

JULY 14, 2016 – WORK SESSION/REGULAR MEETING

Minutes of a work session/regular meeting of the Town Board of the Town of Somers held on Thursday evening July 14, 2016 at 7:00 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  
Councilman William G. Faulkner

ABSENT: Councilman Richard G. Clinchy

Also present were Patricia Kalba, Town Clerk, Geraldine Gilmore, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

The Supervisor said that it was in order for the Board to open a public hearing with regard to a proposed Local Law to amend Chapter 170 entitled Zoning, Article V entitled Neighborhood Shopping NS District to the Code of the Town of Somers.

7:02 PM – hearing opened  
7:58 PM – meeting reconvened

The Supervisor said that it was in order for the Board to open a public hearing with regard to the reclassification of Tax Lot 17.15-1-15.1 pursuant to Section 170-13C of the Code of the Town of Somers consisting of 26.68 acres located on Route 100 and Route 202 in the Somers Hamlet from R80 and R40 to the MFR-DH District to facilitate construction of the Somers Crossing proposed development.

8:00 PM – hearing opened  
8:10 PM – meeting reconvened

The Supervisor said that it was in order to adopt the reclassification of Tax Lot 17.15-1-15.1 pursuant to Section 170-13C of the Code of the Town of Somers consisting of 26.68 acres located on Route 100 and Route 202 in the Somers Hamlet from R80 and R40 to the MFR-DH District to facilitate construction of the Somers Crossing proposed development.

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

**GRANTING OF APPROVAL OF A PRELIMINARY DEVELOPMENT  
CONCEPT PLAN AND THE RECLASSIFICATION OF A SPECIFIC PARCEL  
TO THE MULTIFAMILY RESIDENTIAL DOWNTOWN HAMLET DISTRICT  
(MFR-DH) 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 (“Conceptual Site Plan”) and the reclassification of a specific parcel to the Multifamily Residence Downtown Hamlet MFR-DH 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 307 New York State Route 100, and identified as Tax Lot 17.15-1-15.1 on the tax maps; and

**WHEREAS**, the Project depicted on the applicant’s Conceptual Site Plan consists of a mixed use development with multi-family housing, a grocery store and associated site appurtenances, consisting of (6) duplex buildings with (12) units, (10) triplex buildings with (30) units, and (6) quadruplex buildings with (24) units, totaling (22) residence

buildings containing (66) residence units, each with garage and its own individual entry; an approximate 2,000 square foot recreation building; and an approximate 19,000 square foot grocery store building; and

**WHEREAS**, the Project includes one (1) two-bedroom residence unit to be built fully accessible for a special needs resident; and

**WHEREAS**, the Project includes public water and sewer connections and onsite stormwater management infrastructure; and

**WHEREAS**, multifamily residence districts were established 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 Downtown Hamlet MFR-DH District to provide opportunity for the development of low-to-medium-density multifamily housing on sites within an existing, expanded or new sanitary sewer district, capable of being served with a central water system, and have convenient access to shopping, major roads and community facilities and services; and to include additional shopping opportunities for the residential development in the MFR-DH District and in nearby areas, recognizing the mixed use nature of the downtown area; 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**, on or about April 19, 2013, the Town Board received a Petition for creation and placement of the MFR-DH District and a Conceptual Site Plan for development relative to that district on the subject site; and

**WHEREAS**, the Town Board referred the proposed Conceptual Site Plan and the Petition for reclassification of the subject site to the MFR-DH District to the Town of Somers Planning Board on May 13, 2013 and the Town of Somers Open Space Committee on May 31, 2013 as part of the lead agency determination for review and comment; and

**WHEREAS**, the Town Board, in accordance with the New York State Environmental Quality Review Act (SEQRA), initiated a coordinated review and undertook the following steps of the environmental review process:

- Upon receipt of the Project Sponsor's Petition and Conceptual Site Plan<sup>1</sup>, the Town of Somers Town Board circulated its Letter of Intent to be Lead Agency on or about May 10, 2013;
- Having received no objection, the Town Board assumed Lead Agency status on July 11, 2013, and made a Determination / Positive Declaration requiring the preparation of a Draft Environmental Impact Statement (DEIS) on August 1, 2013, whereupon a Notice of Public Scoping Session was filed;
- A public Scoping session was held on September 12, continued on September 24, and October 3, 2013, and a Scope for the DEIS was adopted on October 10, 2013;

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<sup>1</sup> The initial conceptual plan accompanying the Petition proposed 60 townhouse-style dwelling units, 19,000 square foot grocery store, and 75-bed memory care facility.

