

MARCH 6, 2014 – WORK SESSION/REGULAR MEETING

Minutes of a combined work session/regular meeting of the Town Board of the Town of Somers held on Thursday evening March 6, 2014 at 6:35 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

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

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 to return that evening.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Garrity, the meeting was adjourned to an executive session with regard to personnel at 6:35 PM to return that evening.

7:00 PM – meeting reconvened

The Supervisor said that it was in order for the Board to open a public hearing with regard to a proposed Local Law to amend Chapter 158 entitled Vehicles & Traffic, Section 158-10 in its entirety.

7:01 PM – hearing opened  
7:03 PM – meeting reconvened

The Supervisor said that it as in order to adopt a Local Law to amend Chapter 158 entitled Vehicles & Traffic, Section 158-10 in its entirety.

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

RESOLVED, that the Town Board does hereby adopt a Local Law to amend Chapter 158 entitled Vehicles & Traffic, Section 158-10 in its entirety as follows:

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

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

1. Section 158-10 is hereby amended in its entirety to read as follows:

**No Parking areas, fire lanes, fire hydrants.**

The parking or standing of any vehicle is hereby prohibited in any of the following areas designated as no parking areas and fire lanes or in front of all fire hydrants in the Town of Somers or within fifteen feet on either side of said fire hydrants.

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 Councilman Garrity, seconded by Councilman Clinchy, public comment session was declared closed.

Monthly reports

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

Application and permit for Universal Solar Permit

The next item on the agenda was with regard to a resolution adopting a form of application and permit referred to as the Universal Solar Permit to be used by the Building Department with associated fees to be based on construction costs. The Supervisor explained that this would make it easier for residents who were placing solar panels in their homes. He said that it was a comprehensive permit application and it had been reviewed by the Building Inspector.

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

RESOLVED, that the Town Board does hereby adopt form of application and permit referred to as the Universal Solar Permit to be used by the Building Department with associated fees to be based on construction costs.

PERSONNEL:

Current Vacancies:

Somers Energy Environmental Committee  
Substance Abuse Council (2 – unexpired 3 year terms to December 31, 2016)  
Affordable Housing Board (1 – unexpired 2 year term ending July 11, 2015)  
Affordable Housing Board (4 – 2 year terms ending July 11, 2015)

Upcoming Vacancies:

Architectural Review Board (3 – 3 year terms to March 31, 2017)  
Parks and Recreation (4 – 3 year terms to March 9, 2017)

The Supervisor said that there were still a number of vacancies on some of the Boards and Committees. He said that they did get a number of volunteers and they were setting up some interviews for the Substance Abuse Council. He said that they were a very important Council and he was looking forward to the interviews.

The Supervisor said that he wanted to update the Town with regard to the Drug Drop Box that was installed at the Somers Police Station. He said that the Somers Police Chief reported that it had been a huge success and they had been bringing about thirty pounds of medications to the County once a month. He explained that they did not want residents flushing unused or expired medications. The Supervisor said that those drugs could be bagged and brought to the Somers Police Station located in Van Tassell Park. He continued that the drop box was housed in the lobby of the Police Station and it was locked and safe. He said that once the box was full the Somers Police take it to the County for disposal. Councilman Clinchy said that this was for all medications, not just prescription medications.

Consensus agenda

The Supervisor said that the next item on the agenda was the consensus agenda. He said with regard to item number 3, they were refunding the SEQR Professional Fee. He said that was for the Alexian Wood applicant that decided not to move forward. Councilman Clinchy asked to be refreshed with regard to item number 6. The Supervisor explained that

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it was a retrofit at the Highway Garage. He said that the Town is taking the Bond out and it will be reimbursed with monies from the East of Hudson Watershed Corporation.

