heritage and environmental education. The Hudson River Valley Greenway Act authorizes the Council to fund projects related to the development of the Compact.

Land use decisions that affect the immediate and long-range protection of the State's natural and cultural resources, impact economic development and guide the growth and development of New York and its communities are made by local governments. Community planning, incorporating the goals of the Greenway, offers an approach to protect our natural and cultural resources, encourage economic development, promote heritage and environmental education, foster regional partnerships and regional planning, and increase public access to the Hudson River and other natural areas and recreational opportunities.

Communities may voluntarily participate in the development and implementation of the planning compact. Communities participating in the compact process will become eligible for Greenway technical and financial assistance. The **GRANTEE** voted to participate and was accepted into the Greenway as identified on the Face Page hereof.

NOW THEREFORE, in consideration of the above premises, the parties agree as follows:

IV. THE GREENWAY

The **GREENWAY** shall provide financial assistance pursuant to this MOU.

The **GREENWAY** shall be responsible for enforcement of the provisions of this MOU and may refuse to authorize payment on any work performed where such work has not been performed with care, skill and diligence, and in accordance with applicable professional standards or where such work does not fulfill the letter or the intent of the provisions of this MOU.

V. THE GRANTEE

A. Description of Work Program.
The project elements are described in the scope of services, which is attached hereto as **Schedule 1**.

B. Matching Funds

The **GRANTEE** shall provide matching funds for this grant to be not less than the funds provided by the **GREENWAY.** Matching funds may include, but are not limited to, in-kind services (see Section V.C.), grants received and/or cash contributed as set forth in the project budget, which is attached hereto as **Schedule 1.**

C. In-Kind Services

The **GRANTEE** shall provide, to the extent practicable, the **GREENWAY** with an accounting of actual volunteer time and time spent by other in-kind service providers if such time is to be applied to the match required under this MOU. Cash, force account labor, real property, and donated professional services, labor, equipment, supplies and materials all can be used as the applicant's share of project costs. The entire share must be related to the project for which funds are requested, be fully documented, and fall entirely within the MOU term (see Section IX). The **GREENWAY** shall require certification of donated professional services.

D. Use of Products Produced, Copyright, and Greenway Representation

Use of Products Produced: A draft of any documents, reports, studies, maps, signs, brochures etc. must be submitted to the **GREENWAY** for review prior to final production. When feasible, digital data shall be provided on a media and in a format suitable for use by the **GREENWAY.**

Grant of Rights: All rights, title, and interest to and including the rights of copyright in any reports, studies, photographs (and negatives), computer programs, websites, digital media, drawings, writings or other similar works or documents, along with all supporting data and materials (collectively the "Materials"), produced under this MOU will be owned jointly by the **GRANTEE** and **GREENWAY.**

Representations and Warranties: the **GRANTEE** represents and warrants that (i) the Materials will be originally and specifically developed by the **GRANTEE** for the **GREENWAY** in fulfillment of this Agreement; (ii) no part of the Materials will defame or libel, or infringe upon or violate any patent, copyright, trade secret, trademark, right of privacy or publicity, nondisclosure or any other proprietary or property rights of any third party; (iii) the **GRANTEE** is financially responsible and experienced in and competent to perform the type of work required hereunder, is familiar with all applicable laws, ordinances and regulations governing the work required hereunder; and is licensed pursuant to any applicable federal, state, or local licensing requirements; and (iv) the **GRANTEE** has the full power and authority to enter into and perform this Agreement and to grant the rights granted hereunder.

E. Acknowledgement

All final reports, maps, signs and documents shall note the financial contribution of the **GREENWAY** as follows: *("Funded in Part by a Grant from the Hudson River Valley Greenway")* and the **GREENWAY** logo shall be displayed, which will be provided upon request. Final payment is contingent upon proof of final product displaying this acknowledgement.

F. Payments

(i) The **GRANTEE** shall submit Claim Forms to the **GREENWAY** for payment of services performed. (ii)No advance payments will be provided to any **GRANTEE.** (iii) No payment under this MOU will be made by the **GREENWAY** to the **GRANTEE** unless proof of performance of required services, programs, or accomplishments is provided. Payment shall be made upon audit and approval of the **GREENWAY** and the Comptroller of claim forms executed by an authorized officer of the **GRANTEE.** (iv) Eligible expenditures for the Project are those expenditures which are identified in the attached Schedule 1 and which are made in accordance with the applicable appropriation authority, and which have been incurred within the term of the MOU. (v) Any cost

overruns will not be paid by the **GREENWAY** and the **GREENWAY** is not committed to seeking additional appropriations or re-appropriation of funds and will not be responsible for the maintenance and operation of any facility which may be developed or equipment which may be purchased with the funds herein identified. (vi) If the **GRANTEE** fails to submit a final report within 30 days after the expiration of this MOU, further reimbursements may be withheld by the **GREENWAY**, and all funds previously paid under this MOU may be due and owing. (vii) The **GREENWAY** shall not be liable for any expenses or obligations arising after the MOU termination date. (viii) Payment for Claim Forms submitted shall only be rendered electronically unless payment by paper check is expressly authorized by the Executive Director, in the Executive Director's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The **GRANTEE** shall comply with the State Comptroller's procedures to authorize electronic payments. Authorization forms are available at the State Comptroller's website at http://www.osc.state.ny.us/vendors/index.htm, by email at epunit@osc.state.ny.us, or by telephone at 518-474-4032. The GRANTEE acknowledges that it will not receive payment on any Claim Forms submitted under the agreement if it does not comply with the State Comptroller's electronic payment procedures, except where the Executive Director has expressly authorized payment by paper check as set forth above.

The **GREENWAY** will notify the **GRANTEE** if the Claim Form is incomplete or deficient. Upon authorization, the **GREENWAY** will process the request for payment. Payments will only be made for amounts greater than or equal to 20% of the total grant.

G. Final Payment

The final payment, not to exceed 10% (ten percent) of the grant award, shall be retained by the **GREENWAY** until the **GREENWAY** deems the work program complete and upon receipt of a satisfactory final report and all necessary materials summarizing the project (see Section V.H.). Verification of project completion and, when applicable, adoption of plans by the governing body, is required prior to the issuing of final payment.

H. Final Report

GRANTEE is required to submit a final report to receive final payment. The final report shall include verification of the completion of the project. Elements of the final report may include, but are not limited to, a narrative; copies of adopted plans, reports, or other publications acknowledging **GREENWAY** support and containing the **GREENWAY** logo (see Section V.E.); proof of formal adoption of plans by local government grantees; before and after photographs; sketches; maps; slides; engineering designs; and printed materials containing the **GREENWAY** logo and any other materials produced fully or in part with grant funds. Final reports may be submitted in either electronic or paper format and must contain a copy of publications or photographs of any products including kiosks and other interpretive structures produced using **GREENWAY** funds.

I. Consultants

The **GRANTEE** shall provide the **GREENWAY** with copies of any Request for Proposal (RFP) or of Request for Qualifications (RFQ) for consulting services related to this agreement. The **GRANTEE** shall notify the **GREENWAY** when a consultant has been selected.

Consultants or contractors engaged by the **GRANTEE** to carry out any part of the work program shall be the agents of the **GRANTEE**. There shall be no obligation between the **GREENWAY** and such agents. The **GRANTEE** agrees to comply with any and all of its adopted procurement policies with regard to the engagement of such agents and contractors, as well as all applicable state and federal requirements.

J. Expenditure Categories
Expenditures per cost category or line item may exceed the amounts indicated in the project budget up to ten percent (10%) or one thousand dollars ($1,000), whichever is greater, without approval of the **GREENWAY**, provided that the Total Grant Funds and Total Matching Funds as set forth in **Schedule 1** are not changed. Any expenditure in excess of such 10% or $1,000 or any change to the Total Grant Funds or Total Matching Funds shall, at the sole discretion of the Greenway, require either an amendment to the Agreement as set forth in Section VII or written approval from the Greenway.

K. Record Keeping and Reporting
The **GRANTEE** will maintain accurate records of expenditures for a period of three years after the project is completed. The **GREENWAY** may, for a period of three years after project completion, inspect the financial records related to the project.

L. Re-Granting
The **GRANTEE** may not use any grant funds to re-grant to individuals or other organizations.

M. Permits
The **GRANTEE** is responsible for and must acquire any and all federal, state and local permits required for the project. All new construction projects must meet the 2010 American's with Disabilities (ADA) Design Standards http://www.ada.gov/2010ADAstandards_index.htm.

VI. Completion of Agreement

No later than thirty days prior to the expiration date of this agreement, the GRANTEE shall

A. Notify the **GREENWAY** in writing that work will be completed pursuant to the term of the agreement.

OR

B. Present the **GREENWAY** with a proposed timetable for completion of any outstanding components of the scope of work beyond the agreement expiration date, and request a specific time extension during which time the project(s) will be completed.

OR

C. Notify the **GREENWAY** in writing that the GRANTEE is terminating the agreement and releases any remaining funds.

VII. IT IS MUTUALLY AGREED AND UNDERSTOOD BY AND BETWEEN THE SAID PARTIES THAT:

This MOU may only be modified, superseded or extended in writing and by mutual agreement of the **GREENWAY**, and the **GRANTEE**.

VIII. NOTICES

A. All notices permitted or required hereunder shall be in writing and shall be transmitted either:

(i) via certified or registered United States mail, return receipt requested;
(ii) by facsimile transmission;
(iii) by personal delivery;
(iv) by expedited delivery service; or
(v) by e-mail.

Such notices shall be addressed to the parties indicated on the Face Page hereof or to such different addresses as the parties may from time-to-time designate.