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- Upon receipt of the Project Sponsor's Amended Petition and revised Conceptual Site Plan<sup>2</sup>, the Lead Agency adopted an amended Scope for the DEIS on February 20, 2014;
- A DEIS, prepared by the Project Sponsor and reviewed and revised by the Lead Agency and its consultants, was accepted for public review on February 12, 2015;
- A Notice of Completion and Public Hearing and the accepted DEIS (dated last revised January 28, 2015) were duly filed and circulated;
- A Public Hearing on the DEIS and associated Conceptual Site Plan; and proposed zoning text amendment and mapping was held by the Lead Agency on March 5, 2015 and April 9, 2015, at which time public comments were received and the hearing on the DEIS was closed;
- A review and comment period was afforded the public until April 20, 2015;
- A Final Environmental Impact Statement (FEIS) (which incorporated the Draft EIS by reference), prepared by the Project Sponsor and reviewed and revised by the Lead Agency and its consultants, was accepted for public review on March 10, 2016;
- A Notice of Completion and the accepted FEIS were duly filed and circulated on March 10, 2016;
- A Revised FEIS (which incorporated a DEIS comment letter not previously received), prepared by the Project Sponsor and reviewed by the Lead Agency and its consultants, was accepted for public review on April 7, 2016;
- A Notice of Completion and the accepted Revised FEIS (dated last revised April 7, 2016) were duly filed and circulated;
- A review period on the Revised FEIS was afforded the public for more than the requisite 10 calendar days prior to the consideration and adoption of a Findings Statement by the Lead Agency;
- The Town Board adopted a SEQRA Findings Statement on June 9, 2016; and

**WHEREAS**, in correspondence dated June 9, 2016, the Town of Somers Planning Board supported the reclassification of the subject site to the MFR-DH district to facilitate the development of Somers Crossing; and

**WHEREAS**, in correspondence dated June 14, 2016, the Town of Somers Open Space Committee supported the reclassification of the subject site to the MFR-DH district to facilitate the development of Somers Crossing; and

**WHEREAS**, on June 9, 2016, the Town Board reopened the adjourned public hearing of April 9, 2015, on the preliminary development concept plan, proposed zoning text amendment and the reclassification of the subject site to the MFR-DH, at which time public comments were taken and the hearing was closed; and

**WHEREAS**, the Town Board reviewed the intent of the 1994 Comprehensive Master Plan and the 2016 Comprehensive Plan Update in light of the changes in the Town and the hamlet over the last 20 years; 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

**WHEREAS**, the Town Board acknowledges that the applicant also proposes a number of off-site improvements proposed to be implemented by the applicant explicitly for the benefit of the Town of Somers, which is the subject of a separate community benefits agreement between the Town and the applicant.

**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

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<sup>2</sup> The revised conceptual plan accompanying the amended Petition proposed 80 townhouse-style dwelling units, open space and 19,000 square foot grocery store (and removed the memory care facility). This is the plan evaluated in the DEIS.

