

JANUARY 14, 2016 – REGULAR MEETING

Minutes of a regular meeting of the Town Board, Town of Somers held on Thursday evening January 14, 2016 at 6:30 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

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

ABSENT: Councilman Richard G. Clinchy

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

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

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

7:10 PM – meeting reconvened

Councilman Clinchy present at 7:10 PM.

The Supervisor said that it was in order for the Board to open a public hearing with regard to the Draft Comprehensive Plan Update 2015.

7:11 PM – hearing opened
7:30 PM – meeting reconvened

PUBLIC COMMENT:

Ms. Diane Mazzatta, Raemont Road, asked if the Board had any information with regard to the Bus Vandalism. She also asked if the Town was actively involved in the investigation and if the Board was getting updated regularly. The Supervisor said that the incident was a shock to everyone. He said that the New York State Police was the lead investigating Agency and questions were referred to them and this was an active investigation.

There being no one else to be heard on motion of Supervisor Morrissey, seconded by Councilman Clinchy, 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 Morrissey, seconded by Councilman Garrity, it was unanimously,

RESOLVED, that the Town Board does hereby approve the minutes of the October 1, 2015 Work Session; the October 8, 2015 Public Hearing regarding the Conservation Easement of the Angle fly Preserve; the October 8, 2015 Public Hearing regarding a proposed Stop Signs on the southeast corners of Eastern Way and Buena Way; the October 8, 2015 Regular Meeting; the November 5, 2015 Work Session; the November 12, 2015 Public Hearing regarding the proposed 2016 Water Rate Charges for the Amawalk Shenorock Water District, Windsor Farms Water District and the Amawalk Heights Water District; the November 12, 2015 Public Hearing regarding the proposed

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Local Law to amend Section 170-70L entitled Accessory Apartments; the November 12, 2015 Regular Meeting; the December 3, 2015 Public Hearing regarding the 2016 Budget; the December 3, 2015 Special Meeting/Work Session; the December 10, 2015 Public Hearing regarding a Minor Text Amendment to MFR-BP District; the December 10, 2015 Public Hearing regarding a propose Amendment to the Town of Somers Zoning Map; the December 10, 2015 Public Hearing regarding the Draft Comprehensive Plan Update 2015; the December 10, 2015 Regular Meeting and the December 22, 2015 Special Meeting.

Monthly reports

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

Consent Judgment for the matter of United States Postal Service

The Supervisor said that the next item on the agenda was to authorize the Town Attorney to execute a Consent Judgment for the matter of United States Postal Service vs. Town of Somers, Index # 56810/11 et al. Councilman Cirieco asked if the Post Office owned the property. The Town Attorney explained that they did not own the property although in most of the Postal Service leases they are responsible to pay the taxes on the property and they had the right to grieve the taxes.

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

RESOLVED, that the Town Board does hereby authorize the Town Attorney to execute a Consent Judgment in the matter of United States Postal Service vs. the Town of Somers – Index #56810/11 et al.

Homeland Towers

The next item was a discussion with regard to a proposal from Homeland Towers for a wireless facility. Mr. Vincent Xavier, Homeland Towers, introduced himself and pointed out the locations of their other cell towers within the Town. He explained that his proposal was seeking a location that would address a gap in service in the Town. He said that they identified Reis Park as the best location to address this issue and he wanted to know if this was something that the Town would be interested in pursuing. The Town Attorney stated that a cell tower was not able to be placed on dedicated recreation land and the law was very clear about that. Discussion ensued with regard to other locations where Mr. Xavier may be able to place a cell tower within the Town.

Execute the MOU & ESA with Sustainable Westchester, Inc.

The Supervisor said that the next item on the agenda was with regard to authorizing the Supervisor to execute the Memorandum of Understanding (MOU) with Sustainable Westchester, Inc. and the Electric Service Agreement (ESA), subject to the further review and comment by the Town Attorney. He asked the Town Attorney to give the Board an update. The Town Attorney explained that the latest document the Board had was received that day. He said that there were no changes to the MOU although there were several made to the ESA that he had not had an opportunity to review before the meeting. He said that the ESA was a work in progress and that was why they were asking the Board to authorize the execution subject to further legal review.

Mr. Michael Gordon, Sustainable Westchester, said that the way the collective Town Attorneys worked on this process was amazing and it was great to see them all working together. He said that just to get a document of this size and with the number of Towns to a unanimous agreement was a remarkable achievement. Councilman Clinchy asked Mr. Gordon to explain why it was important that the Town Board adopt the Resolution that evening. Mr. Gordon explained that they were going out to bid next week and with that package the contract had to be finalized. Discussion ensued with regard to the rate change, what the MOA was going to accomplish and how the billing would work.

Ms. Devine said that the Town had offers over the years to leave NYSEG and they had never considered changing. She said that the Town Board was involving the Town in this

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and asked if they were all going to be involved in the change. They said that they were going to make the change in their own homes.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Community Choice Aggregation Memorandum of Understanding (MOU) with Sustainable Westchester, Inc. and;

FURTHER BE IT RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Electric Service Agreement (ESA) in due course, subject to further review and comment by the Town Attorney.

