

JANUARY 12, 2012 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town Somers held on Thursday evening January 12, 2012 at 7:05 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.

ABSENT: Councilman Harold R. Bolton

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.

Thereupon motion of Supervisor Murphy, seconded by Councilman Garrity, the meeting was adjourned to an executive session with regard to personnel at 7:30 PM to return that evening.

7:35 PM – meeting reconvened

The Supervisor thanked everyone who came out to give blood at the most recent Blood drive that was held at the Town House.

Promotion of
R. Barker to
Sergeant

The Supervisor said before they began with the Public Hearing there was a special procedure for that evening. She said that Chief Driscoll was present to promote one of the Officers. She said that Officer Richard Barker was being promoted to Sergeant.

Chief Driscoll introduced himself as well as Lieutenant Linkletter. He said that this was a very happy occasion for them; in Police work things were not always happy. He called Officer Barker to the podium. Chief Driscoll said that Officer Barker had been with the Somers Police Department for about 24 years and it was his privilege to promote him to the rank of Sergeant. He told stories of when Officer Barker first started with the Somers Police Department and the asset that he had been to the Town. He said that his work ethic and dedication to the Town was unbelievable. Chief Driscoll introduced Officer Barker's family who were in attendance.

Councilman Garrity said that he had done a ride along with Officer Barker and he was incredibly professional. He said that Officer Barker was respected by the State Troopers and gave that same respect in return. He said that when that ride along was complete he was very comfortable that the Town was in good hands and looked after well.

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

RESOLVED, that the Town Board does hereby promote Police Officer Richard Barker member of the Somers Police Department to the rank of Sergeant an hourly rate of \$36.2716 effective January 9, 2012 with a six (6) month probationary period until June 9, 2012. Additional increases of \$0.9616 to his hourly pay will occur on the next two anniversaries of his promotion to Sergeant.

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 of the Town of Somers to include Stop and Yield Intersections for three locations on Entrance Way.

7:45 PM – hearing opened

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7:50 PM – meeting reconvened

The Supervisor said that it was in order for the Board to adopt a Local Law amending Chapter 158 entitled Vehicles & Traffic of the Town of Somers to include Stop and Yield Intersections for three locations on Entrance Way.

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

RESOLVED, that the Town Board does hereby adopt a Local Law amending Chapter 158 entitled Vehicles & Traffic of the Town of Somers to include Stop and Yield Intersections for three locations on Entrance Way 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:

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

Entrance Way East at Central Way in both a northerly and southerly direction.
Entrance Way West in a northerly directly at the intersection of Fair Way.
Entrance Way West at the intersection with Ridge Way.

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:

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

Approval
of minutes

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

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

RESOLVED, that the Town Board does hereby approve the minutes of the September 8, 2011 Public Hearing regarding Garbage, Rubbish and Refuse; the September 8, 2011 Regular Meeting; the October 13, 2011 Public Hearing regarding Vehicle & Traffic Stop Signs Lake Way, Ridge Way and Side Way; the October 13, 2011 Work Session/Regular Meeting; the October 20, 2011 Special Meeting; the October 24, 2011 Special Meeting; the October 24, 2011 Budget Hearing; the October 25, 2011 Budget Hearing; the October 27, 2011 Budget Hearing; the November 10, 2011 Regular Meeting; the November 14, 2011 Special Meeting; the November 21, 2011 Special Meeting; the December 1, 2011 Public Hearing regarding the 2012 Preliminary Budget and the December 1, 2011 Special Meeting/Work Session.

Department
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

The Green
At Somers
(National
Golfworx)

The Supervisor said that the next item on the agenda was with regard to the Green At Somers (National Golfworx). She said that they had discussed this at the work session last week. She explained that they had received a letter from the Planning Board requesting authorization to take several actions. The Supervisor continued that the Planning Board needed the Town Board's permission to those actions and they were