**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 proposed project site meets the minimum site area of 10 acres to receive consideration for designation within the MFR-DH District. The site has an area of 26.68 acres.
2. Underlying Zoning. For consideration for designation within the MFR-DH District, a tract shall have an underlying zoning of R-40 Residence District or R-80 Residence District. The proposed site is located in the R-40 and R-80 districts.
3. Development Density. The proposed project complies with the allowable development density of two density units per acre of net land area (which calculates to a maximum of 80 units) and does not consist of affordable housing units or utilize the allowable incentive density.
4. Coverage. The proposed project complies with the maximum permitted building coverage of 15% and the maximum permitted combined coverage of buildings and paved surfaces of 35%. The project proposes 12.8% of building coverage and 29% of buildings and paved surfaces.
5. Maximum building height. The proposed project complies with the maximum permitted building height of 2.5 stories or 30 feet.
6. Setbacks (multifamily residential buildings). All buildings within an MFR-DH District (except a retail building) 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 shared 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 project complies with the required minimum 75' front yard and 50' yard on the north and east side lot lines. The proposed project seeks a waiver to permit a 50' setback instead of 100' setback adjacent to the R-80 residential zone on the south and west side lot lines where undeveloped R-80 IBM-owned lands exist. The proposed setbacks will be subject to Planning Board approval as part of its review of the detailed site development plans.
7. Lot location and size (retail use). The retail site complies with the requirement to have frontage on, and direct access to a US and/or NY State highway, at a signalized intersection. Minimum lot area for a retail use shall be 4 acres. The retail and residential uses in the proposed project are sited on one 26.68 acre parcel. This requirement will apply should the retail use be subdivided from the residential use.
8. Building Coverage (retail use). The proposed project complies with the maximum permitted building coverage of 15% of the lot area of a minimum 4-acre lot.
9. Setbacks (retail use). A retail building may be located directly on the front lot line (except a front yard along Route 100 shall have a minimum depth of 75 feet), and directly on a side lot line that abuts an adjacent shopping area. Other yards shall have a minimum depth of 20 feet. The proposed retail building is located 20' from the front lot line along Route 202 and 15' from the side lot line abutting the adjacent shopping center, and well over 20 feet from the other lot lines.
10. Maximum building height (retail use). The proposed retail building complies with the maximum permitted building height of 2 stories or 35 feet.
11. Maximum store size (retail use). The proposed retail building at 19,000± square feet complies with the maximum permitted footprint of 25,000 square feet.

12. Traffic Access. The site has frontage on major roads, NY State Route 100 and US Route 202, and the project will have access from both roadways. The traffic generated by Somers Crossing can be accommodated on the roadway system in the vicinity of the Site with the following proposed improvements to be provided by the applicant. There will also be cross access between the residential portion and grocery store with the adjacent Towne Centre at Somers.

US Route 202 and Heritage Hills Drive/Site Access:

- Signalized access to the grocery store opposite Heritage Hills Drive, with a separate westbound left turn lane for entering traffic.
- The driveway (northbound approach) will have two exiting lanes -- a left turn lane and a through/right turn lane.
- Modification to the existing traffic signal as needed.
- Signal improvements on U.S. Route 202 at the site access, including restriping and signal upgrade, and will share its future maintenance with Heritage Hills Condo Association.

US Route 202 and NYS Route 116:

- The existing semi-actuated traffic signal may require signal timing adjustments; the Applicant will coordinate the necessary improvements with the NYSDOT.

US Route 202 and NYS Route 100:

- The existing fully actuated traffic signal may require signal timing adjustments along with pavement re-striping; the Applicant will coordinate the necessary improvements with the NYSDOT.

13. Water and sewerage Facilities. The site will be connected to the Heritage Hills Water District water supply system and the Heritage Hills Sewer District wastewater treatment system.
14. Drainage. Peak rates of stormwater runoff calculated to be reaching the identified hydrologic design line under the post development condition have been determined to be equal to or less than such rates calculated under the predevelopment condition. The calculations of runoff rate, nutrient loading, and other various details of the stormwater drainage system design will be subject to the approval of the Town Engineer.
15. Refuse collection, storage and disposal. The plans for the collection, storage, and disposal of refuse within the proposed project shall be subject to Planning Board approval as part of its review of the detailed site development plans.
16. Utilities. The site will be connected to the Heritage Hills Water District water supply system and the Heritage Hills Sewer District wastewater treatment system. All utilities, including electric, telephone and cable television service, will be placed underground.
17. Fire Protection. The site plan(s) for the proposed project, which shall provide proper access for firefighting equipment and personnel, and the locations 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.
18. Off-street Parking. The proposed project shall comply with the number of required off-street parking spaces. The multifamily residential project proposes four (4) parking spaces for each dwelling unit (two inside and two outside) plus approximately 36 parking spaces for visitors and guests. The grocery store proposes 122 spaces.
19. Recreation area and Open Space. The proposed project exceeds the MFR-DH Zoning District requirements for active recreation (at least 0.31 acre) and meets the requirement that an unspecified amount of open space be provided. The

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proposed project is providing approximately 0.5 acre of recreational area, which will include a playground and a recreation building. Approximately 40% of the site, 10.58 acres of land, will be dedicated as permanent open space, with a walking trail. In addition, a recreation fee will be paid to the Town of Somers.

20. Individual Unit Access. Each individual dwelling unit will have its own separate entrance leading directly to the outside.
21. Central antenna system. The proposed project will have cable telecommunications service.
22. Minimum Floor Area. All proposed dwelling units will meet the required minimum floor area requirements.
23. Exterior lighting will be provided according to a lighting plan approved by the Planning Board.

