

SEPTEMBER 2, 2010 – WORK SESSION/REGULAR MEETING

Minutes of a work session/regular meeting of the Town Board of the Town of Somers held on Thursday evening September 2, 2010 at 7:10 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:       Supervisor       Mary Beth Murphy  
                  Councilman       Harold R. Bolton  
                  Councilman       Richard G. Clinchy  
                  Councilman       Frederick J. Morrissey

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 interviews.

Thereupon motion of Supervisor Murphy, seconded by Councilman Clinchy the meeting was adjourned to an executive session with regard to personnel interviews at 7:10 PM to return that evening.

7:42 PM – meeting reconvened

Councilman Garrity present at 7:42 PM

Annual  
Police  
Awards

The Supervisor said that they will be beginning the meeting with the Annual Police Awards. She said that one of the things that Somers likes to do is to recognize the people who have gone above and beyond not only their own call of duty but their own citizenry. She introduced Chief Driscoll to present the awards.

Chief Michael Driscoll introduced himself and explained that he was the Chief Officer of the Somers Town Police Department. He said that the purpose of the awards program was to recognize and reward extra ordinary, meritorious and exceptionally outstanding acts of heroism or service that was above and beyond performance that was ordinarily expected. He continued that they also recognized citizens that perform actions that were above what was normally expected of them.

Chief Driscoll presented the first award to Thelma Barlow, the School Crossing Guard on Route 202. He said that she had been employed by the Town for over 20 years and handled the traffic on Route 202, which was a dangerous job and she was out there in all kinds of weather. He continued that her job was to get the kids in and out of school safely and she did that very well. Chief Driscoll thanked Ms Barlow very much for all of her years of service.

Chief Driscoll called Officer Walter Altvater to the podium and relayed an incident that happened on July 7<sup>th</sup> with regard to a drug deal. He said that Officer Altvater made the arrest for possession and sale of narcotics. He presented Officer with an award for Excellent Police Duty.

Chief Driscoll called Officer Richard Barker to the podium. He said that Officer Barker was a very active Police Officer and in the past year had made approximately 6 DWI arrests. He continued that he received a lot of complaints with regard to ATVs; Officer Barker in the past year has taken 8 ATVs off the road in which they were towed and fined. Chief Driscoll presented Officer Barker with an award for Excellent Police Duty.

Chief Driscoll called Office Thomas Dunn to the podium. He said that over the years as Chief he had received a lot of letters with regard to Officers' both good and bad but never one like this; it was very touching. He read the letter with regard to someone who was suffering from deep depression and how Officer Dunn helped her. Chief Driscoll presented Officer Dunn with and award for Excellent Police Duty.

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Chief Driscoll called Police Office Peter Gobbo, State Trooper Timothy Gleason, State Trooper Paul Carinci, Civilian Kenneth Schirmer, Civilian Michael Gorian and Civilian Steven Eckbert was not present. He said that this optimized to him what happened when 2 Police Agencies and Civilians combine together and work together. He recalled that on January 28<sup>th</sup> 2 people were ice fishing at Muscoot Reservoir and fell through the ice. Chief Driscoll said that Mr. Schirmer, Mr. Gorian and Mr. Eckbert were driving to work when they saw the people in the water, they proceeded onto the ice along with the Police Officers they formed a human chain and threw a rope to the people in the water and were able to pull them out to safety. He said that Officer Gobbo, State Trooper Gleason, State Trooper Carinci, Mr. Schirmer, Mr. Gorian and Mr. Eckbert saved 2 lives at the risk of their own lives. He presented the 2 Troopers with a deep sense of appreciation from the Somers Police, they were very proud to work with a Department like theirs. Also present was Doug Loggin, Supervisor of the New York State Police and Sergeant John Henigan of the New York State Police and Chief Driscoll thanked them for being present that evening. Chief Driscoll presented Officer Gobbo with the Somers Police Medal of Exceptional Merit and introduced his family who were present that evening and thanked them for attending. He presented Mr. Schirmer and Mr. Gorian with a Certificate of Appreciation from the Somers Police Department for their outstanding cooperation with the Somers Police Department that resulted in saving a Human Life and thanked them. He introduced Mr. Schirmer and Mr. Gorian families who were present and asked Mr. Gorian's children to come to the podium and presented them with badges from the Somers Police Department.