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requesting that the Board revise the Town Code. Ms. Linda Whitehead of McCullough, Goldberger & Staudt, LLP, representing the applicant presented a rendering of what the building would look like with a residence on the end of the first floor. The Supervisor asked how people were going to enter the building to get to their residences. Ms. Whitehead pointed out on the rendering that it was going to be from the center of the building. The Supervisor asked Ms. Whitehead about the roof line. Ms. Whitehead pointed out that there was an interim roof with peaks. The Supervisor suggested that they color the roof on the plan to make it show up better. Councilman Morrissey asked Ms. Whitehead to point out the retail spaces that were being proposed. The Supervisor said that everyone did not have their own entrance; there was a center hallway in the building and the apartments were accessed there. Councilman Morrissey asked if there was going to be elevators. Ms. Whitehead explained that elevators were required in a three-story building. The Supervisor said if the fire escapes were going to be in the interior. Ms. Whitehead said that it was all interior with fire stairs. Councilman Clinchy said looking at the plan the end unit was being shown with an entrance. He asked if those apartments would have their own entrance. Ms. Whitehead said that they would on both sides.

The Supervisor said that she had watched the Planning Board meeting and they seemed to be on a track of retail verses residential. She said that the Neighborhood Shopping Zoning did not limit the commercial aspect of the first floor just to retail. She explained that it provided for several different types of commercial uses. The Supervisor said that they seemed very focused on just the retail aspect. Ms. Whitehead said that the principal uses for the mixed use was residential apartments over stores. She said that it was limited. The Supervisor said that it could be interpreted in a broader way; she did not mean only stores could be on the first floor. Ms. Whitehead said that is what it said. The Supervisor said that her concern was that they were taking a Neighborhood Shopping District, which was supposed to be a Commercial District and her sense of what was being requested was to make it a Residential District. She said that she listened to all of the discussions that took place. She said that there were not that many Commercial Districts in the Town and they had been fairly carefully placed and designed in the Master Plan. The Supervisor said that she did not feel that she had enough information to make a wholesale change of a Commercial District to a Residential District. Ms. Whitehead said that with the Planning Board they discussed percentages and it came out in the end that there should be no number placed in the Code because it would be different in other locations. She said that with this particular location the Planning Board wanted the flexibility because the real concern was they could wind up with empty storefronts. She said that there was no demand for retail in that location. She said that the Comprehensive Master Plan talked about limiting the amount of additional retail in that part of Town. The Supervisor said that the Master Plan talked about that with regard to the Planned Hamlet and that was a very unique parcel. Ms. Whitehead suggested that the Board think about modifying the Code to change it from residential apartments over stores to residential apartments over non-residential uses. Councilman Garrity said that he would be more inclined to do that. He said that seemed to be working well in Granite Springs. He said that at this point he was not in favor of allowing the residential on the first floor. Councilman Garrity said that if they allowed the third story then the majority of the building would be residential and that was not the NS Code in his opinion. He said that he was also not in favor at this point of the third story. Councilman Morrissey said that the NS District started with two stories retail bottom, apartments on top then it went to three stories with two floors of apartments and one floor of retail and now it was being morphed into a residential building with scattered retail on the first floor. He said that this was doing a job on the Town's established Zoning Code. He said that he would be more in favor of changing the retail use to a broader definition.

Councilman Garrity said that he was also uncomfortable changing the Code to authorize the Planning Board to do things because ultimately the Town Board would be losing control. He said that the Planning Board did a great job but he felt that they were passing off responsibilities. The Supervisor said that she agreed with Councilman Garrity the requests that were being made were being made prematurely. She said that Ms. Whitehead had expressed that her client did not want to spend the money on do analysis before they knew if the Board was going to be willing to take the steps, on the other hand she did not know if she wanted to make the decision without having all of the information that the SEQRA process was going to flesh out. Ms. Whitehead said that they had a real

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problem, they did not ask to come before the Town Board; the Planning Board sent them there. She said that the Planning Board told them that they did not want to go further with the review of the project without knowing if the Town Board was going to let them proceed. The Supervisor said that did not make sense to her because normally those things would be looked at as alternatives in the SEQRA process. Ms. Whitehead said that if there was a DEIS, they did not even know at this point if there was going to be a Positive Declaration and a DEIS.