**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 17.15-1-15.1 to the Multifamily Residence Downtown Hamlet (MFR-DH) Floating Zone.

This Resolution shall have an effective date of July 14, 2016.

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

PUBLIC COMMENT:

Ms. Pamela Prisco, Heritage Hills, read a prepared statement with regard to her opposition to Verizon's Planning Board application to increase the height of the existing pole by 15 feet. She also stated that the Planning Board suggested that she come to the Town Board to have the Town Code changed. She said that they were not asking for the Code to be changed, they were asking for enforcement of the Code.

Councilman Garrity said that he was also frustrated with what little the Town could do with regard to cell towers.

The Town Attorney explained that the Federal Government passed the Economic Tax Relief Act and there were provisions that addressed cell towers. He continued that the provision stated that extension to existing towers that were 20 feet or less was an administrative process only. He said that they were not subject to coverage maps and all of the other items required under a typical review. The Town Attorney said that in addition that particular tower was non-conforming because it was approved and built prior to the Town regulation. He said that in 2002 the Town did not have regulations with regard to cell towers and this was approved as a public utility. He continued that if it was approved as a Use Variance they would have to go back to the Zoning Board because it was an expansion of a non-conforming use. The Town Attorney said that did not apply in this situation. Discussion ensued with the Town Board with regard to how home rule did not apply in this situation.

Ms. Prisco stated that they implore and commission the Town Board to protect and serve the residents and find a way to deny the application. The Town Attorney explained that the application was not before the Town Board and it was part of a lease agreement. He said that this was a modification of an existing tower not new construction.

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The Supervisor said that they would look into the lease the company had with Heritage Hills Water and Sewer.

Mr. Joseph Prisco, Heritage Hills, said that Heritage Hills was a community of people who cared about one another. He said that they needed someone to look at the issue from all sides and bring the community together to find alternatives. He said that they were depending on the Board to use their expertise to help them.

Ms. Shirley Kesselman, Heritage Hills, said she was a representative of Tamar Hadassah, which was a Worldwide Organization that had about 300 Somers members. She said that it came to their attention that a statement had been put out entitled Mayors United Against Anti-Semitism. She said that this had been signed by over 500 community leaders in the United States. Ms. Kesselman said that her committee notified the Supervisor with regard to this and she was hopeful that the Town of Somers would support this initiative as well. The Supervisor said that the item was on the agenda.

Ms. Wendy Nastasi, Heritage Hills, said that there was a comment that there should be an escrow account for cell towers that could be used by the Town to do studies. She said that any study that had been done was done by Verizon. She said that it was pointed out at the Planning Board meeting and again at this meeting that there was nothing that could be done to fight the application. The Town Attorney said not on the basis of the extension. Ms. Nastasi said that there were many guidelines on the FCC website that were required to be followed. She said to prove that they were followed, they presented their own Engineering Reports. She said that those studies should be done by outside Engineers.

Councilman Ciriaco asked where the Planning Board left off with the application. Ms. Nastasi said that they left it open for a 10-day written comment period. Councilman Garrity said that they would look into this further although it seemed that there was not much the Town could do with regard to this application.

The Supervisor summarized what they heard that evening. He said that the Board was going to look into the lease agreement and the health, safety and economic impact to the residents.

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

Approval of minutes

The first item on the agenda was the approval of the minutes.

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

RESOLVED, that the Town Board does hereby approve the minutes of the April 14, 2016 Public Hearing regarding a Local Law to amend Chapter 46 entitled Police Department, the April 14, 2016 Regular Meeting, the May 5, 2016 Work Session, the May 12, 2016 Regular Meeting, the June 2, 2016 Special Meeting and the June 2, 2016 Work Session.

Monthly reports

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

Purchase of John Deere PR15 – Gator TS (Turf Tires) MY16 with Allies Rahn

The Supervisor said that the next item on the agenda was to authorize the purchase of a John Deere Gator with an Allied Rahn TSC (landscape and grounds related equipment) for Parks. He said that the current equipment was going to cost about \$5,000.00 to repair and was about 15 years old; they were getting a brand new one for about \$9,000.00.

