

JANUARY 10, 2013 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening January 10, 2013 at 6:00 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:       Supervisor       Mary Beth Murphy  
                  Councilman       Richard G. Clinchy  
                  Councilman       Frederick J. Morrissey  
                  Councilman       Thomas A. Garrity, Jr.  
                  Councilman       Anthony J. Cirieco

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 it was in order for the Board to enter into an executive session with regard to personnel and conducting interviews of candidates for various Board openings.

Thereupon motion of Supervisor Murphy, seconded by Councilman Morrissey, the meeting was adjourned at 6:00 PM with regard to personnel and conducting interviews of candidates for various Board openings to return that evening.

7:45 PM – meeting reconvened

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 158 entitled Vehicles & Traffic to place a stop sign at the southeast corner of Wood Street and Moseman Avenue.

7:47 PM – hearing opened  
7:47 PM – meeting reconvened

The Supervisor said that it was in order for the Board to adopt a Local Law to amend Chapter 158 entitled Vehicles & Traffic to place a stop sign at the southeast corner of Wood Street and Moseman Avenue.

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

RESOLVED, that the Town Board does hereby adopt a Local Law to amend Chapter 158 entitled Vehicles & Traffic to place a stop sign at the southeast corner of Wood Street and Moseman Avenue as follows:

A Local Law to amend Chapter 158 entitled Vehicles & Traffic of the Town of Somers.

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

1. Article V entitled Stop and Yield Intersections Section 158-19 Stop Intersections Designated is hereby amended to add the following:

NNN. Pursuant to Section 1660 Subdivision 1 of the Vehicle and Traffic Law, Stop Signs shall be installed at the following location:

1. The southeast corner of Wood Street and Moseman Avenue.

2. 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:

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

Approval of the minutes

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

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

RESOLVED, that the Town Board does hereby approve the minutes of the November 8, 2012 Regular Meeting; the December 6, 2012 Public Hearing regarding the 2013 Budget and the December 6, 2012 Work Session.

Councilman Ciriaco recused

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.

Donation to satisfy Notice of Violation issued to Greenbriar

The Supervisor said that next item on the agenda was to authorize the acceptance of a \$3,000.00 donation to the Town of Somers in lieu of tree replanting to satisfy the Notice of Violation issued to Greenbriar. She said that it was her understanding that there had been a significant amount of discussion between the Engineering office with regard to the tree violation and what the Town's options were. Councilman Morrissey asked the Town Attorney how the amount was arrived at and was that the maximum that they fine someone under the ordinance. The Town Attorney explained that the maximum monetary fine under the ordinance was \$350.00. He said that he was not part of the negotiations. He said that the first position that the Principal Engineer Technician took was to see if Parks and Recreation needed any trees around the Parks. The Town Attorney said that Parks and Recreation did not need anything and the second round of negotiations was trying to come up with an amount that would deter this from happening again. He explained that the situation was unique because the tree was in the center of a lot that was approved by the Planning Board with the condition that before or if the tree needed to come down the developer would submit an arborist report. He said that the developer had gotten the arborist report and took down the tree without submitting the report to the Town. The Town Attorney said that the Planning Board could have hired their own Arborist to examine the tree. He said that the Planning Board chose not to take that Route and the Principal Engineer Technician stepped in and negotiated what he thought was a practical result. Further discussion was had with regard to the removal of the tree and the Board agreed that this was the best course of action.

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

RESOLVED, that the Town Board does hereby authorize acceptance of \$3,000.00 donation to the Town of Somers in lieu of tree replanting to satisfy the Notice of Violation issued to Greenbriar per memo dated December 19, 2012 from Steven Woelfle, Principal Engineering Technician.

Highway Attendance Bonus

The next item was to authorize the annual attendance bonus payment in the amount of \$700.00 to Al Vinberg, Highway Department.