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

Budget  
modifications

1. RESOLVED, that the Town Board does hereby authorize approval of the following Budget Modifications per memo dated March 3, 2014 from Rick Morrissey, Town Supervisor:

**GENERAL FUND**

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year end budget overages in **2013** per memo dated February 21, 2014 from Robert Kehoe, Director of Finance:

From:	001.1990.0400 – Contingency -	\$50,000.00
	001.9060.0800 – Health Insurance	\$ 2,400.00
		\$52,400.00
To:	001.1220.0100 – Supervisor – Personal Services -	\$ 2,600.00
	001.1420.0410 – Legal Services	\$17,500.00
	001.1620.0405 – Building-Maint. & Repairs	\$ 9,300.00
	001.7110.0400 – Parks – Contractual	\$19,000.00
	001.7140.0100 – Rec. Centers-Pers. Services	\$ 2,400.00
	001.9010.0800 – State Retirement – ERS	\$ 1,000.00
	001.9045.0800 – Life Insurance	\$ 600.00
		\$52,400.00

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year end budget overages in **2013** per memo dated February 21, 2014 from Robert Kehoe, Director of Finance:

From:	001.9060.0800 – Health Insurance	\$21,480.00
To:	001.1010.0400 – Town Board Contr.	\$ 4,200.00
	001.1110.0110 – Town Justice – Overtime	\$ 4,500.00
	001.4020.0100 – Vital Statistics Pers. Svc.	\$ 1,000.00
	01.6510.0410 – VFW	\$ 780.00
	001.7520.0430 – Historical Prop. Reis House	\$ 1,000.00
		\$21,480.00

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year end budget overages in **2013** per memo dated February 21, 2014 from Robert Kehoe, Director of Finance:

From:	001.1640.100 – Shared Services Pers. Svc.	\$7,700.00
To:	001.1330.0100 – Tax Collection – Personal Services	\$7,000.00

**HIGHWAY FUND**

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year end budget overages in **2013** per memo dated February 21, 2014 from Robert Kehoe, Director of Finance:

From:	002.5142.0110 – Snow Removal – Overtime	\$19,800.00
	002.9060.0800 – Health Insurance	\$ 5,200.00

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To: 002.5110.0100 – General Repairs – Personal Services \$25,000.00

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year end budget overages in **2013** per memo dated February 24, 2014 from Robert Kehoe, Director of Finance:

From: 002.9030.0800 – Social Security Tax \$10,000.00  
002.9060.0800 – Health Insurance \$34,800.00  
002.9050.0800 – Unemployment Insurance \$10,000.00  
002.9950.0930 – Transfer to General Fund \$13,700.00  
002.5140.0100 – Misc. Brush/Weeds – Pers. Svcs. \$ 8,800.00  
002.5140.0400 – Misc. Brush/Weeds – Contractual \$ 9,000.00

To: 002.5130.0100 – Machinery – Personal Services \$12,000.00  
002.5130.0200 – Machinery – Equipment \$58,200.00  
002.5130.0400 – Machinery – Contractual \$16,300.00  
\$86,500.00

**LIBRARY FUND**

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year end budget overages in **2013** per memo dated February 18, 2014 from Robert Kehoe, Director of Finance:

From: 005.9060.0800 – Health Insurance \$ 7,200.00

To: 005.9010.0800 – State Retirement \$ 7,000.00  
005.9045.0800 – Life Insurance \$ 200.00  
\$7,200.00

**ASWD**

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year end budget overages in **2013** per memo dated February 18, 2014 from Robert Kehoe, Director of Finance:

From: 051.8310.0400 – Water Administration – Contractual \$ 2,550.00

To: 051.9010.0800 – State Retirement \$ 1,000.00  
051.9045.0800 – Life Insurance \$ 50.00  
051.8340.0400 – Water Transmission – Contractual \$ 1,500.00  
\$2,550.00

**GENERAL FUND**

RESOLVED, that the Town Board does hereby authorize a budget modification to fund **2013** Transfers to Capital Fund per memo dated February 26, 2014 from Robert Kehoe, Director of Finance:

From: 001.1990.0400 – Fund Balance Capital Projects \$198,533.00  
001.9060.0800 – Health Insurance \$ 58,315.00

To: 0019950.0900 – Transfers to Capital Funds \$256,848.00  
\$256,848.00

**SHENOROCK LIGHTING DISTRICT**

**INCREASE**

From: 030.0030.2701 – Revenues – Prior Years Expenditures

**INCREASE**

To: 030.5182.0400 – Street Lighting \$100.00

Award contract to Integrated Maintenance Solutions for cleaning at the Recreation Center

- 2a. RESOLVED, that the Town Board does hereby award the three (3) year contract to Integrated Maintenance Solutions for cleaning at the Recreation Center at an annual cost of \$8,594.41 beginning on April 1, 2014 and terminating on March 31, 2016 per memo dated February 25, 2014 from Steven Ralston, Superintendent of Parks & Recreation and,

DOES HEREBY, authorize Supervisor Morrissey to execute the contract.