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

RESOLVED, that the Town Board does hereby authorize the purchase of a John Deere PR15 – Gator TS (Turf Tires) MY16 with Allies Rahn TSC in the amount of \$9,053.95 from Deere & Company per memo dated June 10, 2016 from Steven Ralston Superintendent of Parks and Recreation.

Mayors and  
Municipal  
Leaders  
United Fight  
Against Anti-  
Semitism

The next item was a discussion with regard to the Mayors United Against Anti-Semitism. The Supervisor said that he applauded the effort and they would send a resolution of support to the Organization.

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

RESOLVED, that the Town Board of the Town of Somers does hereby support and authorizes the Supervisor to execute the Mayors and Municipal Leaders United Fight Against Anti-Semitism; and

WHEREAS, as Mayors and Municipal Leaders, we have a special responsibility to speak out against the growing menace of anti-Semitism and the statement affirms that:

The Town of Somers,

- Condemn anti-Jewish hatred, in all its forms;
- Reject the notion that anti-Semitic acts, while sometimes carried out in the name of a political cause, may ever be justified or excused by one's opinions about the actions or existence of the State of Israel;
- Declare that prejudices against Jews or others due to differences in religious faith are inconsistent with our core values;
- Support government efforts directed at eradicating anti-Semitism and preventing extremist indoctrination and recruitment; and support expanded education programs, including Holocaust programs, that increase awareness and counter intolerance and discrimination;
- Recognize the ever-present need to be vigilant about efforts to prevent and report acts of anti-Semitism, and other hate crimes; and
- Believe that communities that promote a climate of mutual understanding and respect among all citizens are essential to good governance and democratic life.

Sale of 11  
Geranium  
Dr. & 3  
Geranium  
Dr. and 6  
Hemlock Dr

The Supervisor said that the next item was to authorize, subject to permissive referendum, the conveyance of real property known as 11 Geranium Drive to Mr. Joe Currie for consideration of \$2,400.00 and 3 Geranium Drive and 6 Hemlock Drive to Mr. Douglas Lee for consideration of \$4,820.00. The Town Attorney explained that those were the strip parcels that were previously approved, in order for the Town to liquidate any property it had to go through a permissive referendum. He continued that the Town Clerk would notice the permissive referendum in the newspaper and 30 days had to elapse and if the Town received a petition they would have to call for a referendum.

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 conveyance of real property known as 11 Geranium Drive to Mr. Joe Currie for consideration of \$2,400.00 and 3 Geranium Drive and 6 Hemlock Drive to Mr. Douglas Lee for consideration of \$4,820.00, both subject to permissive referendum; and that the Supervisor be authorized to execute all conveyance documents to effectuate same.

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Schedule public hearing regarding enforcement of house numbering

The next item on the agenda was to authorize the Building Department and Bureau of Fire Prevention to enforce house numbering regulations and to name streets serving three (3) houses or more with a named street. The Supervisor said that the enforcement of the house numbering was already in the Town Code. He said that they would like to add the naming of streets to the Town Code. The Town Attorney asked if they were going to schedule a public hearing for the amendment. The Supervisor said that they were and discussion ensued with regard to the timing of the notice. It was agreed that they would schedule the public hearing for the September regular meeting.

New York State Uniform Fire Prevention and Building Code update

The Supervisor said that the next item on the agenda was a discussion with regard to the New York State Uniform Fire Prevention and Building Code update. He said that in the existing New York State Uniform Fire Prevention and Building Code there was a provision that required a 45-minute separation between garages and inhabitable spaces in residential construction. He continued that the State had revised and adopted new regulations which are effective as of September and that requirements had been changed. The Supervisor said that the Assistant Building Inspector caught this change and suggested that the Town update the Town Code Chapter 74. He suggested that the Town Attorney contact the Assistant Building Inspector to draft something for the Board's consideration and possible scheduling of a public hearing for September. The Town Attorney said that he was unsure if a more stringent standard than the State without the State Board giving the Town authority to do so could be adopted. He said that he would look into that for the next meeting.

Escrow for TRC Solutions – Somers Crossing

The next item was to authorize an escrow in the amount of \$7,800.00 for TRC Solutions' review of the Site Plan traffic matters for the Somers Crossing Site Plan. The Supervisor said that he wanted to make an addition to the agreement. He said that he did not want TRC Solution to do these studies independently, he wanted it to be on referral from the Town Engineer or the Director of Planning. He read the language that was going to be added to the agreement.