Councilman Clinchy said that they had a project that was not fitting into the current Code. Ms. Whitehead said that it did fit. Councilman Clinchy said that they were looking for changes with regard to the third floor. Ms. Whitehead said that the Code authorized them if there was at least 50% affordable. She said that the Board put that into the Code about two years ago while looking at a project on this property. Councilman Clinchy said that he understood her client's interest in the property and asked what was Somers' interest in having this. He said that if they were going to change things for them what was the benefit to the Town. He said that she said that it could not support the shopping it was designed for, and there was a lot more traffic. Ms. Whitehead said that the third floor was put in by the Town Board as an incentive for affordable housing. She said that was the benefit to the Town. She said that they met the Zoning and property owners had rights under the Zoning as far as the traffic was concerned it was going to have to be looked at. The Supervisor said that they recognize that although until their plan was a little more fleshed out how can the Town Board be making decisions as to if a third floor was appropriate, they did not know all of the impacts that would have. Ms. Whitehead said that their plan could not be fleshed out until they knew if they were going with a two story or three story building. She said in terms of a bedroom count the Code went by density units and explained how that was computed.

Ms. Whitehead said that from an economic standpoint this project did not work if it was one story of retail or non-residential and one story of residential. She said that there would be no affordable units. The Supervisor said that they would because the Code required it. Ms. Whitehead said that they would get the minimum that the Code required. The Supervisor said that it was not insignificant. Ms. Whitehead said that she did not think that she would have a project.

The Supervisor said that the proposed restaurant was going to be the last thing built and she wondered if that was ever going to actually be built. Ms. Whitehead said that if they had a user for the restaurant then it would be the first thing.

The Supervisor said that in looking at the plans that they had presented the site was quite dense. She said that she read through the Neighborhood Shopping Code and when she looked at the plans it was not what she saw. Ms. Whitehead said that it met all of the requirements. The Supervisor said that she saw parking with a retention basin. Ms. Whitehead said that was what the Town had a Planning Board for. She said that the Town Board delegated the planning to them. She said that the Town had a Zoning Code and the project complied with that Code. Ms. Whitehead said that they looked at a proposed plan two years ago that did not comply with the Zoning Code. The Supervisor said that until a lot of the other stuff was fleshed out by the Planning Board, as was their responsibility it was hard for her to make a decision as to whether or not a third story was appropriate. Ms. Whitehead said that she wished that the Supervisor would have had a conversation with either the Town Planner or the Planning Board because they were putting them into a catch twenty-two because the Planning Board said that they would not move forward until the Town Board had given them authorization. The Supervisor said that she will have a conversation with the Planning Board because she had not seen that anywhere. Ms. Whitehead said that it was in the Town Planner's report memo that she prepared for the Planning Board said that they should not go any further until they felt comfortable with making the recommendation to the Town Board. She said that they spent a couple of meetings looking at the issues. The Supervisor said that as a Town Board member she needed to make her own decisions about this as well. She said that she felt that this was premature; she did not have enough information given what she saw there.

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Ms. Whitehead that she wanted to focus on the three things that were currently in the Code. The Supervisor said that she did not feel that she had enough information to render a decision as to whether or not three floors were appropriate. Ms. Whitehead asked what other information the Supervisor needed. The Supervisor said that she would like to see what was fleshed out during the SEQRA process. She said that from what she saw on the plan it was all either parking or buildings. Ms. Whitehead said that was what the Planning Board looked at. The Supervisor said that she was not trying in excerpt their responsibility, without them moving the process forward with some Environmental Reviews and a SEQRA analysis she want not prepare to make a decision about this. Ms. Whitehead said that they clearly looked at the issues and asked the Town Board to do this. She said that the Board was putting them into a bind. The Supervisor said that she would like to see something from the Planning Board stating that they were not going to move forward without the Town Board's approvals. Ms. Whitehead suggested that the Town Board condition their approval on the Planning Board looking at all of the things that they were concerned with. She said that they sent the memo requesting that you act on these three items before they went any further because they did not know if they were looking at a project that was even approvable. The Supervisor said that was why they would look at the alternatives. Ms. Whitehead said that the alternatives were only looked at when a DEIS was being done. Councilman Garrity said that he remembered when he was on the Planning Board receiving multiple alternatives on projects. He asked what was before the Planning Board currently, was it a two story building or a three story building. Ms. Whitehead said that there was no two story in front of them because frankly there was no two story project. She said that was not a feasible alternative and even under SEQRA they only had to look at feasible alternatives. Councilman Clinchy asked if that was because it was not financially feasible. Ms. Whitehead said that was correct.