B. Any such notice shall be deemed to have been given either at the time of personal delivery or, in the case of expedited delivery service or certified or registered United States mail, as of the date of first attempted delivery at the address and in the manner provided herein, or in the case of facsimile transmission or email, upon receipt.

C. The parties may, from time to time, specify any new or different address in the United States as their address for purpose of receiving notice under this Agreement by giving fifteen (15) days written notice to the other party sent in accordance herewith. The parties agree to mutually designate individuals as their respective representatives for the purposes of receiving notices under this Agreement. Additional individuals may be designated in writing by the parties for purposes of implementation and administration/billing, resolving issues and problems and/or for dispute resolution.

IX. Special Award Conditions

Special Award Conditions are identified on the Face Page hereof.

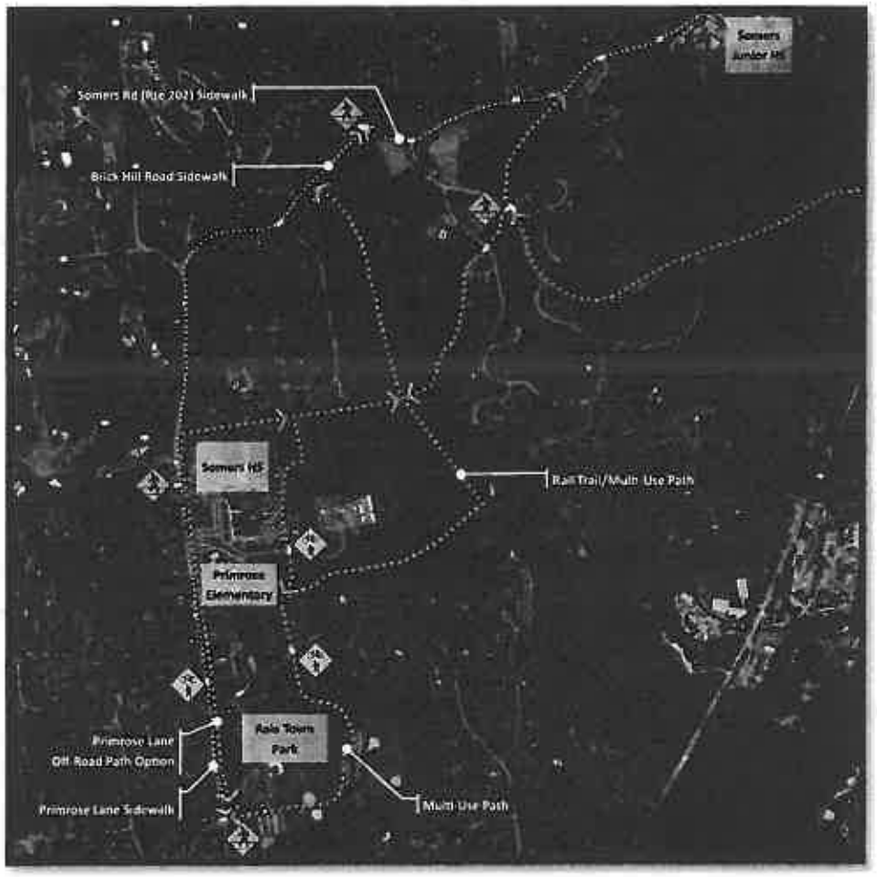
X. Effective Date and MOU Term

This MOU shall be effective when it is fully executed. The term of the MOU is identified on the Face Page hereof. The date of execution is the latest parties' signature date under the **In Witness Whereof** section identified on the Face Page hereof.

Schedule 1
Scope of Services and Budget

Town of Somers

Westchester County, New York



Somers Complete Streets: Off-Road Pathways Feasibility Project

2015 Grant Application

Hudson River Valley Greenway

Greenway Communities Grant Program

MAY 8, 2015

NEW YORK STATE OF OPPORTUNITY | Hudson River Valley Greenway

Note: You must save this form to your computer before filling it out. Forms must be completed using Adobe Acrobat 7.0 or higher.

ANDREW M. CUOMO
Governor

BARNABAS MCHENRY
Chairman
Greenway Council

SARA GRIFFEN
Acting Chair
Greenway Conservancy

MARK CASTIGLIONE
Acting Executive Director

Hudson River Valley Greenway Grant Application

PART A – GRANT TYPE

Please select the category of Hudson River Valley Greenway Grant program to which you are applying:

- [x] Greenway Community Grant Program: Open to all designated Greenway Communities
- [ ] Greenway Compact Grant: Open to communities that have adopted an approved Greenway Compact Plan

PART B – APPLICANT INFORMATION

1. Lead Applicant Community: (Fiscal Agent)

Town of: Somers
In County: Westchester

NYS Vendor ID#:

Federal Tax ID#: 136007329

Co-Applicant(s):

Select One of:
In County: Select One

Select One of:
In County: Select One

Select One of:
In County: Select One

2. Chief Elected Official & Lead Contact Information

Chief Elected Official of Lead Applicant Community:
(Supervisor/Mayor/County Executive)

Mailing Address: 335 Route 202

City: Somers State: NY Zip: 10589

Phone : 914-277-3637 Fax:

Email: Supervisor@SomersNY.com

Lead Contact Person (if different from Chief Elected Official):

Title:

Mailing Address:

City: State: Zip:

Phone: Fax:

Email:

PART C – GENERAL PROJECT INFORMATION

1. Project Name: Somers Complete Streets Project

2. Project Location: County/Counties: Westchester County
City/Town/Village(s): Town of Somers
Site Address: 335 Route 202

3. Applicant's Interest in Property (e.g. own, lease, easement, etc.): own, easements

4. Project Costs:

Greenway Funds Requested:	$	10,000.00
Local Match - Cash:	$	4,000.00
Local Match - In-kind Services:	$	6,000.00
Other Funding Match:	$	0.00
Total Project Cost:	$	20,000.00

5. SEQRA Status – Please select the appropriate action type:

Type 1 ☐ Type 2 ☑ Unlisted Action ☐

If a Determination of Significance has been made, what was the determination?

PART D – PROJECT DESCRIPTION & CONSISTENCY WITH GREENWAY GOALS

1. Project Description:

(a) Please provide a brief, 50 word summary of the proposed project.

The Town of Somers will undertake a feasibility analysis of off street trail routes identified as part of the implementation of their Complete Streets to interconnect Reis Park, Primrose Elementary School, Somers High School, Somers Middle School, Town Hall and the Towne Center at Somers.

(b) **With no more than 500 words**, please describe: (1) The location, need for and purpose of the project, and the deliverable that will be produced with Greenway grant funds. (2) How the proposed project advances each of the five "Greenway Criteria" that apply. The Greenway Criteria are: Natural and Cultural Resource Protection; Regional Planning; Economic Development; Public Access; Heritage and Environmental Education. You may attach photographs, maps, renderings, etc. (3) If the project is an intermunicipal or collaborative effort, briefly describe the partnerships and how the project reinforces regional planning or cooperation.

The project will include field investigation and documentation of approximately 7 miles of abandoned rail corridor, public rights of way and other public and private land corridors that were identified as potential trail routes as shown on the attached Somers Complete Streets Plan drawing (Attachment A). The feasibility study will include a desktop analysis of the relevant environmental factors including wetlands, endangered species, soils, hazardous waste records, topography, land cover and land use. Public outreach will be conducted to include two public meetings and a 'mobile workshop' display. A brief feasibility report summarizing field observations and desktop analyses, along with suggested trail sections, sketches of suggested trail amenities and concept level budget estimates will be prepared. The project is anticipated to be completed in 5 months.

The project will be consistent with each of the Greenway Criteria. The Trails network will provide an attractive quality of life enhancement to the Town of Somers in support of the revitalization of established community centers in Somers. The project provides safer linkages, especially for school-aged children and senior citizens, between important pedestrian destinations, leveraging the scenic, cultural and recreational features of the community and the Hudson River Valley as whole. The project will help protect, preserve, and enhance natural resources, including natural communities, open spaces, cultural and historic resources in Somers by providing a way to experience these natural areas along the trail system.

In completing this project the Somers Energy Environment Committee will lead efforts to enlist the assistance of numerous local organizations for volunteer labor, site investigations, public outreach and fundraising activities. The local partners that will be involved include the Somers Town Board, the Somers Chamber of Commerce, Somers Central School District, Somers Recreation Department, and the Somers Highway Department. Several private organizations have also expressed an interest in partnering on the project including the local chapter of the Somers Parent Teachers Association, the Somers Lions Club, the Northeast Rotary Club, the Somers Land Trust, Somers Crossing Development, Boy Scout Troops 228 and 376, Cub Scout Packs 1 and 11, Somers Girl Scouts and the Senior Class of Somers High School (Class of 2016).

(c) Is your project a plan or planning document? If "yes", include a proposed timetable for implementation (after completion of the document or plan), a description of the implementation steps, and whether funding sources for the implementation have been identified or secured. (100 words or fewer)

The Somers Complete Streets Plan will be implemented through a combination of advanced studies and design through construction. The Town is anticipating the submission of an initial project proposal for the first phase of Sidewalk Improvements along State Route 202 to their Regional DOT in 2015. Subsequent submissions will follow to implement sidewalk project Phases 2 and 3. The Off-Road Pathways Feasibility project implementation will include a future application for National Recreational Trails Act funds, and other transportation and trails-related development funds in 2015 and subsequent years.

For Greenway Compact Grant Program Applications only:
If your municipality is a participating Greenway Compact community and applying under the Greenway Compact Grant Program, please answer the following:

2. Consistency with the Greenway Compact: Please list the name of the approved regional or county Greenway Compact Plan, and demonstrate how this project is consistent with the plan by citing specific sections or pages.