The Supervisor thanked Chief Driscoll for recognizing the Troopers, the Somers Police Force and the Citizenry that go above and beyond the call of duty. She said that she received letters with some regularity about the Somers Officers and their good deeds and the message that was always there was someone had gone above and beyond to ensure that the Citizens were safe and comfortable. She continued that there were so many acts of kindness in many ways. The Supervisor said tonight they heard about acts of heroism from all of the honorees and the reason that these things happen was because of the leadership that Chief Driscoll had shown in the Department and the liaison that he had created with the State Police to keep the Community safe. She said that Chief Driscoll did not get recognized often enough. Chief Driscoll said that he was only as good as his men. The Supervisor said that she wanted to recognize him for the work they he did as well, she had prepared a proclamation that she read to the audience.

8:05 PM – 5 minute break  
8:07 PM – meeting reconvened

The Supervisor said that it was in order for the Board to continue a public hearing with regard to the Comcast Franchise Agreement renewal.

8:08 PM – hearing opened  
8:10 PM – meeting reconvened

The Supervisor said that it was in order for the Board to adopt the Franchise Agreement renewal.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Comcast Cable Franchise Agreement by and between the Town of Somers and Comcast of New York, LLC.

VOTE:	Councilman Harold R. Bolton	Recused
	Councilman Richard G. Clinchy	Aye
	Councilman Frederick J. Morrissey	Aye
	Councilman Thomas A. Garrity, Jr.	Aye
	Supervisor Mary Beth Murphy	Aye

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The Supervisor said that it was in order for the Board to continue a public hearing with regard to a proposed amendment to the Special Exception Use Permit for Best Plumbing.

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

The Supervisor asked if the Board had any comments with regard to the amendment to the Special Exception Use Permit for Best Plumbing. A lengthy discussion ensued with regard to the increase in the hours and the possible affect it could have on the neighbors. The Town Attorney suggested that the Board vote on the application with a request, not a condition, that all parties make a good faith effort to reconcile the differences. Ms. Marla Bedrosian relayed to the Board her concerns with regard to the additional hours of operation.

The Supervisor said that they had discussed everything that they could with regard to this issue and asked the Board how they would like to proceed. She said that was a draft resolution that was prepared by the Town Planner and one of the Whereas clauses needed to note that there were several public comments made. She said that there was a Short Environmental Assessment Form prepared that would also need to be adopted by the Board. The Supervisor asked the Board if they were prepared to grant the request for an amendment to the Special Exception Use Permit to permit only showroom business activities on Saturdays from 9:00 AM to 5:00 PM.

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

RESOLVED, that the Town Board does hereby accept the SEAF prepared by Sabrina Charney-Hull, Town Planner and,

DOES HEREBY authorize the Supervisor to sign same.

VOTE:	Councilman Harold R. Bolton	Aye
	Councilman Richard G. Clinchy	Aye
	Councilman Frederick J. Morrissey	Recused
	Councilman Thomas A. Garrity, Jr.	Aye
	Supervisor Mary Beth Murphy	Aye

Thereupon motion of Supervisor Murphy, seconded by Councilman Bolton, it was unanimously,

**Resolution**  
**Amendments to the Special Exception Use Permit**  
**for**  
**BEST PLUMBING SUPPLY, INC.**  
**Town Tax Number: Section 28.15, Block 1, Lots 2 and 4**

WHEREAS, on June 10, 2004 the Somers Town Board adopted a resolution enacting a Zoning Text Amendment and Amendments to the Special Exception Use Permit for Best Plumbing Supply, Inc. which included compliance with 27 specific modifications and conditions; and

WHEREAS, the Town Board's June 10, 2004 resolution stipulated that the permitted business activities conducted on the subject site shall regularly occur on weekdays only (Monday through Friday). Except as otherwise provided herein, the subject site shall be open between the hours of 6:00 A.M. and 6:00 P.M. but the principal business activity conducted on the subject site shall not commence earlier than 8:00 A.M. and shall not continue after 5:00 P.M. Sales activities, including showroom sales and over-the-counter retail sales, shall not commence earlier than 9:00 A.M. and shall not continue after 5:00 P.M. No shift work shall be conducted on the subject site, unless the Town board, in its discretion, approves an amendment to this special exception use permit authorizing such shift work; and