The Town Attorney said that it may make sense to get an opinion from another Planner as to whether or not the Town Board's concerns were justified. Ms. Whitehead asked why would they hire another Planner, the Town had a Planner and a Planning Board. The Town Attorney said that they had given a recommendation and turned it over to the Town Board and he did not know if they had given an opinion that this should be done. Ms. Whitehead said that they gave a unanimous recommendation. The Town Attorney asked if the Town Planner supported that. Ms. Whitehead said that she did. The Supervisor said that they decided at the Planning Board meeting that they did not object to it. She said that it was reasonable for a project of this magnitude, in this Zone, with this level of density to bring the Town's Consultant into the process. She said that she vented a few things but she may not be seeing a few things that they may see. She said that the professional advice from the Planning Consultant could be helpful. Ms. Whitehead said that was not going to be at her client's expense. The Supervisor said that was how a project usually got done. Ms. Whitehead said that the Town had a Planner and they had been paying for them. The Town Attorney said that Ms. Whitehead could not dictate what Planner the Town chose to use. Ms. Whitehead said that there was already a Planner on the project and in midstream they were going to switch Planners. The Town Attorney said that they were not anywhere near midstream. The Supervisor said that Lead Agency had not even been declared. Ms. Whitehead asked what was the basis for the Town Board making them pay for a Planner, where was that in the Code. The Supervisor said that they came to them to request them to take action. Ms. Whitehead said that the Planning Board was asking them to take action. The Town Attorney said that they were there pursuing an application and if the Town decided to get a proposal from an outside Planner they would have an opportunity to approve it because they would have to post an escrow. Ms. Whitehead said that they already had an escrow setup on the basis of the Town Planner's review.

Councilman Clinchy asked Ms. Whitehead what they envisioned having on the property. Ms. Whitehead said that three of the Board members were not interested with the mixed use first floor therefore, what was before them at this time was the authorization of the three things that were in the Town Code. She said that was the third floor, increase FAR and the shared parking. She said that was the project that worked. The Supervisor said that she did not say that she would not allow the residential on the first floor; she said that she did not have enough information to make that decision. She said that she did not have a good grasp of what the impacts would be. Ms. Whitehead said that she heard

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three members say that they would not support the mixed use. The Supervisor said that she liked the idea of not limiting the use to just retail. She said that she did not feel that she had adequate information to make that decision. Ms. Whitehead said to answer Councilman Clinchy her client would like to see a project that had some minimal amount of non-residential use on the first floor with two stories of residential above. She said that if some of the residential could be on the first floor it was possible for one of the buildings to become a two story building. Councilman Clinchy asked what was the mixture, how was that determined, did the Town have any control. Ms. Whitehead said that of course there was control the Planning Board had to approve the plan.

Councilman Morrissey said that his point was they had a Neighborhood Shopping Zone where they were systematically increasing the number of residential units to the point where they needed to change to Code to fit into their project. He said that Ms. Whitehead just said that a floor could be taken off one on the units and that was an alternative that he had not seen. Ms. Whitehead said that the Code did not allow that currently. Councilman Morrissey said that they just mentioned that to them. Ms. Whitehead said that it was mentioned at the last meeting and it had been mentioned to the Planning Board. She said that part of that was with regard to the parking. She said that the Board needed to be flexible with the Zoning and she gave an example of what was going around in other Towns in the County. Ms. Whitehead asked the Board if they wanted more commercial property in that part of Town. The Supervisor said that Ms. Whitehead kept talking retail with regard to the NS Zone and it was broader than that. She said that she needed to keep in mind that the NS Zone was not just retail; there were other components as well. Ms. Whitehead said that frankly there was not a market for any of them. She said that she was also making a comparison to something that was already built.