PART E – WORK PROGRAM, TIME LINE & BUDGET SUMMARY

Work Program & Time Line: Complete the information requested below and briefly list the proposed work program, by task, phase, or milestone and the timeline associated with the project. At a minimum, provide a start date and completion date for each project milestone (e.g. public input period, draft document completed, etc.). You may provide this information in an attachment. Under this grant program, reimbursable costs may **not** be incurred prior to the date of award.

Project Start Date: Expected Project Completion Date:

	Description	Start Date	Completion Date
Phase/Task 1:	Scoping, Base Mapping, Field Investigations	09/15/2015	10/15/2015
Phase/Task 2:	Assessment & Environmental Factors Screening	09/01/2015	11/01/2015
Phase/Task 3:	Public Outreach, Design Analysis, Options	11/01/2015	01/15/2016
Phase/Task 4:	Final Feasibility Plan and Budgets	12/15/2015	01/15/2016

Budget Summary: Please identify the proposed expenditures of the project according to the following: (See worksheet below for budget and match detail)

Project Costs	Greenway Funds Requested	Local and other Funding Match	Total
Contractual/Professional Services:	$ 10,000.00	$ 4,000.00	$ 14,000.00
Equipment/Supplies/Materials:	$ 0.00	$ 6,000.00	$ 6,000.00
Construction:	$ 0.00	$ 0.00	$ 0.00
Land Acquisition:	$ 0.00	$ 0.00	$ 0.00
Total:	$ 10,000.00	$ 10,000.00	$ 20,000.00
	(Total must equal the amount of "Total Greenway Funds Requested" in Budget Detail)	(Total must equal the amount of "Total Applicant Match" line in Budget Detail and must be equal to or greater than Total Greenway Funds Requested)	

Budget Detail for Greenway Funds Requested:

Contractual/Professional Services (Please specify):

Trail Feasibility Analysis	$ 10,000.00
	$ 0.00
	$ 0.00
Total Contractual/Professional Services:	$ 10,000.00

Equipment/ Supplies/ Materials (Please specify):

	$ 0.00
	$ 0.00
	$ 0.00
Total Equipment/Supplies/Materials:	$ 0.00

Construction:

	$ 0.00
	$ 0.00
	$ 0.00
Total Construction:	$ 0.00
Total Greenway Funds Requested:	$ 10,000.00

Budget Detail for Applicant Match (In this section, please detail in-kind services, local match including all cash, and other funding):

1. In-kind services (salaries, wages, travel/mileage):

Salaries:

Job Title: _____

Rate of Pay: $_____/_____ Hours _____ $ 0.00

Hourly Wages:

Job Title: _____

Rate of Pay: $_____/_____ Hours _____ $ 0.00

Volunteer Hours (valued at $15 per hour):

Number of Volunteers: 50.00

Total of all Volunteer Hours 400.00 x $15/hour = $ 6,000.00

Mileage (show rate and miles, rate may not exceed IRS limits):

_____ (Rate) x _____ (Miles) = $ 0.00 (Amount)

Other Travel (specify): _____ $_____

Total In-Kind Services: $ 6,000.00

Continued on next page

Budget Detail for Applicant Match Continued:

2. Land Acquisition: $ 0.00

3. Contractual/Professional Services (Please specify):

Cash	$ 4,000.00
	$ 0.00
Total Contractual/Professional Services:	$ 0.00

4. Equipment/ Supplies/ Materials (Please specify):

	$ 0.00
	$ 0.00
Total Equipment/Supplies/Materials:	$ 0.00

5. Construction:

	$ 0.00
	$ 0.00
Total Construction:	$ 0.00

Total Applicant Match (#1 through #5): $ 10,000.00

PART F - APPROVED MUNICIPAL RESOLUTIONS

1. *Greenway Community* Resolution or Greenway Compact Local Law:

   Please attach a copy of the adopted municipal resolution endorsing the community's designation as a *Greenway Community*. A municipality must be a *Greenway Community* to receive funding under the Greenway Communities Grant program. For municipalities applying for a Greenway Compact Communities Grant, please attach a copy of the local law by which your community adopted the relevant county or regional Greenway Compact Plan.

2. Municipal Grant Request Resolution*.

   An approved municipal resolution authorizing and endorsing this grant application must be provided before the application can be considered complete. A sample Municipal Grant Request resolution supporting a grant application is presented below.

Sample Municipal Resolution

WHEREAS, the _____ (name of municipality) is applying to the Hudson River Valley Greenway for a grant under the Hudson River Valley Greenway Grant Program for a project entitled _____ (Project Name from Part C #1) to be located in _____ (town/village or city),

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project will be located:

NOW, THEREFORE, be it resolved that the governing board of _____(municipality) hereby does approve and endorse the application for a grant under the Hudson River Valley Greenway Grant Program, for a project known as _____ (Project Name from Part C #1) and located within this community.

_____ Date of Adoption

_____ Name of Municipal Clerk _____ Signature

*Note. If your Board does not meet until after the application deadline, please complete the following:

The municipal board will be considering a resolution for this project to be voted on the following date: _____. The resolution will be sent to the Greenway office within 48 hours of this meeting date.

PART G - CERTIFICATION

Elected Official Certification: Please read and sign the following. Digital signatures are acceptable.

"I hereby affirm under penalty of perjury that information provided on this form and attached statements and exhibits is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal law."

Applicant Name: Rick Morrissey Title: Town Supervisor

Signature: Rick Morrissey Date: 5/7/15

Application Requirements & Checklist

All materials must be **postmarked or received via email by 5:00 pm on the grant deadline** for the application to be considered complete. Failure to include any of the required elements may make the application ineligible.

Instructions for hard copy submissions:
If making a hard copy submission please submit: One (1) complete original hard copy application packet including all required materials
AND one (1) digital version of the application packet on a CD-ROM

The application packet **must** contain the following to be considered complete:

☑ **1) Applicant is a Greenway Community or Greenway Compact Community AND has no other existing awarded grants under the category for which this application is to be submitted**

☑ **2) Completed Application forms including signature by Elected Official**

☑ **3) Municipal Grant Request Resolution or Pending Resolution Certification (See Part F)**

☑ **4) Supporting Information:** Where appropriate, include maps, photos, plans, drawings and other documents that highlight the need for this project.

☐ **5) Letters of support** or participation from co-applicants or partners

Application materials will not be returned to the applicant.

Hard copy: (1) original hard copy and (1) CD ROM with completed application and related materials must be submitted to the following address:

***Address:** **Hudson River Valley Greenway**
625 Broadway - 4th Floor
Albany, NY 12207

OR

Email: Please email full application packet to hrvg@hudsongreenway.ny.gov

*Please note that due to building security, for hand delivery you must contact the Hudson River Valley Greenway office ahead of time to arrange delivery at 518-473-3835.

Supporting Documentation

A. Greenway Grant Application Resolution

B. Somers Complete Streets Project Plan

C. Somers Complete Streets Resolution

TEL 914-277-3323
FAX 914-277-3960

TOWN CLERK'S OFFICE

Town of Somers

WESTCHESTER COUNTY, N.Y.

Town House
335 Route 202
Somers, N.Y. 10589

KATHLEEN R. PACELLA
TOWN CLERK

RESOLUTION

RESOLVED, that the Town Board does hereby authorize and endorse the Municipal Grant Request Application as follows:

WHEREAS, the Town of Somers is applying to the Hudson River Valley Greenway for a grant under the Hudson River Valley Greenway Grant Program for a project entitled Complete Streets to be located in the Town of Somers.

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project in located;

NOW THEREFORE, BE IT RESOLVED, that the governing Board of the Town of Somers hereby does approve and endorse the application for a grant under the Hudson River Valley Greenway Grant Program, for a project known as Complete Streets and located within this community.

I hereby certify that the foregoing copy of resolution was unanimously adopted by the Town Board of the Town of Somers at a Work Session Meeting held on May 7, 2015.