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

RESOLVED, that the Town Board does hereby authorize annual attendance bonus payment in the amount of \$700.00 to Al Vinberg per memo dated January 2, 2013 from Thomas E. Chiaverini, Superintendent of Highways.

PERSONNEL:

Current Vacancies:

Somers Energy Environmental Committee

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Assessment Board of Review (1 – 5 year term to December 31, 2016)  
Assessment Board of Review (3 – 5 year term to September 30, 2017)  
Library Board of Trustees (1 – 5 year term to December 31, 2017)  
Planning Board (1 – 7 year term to December 31, 2019)  
Zoning Board of Appeals (2 – 5 year term to December 31, 2017)  
Substance Abuse Council (2 – unexpired 3 year terms to December 31, 2013)  
Substance Abuse Council (2 – unexpired 3 year term to December 31, 2014)

Upcoming Vacancies:

The Supervisor said that she would like to recommend appointing Mr. Michael Pacella and Mr. Fredric Peace to the Assessment Board of Review for terms ending September 30, 2017.

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

Appoint M.  
Pacella to  
Assessment  
Board of  
Review

RESOLVED, that the Town Board does hereby appoint Michael Pacella to the Somers Assessment Board of Review for a five (5) year term ending September 30, 2017.

Appoint F.  
Peace to  
Assessment  
Board of  
Review

RESOLVED, that the Town Board does hereby appoint Frederic Peace to the Somers Assessment Board of Review for a five (5) year term ending September 30, 2017.

The Supervisor said that she would like to recommend the reappointment of Ms. Barbara Stockwell to the Library Board of Trustees to a term ending December 31, 2017. Councilman Clinchy said that Ms. Stockwell had been the President of the Library Board Trustees which she had just resigned from and they all thanked her for her good service in that position. The Supervisor also thanked her and said that they were looking forward to her continued service.

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

Reappoint B.  
Stockwell to  
Library Board  
of Trustees

RESOLVED, that the Town Board does hereby reappoint Barbara Stockwell to the Library Board of Trustees for a five (5) year term ending December 31, 2017.

The Supervisor said that she would like to recommend the reappointment of Mr. R. John Currie to the Planning Board to a term ending December 31, 2019.

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

Reappoint R.  
J. Currie to  
Planning  
Board

RESOLVED, that the Town Board does hereby reappoint R. John Currie to the Somers Planning Board to a seven (7) year term ending December 31, 2019.

The Supervisor said that she would like to recommend appointing Mr. Kevin Westerman and Mr. Bruce Prince to the Zoning Board of Appeals to a term ending December 31, 2017.

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

Appoint K.  
Westerman to  
ZBA

RESOLVED, that the Town Board does hereby appoint Kevin P. Westerman to the Zoning Board of Appeals to a five (5) year term ending December 31, 2017.

RESOLVED, that the Town Board does hereby appoint Bruce A. Prince to the Zoning Board of Appeals to a five (5) year term ending December 31, 2017.

Appoint B.  
Prince to ZBA

The Supervisor said that she would like to acknowledge the resignation and adopt a resolution of appreciation for Mr. Michael Pacella for his many years of service on the Substance Abuse Council. She said that he had served on the Substance Abuse Council for multiple years was greatly appreciated. She said that if anyone was interested on serving on the Substance Abuse Council they were looking for new members.

Thereupon motion on Supervisor Murphy, seconded by Councilman Cirienco, it was unanimously,

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Resignation of M. Pacella from Substances Abuse Council

RESOLVED, that the Town Board does hereby acknowledge with regret the resignation of Michael Pacella from the Substance Abuse Council effective January 4, 2012 and,

DOES HEREBY adopt a resolution of appreciation for his years of service on the Substance Abuse Council and wishes him much luck in the future.