The Supervisor asked if it would be difficult for Ms. Whitehead to make some type of 3D rendering of the site. Ms. Whitehead said that would be a huge undertaking. The Supervisor said that she saw a lot of parking and a lot of buildings. Mr. Folberth said that the original plan for this property showed parking underneath the buildings and asked if that had been considered. The Supervisor said that she did not know although there were some issues with the soil on the property. Ms. Whitehead said that there was some parking underneath but there was not enough room to put all of the parking under the buildings. She said that the first proposal's building footprints were larger.

The Supervisor said that she was going to ask for a proposal from the Town's Planning Consultant. She said that she would present that to Ms. Whitehead for consideration. She said that she was also going to speak to the Planning Board Chair and the Town Planner and try to assert the condition that Ms. Whitehead says that they placed on them moving forward with the project. Ms. Whitehead asked that the Supervisor to speak to the Town Planner and the Planning Board before contacting the Consultant. She said that they were willing to go back and work with the Planning Board if they would work with them. The Supervisor said that she would.

Purchase of
one 2012
4x4
Chevrolet
Tahoe

The next item was to authorize the purchase of one 2012 4x4 Chevrolet Tahoe for the Highway Department. The Supervisor said that they did budget for this item.

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

RESOLVED, that the Town Board does hereby authorize the purchase of one 2012 4 x 4 Chevrolet Tahoe in the amount of \$28,063.86 (NYS Bid List) from Hoselton Chevrolet, East Rochester, NY per memo dated January 9, 2012 from Thomas E. Chiaverini, Superintendent of Highways.

Councilman Morrissey said that he had seen the Highway Superintendent on Channel 12 News with regard to the winter not being as furious as it was last year.

PERSONNEL:

Current Vacancies:

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Somers Energy Environmental Committee

Affordable Housing Board (5 – 2 year terms to July 11, 2013)

Assessment Board of Review (1 – 5 year term to December 31, 2016)

Library Board of Trustees (2 – 5 year terms to December 31, 2016)

Planning Board (1 – 7 year term to December 31, 2018)

Substance Abuse Council (6 – 3 year term to December 31, 2014)

Zoning Board of Appeals (1 unexpired 5 year term to 2015)

Zoning Board of Appeals (1 – 5 year term to 2016)

Upcoming Vacancies:

The Supervisor said that it was in order to appoint Rosemary Van Wart to the Open Space Committee.

The Supervisor said with regard to the Affordable Housing Board it was in order to reappoint Gerard McLoughlin, Elena Kozlov, Barry Signer, Jerome Billingsley and Robert Stuart.

The Supervisor said with regard to the Library Board of Trustees it was in order to recommend the reappointment of Christine Hargerhan and Claire Damon, Christine Williamson-Canavan and the appointment of Ian Carnow.

The Supervisor said with regard to the Planning Board it was in order to reappoint Eugene Goldenberg

The Supervisor said with regard to the Substance Abuse Council it was in order to reappoint Erika Gorian, Betty Martello, Michael Pacella, Linda Frumm, Carol Cirienco and appoint Meredith Byrne.

The Supervisor said with regard to the Zoning Boards of Appeals it was in order to appoint Umberto Santaroni to the unexpired 5 year term ending December 31, 2015 and reappoint Clifford Wohlberg to a 5 year term ending December 31, 2016.

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

Appoint R.
Van Wart to
Open Space
Committee

RESOLVED, that the Town Board does hereby appoint Rosemary Van Wart to the Open Space Committee to serve at the pleasure of the Board.

Reappoint G.
McLoughlin to
Affordable
Housing Board

RESOLVED, that the Town Board does hereby reappoint Gerard McLoughlin to the Affordable Housing Board for a two (2) year term ending December 31, 2013.

Reappoint E.
Kozlov to
Affordable
Housing Board

RESOLVED, that the Town Board does hereby reappoint Elena Kozlov to the Affordable Housing Board for a two (2) year term ending December 31, 2013.

Reappoint B.
Singer to
Affordable
Housing Board

RESOLVED, that the Town Board does hereby reappoint Barry Singer to the Affordable Housing Board for a two (2) year term ending December 31, 2013.

Reappoint J.
Billingsley to
Affordable
Housing Board

RESOLVED, that the Town Board does hereby reappoint Jerome Billingsley to the Affordable Housing Board for a two (2) year term ending December 31, 2013.