Dated: May 7, 2015

Town Clerk

Cc: Supervisor
Director of Finance
SEEC

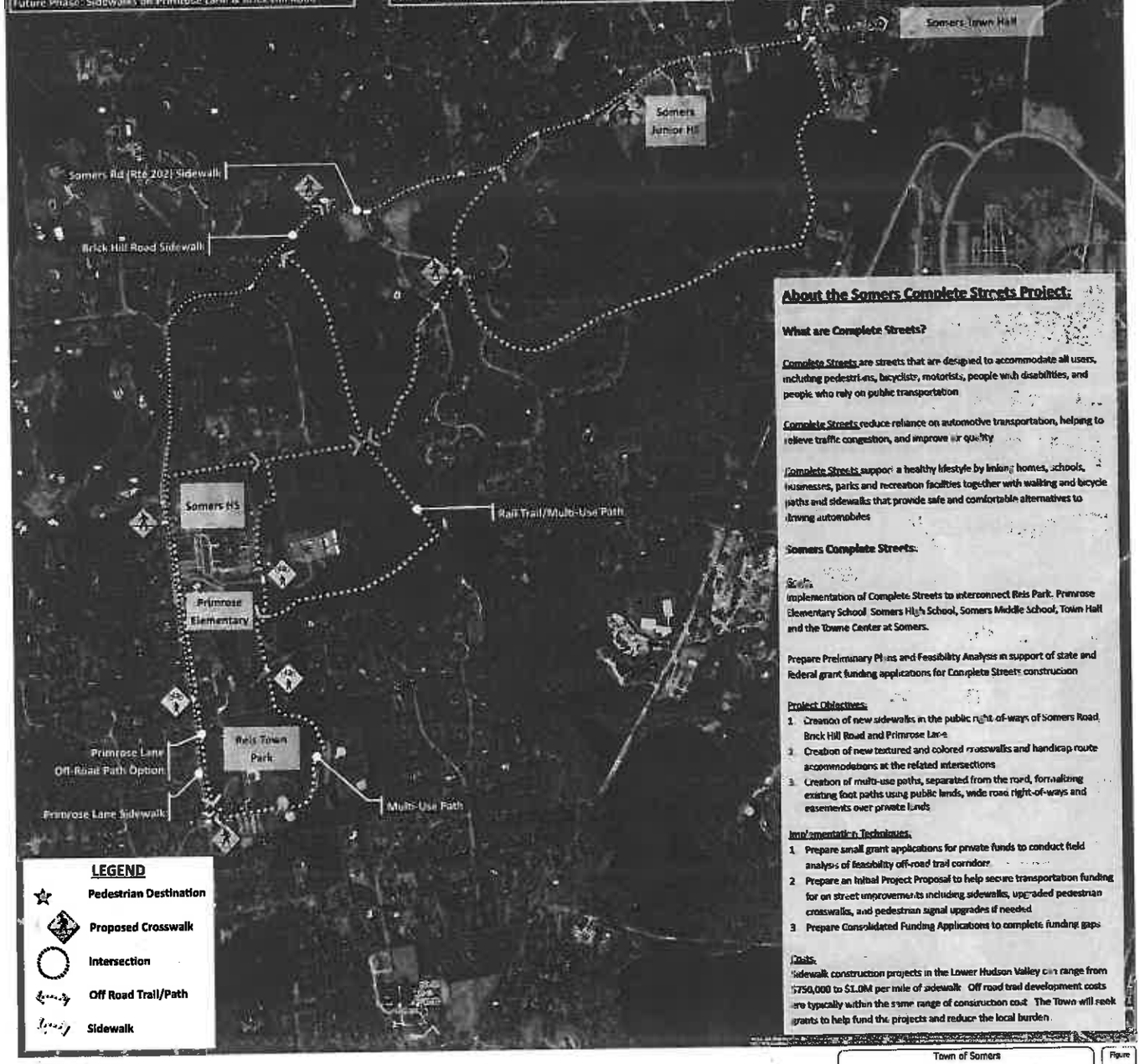
Somers Complete Streets Project

Town of Somers, Westchester County, New York

Priority Project: Sidewalks along Somers Road Eastbound
Future Phase: Sidewalks on Primrose Lane & Brick Hill Road

Optional Project: 8' Wide Off Road Path on Primrose Lane Using Public Park Lands, School Property and other Public Lands

Future Project: Off-Road Trail System on Abandoned Rail Corridor and Utilizing other Public Lands and Easements



About the Somers Complete Streets Project:

What are Complete Streets?

Complete Streets are streets that are designed to accommodate all users, including pedestrians, bicyclists, motorists, people with disabilities, and people who rely on public transportation

Complete Streets reduce reliance on automotive transportation, helping to relieve traffic congestion, and improve air quality

Complete Streets support a healthy lifestyle by linking homes, schools, businesses, parks and recreation facilities together with walking and bicycle paths and sidewalks that provide safe and comfortable alternatives to driving automobiles

Somers Complete Streets:

Scope:
Implementation of Complete Streets to interconnect Reis Park, Primrose Elementary School, Somers High School, Somers Middle School, Town Hall and the Towne Center at Somers.

Prepare Preliminary Plans and Feasibility Analysis in support of state and federal grant funding applications for Complete Streets construction

Project Objectives:

1. Creation of new sidewalks in the public right-of-ways of Somers Road, Brick Hill Road and Primrose Lane
2. Creation of new textured and colored crosswalks and handicap route accommodations at the related intersections
3. Creation of multi-use paths, separated from the road, formalizing existing foot paths using public lands, wide road right-of-ways and easements over private lands

Implementation Techniques:

1. Prepare small grant applications for private funds to conduct field analysis of feasibility off-road trail corridors
2. Prepare an Initial Project Proposal to help secure transportation funding for on street improvements including sidewalks, upgraded pedestrian crosswalks, and pedestrian signal upgrades if needed
3. Prepare Consolidated Funding Applications to complete funding gaps

Costs:
Sidewalk construction projects in the Lower Hudson Valley can range from $750,000 to $1.0M per mile of sidewalk. Off road trail development costs are typically within the same range of construction cost. The Town will seek grants to help fund the projects and reduce the local burden.

Barton & Loguidice, P.C.

1 inch = 500 feet

Town of Somers
Somers Hamlet Aerial
Westchester County February 2015 New York

Figure 1
Project No. P710.408

TEL:914-277-3323
FAX:914-277-3960

TOWN CLERK'S OFFICE

Town of Somers

WESTCHESTER COUNTY, N.Y.

Town House
335 Route 202
Somers, N.Y. 10589

KATHLEEN R. PACELLA
TOWN CLERK

RESOLUTION

WHEREAS, Complete Streets are streets that provide safe, comfortable, and convenient access for users of all abilities and all modes including pedestrians, bicyclists, motorists, and transit riders; and

WHEREAS, the Town of Somers Complete Streets vision is to encourage the development of a complete streets network throughout the Town of Somers to create a more balanced transportation system; and

WHEREAS, Complete Streets support economic development by helping to create a walkable, vibrant Town of Somers where businesses can thrive while also supporting livable neighborhoods; and

WHEREAS, the Complete Streets Program outlines an approach to for an improved, transparent process to promoting shared access throughout the community and

WHEREAS, the Complete Streets Program encourages incorporating complete streets design practices, to the extent feasible, as a part of routine infrastructure planning, design, and maintenance for public and private projects; and

WHEREAS, the Complete Street program shall be consistent with and assist in achieving the goals and recommendations set forth in the Town of Somers Comprehensive Plan and other adopted policy documents; and

WHEREAS, New York State passed the complete streets law in 2011 that requires that complete streets design guidelines be considered for the planning, design, construction and reconstruction of roadways receiving federal and state funding; and

WHEREAS, the people of the Town of Somers have expressed strong support for Complete Streets.

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Somers hereby adopts the Complete Streets Program Policy to enhance shared access within the Town of Somers and to improve quality of life for its residents; and

NOW, THEREFORE BE IT FURTHER RESOLVED that the Town Board of the Town of Somers will strive to initiate the recommended action items in the immediate future, including the establishment of the Shared Access Advisory Board and a Complete Streets Checklist.

I hereby certify that the foregoing copy of resolution was unanimously adopted by the Town Board of the Town of Somers at the Regular Meeting held on April 11, 2013.

Dated: April 15, 2013

Kathleen R. Pasella
Town Clerk

Cc: Supervisor
Director of Finance
Energy Environment Committee

Telephone
(914) 277-5582

FAX
(914) 277-3790

ZONING BOARD OF APPEALS

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

Aug Agenda
EC- TB TC TA
7/15/15 bp

Town of Somers

WESTCHESTER COUNTY, N.Y.

Victor Cannistra,
Chairman
Ronald Carpaneto
Arnold Guyot
Bill Harden
Bruce Prince
Umberto Santaroni

RECEIVED
JUL 14 2015
OFFICE OF THE SUPERVISOR
TOWN OF SOMERS

MEMO TO: Town Board

FROM: Zoning Board of Appeals

RE: Proposed Accessory Apartment Code Change

DATE: July 14, 2015

As per §170-70 of the Code of the Town of Somers, when a special exception use permit is issued for an accessory apartment, the following must be adhered to:

A copy of the original special exception use permit and of each renewal permit, signed by the owner of the subject property, shall be filed in the Westchester County Division of Land Records within 30 days of approval of the permit. The permit shall list all applicable conditions and the term of the permit and, in addition, state that the permit shall become null and void if any conditions are not complied with and if the owner of the property ceases to occupy one of the dwelling units on the premises as his legal residence.

Just recently, a Supervisor from the Westchester County Division of Land Records inquired as to why we have this requirement, as we are the only community in the County that does so. Additionally, this is not something their department, nor any other enforces.

Since this is not mandated, the Zoning Board of Appeals respectfully requests that you consider eliminating this from the Code of the Town of Somers as it appears to not be necessary.

OFFICE OF THE SUPERVISOR

Town of Somers

WESTCHESTER COUNTY, N.Y.

Telephone
(914) 277-3637
Fax
(914) 276-0082

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

RICK MORRISSEY
SUPERVISOR

EC - TB TC
Dep Fin
7/21/15 bp

July 21, 2015

MEMO

7/21/15 bp

TO: Town Board

FROM: Barbara J. Sherry Barbara
Secretary to the Supervisor

RE: **Senior Account Clerk – Finance Department**

As a follow up to my July 9th memo (copy attached), I am pleased to inform you of the hiring of Mr. Robert "Rob" Persaud effective Monday, July 20, 2015 at an annual salary of $42,760.00. Group IV Step 3 of the CSEA Agreement.

Rob was very gracious to come in on Thursday and Friday, July 16 & 17 to begin training at his own expense. He previously worked at the Irvington School District performing similar duties so we feel he will step right into the position here.

c: Town Clerk, Dep. Fin
Z:\Supervisor\bsherry Barbara\My Documents\TB.docx

July 9, 2015

AGENDA
MEMO

TO: Town Board

FROM: Barbara J. Sherry
Secretary to the Supervisor

RE: **Senior Account Clerk – Finance Department**

On June 22, 2015 I received the canvass list for the above mentioned title for the replacement of Doreen Cardaci who is retiring the end of July. As an aside – the canvass list is only good for 60 days so there is a timing issue here. The list consisted of 26 names, letters were sent out to all candidates with a 10 day return response. The return date was set for Friday, July 10th, but you must allow another 3 or 4 days for mail. We have received numerous responses and Bob Kehoe, has begun interviewing the top candidates.

