

FEBRAURY 10, 2011 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening February 10, 2011 at 7:00 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 and litigation matters.

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

8:10 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 in the matter of Maintenance of Separate Sewage Disposal System/On-site Wastewater System.

8:10 PM – hearing opened
8:15 PM – meeting reconvened

The Supervisor said that it was in order for the Board to adopt a Short Environmental Assessment Form and Negative Declaration with regard to Maintenance of Separate Sewage Disposal System/On-site Wastewater System Local Law.

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

RESOLVED, that the Town Board does hereby adopt a Short Environmental Assessment Form and Negative Declaration with regard to Maintenance of Separate Sewage Disposal System/On-site Wastewater System Local Law.

The Supervisor said that it was in order for the Board to adopt a Local Law with regard to Maintenance of Separate Sewage Disposal System/On-site Wastewater System.

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

RESOLVED, that the Town Board does hereby adopt a Local Law to create a new chapter to be entitled Maintenance of Separate Sewage Disposal System/On-site Wastewater System of the Code of the Town of Somers as follows:

A Local Law a new Chapter 139 to be entitled Maintenance of Separate Sewage Disposal Systems/On-site Wastewater Systems is hereby added to the Town Code of the Town of Somers

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

1. A new Chapter 139 to be entitled “Maintenance of Separate Sewage Disposal Systems/On-site Wastewater Systems” is hereby added to the Town Code of the Town of Somers to read as follows:

Chapter 139. Maintenance of Separate Sewage Disposal Systems/On-site Wastewater Systems

Section 139-1. Purpose and Intent.

The Town of Somers hereby finds that it is necessary to the health, safety and welfare of the residents of the Town of Somers that separate sewage disposal systems operate and be maintained in a manner that will prevent, to the extent possible, hazards to the public health and to protect the drinking water supply of the Town of Somers and drinking water supplies which pass through the Town of Somers.

This local law is intended to implement the provisions of Part IX.A.3.b of the New York State Department of Environmental Conservation, SPDES General Permit GP-0-10-002 (“Permit”) for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) effective May 1, 2010 which require that the Town implement and enforce a program to ensure that separate sewage disposal systems/on-site wastewater treatment systems are inspected and, where necessary, maintained or rehabilitated as required by Part IX.A.3.b of the Permit and/or similar provisions in successor Permits.

Section 139-2. Definitions.

1. SEPARATE SEWAGE DISPOSAL SYSTEM/ONSITE WASTEWATER TREATMENT SYSTEM shall mean a system or facilities or means for the treatment or modification or ultimate disposal of waterborne sewage or domestic wastes or trade wastes or offensive material, regardless of location with respect to any building or structure or premises thereby served, including but not limited to septic tanks. Such system shall include, but shall not be limited to, facilities for the treatment or modification or required control of harmful or deleterious substance, as defined in Section 873.721 of the Westchester County Sanitary Code, before subsurface discharge.
2. SEPTAGE COLLECTOR shall mean an individual or entity licensed by the Westchester County Commissioner of Health who engages in the performance of any one (1) or more of the following services, or who offers to provide any one (1) or more of the following services for a fee, in Westchester County, with respect to separate sewage disposal systems: evacuation, removal, collection or transportation of septage.
3. SEPTAGE shall mean the contents of a septic tank or other Separate Sewage Disposal System/On-site Wastewater Treatment System which receives sanitary sewage waste.
4. INSPECTION shall mean the evacuation and removal of septage from a Separate Sewage Disposal System/On-site Wastewater Treatment System and subsequent reporting by a Septage Collector that is licensed by the Westchester County Department of Health pursuant to Sections 873.722, 873.724 and 873.726 of the Westchester County Sanitary Code (see Appendix for complete sections).
5. APPEALS AUTHORITY shall mean the Building Inspector.

Section 139-3. Inspection requirements.

1. Beginning on May 1, 2011, the owner of any parcel located within the Town of Somers which relies upon a Separate Sewage Disposal

System/On-site Wastewater Treatment System for the treatment or modification or ultimate disposal of water borne sewage or domestic wastes or trade wastes or offensive material, with respect to any building or structure thereon, shall cause an inspection to be performed on said Separate Sewage Disposal System/On-site Wastewater Treatment System at a minimum frequency of once every five (5) years.

2. Upon the completion of any inspection, every owner shall maintain a copy of the record of such inspection as required by Section 873.724 of the Westchester County Sanitary Code, which will be provided to the owner by the Septage Collector, for a minimum of six (6) years.

Section 139-4. Waivers/Variance.

The Appeals Authority shall not grant a waiver or exemption from any of the requirements of this local law provided, however, that the Appeals Authority may vary the time requirements as referenced within this local law, upon the submission and consideration of evidence which may necessitate an extension of time to comply with all aspects of this local law. Such extension shall not exceed one hundred eighty (180) days.