Reappoint R.
Stuart to
Affordable
Housing Board

RESOLVED, that the Town Board does hereby reappoint Robert Stuart to the Affordable Housing Board for a two (2) year term ending December 31, 2013.

Reappoint C.
Damon to
Library Board
of Trustees

RESOLVED, that the Town Board does hereby reappoint Claire Damon to the Somers Library Board of Trustees for a five (5) year term ending December 31, 2016.

Reappoint C.
Canavan to
Library Board
of Trustees

RESOLVED, that the Town Board does hereby reappoint Christine Williamson-Canavan to the Somers Library Board of Trustees for a five (5) year term ending December 31, 2016.

Appoint I.
Carnow to
Library Board
of Trustees

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RESOLVED, that the Town Board does hereby appoint Ian Carnow to the Library Board of Trustees to replace Fausta McDermott to a term ending December 31, 2014.

Reappoint E. Goldenberg to Planning Board

RESOLVED, that the Town Board does hereby reappoint Eugene Goldenberg to the Planning Board for a seven (7) year term ending December 31, 2018.

Reappoint E. Gorian to Substance Abuse Council

RESOLVED, that the Town Board does hereby reappoint Erika Gorian to the Substance Abuse Council for a three (3) year term ending December 31, 2014.

Reappoint B. Martello to Substance Abuse Council

RESOLVED, that the Town Board does hereby reappoint Betty Martello to the Substance Abuse Council for a three (3) year term ending December 31, 2014.

Reappoint M. Pacella to Substance Abuse Council

RESOLVED, that the Town Board does hereby reappoint Michael Pacella to the Substance Abuse Council for a three (3) year term ending December 31, 2014.

Reappoint L. Frumm to Substance Abuse Council

RESOLVED, that the Town Board does hereby reappoint Linda Frumm to the Substance Abuse Council for a three (3) year term ending December 31, 2014.

Reappoint C. Cirieco to Substance Abuse Council

RESOLVED, that the Town Board does hereby reappoint Carol Cirieco to the Substance Abuse Council for a three (3) year term ending December 31, 2014.

Appoint M. Byrne to Substance Abuse Council

RESOLVED, that the Town Board does hereby appoint Meredith D. Byrne to the Substance Abuse Council for a three (3) year term ending December 31, 2014.

Reappoint C. Wohlberg to Zoning Board of Appeals

RESOLVED, that the Town Board does hereby reappoint Clifford A. Wohlberg to the Zoning Board of Appeals to a five (5) year term ending December 31, 2016.

Appoint U. Santaroni to Zoning Board of Appeals

RESOLVED, that the Town Board does hereby appoint Umberto Santaroni to the Zoning Board of Appeals to replace Paul Marx to a term ending December 31, 2015.

Councilman Clinchy asked if they had any other applications for the unexpired term of the Zoning Board of Appeals. The Supervisor said that she was not aware of any. Councilman Clinchy asked if Mr. Santaroni applied for the position. The Supervisor said that he had, he was on the Zoning Board of Appeals and was caught in the political crosshairs. Councilman Clinchy asked if he still had a project before them. The Supervisor said that his project was not before the Zoning Board, it was before the Planning Board and it was not before them any longer. Councilman Garrity said that he had served on the Zoning Board of Appeals with Mr. Santaroni and he brought a good prospective to the Board and was a good addition.

Bonus pay for not taking sick days

The Supervisor said that it was in order to authorize bonus pay for not taking sick days for employees of the Highway Department.

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

RESOLVED, that the Town Board does hereby authorize bonus pay in the amount of \$400.00 to Allan Vinberg per memo dated January 4, 2012 from Thomas E. Chiaverini, Superintendent of Highways.