The Supervisor said that she would like to acknowledge the resignation and adopt a resolution of appreciation for Mr. Thomas Burke and Ms. Linda Burpee for their many years of service on the Zoning Board of Appeals. She said that Mr. Burke had served since 1998 and Ms. Burpee for the last seven or so years. She said that Mr. Burke served as Chairman for multiple years. The Supervisor said that they both would be very much missed and their many years of service was appreciated. Councilman Garrity said that he served with Mr. Burke on the Zoning Board and he was an excellent member of that Board. He said that he was very sorry to see he was resigning; it was a pleasure to serve with him.

Resignation of T. Burke from ZBA

Thereupon motion on Supervisor Murphy, seconded by Councilman Cirioco, it was unanimously,

RESOLVED, that the Town Board does hereby adopt a resolution of appreciation to Thomas Burke for his many years of service as a member and chairman of the Zoning Board of Appeals and wishes him much luck in the future.

Resignation of L. Burpee from ZBA

Thereupon motion on Supervisor Murphy, seconded by Councilman Cirioco, it was unanimously,

RESOLVED, that the Town Board does hereby adopt a resolution of appreciation to Linda Burpee for her many years of service as a member of the Zoning Board of Appeals and wishes her much luck in the future.

Consensus agenda

The Supervisor said that the next item was the agenda was the consensus agenda. She said with regard to item number 2 there was an addition of the agreement with South Salem Animal Hospital and the fee was being increased by \$2.00 per day. She said that there was also the addition on items 6, 7, and 8.

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

Set fee schedule for 2013 programs and services

1a. RESOLVED, that the Town Board does hereby authorize setting the fee schedule for all 2013 programs and services for the Parks & Recreation per memo dated December 20, 2012 from Steven Ralston, Superintendent of Parks & Recreation.

Bid for Summer Camp trip transportation

1b. RESOLVED, that the Town Board does hereby authorize going to bid for Summer Camp Trip Transportation contract per memo dated December 20, 2012 from Steven Ralston, Superintendent of Parks & Recreation.

RFP to operate Reis Park Concessionaire Stand

1c. RESOLVED, that the Town Board does hereby authorize going for Request for Proposals (RFP) to operate the Reis Park Concessionaire Stand per memo dated December 20, 2012 from Steven Ralston, Superintendent of Parks & Recreation.

Reis Park Basketball Court resurfacing contract

1d. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Reis Park Basketball Court Resurfacing contract with Intercounty Paving Co., Inc. in the amount of \$9,490.00 per memo dated December 20, 2012 from Steven Ralston, Superintendent of Parks & Recreation.

2013 North East Special Recreation Inc. interagency agreement

1e. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the North East Special Recreation, Inc. interagency agreement for the 2013 program year per memo dated December 20, 2012 from Steven Ralston, Superintendent of Parks & Recreation.

Annual agreement for Computer Consulting Services

2a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Annual Agreement for Computer Consulting Services with RDM

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Computer Consultants, Inc. for January 1, 2013 through December 31, 2013 per letter dated August 20, 2012 from Raymond Maggi.

Proposal for professional services for The Green at Somers

- 2b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Proposal for the Provision of Professional Services – The Green at Somers – Review of Applications for Amended Site Plan, Environmental Permits, and Zoning Text Amendment Approvals from F. P. Clark Associates, Inc. per letter dated December 24, 2012 from Joanne P. Meder, AICP, Vice President/Planning.

Annual agreement with James Sewall

- 2c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Annual Agreement with James Sewall for a three (3) year contract in the amount of \$3,900.00 per year for the years 2013, 2014, & 2015 per email dated January 2, 2013 from Teresa Stegner, Assessor.

Annual agreement with South Salem Animal Hospital

- 2d. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute agreement with South Salem Animal Hospital for the period of January 1, 2013 through December 31, 2013 for the purpose of holding and sheltering of dogs in accordance with the NEW YORK STATE AGRICULTURE AND MARKET LAW and in accordance with the provisions of Chapter 86 of the Code of the Town of Somers.