Since the Board will not meet again until August 20, 2015 I ask for approval of the hiring of an appropriate candidate effective July 20, 2015 at an annual salary not to exceed $45,597 at this evening's meeting. The Supervisor will add this under the Personnel section of the agenda.

Once the interviews are complete and a candidate is selected I will advise the Board.

Thank you for your consideration.

C: Director of Finance, Town Board, Town Clerk, Town Attorney

August Agenda EC - TB TC TA Fin 8/13/15 bjs

John R. FitzGerald

RECEIVED
AUG 13 2015
OFFICE OF THE SUPERVISOR
TOWN OF SOMERS

July 23, 2015

Chief Michael Driscoll
Town of Somers Police Department
P.O. Box 342
Somers, NY 10589

Dear Chief Driscoll:

After more than 30 years of service to the Town of Somers, I have decided to retire from the Town of Somers Police Department on August 31, 2015. I have found my 30 years of service to the people of Somers very rewarding but I am looking forward to my retirement.

Please let me know if this retirement date will work for you so that I may submit paperwork to the New York State Retirement System.

Best regards,

John R. FitzGerald

John R. FitzGerald #19

RECEIVED
JUL 23 2015
M. Driscoll

PLANNING AND ENGINEERING DEPARTMENTS

Telephone
(914) 277-5366
Fax
(914) 277-4093

Town of Somers

WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589
www.somersny.com

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Syrette Dym, AICP
Director of Planning
sdym@somersny.com

Aug Agenda
EC - TBTC TA
Fin 8/7/15
DP

RECEIVED
AUG - 7 2015
OFFICE OF THE SUPERVISOR
TOWN OF SOMERS

Date: August 5, 2015

To: Town Attorney
Town Board

From: Steven Woelfle SW
Principal Engineering Technician

Re: **Tower Removal Bond**
Insite Towers, LCC
New Cingular Wireless PCS, LLC
121 Router 100 Amato Property

Please accept the following replacement document pertaining to the Tower Removal Board required by the Planning Board which has been approved by the Town Attorney.

- Tower Removal replacement Bond in the amount of $47,000 issued by the Hanover Insurance Company for Insite Towers, LLC to replace the previously provided bond dated January 27, 2011.

SW/mm
Enc.
cc: Town Clerk/w/orig.
Veronica Scozia

InSite WirelessGroup, LLC

July 23, 2015

RECEIVED
AUG - 4 2015
PLANNING-ENGINEERING
TOWN OF SOMERS

VIA FEDEX
Town of Somers
ATTN: Steven Woelfle
335 Route 202
Somers, NY 10589

Re: InSite Towers, LLC Bond for its wireless communications facilities located at 121 Route 100 (Amato Property)
InSite Reference: NY576 Somers

Dear Mr. Stangel:

Please find enclosed the original Bond in the amount of $47,000.00. The Bond replaces the previously provided bond dated 01/27/2011. Please feel free to contact me with any questions.

Sincerely,

Veronica Scozia
Senior Counsel

TOWERS • DAS
1199 N. Fairfax Street • Suite 700 • Alexandria, VA 22314
703.535.3009 • insitewireless.com

Bond # BLQA502244

Tower Removal Bond

KNOW ALL PERSONS BY THESE PRESENTS: That we InSite Towers, LLC, a corporation duly organized under the laws of the State of DE, as Principal and The Hanover Insurance Company, as Surety, are held and firmly bound unto Town of Somers as Obligee, in the amount of Forty Seven Thousand Dollars and 00/100 ($47,000.00) for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, the liability of the Surety being limited to the penal sum of this bond regardless of the number of years the bond is in effect.

Whereas, the Principal has obtained written approval from the Obligee for the construction and erection of a wireless communication tower located at [redacted]. Now, therefore if the principal well and truly complies with the maintenance, replacement, removal or relocation of the tower from the aforementioned address within 30 days upon receipt of written notice from the Obligee, to remove, replace, modify, or relocate the tower from said premises then this obligation is void otherwise to remain in full force and effect unless cancelled as set forth below:

1. It shall be a condition precedent to any right of recovery hereunder that, in the event of any default on the part of the Principal, a written statement of the particular facts of such default shall be, within Thirty (30) days, delivered to Surety at it Home Office located at 440 Lincoln Street, Worcester, MA 01653 by registered mail to the Surety and the Surety shall not be obligated to perform Principals obligation until sixty (60) days after Surety's receipt of such statement.
2. The Surety may cancel this bond at any time by giving Thirty (30) days notice, by registered mail or overnight courier service to Town House Annex, 337 Route 202, Somers, NY 10589 (Obligee). Such termination shall not affect liability incurred under this obligation prior to the effective date of such termination.
3. No action, suit, or proceeding shall be maintained against the Surety on this bond unless the action is brought within twelve (12) months of the cancellation date of this bond.
4. Regardless of the number of years this bond may be renewed; in no event shall the liability of the Surety exceed the penal sum of this bond.
5. It is understood that the non-renewal of this bond by the Surety, or failure or inability of the Principal to file a replacement bond shall not constitute a loss recoverable by the Obligee under this bond.

Signed, sealed, and witnessed this 27th day of January, 2015.

Witness

InSite Towers, LLC
Principal

By:

The Hanover Insurance Company
Surety

By: Michelle L. Wilson, Attorney-in-Fact

Witness LeeAnne K. Michaud

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

POWERS OF ATTORNEY
CERTIFIED COPY

KNOW ALL MEN BY THESE PRESENTS: That THE HANOVER INSURANCE COMPANY and MASSACHUSETTS BAY INSURANCE COMPANY, both being corporations organized and existing under the laws of the State of New Hampshire, and CITIZENS INSURANCE COMPANY OF AMERICA, a corporation organized and existing under the laws of the State of Michigan, do hereby constitute and appoint

Michelle L. Wilson

of Columbia, MD and each is a true and lawful Attorney(s)-in-fact to sign, execute, seal, acknowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, or, if the following line be filled in, only within the area therein designated

any and all bonds, recognizances, undertakings, contracts of indemnity or other writings obligatory in the nature thereof, as follows:

Surety Bond Number: BLQA502244
Principal: InSite Towers, LLC
Obligee: Town of Somers

and said companies hereby ratify and confirm all and whatsoever said Attorney(s)-in-fact may lawfully do in the premises by virtue of these presents. These appointments are made under and by authority of the following Resolution passed by the Board of Directors of said Companies which resolutions are still in effect:

"RESOLVED, That the President or any Vice President, in conjunction with any Vice President, be and they are hereby authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as its acts, to execute and acknowledge for and on its behalf as Surety any and all bonds, recognizances, contracts of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to affach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons." (Adopted October 7, 1981 - The Hanover Insurance Company; Adopted April 14, 1982 - Massachusetts Bay Insurance Company; Adopted September 7, 2001 - Citizens Insurance Company of America)

IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by two Vice Presidents, this **6th** day of **October 2011**.

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

Robert Thomas, Vice President

Mary Fitzgerald, Vice President

THE COMMONWEALTH OF MASSACHUSETTS }
COUNTY OF WORCESTER } ss.

On this **6th** day of **October 2011** before me came the above named Vice Presidents of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations.

BARBARA A. GARLICK
Notary Public
Commonwealth of Massachusetts
My Commission Expires Sept 21, 2018

Barbara A. Garlick, Notary Public
My Commission Expires September 21, 2018

I, the undersigned Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America.

"RESOLVED, That any and all Powers of Attorney and Certified Copies of such Powers of Attorney and certification in respect thereto, granted and executed by the President or any Vice President in conjunction with any Vice President of the Company, shall be binding on the Company to the same extent as if all signatures thereon were manually affixed, even though one or more of any such signatures thereon may be facsimile." (Adopted October 7, 1981 - The Hanover Insurance Company; Adopted April 14, 1982 - Massachusetts Bay Insurance Company; Adopted September 7, 2001 - Citizens Insurance Company of America)

GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this 27th day of January 2015

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

Glenn Margosian, Vice President

TEL:914-277-3323
FAX:914-277-3960

TOWN CLERK'S OFFICE

Town of Somers

WESTCHESTER COUNTY, N.Y.

Town House
335 Route 202
Somers, N.Y. 10589

KATHLEEN R. PACELLA
TOWN CLERK

August Agenda
EC-TA TB TC
8/6/15 BJS

RECEIVED
AUG - 6 2015
OFFICE OF THE SUPERVISOR
TOWN OF SOMERS

August 6, 2015

TO: Barbara Sherry
Secretary to the Supervisor

FROM: Kathleen R. Pacella KRP
Town Clerk

RE: Renewal of Liquor License

Please add attached to the August 20, 2015 Agenda for announcement of renewal of liquor license for PJ's Restaurant located at 85 Route 6, Baldwin Place, NY 10505.

HISTORIC PROPERTIES BOARD

Telephone
(914) 277-5582
Fax
(914) 277-3790

EMIL ANTONACCIO
CHAIRMAN

August Agenda
EC-TBTCTA
DMF Fin
7/28/15 bp

Town of Somers

WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

SEAL OF THE TOWN OF SOMERS · WESTCHESTER COUNTY · NEW YORK · INCORPORATED 1784

RECEIVED
JUL 28 2015
OFFICE OF THE SUPERVISOR
TOWN OF SOMERS

MEMO TO: Town Board

FROM: Historic Properties Board

RE: RFP for Painting Interior of Mt. Zion Church

DATE: July 28, 2015

At your Combined Work Session/Regular Meeting on July 9, 2015, you authorized the Historical Properties Board to solicit Requests for Proposals to paint the interior of the Mt. Zion Church.