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WHEREAS, this provision remained in effect with the November 13, 2008 request to amend the 2004 Special Exception Use Permit for Best Plumbing Supply Inc.; and

WHEREAS, on July 19, 2010 the Town Board received a request to amend the Special Exception Use Permit for Best Plumbing to expand showroom activities only to occur Monday through Saturday. Saturday showroom activities were proposed to occur between the hours of 9:00AM and 5:00PM. During such time on Saturday the office and warehouse activities would not be in operation and no deliveries would be allowed; and

WHEREAS, the subject lands comprise approximately 35 acres and are shown on the Town Tax Maps as Section 28.15, Block 1, Lots 2 and 4; and

WHEREAS, the subject property is located off an asphalt drive located on the east side of Golden's Bridge Road; and

WHEREAS, the subject lands are zoned "Residence R-80 District" as indicated in Chapter 170, "Zoning", of the Code of the Town of Somers, New York; and

WHEREAS, the subject property consists of an existing 7,000 square foot showroom, a 112,000 square foot warehouse, and 118 parking spaces; and

WHEREAS, the subject application was discussed at the Town Board's August 5, 2010 meeting; and

WHEREAS, during the course of the Town Board's review of the Applicant's proposed amended Special Exception Use application, the Town Board received and considered correspondence from the public as well as Town staff, and Town advisory boards, and other Involved Agencies;

WHEREAS, the Town Board opened a Public Hearing on the proposal on August 5, 2010 at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, there were several public comments made regarding the proposal and the Town Board, per motion by Supervisor Murphy seconded by Councilman Bolton, recused by Councilman Morrissey motion carried, the Public Hearing was closed on September 2, 2010; and

WHEREAS, the Town Board received a short environmental assessment form dated July 28, 2010 from the Applicant and classified the project as an unlisted action in accordance with Chapter 92, Environmental Review of the Code of the Town of Somers, and Section 617.6 of the New York State Environmental Quality Review Act; and

WHEREAS, The Town Board determined that given the nature of the activity to occur per this amendment to the existing Special Exception Use Permit, that no significant environmental impacts will occur and that no further environmental review is required; and

NOW THEREFORE BE IT RESOLVED, on September 2, 2010 the Town Board approved the request to amend the 2004 Special Exception Use Permit for Best Plumbing Supply Inc, by amending item #10 on Page 7 of the existing permit to read:

*Except as otherwise specifically permitted herein, the permitted business activities conducted on the subject site shall regularly occur on weekdays and Saturdays (Monday through Saturday). Except as otherwise provided herein, the subject site shall be open between the hours of 6:00 A.M. and 6:00 P.M. but the principal business activity conducted on the subject site shall not commence earlier than 8:00 A.M. and shall not continue after 5:00 P.M. Sales activities, including showroom sales and over-the-counter retail sales, shall not commence earlier than 9:00 A.M. and shall not continue after 5:00 P.M. No shift work shall be conducted on the subject site, unless the Town board, in its discretion, approves an amendment to this special exception use permit authorizing such shift work.*

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*Only sales activities may occur during Saturday business hours (between 9:00AM and 5:00PM). Warehouse, office and truck deliveries may not occur on Saturdays and may only occur Monday through Friday.*

BE IT FURTHER RESOLVED that this resolution incorporates all conditions as approved in relation to the Town Board resolution adopted on June 10, 2004.

VOTE:	Councilman Harold R. Bolton	Aye
	Councilman Richard G. Clinchy	Aye
	Councilman Frederick J. Morrissey	Recused
	Councilman Thomas A. Garrity, Jr.	Aye
	Supervisor Mary Beth Murphy	Aye

The Supervisor requested that Mr. Weiner contact the neighbor to discuss what screening measures would be appropriate to help address their concerns and report back to her on how the discussion went.