Release Bonds

3. RESOLVED, that the Town Board does hereby authorize release of the following Erosion Control Bonds per memos from Steven Woelfle, Principal Engineering Technician:
- a. \$500.00 – Gebhardt Erosion & Sediment Control & Tree Permit – 27.14-2-7.
  - b. \$200.00 – Squitieri Steep Slope/Erosion & Sediment Control Permit – 26.15-2-11.

Scrap Police vehicle

4. RESOLVED, that the Town Board does hereby authorize the 2001 Chevy Tahoe VIN #1GNEK13V21J278222 to be scrapped and,

DOES HEREBY authorize the Scrap Company (Bryson's) to remove list of items to be used for repair of the other police vehicles per memo dated January 3, 2012 from Michael W. Driscoll, Somers Police Chief.

Somers Sanitation Refuse Collection License

- 5a. RESOLVED, that the Town Board does hereby grant refuse and recycling license for 2013 to Somers Sanitation, Inc., 241 Route 100, Somers, NY 10589 to collect refuse in the Town of Somers, pursuant to Local Law No. 1-2007, which amended Local Law No. 6-1993, which amended Local Law No. 1-1989, which amended Local Law No. 3-1986 regulating the collection of residential refuse within the said Town of Somers, Chapter 109 of the CODE of the Town of Somers, for a period ending December 31, 2013 and as a condition of the License each Carter must provide recycling services for the residents of the Town of Somers and further that the Town Board does hereby encourage and recommend that the Licensed Carter issue a coupon, during the year for a free three cubic yard bulk pick-up to their customers.

Sani-Pro Disposal Refuse Collection License

- 5b. RESOLVED, that the Town Board does hereby grant refuse and recycling license for 2013 to Sani-Pro Disposal Services Corp. dba/Suburban Carting Co., 566 North State Rd., Briarcliff Manor, NY 10510 to collect refuse in the Town of Somers, pursuant to Local Law No. 1-2007, which amended Local Law No. 6-1993, which amended Local Law No. 1-1989, which amended Local Law No. 3-1986 regulating the collection of residential refuse within the said Town of Somers, Chapter 109 of the CODE of the Town of Somers, for a period ending December 31, 2013 and as a condition of the License each Carter must provide recycling services for the residents of the Town of Somers and further that the Town Board does hereby encourage and recommend that the Licensed Carter issue a coupon, during the year for a free three cubic yard bulk pick-up to their customers.

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Return snow  
maintenance  
deposit

6. **RESOLVED**, that the Town Board does hereby authorize the return of the snow maintenance deposit to Meadow Ridge Homes in the amount of \$3,560.00 per memo dated January 7, 2013 from Steven Woelfle, Principal Engineering Technician.

Return  
Erosion  
Control Bond

7. **RESOLVED**, that the Town Board does hereby authorize return of the T-Mobile USA, Inc. Erosion Control Bond in the amount of \$3,600.00 per memo dated January 7, 2013 from Steven Woelfle, Principal Engineering Technician.

Reduce  
Somers  
Estates Subd.  
Performance  
Bond

8. **RESOLVED**, that the Town Board does hereby authorize reduction of Letter of Credit #S93059188 in the amount of \$695,540.00 to \$488,714.00 for the Somers Estates Subdivision Performance Bond per memo dated January 10, 2013 from Marilyn Murphy, Secretary to the Planning Board.

The Supervisor said that there was a dog that had been taken into custody and was being housed at the Animal Hospital. She explained that they were looking for a home for Pierre, a 15 year old Shih Tzu. She said that if anyone was interested in caring for Pierre to contact the Town Clerk's Office.

Councilman Clinchy said that there were pamphlets in the back of the meeting room for the State Attorney General's Office with regard to recovering from the Storm. He said that if they had work done and if they felt that they were victims of a contracting scam or price gouging there was help. He said that the pamphlets were available at the Town House. The Supervisor said that she would also place the information on the Town website.

Claims for the payment of all Town Bills in the amount of \$737,641.28 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 Clinchy, the meeting was adjourned at 8:05 PM.

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Town Clerk