Roof Repair at
the Van
Tassell House

The Supervisor said that they needed to add the authorization to execute the contract for the roof repair at the Van Tassell House. He explained that they had they received a memo from the Building Inspector requesting that they Board take this action. The Town Attorney pointed out that it should be contingent on the specifications that called for a Performance Bond and a Labor and Material Bond.

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

RESOLVED, that the Town Board does hereby approve the Request for Proposal (RFP) from L. Mark Construction, Inc., the only contractor that submitted a proposal, to replace the flat roof on the Recreation Center in Van Tassell Park in the amount of \$34,995.00, contingent on the submission of a Labor and Material Bond and a Performance Bond, per memo dated January 14, 2016 from Efreem Citarella, Building Inspector.

Purchase of
Asphalt
Recycler &
Hot Box

The Supervisor said that the Board needed to add was with regard to the purchase of an Asphalt Recycler and a Hot Box. He explained that the Town had an existing Inter-Municipal Agreement (IMA) with Putnam County for shared equipment and services. He continued that the Superintendent of Highways identified the equipment that would generate blacktop to fill potholes without cold patch. The Supervisor said that this purchase was with the understanding that they would be developing IMAs with neighboring municipalities. He said that the purchase cost was also reimbursable by the CHIPS Fund.

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

RESOLVED, that the Town Board does hereby authorize the purchase of one (1) new Asphalt Recycler from Trius, Inc., 458 Johnson Avenue, P.O. Box 158, Bohemia, New York 11716-0158, to be piggyback off the Village of Scarsdale Bid Contract, VM#1193 in the amount of \$79,879.00 to be reimburse by CHIPS, per memo dated January 14, 2016 from Thomas E. Chiaverini, Superintendent of Highways.

RESOLVED, that the Town Board does hereby authorize the purchase of one (1) new Falcon 4 Ton – Asphalt Hot Box on Dump Trailer from McGrath Municipal Equipment, P.O. Box 422, Springfield, New Jersey 07081 to be purchased off the New York State Bid Contract #PC66699 in the amount of \$31,700.00 to be reimburse by CHIPS, per memo dated January 14, 2016 from Thomas E. Chiaverini, Superintendent of Highways.

Annual
attendance
bonuses for
Highway
Employees

The next item on the agenda was with regard to annual attendance bonuses for Highway Employees.

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

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RESOLVED, that the Town Board does hereby authorize the Attendance Bonus, per Collective Bargaining Agreement (CBA) with the Teamsters and memo dated January 4, 2016 from Thomas E. Chiaverini, Superintendent of Highways as follows:

Arnold Guyot	\$200.00
Edward Gall	\$600.00

PERSONNEL:

Current Vacancies:

Somers Energy Environmental Committee
Affordable Housing Board (3 – unexpired 2 year terms ending July 11, 2017)
Planning Board (1 – 7 year term ending December 31, 2022)
Zoning Board of Appeals (1 – unexpired term ending December 31, 2020)

Upcoming Vacancies:

Parks and Recreation Board (2 – 3 year terms ending March 9, 2019)

Reappoint U.
Santaroni to
the ZBA

The Supervisor said that it was in order for the Board to reappoint Mr. Umberto Santaroni to the Zoning Board of Appeals.

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

RESOLVED, that the Town Board does hereby reappoint Umberto Santaroni to the Zoning Board of Appeals to a five (5) year term ending December 31, 2020.

Reappoint F.
DeLucia to the
Planning
Board

The Supervisor said that it was in order for the Board to reappoint Ms. Fedora DeLucia to the Planning Board. Ms. Devine said that she was pleased to see the reappointment of Ms. DeLucia, she has always been dedicated to the Town of Somers.

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

RESOLVED, that the Town Board does hereby reappoint Fedora DeLucia to the Planning Board to a seven (7) year term ending December 31, 2022.

Resignation of
B. Brandt,
Assessment
Tax-Aide

The Supervisor said that it was in order to acknowledge the resignation of Ms. Barbara Brandt, Assessment Tax-Aide and authorize the Supervisor to canvass the Westchester County Civil Service List for an Assessment Clerk.

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

RESOLVED, that the Town Board does hereby acknowledge the resignation of Barbara Brandt Assessment – Tax Aide, effective January 15, 2016 and;

FURTHER BE IT RESOLVED, that the Town Board does hereby authorize the Supervisor to canvass the Westchester County Civil Service List for an Assessment Clerk with a salary range of \$41,010.00 to \$43,813.00, Grade 4 Step 1 – 3 of the CSEA Agreement, per memo dated January 11, 2016 from Barbara J. Sherry, Secretary to the Supervisor.

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Promotion of
P. Westhoff
Road
Maintenance
Foreman

The Supervisor said that it was in order for the Board to acknowledge the promotion of Mr. Paul Westhoff from Motor Equipment Operator to Road Maintenance Foreman for the Highway Department.