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

RESOLVED, that the Town Board does hereby authorize an escrow in the amount of \$7,800.00 to TRC Engineers, Inc. for Traffic Engineering Consulting Services for Boniello Land & Realty, Ltd. – Somers Crossing Site Plan Review upon referral of the Town Engineer and/or the Director of Planning.

Application for funds from the Water Quality Improvement Program

The Supervisor said that the next item was to authorize an application be made for funds from the Water Quality Improvement Program administered by the New York State Department of Environmental Conservation (DEC) regarding the Lake Shenorock Stormwater Improvement Project and commits the Town to providing 25 percent of the project cost. He explained that the Northern Westchester Watershed Committee passed resolution and they petitioned the Board of Legislators to approve the \$10,000,000.00 allocation for the Somers Water Quality Improvement Program. He explained what would be included and the history of the funding.

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

RESOLVED, that the Town Board does hereby authorize an application to be made for funds from the Water Quality Improvement Program administered by the New York State Department of Environmental Conservation (DEC) regarding the Lake Shenorock Stormwater Improvement Project and commits the Town to providing 25 percent of the project cost and authorize Supervisor to execute same.

Enact Property Maint. Code - 2608 Quaker Church Road

The next item on the agenda was to discuss and authorize any necessary work to be done to 2608 Quaker Church Road, Section: 26.19, Block: 1, Lot: 6 and any incurred cost be

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paid from the General Town funds appropriated by the Town Board for such purpose, per the Town Code §135-5 of the Town of Somers. The Supervisor explained that this was the Town of Somers Property Maintenance Code that was recently enhanced. He said that this was the first time the Town had to enact the Code; the property was owned by a bank and had fallen into disrepair. He continued that the Bank had been noticed on a number of occasions with no response. The Town Attorney said that this had worked well in other Towns. He asked if they were going to do the work with in-house staff or contract the work out. The Supervisor said that was to be determined. The Town Attorney said that they needed to be aware if they contracted the work out, the contractor had to pay prevailing wage and submit certified payrolls to the Town. The Supervisor said that this was going to be a tax lien and the Town was required to pay prevailing wages. The Town Attorney said that in April the Town Board was going to have to pass a resolution authorizing the Tax Receiver to place a lien on the property.

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

RESOLVED, that the Town Board does hereby authorize any necessary work be done to 2608 Quaker Church Road, Section: 26.19, Block: 1, Lot: 6 and any incurred cost be paid from the General Town funds appropriated by the Town Board for such purpose, per the Town Code §135-5 of the Town of Somers, per memo dated June 28, 2016 from Efrem Citarella, Building Inspector.

PERSONNEL:

Current Vacancies:

Somers Energy Environment Committee  
Affordable Housing Board (3 – unexpired 2 year terms ending 7/11/2017)

Upcoming Vacancies:

Assessment Board of Review (1 – 5 year term ending September 30, 2021)

Acknowledge promotion of J. Decrenza to Motor Equipment Operator, Highway Department

The Supervisor said that it was in order to acknowledge the promotion of Jaycen Decrenza to Motor Equipment Operator, Highway Department.

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

RESOLVED, that the Town Board does hereby acknowledge the promotion of Jaycen Decrenza to Motor Equipment Operator at an hourly rate of \$32.7836 effective June 22, 2016 per memo dated June 20, 2016 from Thomas E. Chiaverini, Superintendent of Highways.

Terminate probationary appointment of R. Persaud, Senior Account Clerk in Finance Office; hire as permanent Senior Account Clerk

The Supervisor said that it was in order to authorize the termination of the probationary appointment of Mr. Robert Persaud, Senior Account Clerk in the Finance Office and hire him as permanent Senior Account Clerk in the Finance Office. He said that Mr. Persaud had been an asset to the Town; he was a very diligent employee and a very hard worker.

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

RESOLVED, that the Town Board does hereby authorize the termination of the probationary appointment of Mr. Robert Persaud, Senior Account Clerk in the Finance Office and hires him permanent Senior Account Clerk in the Finance Office effective July 20, 2016, per memo dated June 21, 2016 from Robert Kehoe, Director of Finance.

Consensus agenda

The Supervisor said that the next item on the agenda was the consensus agenda. Councilman Faulkner asked with regard to item number 1, was that the total amount or an additional amount. The Supervisor explained that was an additional amount.