Section 139-5. Enforcement and penalties.

Any owner of a parcel which is located in the Town of Somers and is served by a Separate Sewage Disposal System/On-site Wastewater Treatment System that violates the provision of this local law, shall be guilty of a violation, and shall be subject to a penalty as follows:

- (1) The Building Inspector shall first issue a written notice of violation to the owner informing the owner of the anticipated imposition of penalties if the violation is not corrected within 30 days.
- (2) If the violation is not remedied within 30 days, the owner shall be subject to a fine not to exceed \$200.00 for each violation. Thereafter, beginning on the 31st day of the continuing violation, the owner shall be subject to a fine in the amount of \$200.00 for each fourteen (14) day period until the violation is remedied and can be verified in writing by the Building Inspector.

Section 139-6. Compliance with Other Laws.

Compliance with this local law shall not be deemed compliance or approval of the municipality under any other rules, regulations, code or laws including, but not limited to, Article VIII of the Westchester County Sanitary Code.

Section 139-7. Severability.

In the event that any provision of this local law shall be held unconstitutional or unlawful, the remaining provisions in this local law shall remain in full force and effect.

2. This Local Law shall take effect immediately upon its adoption and filing in the office of the Secretary of State.

PUBLIC COMMENT:

There being no one to be heard on motion by Supervisor Murphy, 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.

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

RESOLVED, that the Town Board does hereby approve the minutes of the November 18, 2010 Public Hearing regarding the Proposed amendment to Section 170-13.2 Article IIA Conservation Zoning, the November 18, 2010 Regular Meeting, the December 2, 2010 Public Hearing regarding the 2011 Budget, the December 2, 2010 Special Meeting/Work Session, the December 9, 2010 Public Hearing regarding the Proposed amendment to Sections 170-129.2, 170.129.6, 170.105 and 170-106 Wireless Telecommunications Facilities, the December 9, 2010 Public Hearing regarding the Proposed Amendment to Chapter 133 Professional Fees, the December 9, 2010 Public Hearing regarding the Proposed Amendment to Chapter 86 Dogs, the December 9, 2010 Regular Meeting, the January 6, 2011 Organizational Meeting and the January 6, 2011 Work Session.

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.

Award Concession Rights Bid

The Supervisor said that the next item on the agenda was to award the Concession Right to the Town of Somers Parks to Ala Mode Ice Cream Inc.

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

RESOLVED, that the Town Board does hereby award “Concession Rights to the Town of Somers Parks” to A La Mode Ice Cream, Inc., 21-27 Croton Lake Road, Katonah, NY 10536 per memo dated February 3, 2011 as follows:

Bid Amount for 2011 = \$ 9,700.00
2% increase for 2012 = \$ 9,894.00
2% increase for 2013 = \$10,091.00

H. Oringel – Energy related matters

The next item was a discussion with Herb Oringel with regard to energy related matters. The Supervisor said that Mr. Oringel asked to come in and update to the Board on some of the doings of the Somers Energy Advisory Panel. She said that many were aware that they had a very successful event Saturday at the High School. Mr. Oringel said that he had left a bullet list that he was going to discuss for each of the Board members.

Mr. Oringel said first he wanted to update the Board on what the Somers Energy Advisory Panel had been doing. He said that with him that evening were two Energy Managers, Frank Maricic and Jerry Robork; they were doing an absolutely splendid job moving forward. He said that they had completed the first Comprehensive Green House Gas Inventory of the Town of Somers, including residences and commercial industrial properties. Mr. Oringel said that they now had a basis and the facts in which to do their climate action plan. He said that this was the next step in the process in the agreement with Ecology and Environment; a consulting firm that the Consortium hired, they were going to work with the Somers Energy Advisory Panel on the Climate Action Plan because they had done the Green House Gas Emissions. He said that Somers was catching up with Bedford and in short order they will have a Climate Action Plan that they will vet with the community to make sure that they were doing smart things from their prospective and then it will come back to the Town Board with a recommendation of accepting it. Mr. Oringel said that Bedford had adopted their Climate Action Plan as part of their Master Plan.

Mr. Oringel said that the next thing was the Municipal Buildings Lighting Project. He explained that Frank and Jerry worked with NYSEG to provide low cost energy lighting replacements for Town owned buildings and this as a win, win proposition. He said that it was a cost reduction for the Town with better lighting for the buildings. He said that they were hung up on the issue of prevailing wages. The Supervisor said that the Town Attorney had indicated to her that it would not be prudent to sign the document that was presented. Mr. Oringel asked if there was something missing from the document. The

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Town Attorney said that he spoke to a representative of the State Labor Department and prevailing wages applied.