Proposals were sent to the following:

Carmelo's Painting Company
Defila Painting Company
Fiero Painting Company
Katonah Painting Company
North Salem Painting and Papering
Paul's Painting
Prince Painting Company
Vivid Painting Inc.
Yorktown Painting and Paper Hanging

Paul's Painting is the only company that submitted a proposal. The total is $10,250. It is our recommendation that Paul's Painting be approved to complete the project. In 2013 he painted the Wright-Reis Homestead, the exterior of the Mt. Zion Church in 2014 and has done various other painting projects for the Town. We have always been most satisfied with the quality of his work.

Attachment

Request For Proposal

I/We hereby propose to furnish all labor, materials, insurance and equipment, in accordance with the attached specifications for the interior painting of the Mt. Zion Church located at 76 Route 139 (Primrose Street), Somers, New York.

Proposals will be received by mail to the Somers Historic Properties Board, 335 Route 202 Somers, NY 10589 **no later than** July 24, 2015.

For the Sum of $ 10,250

Project Start Date 9/1/15

Company Name Paul's Painting

License # WC-05006-H9D

Mailing Address 31 Powderhorn Hill Brookfield, CT 06804

Telephone # 914-441-5085

Facsimile

Email Address gregospj@yahoo.com

References (3)

Contact Name Paul Gregos

Title owner

Signature Paul Gregos

Dated 7/21/15

Aug Agenda
EC-TBTC T.A
Dof Fin
7/28/15 bp

PLANNING AND ENGINEERING DEPARTMENTS

Town of Somers

WESTCHESTER COUNTY, N.Y.

Telephone
(914) 277-5366
Fax
(914) 277-4098

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589
www.somersny.com

Sirette Dym, AICP
Town Planner
sdym@somersny.com

RECEIVED
JUL 28 2015
OFFICE OF THE SUPERVISOR
TOWN OF SOMERS

Date: July 28, 2015

To: Director of Finance T10(914)

From: Wendy Getting wg
Senior Office Assistant

RE: **Erosion Control Bond**
Barr Wetland Permit
TM: 48.05-1-14

Attached is a check in the amount of $500.00 posted by Anita Stavin Barr, 37 Wood Street, Katonah, NY 10536 in payment of an Erosion Control Bond.

Att.
cc: Town Board
Town Clerk

PLANNING AND ENGINEERING DEPARTMENTS

Telephone
(914) 277-5300
Fax
(914) 277-4093

Town of Somers
WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589
www.somersny.com

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Sweta Dyn, AICP
Town Planner
sdyn@somersny.com

August Agenda
EC - TBTC
TA Dry Run
7/20/15
bgs

RECEIVED
JUL 20 2015
OFFICE OF THE SUPERVISOR
TOWN OF SOMERS

Date: July 17, 2015

To: Director of Finance T10(914)

From: Wendy Getting WG
Senior Office Assistant

RE: **Erosion Control Bond**
Weisenburger Stormwater Management and Erosion and Sediment Control Permit
TM: 16.10-1-44 and 45

Attached is a check in the amount of $500.00 posted by Christina Weisenburger, c/o Paul Weisenburger, 18 Stoothoff Drive, New Hyde Park, New York 11040 in payment of an Erosion Control Bond.

Att.
cc: Town Board
Town Clerk

August Agenda
EC - TB TC TA
8/13/15 DP

STORMWATER CONTROL FACILITY
MAINTENANCE AND ACCESS AGREEMENT

This Agreement is made as of this_____day of, 2015, by and between the TOWN OF SOMERS, a New York municipal corporation with offices at 335 Route 202, Somers, New York 10589, hereinafter referred to as the "Town," and John Zadejelovich, 61 Granite Springs Road, Somers, New York 10589, hereinafter referred to as "PL".

W I T N E S S E T H

WHEREAS, PL is the owner of that certain plot, piece and parcel of land, with the buildings and improvements thereon, situated at the northerly side of Granite Springs Road in the Town of Somers, comprising 3.00 ± acres, and shown and designated on the Tax Map for the Town of Somers as Sheet 26.15, Block 1, Lot 44 (the "Land"); and

WHEREAS, PL has submitted a Stormwater Pollution Prevention Plan ("SWPPP") to the Town dated February 20, 2015 and prepared by Bibbo Associates, LLP which sets forth, *inter alia,* the proposed improvements to be constructed and\or installed for the purpose of controlling and mitigating stormwater runoff from the proposed construction; and

WHEREAS, the SWPPP has been approved by the Town; and

WHEREAS, as required by Sections 93-8 of the Somers Town Code, a maintenance and access agreement is to be recorded in the Office of the Westchester County Clerk (Division of Land Records) and the Town Clerk and Planning and Engineering offices in order to provide for the long-term maintenance and continuation of the various stormwater control measures shown on the approved construction plans (the "Facilities") and

WHEREAS, copies of the approved construction plans are on file with the Planning and Engineering Department of the Town at Somers at the Town Hall, 335 Route 202, Somers, New York 10589; and

WHEREAS, the Town and PL desire that Facilities be constructed and installed in accordance with the approved plans and that they thereafter be inspected, used, maintained, repaired and replaced in perpetuity in order to insure that they continue to function in the manner for which they are intended.

NOW, THEREFORE, in consideration of the approval and the mutual agreements and understandings set forth herein, and consistent with all applicable provisions of the Town Code, the Town and PL hereby agree as follows:

1. PL and/or any subsequent owner of property shall use, maintain, repair and replace the Facilities in accordance with the maintenance plan contained in the SWPPP, a copy of which maintenance plan is set forth on Schedule "A" which is annexed hereto and hereby made a part hereof (the "Maintenance Procedures").

2. PL shall perform the Maintenance Procedures and shall pay all expenses related to the use, maintenance, repair and replacement of the Facilities. In the event that the property is conveyed to another party or parties, the subsequent owner or owners shall, as a result of such conveyance, assume all responsibility for performing the Maintenance Procedures and for any other costs associated with using, maintaining, repairing and replacing the Facilities located on the property. The conveyance of the property shall unconditionally release the party conveying any such property from all obligations contained herein, unless provided for otherwise in a contract of sale or other agreement between the parties to any such conveyance.

3. PL, or any subsequent owner or owners of the property, shall provide for the periodic inspection of the Facilities to determine the condition and integrity of said measures. Such inspection shall be conducted no less than every five (5) years and shall be performed by a professional engineer who is duly licensed by the State of New York. The inspecting

engineer shall prepare and submit a written report to the appropriate property owner and to the Town's Stormwater Management Officer ("SMO") within 30 days following the completion of the inspection. Any such report of the findings shall include, if appropriate, recommendations for future use, maintenance, repair and/or replacement of the Facilities in order to ensure the continuing effectiveness of the Facilities.

4. No property owner shall authorize, undertake or permit alteration, abandonment, modification or discontinuation of the use of the Facilities except in accordance with written approval of the Town, which shall not be unreasonably withheld.

5. Any property owner shall undertake on any necessary repairs and replacement of the Facilities at the reasonable direction of the Town or in accordance with the recommendations of the inspecting engineer. In the event that the SMO determines that a lot owner has failed to construct or maintain the Facilities located on the property in accordance with the SWPPP or has failed to undertake corrective action specified by the Town or by the engineer pursuant to this Paragraph, the SMO shall notify such lot owner to perform or cause to be performed any such maintenance or corrective action. Any such notice shall be sent to such property owner by certified mail, return receipt requested, to the address for such property owner maintained by the Tax Assessor's Office for the Town. Any such property owner shall have thirty-five (35) days from the mailing of such notice to (a) complete or timely commence such corrective action; or (b) appeal any such determination of the SMO to the Town Board. The decision of the Town Board may be appealed pursuant to the provisions of Article 78 of the New York State Civil Practice Law and Rules.

6. In the event that the property owner is (a) duly notified by the Town to undertake

maintenance or corrective action pursuant to Paragraph 5, above; and (b) either (x) such property owner does not appeal said notification; or (y) the order of the Town is upheld by either the Town Board or a court of competent jurisdiction and the property owner does not, following the outcome of such appeal, carry out said maintenance or corrective action if required to do so, the Town is hereby granted an easement to enter the property for the purpose of undertaking said maintenance or corrective action to the Facilities. Reasonable notice shall be given prior to such entry. The Town may affix the expenses thereof as a lien against the property.

7. In order to give effect to the provisions of this Agreement, the Town is permitted, at reasonable times, to have access to the property for inspection of the Facilities. Access to the property pursuant to Paragraph 6 above or this Paragraph 7 shall be limited to the areas known and designated as Lot No. Forty Four (44).

8. The approval of the Town by resolution or otherwise shall be required prior to any amendment to this Agreement or the SWPPP.

9. This Agreement shall run with the land and shall be binding on the successors and assigns of PL. This Agreement is intended to be recorded in the Office of the County Clerk of Westchester (Division of Land Records) and shall be effective as of the _____day of _____, 2015.

10. The singular number as used herein shall be read as the plural number, and *vice versa,* and the masculine gender shall be read as the feminine or neuter gender, whenever necessary to

give full effect to the terms and provisions hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

John Zadjelovich (Applicant)	THE TOWN OF SOMERS
By: _____ John Zadjelovich	By: _____ Rick Morrissey, Supervisor

STATE OF NEW YORK)
COUNTY OF _____) ss:

On the _____ day of_____ , 2015 before me, a notary public of New York State, personally appeared John Zadejelovich, Applicant, personally known to me or proved to me by satisfactory evidence to be the individual whose name is subscribed to the within instrument and (s) he duly acknowledged to me that (s) he executed the same in his/her capacity and that by his/her signature on the instrument, the individual or person upon behalf of which the individual acted, executed the instrument.