9:40 PM – 5 minute break  
9:45 PM – meeting reconvened

PUBLIC COMMENT:

Ms. Anita Krusko, 32 Ross Drive, said that she wanted to make brief comments on some recent news articles that were in relationship to the Park District proposal, first there was some background information of the original Engineer's Report. She said that it stated that Lake Shenorock was slated to be placed on a list of impure water bodies this year and it would require that the Lake comply with provisions of the Federal Clean Water Act. She said that these new regulations would have to be met and their concern was what would need to be done to follow those regulations and what the additional cost would be that was not being shown in the proposed budget. Ms. Krusko said that there was an article in the North County News on August 25<sup>th</sup> about a plan of the Northern Westchester Watershed Committee to bring 12 local Watershed Communities in compliance with New York City Mandates and stated what that meant. She said that plan was going to be funded by the East of Hudson Fund with no cost to taxpayers and what was included. She said that there was a second article in the North County News on the same date about a plan called the Lake Improvement Plan being supported by County Legislator Mike Kaplowitz to bring lake improvement funding to the area to help clean up lakes. Ms. Krusko said that there were 170 lakes eligible for his plan including Lake Shenorock. She said that this plan called for the plan to be paid for by the Environment Protecting Fund and involved no new taxes. She said in talking with the neighbors most seemed to favor the remediation of the lake over the construction of a beach facility. Ms. Krusko said that funding from the East of Hudson Fund and the Environment Protecting Fund could remediate the lake without a cost to the taxpayers and her group, Concerned Shenorock Residents felt that was the way by which the problems of the lake should be addressed. She said that they would also like some information on the status of the petition drive because there was nothing in the petition that stated when it was to be submitted.

The Supervisor said that she had received some communication from UOA indicating that they were almost finished with their petition work and will be submitting something to the Town Clerk in the near future. Ms. Krusko asked if there was a timeframe that had to be followed. The Supervisor said that they were a citizens group and it was not the Board's process, she was just conveying the information that she had. The Town Attorney said that there was no time period in the State Law.

Ms. Krusko said that she had spoken to the Town Board about a referendum and was told that they needed to discuss that with the Town Attorney. She asked the Town Attorney if he could advise her with regard to that. The Town Attorney said that there was no possibility of a referendum, it was not permitted by the State Law and there was no local option that the Town could adopt to do something that was not provided for by State Law. He explained that the petition was really the vote, you either sign or you do not, that was your vote.

Ms. Krusko asked about the informational meetings. The Supervisor said that was certainly the intention of the Board to have a public meeting when the petition was received. She continued that she would like to hold that in one of the Schools auditoriums with the Engineers present to discuss all of the issues that had been raised. The Town Attorney said that the Board will be required to have public hearings.

The Town Attorney explained that once that petition was received the Board had to schedule a public hearing and they could schedule other informational meetings in that process and at the end of the process the Board would have to make certain findings. He continued that if the findings were made in the affirmative then they would move to a preliminary resolution which would allow an application packet to be submitted to the State Comptroller. He said if the State Comptroller approved the formation of the District, they looked at the cost involved as well as other factors then they would adopt an Order which when filed with both the Town and the County it allowed the Town Board to adopt a Final Order, establishing the District. The Town Attorney pointed out that this was the same process that was done for the Amawalk-Shenorock Water District. He said that the only way that this process stopped was if the Town Board could not make the appropriate findings.

Councilman Clinchy said that it will be good to have an informational meeting before the hearing because there still will be people who still had questions. The Supervisor said that the Board had an informational meeting 6 months ago and just a couple of people came and that was why they tried to engage the neighborhood in the process. She apologized that this had caused a rift in the Community but it was necessary because the Board could not move ahead with a project of that magnitude without engaging the Community in the process and finding out what people really thought about it. She said that was why they encouraged participation and education by everyone in the Community.