Mr. Oringel said next was with regard to Energize Somers. He said that they started informing people how they could participate in Energize Somers on Saturday at the Expo. He said that people could sign up for low cost loans funded by NYSERDA to improve energy efficiency in their homes. Mr. Oringel said that if they could make even 100 houses in Somers more efficient it would be a great benefit and they could set an example for the rest of the homes. He said that there were 4,800 homes in Somers that heated their homes with oil and they were prime targets for energy efficiency. He said that they just started and they had a long way to go. Councilman Clinchy asked if someone could take advantage of the program to get help to replace their windows. Mr. Oringel said that the replacement of windows did not save a lot of energy. He said that the big energy savings were to make the houses tight and new oil burners.

Jerry Robork said that they launched Energize Somers.org last weekend at the Expo and there was a sign up table with about 14 to 15 people who signed up. He said that there were people who were interested and understood the program. He said that they also handed out applications and brochures that described the program. Mr. Robork said that they had an e-mail, telephone number and Post Office Box; anyone that was interested could find their contact information on the website. The Supervisor asked him to contact her Office so that a link could be placed on the Town's website to EnergizeSomers.org.

Mr. Oringel said that his next item was with regard to Micro-Grid. He explained that Micro-Grid was an internet for energy; it was a way of moving energy from where it was generated to where it was needed. He said that in Somers' case it was smart meters and networks. He said that they could report to the New York ISO, the agency of the government for energy consumption. The Supervisor asked how the communication occurred. Mr. Oringel said that it was started as an electronic communication and a feedback mechanism. He said that they could measure if Somers was compliant, they could continue to urge the residents to get with the program because they would know which communities were using the most energy.

Mr. Oringel said the next topic was recycling. He said that the Town of North Castle was doing some innovative things. He said that they were having zero waste days, trying to reduce the amount of waste that there Carters pick up and as a result save money.

Mr. Oringel said that Biking/Pedestrian Project was the next item. He said that this started with Lewisboro and Bedford; they indentified safe biking routes for people to use. He said that this was extending because more Towns in the consortium wanted to be involved and connected to each other. Mr. Oringel said that this was an example of how the consortium worked. Councilman Clinchy asked if there was something with Goldens Bridge Train Station and several of the trails converging to provide an easy way for people who commuted to cycle to the train station. Mr. Oringel said that was part of the project although it did not turn out the way it was planned. The Supervisor said that a few years ago the County received funding in connection with restoring the old railroad bed that ran from Goldens Bridge to Baldwin Place. She said that the Town over the years had worked to take a lot of the easement rights in order to make that connection. She said that the right to use the railroad bed was abandoned and given to the property owners. The Supervisor said that 2 big parcels that they were not able to acquire were John F. Kennedy Catholic High School and Lincoln Hall properties. She said that there were different discussions on how to get around that and circumvent it; no good answer was ever arrived at. She said that part of that was restoring the trestle bridge that went across the Reservoir and that would become part of the bike path. The Supervisor said that the bike path did connect from town to town. Mr. Robork said that they were trying to go east to west as well, trying to get to the river towns. Councilman Clinchy said that a few years ago he saw something with regard to new State roads that were to be built with bike paths on them. He asked if they knew if that issue was abandoned. Mr. Robork said that the problem was there were no new roads being built and the DOT was looking at modifying the existing roads.

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Mr. Oringel said the next item to discuss was the Somers Energy Expo 2011. He said that it was the first time they tried to get full press and everyone in the Town to the Expo. He said that the major subject was things related to energy and energy conservations and savings. Mr. Oringel congratulated Councilman Clinchy for doing an outstanding job helping to organize the Expo and they were grateful. He said that the Expo was a good effort, if it had not been for the ice and snow in the morning they would on had a better turnout.

Mr. Oringel said that his next item was with regard to their financial success. He said that there were 100 Adults and a lot of children at the Expo. He said that it wound up to be a very good financial success because they charged for admission and lunch. He thanked the Lions for their help with the food. Mr. Oringel said that this being a single subject event it was hard to get a Town with the population and diversity of Somers to get charged up about Energy. He said that if they were to do this again he wanted to do it under the frame of a different subject. He said that there was a movement towards Sustainable Development and explained what that was. Mr. Oringel said that in Somers they needed to have a Sustainability Task Force to help with the movement toward sustainability. He said that if they were able to motivate the Community at large and become a sustainable Town there were rewards in doing so, such as grant money and pride in being the first Town in Northern Westchester to achieve sustainability. He said that he would like to have the Board's support with this. The Supervisor asked how he envisioned this starting. He said that he would start with a list of the different organization and announce that Somers was starting a sustainability initiative and invite them to come to a meeting to hear about the initiative and participate fully. He said that they were in the beginning stages of this and Energize Somers was a kick off of this. Councilman Clinchy asked if this would require voluntary participation, change to the Town Ordinances or expenditure of money or was it galvanizing public will toward a common goal. Mr. Oringel said that all they were doing was setting up another committee with a broader reach to the community. The Supervisor said that one way to get people excited about this was to think of a large event that already took place and make that sustainable. She said changing the way it was done or highlighting the sustainable aspects in the way it was done.