_____

Notary Public

STATE OF NEW YORK)
COUNTY OF _____) ss:

On the _____ day of _____ , 2015 before me, a notary public of New York State, personally appeared Rick Morrissey, personally known to me or proved to me by satisfactory evidence to be the individual whose name is subscribed to the within instrument and (s)he duly acknowledged to me that (s)he executed the same in his/her capacity as the Supervisor of the Town of Somers and that by his/her signature on the instrument, the individual or person upon behalf of which the individual acted, executed the instrument.

_____

Notary Public

Record and Return:
Bibbo Associates, LLP.
293 Route 100 – Suite 203
Somers, NY 10589

SCHEDULE "A" TO STORMWATER CONTROL FACILITY MAINTENANCE AND ACCESS AGREEMENT BY AND BETWEEN JOHN ZADJELOVICH AND THE TOWN OF SOMERS

As used herein, "Short Term Maintenance Requirements" are those stormwater control measures to be undertaken by the property owner during such time as the building is under construction upon said property. "Long Term Maintenance Requirements" are those stormwater control measures to be undertaken following the completion of construction.

Maintenance and Inspection Requirements:

Maintenance and inspections are required in order to ensure the stormwater and erosion and sediment control practices are acting as designed. Inspections will be performed once a week and/or after 1/2 "of rainfall during construction. Upon completion of construction and the subsequent filing of the Notice of Termination, maintenance and inspections are expected to be minimal. Temporary and permanent maintenance and inspection requirements are further discussed below. Proper maintenance and inspections will ensure the longevity and effectiveness of the stormwater pollution prevention plan, and erosion and sediment control plan.

Short Term Maintenance and Inspection Requirements:

Inspections preformed during construction should verify all practices are functioning properly, correctly maintained, and accumulated sediment is removed from all control structures. The inspector must also examine the site for any evidence of soil erosion, the potential for pollutants to enter the storm drain system, turbid discharge at all outfalls, and the potential for soil and mud to be transported on the public roadway at the site entrance. In addition to these general guidelines, the project plans will provide more specific erosion control guidelines, as well as a construction sequence to guide the contractor through the construction process. Discussed below are specific maintenance and inspection requirements for the temporary practices to be employed at the site.

The contractor shall notify the Town of Somers stormwater enforcement official at least 48 hours prior to the commencement of any of the following construction stages: start of construction, installation of erosion and sediment control measures, completion of site clearing, completion of rough grading, installation of stormwater management practices, completion of final grading and stabilization of disturbed areas, closure of construction, and completion of final landscaping.

During construction, the silt fence should be inspected to ensure correct installation. In addition, any accumulated sediment resulting in "bulges" in the silt fence should be removed and mixed with onsite soil. Any damaged or torn silt fence should be replaced. The construction entrance should be checked to ensure no sediment is being deposited onto the public roadway. Should sediment be observed, it should be removed from the street, and the stone in the construction entrance replaced. The temporary sediment traps should be inspected regularly during construction for accumulated sediment. The temporary sediment trap should be cleaned when accumulated sediment has reached a level in height equal to half of the total depth of the sediment trap.

Once construction is completed and the site has been stabilized, a Notice of Termination shall be filed. At this point limited maintenance requirements are anticipated.

Long Term Maintenance and Inspection Requirements:

Once final stabilization is achieved, and construction complete maintenance and inspections will be limited to the infiltration system, and infiltration basin. The Maintenance and Inspection Checklists from Appendix "G" of the New York State Stormwater Management Design Manual shall serve as a guide for maintaining and inspecting the infiltration facilities. Appendix "G" can be found as part of the SWPPP on file with the Town of Somers and at http://www.dec.ny.gov/chemical/29072.html.

Inspections of the following items should be performed at a minimum annually and following significant rainstorm events:

Infiltrators and Infiltration Basin:

Inspection of the infiltrator units, and infiltration basin to ensure accumulated water is infiltrating into the soil, and debris has not entered the infiltration facilities. Any debris should be removed. Once debris is removed, if stormwater is still not infiltrating contact a professional engineer licensed in the State of New York to examine the system.

Yard Drains and Diversion Structures:

Inspect monthly and after heavy rain storms > '/2" in 24 hours for sediment accumulation in sumps. Accumulated sediment should be removed immediately.

Inspection of the outlet of the overflow pipe to ensure it is not plugged or clogged.

Rip-Rap Outlet Protection:

Inspections of the Rip-Rap pad to ensure no stones have become dislodged. Any missing stones should be replaced.

Aug Agenda
EC - TB TC TA
Dof Fin 7/16/15 bjp

INTEROFFICE MEMORANDUM

TO: TOWN SUPERVISOR, RICK MORRISSEY AND MEMBERS OF THE TOWN BOARD

FROM: PROGRAM DIRECTOR, BARBARA TABERER

SUBJECT: NYSOFA CERTIFICATION

DATE: 7/16/2015

CC: TOWN CLERK AND FINANCE DIRECTOR

The Director of the Senior Nutrition/Transportation Program, respectfully requests the Town Supervisor execute NYSOFA Certification Pursuant to Part I Chapter 60 of the Laws of 2014. Board Resolution attesting the funding will be used solely to support salary/fringe benefit increases for direct care staff and professionals

New York State Office for the Aging
CERTIFICATION PURSUANT TO PART I OF CHAPTER 60 OF THE LAWS OF 2014

Name of Organization: _____

Organization's Address: _____

Name of Responsible Official: _____

Title of Responsible Official: _____

Contact Phone Number/Email Address: _____

The undersigned hereby certifies and attests to the following pursuant to Part I of Chapter 60 of the Laws of 2014 ("Part I of Chapter 60"):

- The undersigned is the above named official for the above named organization and duly authorized by the organization to provide this attestation and certification on its behalf.
- The funding provided to the above named organization pursuant to Part I of Chapter 60 for the period beginning January 1, 2015 will be or was used solely to provide salary increases and salary-related fringe benefit increases for direct care staff and direct support professionals as defined by the Director of the NYS Office for the Aging (Director) and in accordance with standards prescribed by the Director.
- The funding provided to the above named organization pursuant to Part I of Chapter 60 for the period beginning April 1, 2015 will be or was used solely to provide salary increases and salary-related fringe benefit increases for direct care staff, direct support professional and clinical staff as defined by the Commissioner and in accordance with standards prescribed by the Commissioner.
- Such funding will not be and was not used for any other purpose or expense.
- The County Legislature, Board of Supervisors, Board of Directors or otherwise named Governing Body of the above named organization have approved a resolution attesting that the funding received will be used solely to support salary and salary-related fringe benefit increases for the staff described above.

I understand that my signature represents that I am signing and responding to all certifications and attestations listed above.

Officer's Signature: _____ Date: _____
Signature of Official Named above

Water & Sewer Department

Adam Smith
Superintendent of Water & Sewer
asmith@somersny.com

Town of Somers

WESTCHESTER COUNTY, N.Y.

P.O. Box 618
40 Lakeview Drive
Shenorock, NY 10587
Telephone & Fax
(914) 248-5181

August Agenda
EC-TB TC TA Doffin
8/13/15 bjs

RECEIVED
AUG 13 2015
OFFICE OF THE SUPERVISOR
TOWN OF SOMERS

Date: August 13, 2015

To: Somers Town Board

From: Adam Smith
Superintendent of Water & Sewer

RE: **Kinsley Power Systems Service Agreement**

Attached please find a service agreement from Kinsley Power Systems. This agreement is for the servicing of the three power generators and transfer switches at the Travis Road Primary and Secondary Sewer Pump Stations and the Windsor Road Sewer Pump Station. The generators provided emergency power to the pump stations. The cost of the service plan is $2668.00. I hereby respectfully request the town board approve the enclosed agreement.

cc: Town Clerk
Finance Director
Town Attorney

www.KinsleyPower.com

KINSLEY POWER SYSTEMS

Sales, Service, Parts & Rentals

PREVENTATIVE MAINTENANCE AGREEMENT

Customer Name:	Somers Sewer District	Effective Date:	August 2015- July 2016
Billing Address:	PO Box 618	Generator Address:	
	Shenorock, NY 10587		
Contact Name:	Adam Smith	E-Mail Address:	
Telephone:	914 248 5181	Fax:	

Current # 936, Kohler 45RZG = $944 annually
Current #2014OB, Kohler 80RZG = $994 annually
Kohler 12RES, serial # 2121483. $730 annually

SALES TAX NOT INCLUDED

This Preventative Maintenance Agreement is entered into by Kinsley Power Systems, and the generator set owner as signed for the purpose of maintaining their equipment in the best possible operating conditions in order to minimize the necessity of emergency service. This agreement does not relieve the owner of periodical checks and testing as outlined in the manufacturer's service manual. While periodic service should result in maximum availability of generating equipment, Kinsley Power Systems, makes no warranties or guarantees as to availability and disclaims any responsibility for consequential damages.

Services to be performed are specified on the attached sheets and constitute the extent of this agreement. The generator set owner will be furnished with an inspection report denoting conditions found and further service required, if any. **No services, parts or materials are covered under this agreement unless specifically referred to herein**, nor does this agreement include expenses to repair damage caused by abuse, accident, theft, acts of a third party, forces of nature or altering the equipment. **Services requested but not covered under agreement will be billed at our factory registered rates for labor, travel, or parts.**

CONTRACT: **This agreement will be automatically renewed every year until canceled in writing with 30 days prior written notice by either party. All price increases will be given at least 60 days prior to the end of any 1 year term.**

IF THERE IS A CHANCE THAT THE UNIT WILL BE INOPERABLE WHILE SERVICING THE GENERATOR DUE TO A DEAD BATTERY, INOPERABLE BLOCK HEATER, INOPERABLE BATTERY CHARGER, OR WORN BELTS AND HOSES, DO WE HAVE YOUR PERMISSION TO CHANGE AT TIME OF SERVICE IF NO ONE IS AVAILABLE TO AUTHORIZE THE ABOVE REPAIRS WHILE ON SITE?