Ms. Krusko said that the Concerned Residents of Shenorock also were having a petition signed that was not in favor and people were coming up to her and stating that they were being given misinformation and wanted to remove their names. The Supervisor said that if someone came to the public hearing and asked the Board to remove their name they would do so. The Town Attorney explained that once the petitions were submitted to the Town Clerk the verification process was the petitions go to the Town Tax Assessor and he will go through the petitions and determines that they met the requirements. He continued that anytime during that process anyone could come in and request that their name be removed. Councilman Clinchy asked at what point they could not do that. The Town Attorney said through the public hearing, until the Board closed the hearing.

Ms. Krusko asked what the timeframe was for the public hearing and what the notification would be. The Town Attorney said that the Board should go through the verification process first to ensure that they would be moving forward. The Supervisor explained that there was a small staff in the Assessor's office and it may take a little time but they would have to be patient in the verification process. Ms. Krusko asked how the residents would be notified. The Town Attorney said that for the public hearing there would be a notice in the newspaper with regard to the public hearing and there was a case currently that said anytime a District was formed the Town must give notice to each affected property owner by certified mail. The Supervisor said that the Board should have an informational meeting before they have a public hearing and she will try to notify as broadly as possible.

Ms. Krusko asked how someone has their name removed from the affirmative petition. The Town Attorney explained that the must submit something in writing to the Town Clerk.

Mr. Fred Gambino, Dellworth Drive, said that there were large signs being placed in Shenorock to save the lake and petitions were going around Shenorock and there seemed to be an organized push to have the lake saved. He said that the majority of people did not want the lake. He said this was tough economic times and people cannot afford this. He asked them not to put an extra tax on the residents that was not a necessity.

Mr. Anil Jambotkar, 1 Orchard Court, discussed with the Board the inaccuracies in the petition.

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

Monthly reports

The Town Clerk presented monthly reports from the Town Clerk, Building Inspector, Parks and Recreation, Tax Receiver, Director of Finance, Planning and Engineering, Zoning, Plumbing and Bureau of Fire Prevention. She also announced that pursuant to Section 64, Subdivision 2a of the Alcoholic Beverage Control Law, Somers Discount Wine and Spirits, Somers Town Centre, 325 Route 100 was renewing their liquor license.

Mitchell property

The next item was with regard to the Mitchell property. The Supervisor said that there was a site walk by the Town Board and she thanked Mr. Mitchell for accommodating their schedules. She explained the conservation subdivision that was being proposed. Mr. Timothy Allan of Bibbo Associates, the applicant's Engineering Firm, explained that the Town Board was not approving anything it was just a recommendation back to the Planning Board. The Town Attorney said that the Town Board would have to enact special legislation. Mr. Allan explained that they were not endorsing either subdivision choice; they were providing a tool to the Planning Board to allow them to look at both options in the same way. He went through the subdivision plan with the Board and discussion ensued with regard to the reasoning for the request. The Supervisor suggested that the Board ask the Town Attorney to draft a Local Law for the Board's consideration subject to an escrow account being set up. Mr. Allan asked if they Board would consider scheduling the public hearing for the next month at this time.

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

RESOLVED, that the Town Board does hereby authorize the scheduling of a Public Hearing for Mitchell Property known as Sheet: 16.09 Block: 1 Lot: 9 for Thursday, October 14, 2010 at 7:30 PM at the Somers Town House, 335 Route 202, Somers, New York.

Request to convey portion of a road

The Supervisor said that the next item was with regard to a request to convey a portion of road from Mr. Weigand. She said according to Steve Woelfle's, Principle Engineering Tech, memo it was appropriate to convey the road on a partial basis to each neighbor. She said that there should be a meeting with the neighbors to see if there was an agreement to proceed in that fashion. She said that a survey was necessary as well. The Town Attorney said that they needed to make sure that the Town had ownership of the bed by doing a title search or they may already know, it may be on their deeds. The Supervisor said if the property owners provided their title reports to the Town Attorney would he be able ascertain that. She said that she would contact the owners and see what she could get from them.