Mr. Frank Maricic said that one of his ideas as Energy Manager was for him and Mr. Robork to go to the Schools and educate the children about energy efficiency and sustainability. He said that Mr. Robork had a lot of experience with this, he was on the Board of Directors of Sustainable Hudson Valley and they wanted to utilize that to educate the students. He said that hopefully that will help to get the parents involved. He said that they would need the Town Board's support to help with that when the time comes. Councilman Clinchy said that they had good cooperation with the School District with regard to the Expo and there were a number of High School Student volunteering in different ways. Mr. Maricic said that they wanted to build on this and work on the presentation and enhance it to be child friendly.

Mr. Maricic said that they were going forward with the Solar PB at the High School. He said that they were able to convince NYSEERDA to use some of the grant money to pay for the Engineer Report that was required for the project. He said that they were hoping to have the solar panels installed by the spring or summer. Councilman Clinchy asked if the power was going to go back to use in the High School and what percentage of the High School's need would be satisfied. Mr. Robork said that it was be about 10 to 12%.

Mr. Maricic said that Mr. Robork and himself did a Green House Gas Inventory and now they had quantified the carbon footprint of Somers and know how much energy they were spending and where it was going. He said that they were still waiting for a few pieces of information and then the next step will be the Climate Action Plan. He said that the highlight of the Green House Gas Inventory was that the municipal buildings used .57% of the energy and that was tiny.

Mr. Maricic said that they were missing the commitment from the Town Officials to become green. He said that they needed to do the Energy Audits at their homes and they needed to take advantage of the programs to show the public how it worked and the benefits involved. Councilman Clinchy said that at the functions that the Town had they

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should have a table to sign up to have a free audit, he did not know what an energy audit was until it was explained to him. A discussion ensued with regard to how the Board could and would get involved.

Mr. Oringel said that he wanted the Town Board to do an Energy Audit of their homes. He said that they would like to market this from the top down.

Mr. Robork explained that the Energize Somers program people would get a free Energy Audit if they qualified based on income and most people do qualify. He said from that the resident would get a report and the report will give a list of things that could be done to the home, in rank order, listing the cost, the payback and what the value was. He said then they could choose what to do and they could borrow \$3,000.00 to \$13,000.00 as a low income basis to offset some of the costs. Mr. Robork said that there was also a 10% discount of some of the services if they went through NYSERDA to have the audit done. He said that the Audit was free, there was no commitment to have the work done but once they see the value of how it could be done for very little money most take advantage of some of the things. The Supervisor said that this was a free audit with no obligations and asked why someone would not take advantage of this. Mr. Maricic said that all they have to give them was a year's worth of energy bills.

Proposal
for Old Bet
Statue

The Supervisor said that the next item was proposals from Woodard and Curran. She said that she had not yet heard back from the Insurance Company with regard to the proposal on the Old Bet Statue. She suggested that they hold off on that for now until they hear back from them.

Heritage
Hills
Wastewater
Utility
evaluation

The Supervisor said that with regard to the Heritage Hills Wastewater Utility evaluation, she heard from the Town's Financial Consultants that week and they had a number of suggestions with regard to what should be contained in the proposal from the Engineer to ensure that the Town was doing an adequate evaluation. She said that she had forwarded the information to the Town's Engineering Consultant and asked him to incorporate the suggestion into the proposal if it was not already. She said that he was currently reviewing that and they should have something back by the end of the month. The Supervisor said that their Financial Advisors made it very clear how important it was to have a good evaluation up front. She said that she did meet with the Engineering Consultant and relayed to him the Boards' concerns that their most important issue was that a savings would be seen in the process.