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

RESOLVED, that the Town Board does hereby acknowledge the promotion of Paul Westhoff from Motor Equipment Operator to Road Maintenance Foreman at an hourly rate of \$36.2768, effective January 4, 2016, per memo dated January 6, 2016 from Thomas E. Chiaverini, Superintendent of Highways.

Consensus
Agenda

The Supervisor said the next item was the Consensus Agenda.

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

Fee Schedule for the
2016 Programs and
Service for Parks and
Recreation

1. RESOLVED, that the Town Board does hereby authorize the Fee Schedule for the 2016 Programs and Service for Parks and Recreation, per memo dated December 15, 2015 from Steven Ralston, Superintendent of Parks and Recreation.

Execute the North
East Special
Recreation, Inc.,
Interagency
Agreement

2. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the North East Special Recreation, Inc., Interagency Agreement for the January 1, 2016 – December 31, 2016 Program Year, per memo dated December 15, 2015 from Steven Ralston, Superintendent of Parks and Recreation.

Hire D. Coffey, Full
Time Road
Maintainer

3. RESOLVED, that the Town Board does hereby announce the hiring of Dennis Coffey, Full Time Road Maintainer, effective January 4, 2016 at an annual salary of \$50,304.00, which the employee will receive 90% for the first six (6) months at an hourly rate of \$24.1847, then after 26 weeks 95%, upon completion of one year of service the employee shall receive the full salary rate of pay, per memo dated December 30, 2015 from Thomas E. Chiaverini, Superintendent of Highways.

Retirement of Police
Office Robert J.
Matuszewski

4. RESOLVED, that the Town Board does hereby acknowledge the retirement of Police Office Robert J. Matuszewski, effective December 12, 2015, per letter dated December 11, 2015 from Robert J. Matuszewski.

Purchase a Timber
Ranger 3XE
Handheld Data
Collector

5. RESOLVED, that the Town Board does hereby authorize the purchase of a Timber Ranger 3XE Handheld Data Collector with all necessary hardware, software and 3 years of support at a price not to exceed \$13,075.00, to be divided equitable amongst each of the Water Districts and Sewer District #1, per memo dated December 14, 2015 from Adam Smith, Superintendent of Water & Sewer.

Eagle Scout Project
to renovate the
existing Display
Sign at the Somers
State Police
Barracks

6. RESOLVED, that the Town Board does hereby authorize the approval of an Eagle Scout Project to renovate the existing Display Sign at the Somers State Police Barracks, located on Route 100 by Boy Scout William Walsh, per memo dated December 10, 2015 from Kathy Cucchiaella, Chairman of the Somers Abuse Council/Partners in Prevention.

Survey
Authorization with
Spectra Energy
Partners for four (4)
Town Owned
Parcels for the
Access Northeast
Project

7. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute a Survey Authorization with Spectra Energy Partners for four (4) Town Owned Parcels for the Access Northeast Project, which permits Algonquin Gas Transmission, LLC, to enter Town Property for the purposes of making a civil, cultural resource and environmental survey.

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Statutory
Installment Bond
for the purchase of
Town Equipment

8. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute a Statutory Installment Bond for the purchase of Town Equipment in the amount of \$365,000.00, per memo dated January 12, 2016 from Robert Kehoe, Director of Finance.

Refund Surety Bond
(Performance Bond)

9. RESOLVED, that the Town Board does hereby authorize the return of a Surety Bond (Performance Bond) for Somers Realty Planned Hamlet Phase 2, Soil Export of Clayton Boulevard, in the amount of \$73,590.00 to Somers Realty Corp., 15 Charles Street, Apt. 12 G, New York, New York 10014, per memo dated December 30, 2015 from Steven Woelfle, Principal Engineering Technician.

The Supervisor said that he was going to be reminding the residents monthly about having their septic systems pumped out. He explained that 5 years ago a Local Law was passed that all who had septic systems were required to have them pump out every 5 years. He said that May 2016 is the fifth year and all systems were required to be serviced. The Supervisor said that this was something that will be enforced.

The Supervisor said he wanted to announce that Saint Luke's Food Pantry was opened on Fridays for 2:00 PM to 6:00 PM to serve the community. He said that food donations could be brought to the church and left in the donation box.

The Supervisor said that Somers Education Foundation Black Jack Ball was going to be held at Villa Barone Hilltop Manor on Saturday, January 23rd from 7:00 PM to 12:00 AM. Councilman Faulkner pointed out that they would be honoring Mr. Robert Antonucci, member of the Somers Lions' and dedicated volunteer; Ms. Teresa Lombardi, volunteer; and Mr. Paul Saia, Somers Teacher and State Championship Soccer Coach.

The Supervisor said that the Somers Lions' Club Gala, celebrating 50 years of Service to the Community will be held on Friday, May 6th at Villa Barone Hilltop Manor.

Claims for the payment of all Town Bills in the amount of \$451,410.94 were presented and allowed for payment as shown on the Abstract of Audited Claims on file in the office of the Town Clerk.

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

Town Clerk