Award Concession Contract to O'Neill's Concessions

- 2b. RESOLVED, that the Town Board does hereby award the Concession Contract to O'Neill's Concessions' commencing on April 1, 2014 and terminating on November 31, 2016, at a cost of \$13,000.00 for the first year, with a 2% increase over 2014 in 2015 and 2% increase in 2016 over 2015. The contract may be extended by the Town of Somers for two additional seasons with a 2% per season increase over the previous season per memo dated February 25, 2014 from Steven Ralston, Superintendent of Parks & Recreation and,

DOES HEREBY, authorize Supervisor Morrissey to execute the contract.

Refund of SEQR Professional Fee

- 3. RESOLVED, that the Town Board does hereby authorize refund of \$14,229.48 SEQR Professional Fee Account to TRC Northeast Residential, LP per memo dated February 21, 2014 from Syrette Dym, AICP, Director of Planning.

Refund of Erosion Control Bonds

- 4. 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. \$100.00 – Meadow Ridge Homes, Inc. – Erosion & Sediment Control – 4.19-1-18.
  - b. \$200.00 – Petroccione – Stormwater Management & Erosion & Sediment Control – 16.06-1-84.
  - c. \$100.00 – Walker – Wetland Permit – 26.12-1-10.
  - d. \$200.00 – Zappi – Stormwater Management & Erosion & Sediment Control – 28.09-1-8.2.
  - e. \$200.00 – NeJame & Sons of Danbury, LLC – Stormwater Management & Erosion & Sediment Control – 17.18-1-8.
  - f. \$100.00 – Kozlov – Wetland Permit – 37.20-1-2.

Execute 2014 Town Tax Warrant

- 5. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2014 Town Tax Warrant.

Execute the application Bond for Highway/DEP Land Use Project No. 2208

- 6. RESOLVED, that the Town Board does hereby authorize the Director of Finance to execute the application in addition to the Supervisor regarding the Bond for Highway/DEP Land Use Project No. 2208 – Highway Garage Retrofit effective February 28, 2014 and,

DOES HEREBY, authorize the Director of Finance to execute the indemnity agreement in addition to the Supervisor and,

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DOES HEREBY, authorize the Director of Finance and the Deputy Supervisor to execute the Bond in an amount not to exceed \$250,000.00 – the Bond amount will be reimbursed by East of Hudson Water Corp. The Supervisor said the he was going to request an executive session at the conclusion of the meeting with regard to legal matters. He said that the Board would not be returning to open session that evening.

Councilman Clinchy said that he wanted to remind everyone that the Somers Energy Environment Committee was having a sign up for Free Energy Assessments on Monday March 12, 2014 from 3:30 PM to 5:30 PM at the Somers Library. He said that there will be representatives present to help with the application process, all a resident needed to bring with them was a current electric bill.

Councilman Clinchy said that on Monday, March 17, 2014 the Open Space Committee sent information with regard to a conference on creating essential habitats for birds, bug life, bees and other native animals. He said that it was being held at the Native Plant Center at Westchester Community College.

Councilman Clinchy said that the Sectional Basketball Tournament had ended and Mr. Roman Catalino, Somers School District Athletic Director, was highlighted in the newspaper for his work. He said that Mr. Catalino has organized that tournament for the last 12 years. He said that Mr. Rich Lee of Heritage Hills was also the announcer for that tournament.

Councilman Garrity said that they also wanted to congratulate Councilman Clinchy for making it to the Finals on his first year coaching the Mahopac Girls Basketball team. He said that unfortunately they lost in the finals but that it was a great first year.

Claims for the payment of all Town Bills in the amount of \$491,147.87 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 Councilman Garrity, seconded by Councilman Clinchy, the meeting was adjourned at 7:15 PM to an executive session with regard to legal matters not to return that evening.

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Town Clerk