YES ☐ NO ☐

IS AN APPOINTMENT REQUIRED PRIOR TO SERVICE? PLEASE CHECK ONE YES ☐ NO ☐

We the undersigned agree to the above conditions and request the service agreement as outlined.

CUSTOMER: **KINSLEY POWER SYSTEMS:**

Signature ***Date*** ***Signature*** ***Date***

THIS PROPOSAL EXPIRES 45 DAYS FROM ABOVE PROPOSAL DATE

Contact: Anthony Leggiero* Aftermarket Sales Manager * Tleggiero@kinsleypower.com 860-844-6100 Office 518 698 1004 mobile
860-844-6136 fax Kinsley Power Systems * 205 Adams Street * Bedford Hills, NY 10507

Level 2 (major service) is described below and is done once a year

- Change Oil & Oil Filter
- Change Air Filter as Needed
- Change Fuel Filter & Fuel Separator
- Perform Antifreeze Analysis - Test for freeze point, nitrate levels & corrosion inhibitor levels using a visual color test procedure
- Check radiator/cooling system. Add as required.
- Check fuel sediment bowl. Clean as required.
- Check air cleaner and crankcase breather.
- Check warning lights.
- Check fuel lines and hoses for pliability and leaks.
- Check fan and governor belts for wear and tension.
- Check engine block heater and thermostat.
- Check, clean and service battery.
- Check battery charger. Adjust if necessary.
- Check instruments.
- Run under load when possible (authorization required)
- Inspect Automatic Transfer Switch and Generator Components
- Perform Generator End Performance Measurement and Analysis
- Inspect Air Filter, Fuel Filter, Fuel System Lines & Gauge, Fuel Separator
- Inspect Lubrication System, Oil, Air Filter, Fuel Filter, Fuel System Lines & Gauge, Fuel Separator
- Inspect Ignition System - Spark Plugs, Points, Distributor Cap, Rotor Annually (Liquid Propane/Natural Gas Generators Only).
- Perform Generator, Generator End, ATS and Components Safety Check
- Perform Electrical Frequency Analysis and Adjustment (as needed)
- Inspect Cooling System Belts, Hoses, Radiator & Radiator Cap.
- Inspect Air Intake Filter and Hoses
- Inspect Battery Charger & Starting Battery, Clean Connections and Apply Corrosive Protection

Contact: Anthony Leggiero* Aftermarket Sales Manager * Tleggiero@kinsleypower.com 860-844-6100 Office 518 698 1004 mobile
860-844-6136 fax Kinsley Power Systems * 205 Adams Street * Bedford Hills, NY 10507

Level 1 – all items below done once per year (in 6 month rotation of Level 2)

- Check radiator/cooling system. Add as required.
- Check fuel sediment bowl. Clean as required.
- Check air cleaner and crankcase breather.
- Check warning lights.
- Check fuel lines and hoses for pliability and leaks.
- Check fan and governor belts for wear and tension.
- Check engine block heater and thermostat.
- Check, clean and service battery.
- Check battery charger. Adjust if necessary.
- Check instruments.
- Run under load when possible (authorization required)
- Inspect Automatic Transfer Switch and Generator Components
- Perform Generator End Performance Measurement and Analysis
- Inspect Air Filter, Fuel Filter, Fuel System Lines & Gauge, Fuel Separator
- Inspect Lubrication System, Oil, Air Filter, Fuel Filter, Fuel System Lines & Gauge, Fuel Separator
- Inspect Ignition System - Spark Plugs, Points, Distributor Cap, Rotor Annually (Liquid Propane/Natural Gas Generators Only).
- Perform Generator, Generator End, ATS and Components Safety Check
- Perform Electrical Frequency Analysis and Adjustment (as needed)
- Inspect Cooling System Belts, Hoses, Radiator & Radiator Cap.
- Inspect Air Intake Filter and Hoses
- Inspect Battery Charger & Starting Battery, Clean Connections and Apply Corrosive Protection

Contact: Anthony Leggiero* Aftermarket Sales Manager * Tleggiero@kinsleypower.com 860-844-6100 Office 518 698 1004 mobile
860-844-6136 fax Kinsley Power Systems * 205 Adams Street * Bedford Hills, NY 10507

Highway Department

Town of Somers

WESTCHESTER COUNTY, N.Y.

TELEPHONE
(914) 232-4848
FAX
(914) 232-0150

THOMAS E. CHIAVERINI
Superintendent of Highways

LOUIS N. NOTO, JR.
Deputy Supt. of Highways

250 RT. 100
P.O. BOX 281

RECEIVED
JUL 14 2015
OFFICE OF THE SUPERVISOR
TOWN OF SOMERS

Aug Agenda
EC - TB TC TA
Fin 7/15/15 bp

MEMO TO: SUPERVISOR
TOWN BOARD

FROM: THOMAS E. CHIAVERINI
SUPERINTENDENT OF HIGHWAYS

RE: RELEASE OF THE STREET OPENING BOND

DATE: JULY 14, 2015

After final inspection of street opening located at 52 Mahopac Ave. I recommend release of bond in the amount of $320.00 to North County Development Corp – Joseph Festo

THOMAS E. CHIAVERINI
SUPT. OF HIGHWAYS

cc: Director of Finance
Town Clerk

TOWN OF SOMERS
HIGHWAY DEPARTMENT
TOWN HIGHWAY WORK PERMIT # S-07-13

Date: 11-13-13

Thomas E. Chiaverini
Superintendent of Highways

Louis Noto
Deputy Superintendent of Highways

Job Address 53 Mahopac Ave

Section 26.20 Block 1 Lot 23

Owner's Name Joe Festa Contractor Name

Address 156 Tomahawk St Address

City/Town Village S Yorktown City/Town/Village

State & Zip NY. 10598 State & Zip

Phon[illegible] hone

Emergency Num[illegible] gency Number

Issued By [illegible] Date 11/19/13

Bond Release Process

Final Inspection By [illegible] Date 7/14/15

Record Release By Date

Bond Released On
(Date)

250 Route 100 · Somers, NY 10589 · P: 914-232-4848 · F: 232.0150

Highway Department

Town of Somers

WESTCHESTER COUNTY, N.Y.

250 RT. 100
P.O. BOX 281

TELEPHONE
(914) 232-6818
FAX
(914) 232-0150

THOMAS E. CHIAVERINI
Superintendent of Highways

LOUIS N. NOTO, JR.
Deputy Supt. of Highways

MEMO TO: BOB KEHOE
DIRECTOR OF FINANCE

FROM: THOMAS E. CHIAVERINI
SUPT. OF HIGHWAYS

RE: STREET OPENING BOND
Trust & Agency T-911

DATE: NOVEMBER 14, 2013

Enclosed, please find check #5288 in the amount of $320.00 from:
North County Development Corp. – Joseph Festo

For: STREET OPENING

ON: 53 Mahopac Ave
Section 26.20 Block 1 Lot 23

THOMAS E. CHIAVERINI,
SUPT. OF HIGHWAYS

Telephone
(914) 277-3539

FAX
(914) 277-3790

Efrem Citarella
Building Inspector

Aug Agenda

EC - TBTCTA 8/13/15 bjj

Town of Somers

WESTCHESTER COUNTY, N.Y.

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

MEMO TO: Town Board

FROM: Efrem Citarella

RE: Electric, HVAC and Plumbing Emergency and Non-Emergency Work Service Contracts

DATE: August 12, 2015

At your February 20, 2014 Regular Meeting, you passed a resolution to award the Request for Proposal (RFP) for a two year service contract for HVAC services to CF Air Conditioning and Heating, Inc., as well as Emergency and Non-Emergency electrical services to A-Amp Electric Corp. and plumbing services to Bee and Jay Plumbing for two years. The Town reserved the right to extend the contracts for up to an additional two (2) years with no more than a 2% increase per year.

Since we have been satisfied with the services provided over the past year and a half, it is the recommendation that we prepare new contracts for the aforementioned, under the required specifications for a two year period beginning February 2016.

August Agenda
EC - TBTC TA
D of FM
8/13/15
bjs

PLANNING AND ENGINEERING DEPARTMENTS

Telephone
(914) 277-5366
Fax
(914) 277-4093

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com

Town of Somers

WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589
www.somersny.com

Syrette Dym, AICP
Town Planner
sdym@somersny.com

RECEIVED
AUG 13 2015
OFFICE OF THE SUPERVISOR
TOWN OF SOMERS

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JUL 28 2015
TOWN CLERK'S OFFICE
SOMERS, NEW YORK

Date: July 27, 2015

To: Town Board

From: Steven Woelfle SW
Principal Engineering Technician

RE: **Kapur Stormwater Management and Erosion and Sediment Control**
Permit #ASMESC2011-19
TM: 26.20-2-24
Release of Erosion Control Bond
Received Check August 4, 2009

This office conducted a site inspection of the subject property and found the site generally stable. Therefore, this Office has no objection to the return of the Erosion Control Bond in the amount of $200.00. Please return to:

Munish Kapur
12 Watergate Drive
Amawalk, NY 10501

SW/wg
cc: Town Clerk ✓
Director of Finance
Munish Kapur