Request from NYCDEC for SCADA Equipment on the Water Tower

The next item on the agenda was a proposed license agreement with the New York City DEC for SCADA Equipment on the Water Tower. Mr. Wayne Gary, Engineer New York City DEC, explained that they were looking to expand their spare monitoring system and after some surveys and research they realized that the Shenorock Water Tower would be an optimum site. He said that they were asking for permission to mount a small antenna, a single pole about 10 feet in height with a small transceiver box on the ground level. Councilman Bolton asked if this would create any radio interference. Mr. Gary said that a frequency investigation would be done before it was placed. Discussion ensued with regard to the proposed agreement that was submitted to the Town and how the system worked. The Supervisor said that the Town needed to hear from the New York City DEC's Attorney. They had received correspondence from the New York City DEC that the comments that were received would be discussed with Counsel and they would get back to the Town Attorney. She said that this may be another instance that it would be appropriate to set up an escrow in terms in negotiating the contract. She asked the Town Attorney to let her know what his cost would be to work on this contract and

she will send the New York City DEC and letter with regard to them setting up an escrow account.

Cell  
Tower  
Zoning  
Law

The Supervisor said that the next item on the agenda was for the Board to discuss the Cell Tower Zoning Law. She said that the Board was aware that there had been some concern that the process of having a dual Board share the review was not working. She explained that the Zoning Board was doing the Special Exception Use Permit review and that was tying the hands of the Planning Board in terms of the Site Plan Review. Councilman Morrissey asked how it was in the past. The Supervisor said that there was no law and applications were made to the Planning Board essentially for a Site Plan review and often in the process the Planning Board would refer the applicant to the Zoning Board for a variance of some sort, but it was the Planning Board that had the primary responsibility. The Town Attorney suggested that if the Board was contemplating changing the law they should have in reviewed by a consultant who was a specialist in this field. He said that he did not feel that a moratorium was necessary because it should not take that long although that they should take the opportunity to streamline the Cell Tower Zoning Law. The Supervisor explained why cell towers should be reviewed by the Planning Board and she thought that the Town Attorney's suggestion was a good one. She said that the first step would be to create a request for proposals, talk to a few experts in that field and look at what other Towns had or look to see if there was a model out there. She said that this issue needed to be addressed because it was not working. The Supervisor said that she would ask the Town Planner to draft a RFP, when it was complete she would send it to the Board for review. Councilman Morrissey asked they were requesting a consultant to revise the Town's current law with updates with regard to new technologies. The Supervisor said that the final product that they were looking for was a proposed new law.

PERSONNEL:

Current Vacancies:

Substance Abuse Council (1 – 3 year term to December 31, 2012)

Substance Abuse Council (1 – 3 year term to December 31, 2013)

Upcoming Vacancies:

Resign of D  
Boulanger -  
SEAP

The Supervisor said that it was in order for the Board to acknowledge the resignation of Ms. Dana Boulanger from the Energy Advisory Panel. She thanked Ms. Boulanger for her hard work and service to the Panel. She said that Ms. Boulanger was resigning due to personal and professional obligations.

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

RESOLVED, that the Town Board does hereby acknowledge with regret the resignation of Dana Boulanger from the Somers Energy Advisory Panel effective August 13, 2010.

Consensus  
agenda

The next item was the consensus agenda. The Supervisor pointed out 2 typographical errors with regard to item number 15. Councilman Clinchy said with regard to item number 17, he wanted to appreciate the Nash Family for adopting Lake Road under the Town's Adopt-A-Road program and said that there were other roads if others wanted to do so as well. The Supervisor agreed with Councilman Clinchy and said also with regard to item number 4 she would like to thank the Koegel Family for the donation of the park benches.

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

Authorize  
2011 Highway  
Materials Bid

1. RESOLVED, that the Town Board does hereby authorize the Superintendent of Highways to go to bid for the 2011 materials, per memo dated August 16, 2010 from Thomas E. Chiaverini, Superintendent of Highways.

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Authorize bid for the Reis Park Subsurface Sewage Treatment System Replacement

2a. RESOLVED, that the Town Board does hereby authorize going to bid for the Reis Park Subsurface Sewage Treatment System Replacement, pending review by Insight Engineering per memo dated August 25, 2010 from Steven Ralston, Superintendent of Parks and Recreation.

Seek RFP'S to purchase an aluminum Clear Span Bridge

2b. RESOLVED, that the Town Board does hereby authorize the Superintendent of Parks and Recreation to seek RFP'S to purchase an aluminum Clear Span Bridge as part of the Angle Fly Preserve Trails Grant Project per memo dated August 25, 2010 from Steven Ralston, Superintendent of Parks and Recreation.