IMA with East
of Hudson
Municipalities

The next item on the agenda was the IMA with East of Hudson Municipalities for cooperative MS-4 compliance. The Supervisor said that the representative Towns had an extensive meeting with the DEP, DEC and Department of State in connection with the efforts to regionalize their MS-4 compliance responsibilities. She said that the meeting went well although they were still working out the details on how they were going to get the \$20,000,000.00 from the DEP to pay for the retrofit projects. She said that the IMA that the Board was pursuing looking at was the beginning of an entity that will be able to provide guidance to their representatives as they negotiate the terms of how the funds would be transferred. The Supervisor said that she understood the concerns that were raised at the last meeting about the broad scope of the agreement, but she also believed that the agreement's scope needed to be broad. She said that right now they were negotiating with the DEP; ultimately they will be looking to implement millions of dollars of retrofit projects through the entities that are formed. She said that the whole purpose of this was not to spend Town money, the MS-4 obligations that all of the municipalities had are expensive obligations. The Supervisor said that in the Town of Somers they are required over a 5 year period, which they were 2 years into, to remove 50 kilograms of phosphorus from the stormwater that they discharge. She said that if they do not do that they will be fined significantly. She said that they have been able to get outside funding to undertake the effort, that funding was all very contingent on them working collectively as a group. Councilman Clinchy said that consolidation of services was the way for greater efficiency. He said that was what the towns were doing in this situation without giving up their own independence. The Supervisor said that before the heightened regulations were prorogated the towns in Northern Westchester had been working collaboratively to address these issues. She said that it was a really good working group and the County had also been working with them as well. She said

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through their efforts they developed an MS-4 Retrofit Plan that cost \$200,000.00 that was all covered by a grant and the only reason they were awarded the grant was because they were doing this collectively. The Supervisor said that the Town Planner had been invaluable in terms of working with her on all of the projects; she went to all of the meetings and was a key technical person in this entire process. She said that the Town was very lucky to work in such a collaborative way to address this problem. She said that they all agreed that the unfunded mandate of the MS-4 heightened obligation was something that they would rather not have however, they have it and they were addressing it. The Supervisor asked the Board to authorize her to sign the IMA and designate her as the representative for Somers. Councilman Bolton said that the question he had last week was about committing the Town to any expenditures and the Town Attorney responded to his concerns and he was content to move forward. The Supervisor said in terms of the resolution Article 1 Section 1.3 should be used with some minor language changes.

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

RESOLVED, that the Town of Somers does hereby acknowledge its intent to participate in the EOH Coalition and,

DOES HEREBY, acknowledge the rights and obligations of membership in the EOH Coalition as set forth in this Intermunicipal Agreement, as may be amended, and shall authorize the chief executive officer to execute a copy of the Intermunicipal Agreement and,

DOES HEREBY, APPOINT Mary Beth Murphy, Town Supervisor as Town Representative.

Councilman Morrissey recused

Resolution to increase expenditure for legal fees

The Supervisor said that she wanted to add that the Board had passed a resolution in connection with the expenditure of money for the legal fees in association with the negotiations that they were having with the DEP. She continued that the resolution stated that the expenditure was not to exceed \$5,000.00. She said the negotiations were completed and they were going into the next phase of the negotiations which was to work out the rules and regulations and how the money would be distributed. The Supervisor said that she believed that the first phase cost the Town of Somers between \$3,000.00 to \$3,500.00 and she anticipated that in the next phase there will be additional cost to the Town. She asked the Board to authorize an increase in the amount of the original resolution to \$8,000.00.

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

RESOLVED, that the Town Board does hereby give authorization to revise resolution passed at a Special Meeting held on November 10, 2010 to increase payment of up to \$5,000.00 for the regional Legal Defense Fund to up to \$8,000.00 for regional Legal Defense Fund.

Agreement with Ecology and Environmental, Inc.

The Supervisor said that the next item on the agenda was an agreement with Ecology and Environmental, Inc. for sustainability services to do the Climate Action Plan. She said that it was raised last week that the Insurance Companies were not acceptable. She said that ones that she saw were all A+ services. A discussion ensued with regard to the Insurance Companies that were listed in the agreement.

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 agreement with Ecology and Environment, Inc. for sustainability services for seven municipalities in Northern Westchester.

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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)
Library Board of Trustees (1 – 5 year term to December 31, 2015)
Planning Board (1 – 7 year term to December 31, 2017)
Substance Abuse Council (2 - 3 year terms to December 31, 2013)
Zoning Board of Appeals (1 – 5 year term to December 31, 2015)

Upcoming Vacancies:

Architectural Review Board (3 – 3 year terms to March 31, 2014)
Conservation Board (3 – 2 year terms to March 15, 2011)
Parks and Recreation Board (4 – 3 year terms to March 9, 2011)

Reappoint
P. Otis to
Substance
Abuse
Concil

The Supervisor said that it was in order to reappoint Patricia Otis to the Substance Abuse Council to a term ending December 31, 2013.

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

RESOLVED, that the Town Board does hereby reappoint Patricia Otis to the Somers Substance Abuse Council to a three (3) year term ending December 31, 2013.

Reappoint
N. Gerbino
to Planning
Board

The Supervisor said that it was in order to reappoint Nancy Gerbino to the Planning Board to a term ending December 31, 2017.

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

RESOLVED, that the Town Board does hereby reappoint Nancy Gerbino to the Planning Board to a seven (7) year term ending December 31, 2017.