Consensus Agenda

The Supervisor said that the next item was the consensus agenda. She said that there was a correction on item number 1; it should read No Parking and Standing. She said with regard to item number 14; she wanted to point out the generosity of Mr. Wohlberg who was appointed as Chair of the Zoning Board of Appeals. The Supervisor said that Mr. Wohlberg had declined to accept his salary. She said with regard to item number 15; she wanted to point out that Senator Ball had obtained a Member Item for the SYSO Group for some drainage work on the Baseball Fields. She said that it had been determined that SYSO could not accept those funds because it was a reimbursement grant. The Supervisor said that the Town would be accepting that grant and doing the work on the Baseball Fields. She thanked Senator Ball for the Member Item. Councilman Clinchy said that he had received some letters with regard to Verizon and television service. He said that he had answered as many as he could. He said that he wanted to make it clear

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that Verizon had not applied for any Franchise Agreement to offer television service in the Town. Councilman Clinchy said that the Town would welcome their application when they chose to make one. The Supervisor said that Verizon was aware of that, she communicated with them regularly to reaffirm the Town's interest. Councilman Clinchy said that there were residents who thought that the Town was blocking the service. The Supervisor said that when she received an e-mail of that nature she replies to it and copies her contact at Verizon who also replies to the resident. She said that if Councilman Clinchy would like her to relay those e-mails he received to her contact to forward them to her. Councilman Clinchy said that he became aware that residents were not aware of the Home Heating Oil Plan that the Town had. He explained the plan and said that the information was available on the Town's website. He said that NYSERDA had just released a program to help low income New Yorker's reduce energy bills and asked if a link could be placed on the website for anyone interested. The Supervisor said that it may be on the website if it was not she will have it added.

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

No Parking or Standing along Old Tomahawk Street

1. RESOLVED, that the Town Board does hereby authorize No Parking or Standing along Old Tomahawk Street per memo dated December 13, 2012 from the Bureau of Fire Prevention.

Appoint R. Kehoe, as Director of Finance

2. RESOLVED, that the Supervisor announces the appointment of Robert C. Kehoe, as Director of Finance effective January 9, 2012 and the Town Board does hereby set an annual salary of \$85,000.00.

Hiring of T. Eaker as permanent part-time Bookkeeper

3. RESOLVED, that the Town Board does hereby authorize the hiring of Teresa Eaker as permanent part-time Bookkeeper at an hourly salary of \$30.00 per hour.

Budget modifications

4. RESOLVED, that the Town Board does hereby authorize the following budget modifications per memo dated December 23, 2011:

RESOLVED, that the Town Board does hereby authorize a budget modification for reimbursement of line for repair of batting cage poles during the October snow storm per memo dated December 22, 2011 from Steven Ralston, Superintendent of Parks and Recreation:

From: A-911

To: A7110.4 – Parks Contractual \$1,400.00

RESOLVED, that the Town Board does hereby authorize a budget modification to provide additional funding to the line in order to cover end of year expenditures per memo dated December 22, 2011 from Steven Ralston, Superintendent of Parks and Recreation:

From: A7310.4 – Youth Programs

To: A7110.4 – Parks Contractual \$10,000.00

Agreement tolling any statute of limitation claims Cablevision

5. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute agreement tolling any statute of limitation claims Cablevision might have regarding Somers claim for additional fees owed.

Set fee schedule for 2012 programs and services at the Parks & Recreation

- 6a. RESOLVED, that the Town Board does hereby authorize the setting of the fee schedule for 2012 programs and services at the Parks & Recreation per memo dated December 21, 2011 from Steven Ralston, Superintendent of Parks & Recreation.

Execute the 2012 interagency agreement with North East Recreation, Inc.

- 6b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2012 interagency agreement with North East Recreation, Inc. per memo dated December 21, 2011 from Steven Ralston, Superintendent of Parks & Recreation

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Execute agreement with Active Network

- 6c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute agreement with Active Network to provide online registration and credit card processing for instructional programs per memo dated December 21, 2011 from Steven Ralston, Superintendent of Parks & Recreation.

Execute agreement with Konica Minolta

- 6d. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute agreement with Konica Minolta for a new copier and removal of the old machine at the Parks & Recreation per memo dated December 21, 2011 from Steven Ralston, Superintendent of Parks & Recreation.

Execute grant extension for Angle Fly Trails Contract

- 6e. RESOLVED, that the Town Board does hereby authorize the Supervisor authorization to execute grant extension for Angle Fly Trails Contract #RTP-07-TA-12, per memo dated December 21, 2011 from Steven Ralston, Superintendent of Parks & Recreation.