Budget transfer

2c. RESOLVED, that the Town Board does hereby authorize transfer of funds in the amount of \$1,100.00 from A7110.1 – Parks Personal Services to A7110.11 – Parks Overtime to provide additional funding to the line to cover overtime for weekend cleanup through November per memo dated August 25, 2010 from Steven Ralston, Superintendent of Parks and Recreation.

Refer out a stop sign

3. RESOLVED, that the Town Board does hereby authorize referring a request for a stop sign at the intersection of Country Hollow and Corral Court to Superintendent of Highways, Police Chief and Principal Engineering Technician for review and comment.

Donation of park benches

4. RESOLVED, that the Town Board does hereby accept with sincerest gratitude donation of two (2) park benches from Mr. Bill Koegel that have been placed in Koegel Park.

Reduce Performance Bond

5. RESOLVED, that the Town Board does hereby authorize reduction of Rosemary Zappi Subdivision Performance Bond from \$115,555.00 to \$17,005.00 per undated memo received August 27, 2010 from Marilyn Murphy, Planning Board Secretary.

Accept Erosion Control Bonds

6. RESOLVED, that the Town Board does hereby authorize acceptance of the following erosion control bonds per memos from Wendy Getting, Senior Office Assistant:

- a. \$100.00 – Ciuffo Stormwater Management & Erosion & Sediment Control Permit – 27.09-2-29.
- b. \$200.00 – Paggi, Martin & DelBene Engineers – Stormwater Management & Erosion & Sediment Control Permit – 38.17-2-1.

Release Erosion Control Bonds

7. RESOLVED, that the Town Board does hereby authorize the release of the following erosion control bonds per memos from Steven Woelfle, Principal Engineering Technician:

- a. \$100.00 – DiPalma Wetland Permit – 27.19-1-32.
- b. \$100.00 – Meadow Ridge Homes Erosion & Sediment Control Permit – 4.18-1-14.
- c. \$100.00 – Savino Erosion & Sediment Control & Tree Preservation Permits – 16.06-1-67.
- d. \$100.00 – Wintje \_ Tree Preservation Permit – 18.09-1-63.
- e. \$100.00 – Meadow Ridge Homes Erosion & Sediment Control Permit – 4.18-1-6.
- f. \$200.00 – Meadow Ridge Homes Stormwater Management & Erosion & Sediment Control Permit – 4.18-1-14.
- g. \$100.00 – Meadow Ridge Homes Erosion & Sediment Control Permit – 4.18-1-15.
- h. \$200.00 – Meadow Ridge Homes Stormwater Management & Erosion & Sediment Control Permit – 4.18-1-19.
- i. \$100.00 – Ferrara Tree Preservation & Erosion & Sediment Control Permit – 5.17-2-83.
- j. \$500.00 – Age Development Co., LLC Wetland/Tree Preservation

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Permit – 16.05-1-15.3 & 15.4.

k. \$100.00 – Miniaci Tree Preservation Permit – 16.12-1-32.

l. \$100.00 – Sweeney Wetland Permit – 16.16-4-4.

m. \$200.00 – Oehler Wetland Permit – 17.08-2-18 & 19.

n. \$100.00 – Meadow Ridge Homes Erosion & Sediment Control Permit – 4.19-1-9.

Release  
Performance  
Bond

8. RESOLVED, that the Town Board does hereby authorize the release of the \$51,251.00 Performance Bond for the Calandrucci Steep Slope Permit per memo dated August 16, 2010 from Steven Woelfle, Principal Engineering Technician.

Release  
Erosion  
Control  
Bond

9. RESOLVED, that the Town Board does hereby authorize release of the \$3,152.00 Erosion Control Bond for the Rosemary Zappi Subdivision per memo dated August 16, 2010 from Steven Woelfle, Principal Engineering Technician.

Release  
SEQRA  
Fee

10. RESOLVED, that the Town Board does hereby authorize release of the \$2,303.90 SEQRA Fee to McNamee Construction per memo dated August 11, 2010 from Sabrina Charney Hull, Town Planner.