Resignation
of F.
McDermott
from
Library
Board of
Trustees

The Supervisor said that she wanted to acknowledge and thank Fausta McDermott for her many years of service on the Library Board of Trustees. She said that she was a great asset to that Board and she met with her personally in connection with her work on that Board. She said that Ms. McDermott serves on a lot of different community related Boards and she was very dedicated and worked very hard. The Supervisor wished her the very best and said that they understood that she had 4 teenage boys. She said that they were sorry to see her go and when she was ready to come back they will love to have her. Councilman Clinchy agreed with the Supervisor and said that the Library Board was going to miss her as well.

The next item was with regard to the Court Office.

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

Authorize
D. Dopman
to work in
Court
Office

RESOLVED, that the Town Board does hereby authorize Diana Dopman to work in the Court Office on February 23 & 24, 2011 at an hourly salary of \$31.75 per memos from Honorable Denis J. Timone dated January 31, 2011 and Honorable Michael J. McDermott dated February 3, 2011.

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

Budget
Modification
for Court
Office

RESOLVED, that the Town Board does hereby authorize a budget modification from the Town Justice Overtime Services line per memo dated February 3, 2011 from the Honorable Michael J. McDermott:

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From: 001-1110.011 – Town Justice Overtime Services

To: 001-1110.01 – Personal Services

\$637.17

The Supervisor said that the next item was the consensus agenda.

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

IMA for
Lake
Shenorock

- 1a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the IMA with Westchester County for the Lake Shenorock sewage options study.

IMA for
Emergency
Shelter
Trailer

- 1b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the IMA with Westchester County for emergency shelter trailer per memo dated January 26, 2011 from Michael W. Driscoll, Police Chief.

A. Vinberg
annual
bonus

2. RESOLVED, that the Town Board does hereby authorize annual bonus pay to Alan Vinberg in the amount of \$400.00 per memo dated January 3, 2011 from Thomas E. Chiaverini, Superintendent of Highways.

Annual
contract
with Peak
Power

- 3a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the annual contract with Peak Power systems for Police Generator in the amount of \$407.50.

Execute application for
Water Treatment Plant
Operator "C".

- 3b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the application for Certificate for Water Treatment Plant Operator "C".

RFP for
Library
Roof
Repair

4. RESOLVED, that the Town Board does hereby authorize request for proposals for Somers Library Roof Repair per memo dated January 24, 2011 from Thomas J. Tooma, Jr., Assistant Building Inspector with changes.

Loan from
General Fund
to Capital
Projects Fund

5. RESOLVED, that the Town Board does hereby authorize a loan from the General Fund to Capital Projects Fund – Shenorock Park District in the amount of \$5,021.25 for payment to Stephens, Baroni, Reilly & Lewis, LLP that will be processed in February, per memo dated January 14, 2011 from Joan E. Kachmarik, Director of Finance.

Budget for
proposed
Heritage Hills
infrastructure
acquisition

- 6a. RESOLVED, that the Town Board does hereby authorize adoption of the following budget for the proposed Heritage Hills infrastructure acquisition:

59-510 – Estimated Revenues	\$15,000.00
(59-5710 – Bonding Proceeds)	\$15,000.00
59-960 – Appropriations	\$15,000.00
(59-3997-400 – Contractual)	\$15,000.00

Loan from
General Fund to
Capital Projects
Fund

- 6b. RESOLVED, that the Town Board does hereby authorize a loan from the General Fund to the Capital Projects Fund – Acquisition of Heritage Hills Infrastructure of \$2,388.75 to provide funding for payment to Stephens, Baroni, Reilly & Lewis, LLP that will be processed in February, per memo dated January 19, 2011 from Joan E. Kachmarik, Director of Finance.

Return
Erosion
Control
Bonds

7. RESOLVED, that the Town Board does hereby authorize the return of the following Erosion Control Bonds per memos from Steven Woelfle, Principal Engineering Technician:

- a. \$500.00 – Gabelli Steep Slope/Tree/Erosion Control & Sediment –
26.15-1-42

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b. \$100.00 – Cozolino Wetland Permit – 16.16-1-21

Budget
Modifications

8. RESOLVED, that the Town Board does hereby authorize the following Budget Modifications for the **2010 Budget** as set forth in January 31, 2011 memo from Supervisor Mary Beth Murphy and revised February 10, 2011:

RESOLVED, that the Town Board does hereby authorize a budget modification to provide additional funding for the Annex air conditioning due to reduction of 1.1% in NYS grant per memo dated January 31, 2011 from Joan E. Kachmarik, Director of Finance:

From: General Fund – 1910.4 – Special Items – Insurance, Unallocated
To: General Fund – 1620.42 – Buildings – Building Repairs \$217.80