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

Additional payments for the Van Tassell Roof project in

1. RESOLVED, that the Town Board does hereby authorize additional payments for the Van Tassell Roof project in the amount of \$5,390.00, per memo dated June 23, 2016 from Efrem Citarella, Building Inspector, as follows:

Bee & Jay Plumbing	(re-pipe HVAC)	\$1,180.00
C.F. Air Conditioning & Heating	(new drainage line)	\$1,450.00
L. Mark Construction	(new plywood and door)	\$1,860.00
L. Mark Construction	(manufacturer's warranty)	\$ 900.00

Execute agreement with Underwater Solutions, Inc.

- 2a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute an agreement with Underwater Solutions, Inc. to conduct an inspection and remove sediment from the Ross Drive Storage Tank in the amount of \$4,490.00 per memo dated June 24, 2016 from Adam Smith, Water Superintendent.

Contracts for Nutrition Service

- 2b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute WIN/NSIP Contract for Nutrition Service, PY 2016-2017 funding, WIN (Wellness in Nutrition) \$74,915.00/NSIP (Nutrition Service Incentive Program) \$24,262.00, for the fiscal year 2016/2017, per memo dated June 24, 2016 from Barbara Taberer, Program Director.

2016/2017 Westchester Co Dept of Health Permit to Operate

- 2c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2016/2017 Westchester County Department of Health Permit to Operate, per memo dated June 24, 2016 from Barbara Taberer, Program Director.

Release of Erosion Control Bond

3. RESOLVED, that the Town Board does hereby authorize the release of an Erosion Control Bond, per memo dated June 23, 2016 from Steven Woelfle, Principal Engineer Technician:

a. Meichner Steep Slope/Tree Preservation Permit	
AST#2014-18 – 6.14-1-13.2	\$500.00

30 day Waiver for Luna Bar

4. RESOLVED, that the Town Board does hereby authorize waiving the 30 day waiting period for the issuance of a new liquor license to Luna Bar and Lounge 208 Tomahawk Street Yorktown Heights, New York 10598 (formally Roadhouse Tavern).

Accept Performance Bond No.: 106481274

5. RESOLVED, that the Town Board does hereby accept the Performance Bond No.: 106481274 dated May 18, 2016 for AvalonBay Communities, Inc. Site Plan, Somers Realty Planned Hamlet Subdivision 3 in the amount of \$3,032,000.00 issued by Travelers Casualty and Surety Company of America and signed by Joanne M. Lockridge, Senior Vice President of Travelers Casualty and Surety Company of America and Mark W. Edwards, II, Attorney-in-Fact, per memo dated June 29, 2016 from Steven Woelfle, Principal Engineer Technician.

Councilman Garrity said that on Saturday, July 16<sup>th</sup> at 6:00 PM the Somers Historical Society was presenting the 13<sup>th</sup> Annual Woody Guthrie Hootenannies at the Mt. Zion Church, in Reis Park. He said that admission was free, bring a picnic dinner.

JULY 14, 2016 – WORK SESSION/REGULAR MEETING

Councilman Ciriaco said that on Friday evenings during the summer there were concerts at Ladson Park at 5:00 PM.

Councilman Ciriaco said that on Wednesday, July 20<sup>th</sup> from 6:00 PM to 7:30 PM, the Somers Energy Environment Committee was sponsoring an event at the Somers Community Center. He said that they were going to have an Energy Coach and discuss how to save energy in the home and the programs they had available.

Councilman Faulkner said that St. Luke's Church was hosting an Antique Appraisal Event on Saturday, August 6<sup>th</sup> from 10:00 AM to 4:00 PM.

Councilman Faulkner wished his wife Jill a Happy Birthday, which was July 15<sup>th</sup>.

The Supervisor said that he received a letter of Thanks from the New York Blood Center for the Wednesday, June 29<sup>th</sup> Blood Drive. He said the Blood Drive was very successful with 46 Somers Donors.

The Supervisor said that they may be having a Special Meeting in July and that would be published when the date and documents were set and complete.

Councilman Ciriaco said that last week was the Stephanie Crispinelli fundraising event. He said that it was a huge event with a lot of fundraising. He said that it was a great event and he thanked all those who participated and the Parks Staff for all of their hard work.

Claims for the payment of all Town Bills in the amount of \$479,930.05 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 9:15 PM.

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Town Clerk