Bid for summer camp transportation

- 6f. RESOLVED, that the Town Board does hereby give permission for the Superintendent of Parks & Recreation to go to bid for summer camp transportation per memo dated December 21, 2011 from Steven Ralston, Superintendent of Parks & Recreation.

Accept Bonds

7. RESOLVED, that the Town Board does hereby authorize the acceptance of the following bond per memo dated December 21, 2011 from Wendy Getting, Senior Office Assistant:

- a. \$200.00 Prestige Pool & Patio Corp. – Stormwater Management & Erosion & Sediment Control Permit – 59.05-2-9.

Release Erosion Control Bonds

8. RESOLVED, that the Town Board does hereby authorize release of Erosion Control Bond per memo dated January 5, 2012 from Steven Woelfle, Principal Engineering Technician:

- a. \$500.00 – Luciano Wetland Permit – 16.09-3- 9 & 10.

Removal of 74 Warren Street from Lien Collection System

9. RESOLVED, that the Town Board does hereby authorize the removal of 74 Warren Street Tax Map #6.18-1-3.5 from the Lien Collection System per memo dated January 5, 2012 from Joan Ribauda, Receiver of Taxes.

Accept donation for Tomahawk Chapel

10. RESOLVED, that the Town Board does hereby accept with sincere gratitude \$50.00 check from Pamela and Eugene Piette for the care of the Tomahawk Chapel.

Accept Erosion & Sediment Control Bond

11. RESOLVED, that the Town Board does hereby authorize acceptance of the following Erosion & Sediment Control Bonds for Wright's Court per letter dated January 3, 2012 from Adam L. Wekstein of Hockerman Tortorella & Wekstein, LLP:

- a. Bond #263319 - \$10, 614.00 for 17.11-1-18 (Site A)
b. Bond #263320 - \$4,516.00 for 17.11-1-5 (Site B)

Refuse and recycling license for 2012 to Somers Sanitation, Inc.

- 12a. RESOLVED, that the Town Board does hereby grant refuse and recycling license for 2012 to Somers Sanitation, Inc., PO Box 397, 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, 2012 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

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Carter issue a coupon, during the year for a free three cubic yard bulk pick-up to their customers.

Refuse and recycling license for 2012 to Sani-Pro Disposal Service Corp.

- 12b. RESOLVED, that the Town Board does hereby grant refuse and recycling license for 2012 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, 2012 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.

Refuse and recycling license for 2012 to Mayfield Carting Service, Inc.

- 12c. RESOLVED, that the Town Board does hereby grant refuse and recycling license for 2012 to Mayfield Carting Service, Inc., 131 Plainfield Avenue, PO Box 650, Bedford Hills, NY 10507 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, 2012 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.

Amend License Agreement with Somers Chase Home Owner's Association

13. RESOLVED, that the Town Board does hereby authorize amendment to License Agreement with Somers Chase Home Owner's Association to install a video camera pending Town Attorney approval.

Amend the 2012 Salary Schedule to omit stipend for the Zoning Board Appeals Chairman

14. RESOLVED, that the Town Board does hereby amend the 2012 Salary Schedule to omit stipend for the Zoning Board Appeals Chairman per memo dated January 11, 2012 from Mary Beth Murphy, Supervisor.

Execute grant for Reis Park Ball Fields

15. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute \$100,000.00 grant for Reis Park Ball Fields, from Senator Greg Ball.

Execute the SCA Tax Collections Upgrade

16. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the SCA Tax Collections Upgrade in the amount of \$15,300.00.

Authorize out of title pay for B. Brandt

17. RESOLVED, that the Town Board does hereby authorize out of title pay to Barbara Brandt in the Assessor's office beginning September 19, 2011 ending Monday, November 11, 2011 in the amount of \$1,027.60 to be paid with the next payroll.

Execute agreement with Putnam County for Highway Materials and equipment

18. RESOLVED, that the Town Board does hereby authorize the Supervisor the execute agreement with Putnam County for Highway Materials and equipment.

Claims for the payment of all Town Bills in the amount of \$1,461,246.18 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 Morrissey, the meeting was declared closed at 8:55 PM.

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Town Clerk