RESOLVED, that the Town Board does hereby authorize a budget modification to increase the General Fund Budget for NYS Justice Court Assistance Program grant monies and increase appropriations to permit authorized contractual expenditures per memo dated January 28, 2011 from Joan E. Kachmarik, Director of Finance:

From: 001-3090 – Revenue – State Aid, Other General
To: 001-1110.4 – Appropriations – Town Justice – Contractual \$7,570.58

RESOLVED, that the Town Board does hereby authorize a budget modification for DCO over budget for Personal Services per memo dated January 31, 2011 from Michael W. Driscoll, Police Chief:

From: 001-3120.4 – Police Contractual
To: 001-3510.1 – DCO – Personal Services \$155.46

RESOLVED, that the Town Board does hereby authorize a budget modification for a Misinvoice per memo dated February 4, 2011 from Barbara Taberer, Nutrition Director:

From: A6772.407 – Cold Food
To: A6772.406 Miscellaneous \$68.00

RESOLVED, that the Town Board does hereby authorize a budget modification to provide additional funding for Curator’s final salary payment per memo dated January 31, 2011 from Joan E. Kachmarik, Director of Finance:

From: 7510.4 – Historian – Contractual
To: 7510.1 – Historian – Personal Services \$75.14

RESOLVED, that the Town Board does hereby authorize a budget modification for Sanitary Sewer expenses that were exceeded as a result of the emergency purchase of a new sewer pump per memo dated February 9, 2011 from Adam Smith, Water Superintendent:

From: 040- Fund Balance \$2,000.00
040-8120.401 – Interfund Charges - \$3,050.00
To: 040-8120.4 – Sanitary Sewer – Contractual \$5,050.00

RESOLVED, that the Town Board does hereby authorize a budget modification for increased equipment costs for purchase of new handheld meter reading device per memo dated February 9, 2011 from Adam Smith, Water Superintendent:

From: 051-8310.4 – Water Administration – Contractual

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To: 051-8340.2 – Transmission & Distribution – Equipment
\$11,500.00

RESOLVED, that the Town Board does hereby authorize a budget modification for Clerk P.T. expenses exceeded budget per memo dated February 2, 2011 from Glenn Droese, Assessor:

From: 1355.11 – Assessment – Overtime
To: 1355.1 – Assessment – Personal Services \$21.90

RESOLVED, that the Town Board does hereby authorize a budget modification for costs that were higher than anticipated per memo dated February 4, 2011 from Adam Smith, Water Superintendent:

From: 049-8340.0401 – Windsor Farms WD Interfund Charges
To: 049-8340.0440 – Windsor Farms WD Distribution System \$385.00

RESOLVED, that the Town Board does hereby authorize a budget modification for costs that were higher than anticipated per memo dated February 4, 2011 from Adam Smith, Water Superintendent:

From: 050-8310.0401 – AHWD – Water Administration Interfund
To: 050-8310.0400 – AHWD – Water Administration \$393.72

RESOLVED, that the Town Board does hereby authorize a budget modification anticipated more storms in Nov. & Dec. 2010 per memo dated February 7, 2011 from Thomas E. Chiaverini, Superintendent of Highways:

From: Highway – 5110.11 – General Repairs- Overtime (\$13,227.79)
Highway – 5142.1 – General Repairs – Personal Services (\$11,772.21)
To: Highway – 5110.1 – General Repairs – Personal Services
\$25,000.00

RESOLVED, that the Town Board does hereby authorize a budget modification have been paying Out of Title to Employees per memo dated February 7, 2011 from Thomas E. Chiaverini, Superintendent of Highways:

From: Highway – 5130.11 – Machinery – Overtime
To: Highway – 5130.1 – Machinery – Personal Services \$2,568.39

RESOLVED, that the Town Board does hereby authorize a budget modification to prepare equipment for winter per memo dated February 7, 2011 from Thomas E. Chiaverini, Superintendent of Highways:

From: Highway – 5110.4 – General – Contractual \$10,019.64
Highway – 5140.4 – Brush – Contractual \$1,197.32
To: Highway – 5130.4 – Machinery – Contractual \$11,216.96

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year end expenditure per memo dated February 7, 2011 from Thomas E. Chiaverini, Superintendent of Highways:

From: Highway – 5140.11 – Brush – Overtime
To: Highway – 5140.1 – Brush – Personal Services \$417.73

RESOLVED, that the Town Board does hereby authorize a budget modification to cover the cost of salt needed for snow and ice storms per memo dated February 7, 2011 from Thomas E. Chiaverini, Superintendent of Highways:

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From: Highway – 5140.4 – Brush – Contractual (\$19,472.09)
Highway – 5148.4 – Services to other Govts. (\$6,972.37)
To: Highway – 5142.4 – Snow – Contractual \$26,444.46