Release  
portion of  
SEQRA  
Fee

11. RESOLVED, that the Town Board does hereby authorize release of \$306.09 from the original deposit of \$500.00 SEQRA Fee to Wal Inc., Learning Express per memo dated August 6, 2010 from Sabrina Charney Hull, Town Planner.

Increase  
Lien Fee

12. RESOLVED, that the Town Board does hereby authorize increase of the Lien Fee from \$2.00 for Town Lien and \$5.00 for School Lien to \$25.00 per memo dated August 16, 2010 from Joan Ribauda, Receiver of Taxes.

Budget  
Modifications

13. RESOLVED, that the Town Board does hereby authorize the following budget modifications per memo dated August 27, 2010 and revised September 2, 2010 from Mary Beth Murphy, Supervisor:

RESOLVED, that the Town Board does hereby authorize a budget modification to provide funding for legal services relating to tax certiorari cases per memo dated August 17, 2010 from Joan E. Kachmarik, Director of Finance:

From: General Fund – 1990.4 – Contingency

To: General Fund – 1420.51 – Legal Services – Attorneys, Other  
\$25,000.00

RESOLVED, that the Town Board does hereby authorize a budget modification for materials for 2010 per memo dated August 16, 2010 from Thomas E. Chiaverini, Superintendent of Highways:

From: Highway – 5142.1 – Snow Personal Services

To: Highway – 5142-4 – Snow Contractual \$10,000.00

RESOLVED, that the Town Board does hereby authorize a budget modification for repair costs per memo dated September 1, 2010 from Michael W. Driscoll, FOIC:

From: 3120.2 – Police Payroll

To: 3120.4 – Police Contractual \$10,887.28

Bid for road  
construction of  
Clayton Blvd, in  
the Planned  
Hamlet

14. RESOLVED, that the Town Board does hereby authorize going to bid for road construction of Clayton Blvd, in the Planned Hamlet.

SEPTEMBER 2, 2010 – WORK SESSION/REGULAR MEETING

Somers  
Library

15. RESOLVED, that the Town board does hereby authorize the following for the Somers Library per memo dated August 30, 2010 from Pat Miller, Library Director:
- a. Reject bid for roof and gutter work.
  - b. Authorize Request for Proposal for Phase 1 Roof repair.
  - c. Authorize replacement of ejector pump for downstairs public restrooms to be paid from Contingency A1990.4 in an amount not to exceed \$1,300.00
  - d. Authorize replacement of Water Fountain to be paid from Contingency A1990.4 in an amount not to exceed \$1,000.00

Temporary  
Waiver of the  
Application  
Processing  
Restrictive Law

16. RESOLVED, that the Town Board does hereby authorize a Temporary Waiver of the Application Processing Restrictive Law pursuant to §67-5 of the Somers Town Code to James Bernardo for property located at 148 Route 202 known as Section: 16.16 Block: 1 Lot: 1 per memo dated August 16, 2010 from Steven Woelfle, Principal Engineering Technician.

Adopt-A-  
Road-Program  
with the Nash  
Family for  
Lake Road

17. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Adopt-A-Road-Program with the Nash Family for Lake Road cross streets – Route 202 and Route 35, three (3) miles total.

The Supervisor wished everyone Best Wishes for Rosh Hashanah; they will not be having a Board meeting in respect of that Holiday.

The Supervisor said that this weekend was Labor Day weekend; she wished everyone the best for that as well.

Councilman Garrity said that School started next week so everyone should plan extra time to get where they were going and to drive safely around Town.

Councilman Clinchy said that September 14<sup>th</sup> was Primary Day, everyone get out and vote.

The Supervisor said that the Town Clerk had been extremely helpful and active with the Census Bureau and had taken on a lot of responsibility in coordinating with them, offering opportunities to use the Town facilities for different things and for that the Town was the proud recipient of a Census Thank You Award.

Claims for the payment of all Town Bills in the amount of \$841,297.56 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 Murphy, seconded by Councilman Garrity, the meeting was adjourned at 11:05 PM.

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Town Clerk