RESOLVED, that the Town Board does hereby authorize a budget modification to provide for overage of budget lines per memo dated February 8, 2011 from Michael W. Driscoll, Police Chief:

From: 3120.1 – Police – Personal Services \$4,600.00
To: 3120.4 – Police – Contractual (\$3,820.00)
3510.4 – DCO – Contractual (\$780.00)

RESOLVED, that the Town Board does hereby authorize a budget modification to increase budget for grant funds reimbursing the Highway Fund for road reconstruction and resurfacing completed in 2010 per memo dated February 7, 2011 from Joan E. Kachmarik, Director of Finance:

From: Highway Fund – 002-4589 – Federal Aid Transportation Equity Act (\$34,480.00)
Highway Fund – 002-3589 – State Aid – Special Project (\$64,650.00)
To: Highway Fund – 002-5110.402 – General Repairs – Contr. Paving \$99,130.00

RESOLVED, that the Town Board does hereby authorize a budget modification to increase budget for Road Salt Reduction Program grant funds reimbursing the Highway Fund for the purchase of 15 vehicle-mounted “ground spread control units,” per memo dated February 7, 2011 from Joan E. Kachmarik, Director of Finance:

From: Highway Fund – 002-3589 – State Aid – Road Salt Reduction
To: Highway Fund – 002-5130.2 – Machinery Equipment \$96,522.00

RESOLVED, that the Town Board does hereby authorize a budget modification to provide for overage of budget lines per memo dated February 8, 2011 from Barbara J. Sherry, Confidential Secretary to the Supervisor:

From: 1620.0403 – Buildings/NYSEG \$1,055.23
To: 1623.0404 – Buildings/Supplies (\$702.09)
1620.0405 – Buildings – Maintenance & Supplies (\$353.14)

RESOLVED, that the Town Board does hereby authorize a budget modification to provide for overage of budget line per memo dated February 8, 2011 from Barbara J. Sherry, Confidential Secretary to the Supervisor:

From: 1620.0403 – Buildings/NYSEG
To: 6410.04 – CATV – Contractual \$222.00

RESOLVED, that the Town Board does hereby authorize a budget modification for overage of budget line per memo dated February 8, 2011 from Tammi Savva, Senior Office Assistant:

From: 1680.41 – Info. Tech – Consultant
To: 1680.4 - Info. Tech – Contractual \$4,183.58

RESOLVED, that the Town Board does hereby authorize a budget modification to provide additional funding for legal services per memo dated February 8, 2011 from Joan E. Kachmarik, Director of Finance:

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From: General Fund – 1910.4 –Special Items-Insurance, Unallocated (\$32,766.12)
General Fund – 9050.8 – Employee Benefits-Unemployment Ins. (\$2,387.61)
To: General Fund – 1420.41 – Legal Services-Town Attorney, Other – \$ 7,559.62
General Fund – 1420.51 – Legal Services-Attorneys, Other \$26,480.36
General Fund – 1420.52 – Legal Services-Special Prosecutor \$ 1,113.75

RESOLVED, that the Town Board does hereby authorize a budget modification to increase the budget for NYS grant funds reimbursing the General Fund for installation of the Town House third floor air conditioning per memo dated February 8, 2011 from Joan E. Kachmarik, Director of Finance:

From: 001-3090 – State Aid – Other, General
To: 001-1620.42 – Buildings – Repairs \$19,582.20

RESOLVED, that the Town Board does hereby authorize a budget modification to increase the budget for NYS grant funds reimbursing the General Fund for installation of the Town House third floor air conditioning per memo dated February 8, 2011 from Joan E. Kachmarik, Director of Finance.

From: 001-3090 – State Aid – Other, General
To: 001-1620.405 – Buildings – Maintenance & Repairs \$11,356.69

RESOLVED, that the Town Board does hereby authorize a budget modification to provide addition funding for Town House third floor air conditioning due to reduction of 1.1% in NYS grant per memo dated February 8, 2011 from Joan E. Kachmarik, Director of Finance.

From: 9050.8 – Employee Benefits – Unemployment Insurance
To: 1620.405 – Buildings – Maintenance & Repairs \$126.31

RESOLVED, that the Town Board does hereby authorize a budget modification for the **2011 Budget** to cover the approved expense for Court coverage by Diana Dopman on February 23rd & 24th, 2011 per memo dated February 7, 2011 from Hon. Michael J. McDermott, Town Justice.

From: 001-1110.4 – Justice – Contractual
To: 001-1110.01 – Justice – Personal Services \$444.50

The Supervisor wished everyone a happy Valentine's Day.

Claims for the payment of all Town Bills in the amount of \$827,359.46 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 9:30 PM.

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Town Clerk