

MARCH 8, 2012 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening March 8, 2012 at 7:30 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
 Councilman Thomas A. Garrity, Jr.

ABSENT:

Also present were Kathleen R. Pacella, Town Clerk, Patricia Kalba, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

The Supervisor said that it was in order for the Board to 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 Pines Bridge Road and Laura Lane.

7:35 PM – hearing opened
7:36 PM – meeting reconvened

The Supervisor said that it was in order to adopt a Local Law to amend Chapter 158 entitled Vehicles & Traffic of the Town of Somers to include Stop and Yield Intersections for Pines Bridge Road and Laura Lane.

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

RESOLVED, that the Town Board does hereby adopt a Local Law to amend Chapter 158 entitled Vehicles & Traffic of the Town of Somers to include Stop and Yield Intersections for Pines Bridge Road and Laura Lane 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:

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

1. The southeast corner of Pines Bridge Road and Laura Lane.
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

The Supervisor said that it was in order for the Board to open a public hearing with regard to an unsafe and dangerous structure located at 133 Mahopac Avenue, Somers known as Tax ID 26.08-1-11.

7:37 PM – hearing opened
7:45 PM – meeting reconvened

PUBLIC COMMENT:

Ms. Zara Jackson, Heritage Hills, said that in the past the Board had discussed having a professional assessment done on the Town buildings and properties. She said that the property that she was very aware of was the Library and the parking lot. She asked when that assessment

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and the actual work and renovations were going to be done. The Supervisor said that the Board did interview a couple of candidates with regard to that issue and had some discussions with regard to the candidates. She said that she did plan on placing the topic on the next Town Board agenda for discussion. She said that there were some different views on how to proceed. The Supervisor said that personally she felt that the Library roof should be done immediately, they had known for a long time that was a project that needed to be done. She said with regard to the parking lot, that project was part of a Stormwater Retrofit Project. She explained that they had been in the process of getting money from the DEP and from the County's East of Hudson Funds to pay for those projects. The Supervisor said that on this evening's agenda there was a Task Order for engineering design for that project. Ms. Jackson said that there was a value to having a Professional Assessment of the whole picture. She said that there should be a matter of priority, as to which renovations were needed immediately. The Supervisor said that it would be placed on next month's agenda for discussion.

Councilman Clinchy said that Councilman Morrissey and himself brought this to the Board and there had been discussions as to what direction to go in. He said that this was the thing that he had spent the most time on and one of the things he cared most about. He assured Ms. Jackson that they would be discussing this. Councilman Morrissey said that their general concern was public safety and that was where the whole process began. He said the items that were going to get the priority were the safety item. Councilman Garrity said that there were a couple of projects that everyone agreed needed to be done and there were other ones that the Board needed to look at and decide how they were going to be done. Ms. Jackson said that the cost of fixing something immediately or allowing it to deteriorate further in certain aspects could end up with greater costs.

Ms. Polly Kuhn, League of Women Voters, said that she was there that evening along with Ms. Francoise Bennett. She said that members of the League of Women Voters' Housing Committee attended an interesting forum in Bedford that was very informational. She said that they were very pleased to hear from Norma Drummond, the Assistant Westchester County Planning Commissioner that Somers was in compliance with the requirements of the Court Settlement. Ms. Kuhn said that when they sometimes come to ask the Board to do something, they were there that evening to tell them that they appreciate what they had done. She said that they were not sure if the item that was further on that evening's agenda, The Green at Somers was part of the plan, although she wanted to tell the Board that they appreciate that they were taking the issue and keeping Somers on the right side of the law.

Mr. Tom Smith, 15 Carpenter Place, read a statement to the Board with regard to the School District and the costs that they were imposing on the taxpayers of the Town of Somers.

The Supervisor said that NYSEG was doing tree trimming in Granite Springs and Butlerville Road areas. She said that she wanted to alert people that work was going to be done in those areas. She said that there was a complete list of the streets where work would be done available on the Town's website.

There being no one else 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.

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

RESOLVED, that the Town Board does hereby approve the minutes of the February 9, 2012, Regular Meeting.

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. She also announced the Greek American Grill located at 63 Route 6, Baldwin Place, New York 10505 was applying for a new Liquor License for Beer and Wine Only.

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Stipulation Case No. OEHRCA-1340-11-PBS with Westchester County Department of Health

The Supervisor said that the next item on the agenda was to authorize the Supervisor to execute the Stipulation Case No. OEHRCA-1340-11-PBS with Westchester County Department of Health. Councilman Bolton asked what this was with regard to. The Supervisor explained that it had to do with the fuel tanks at the Library and the Park.

Thereupon motion of Supervisor Murphy, seconded Councilman Garrity, it was.

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Stipulation Case No. OEHRCA-1340-11-PBS with Westchester County Department of Health.

VOTE: AYES 4 Bolton, Clinchy, Garrity and Murphy
NAYS 0
RECUSED Morrissey

Merritt Park Subdivision

The next item was to authorize the Supervisor to execute a series of documents with regard to the Merritt Park Subdivision. She said that these items were in connection with some of the Stormwater work that was being done by the Developer of that project. She said that she believed that some of the work was going to help the residents of Lincolndale with their drainage issues. The Supervisor asked if the documents were in order. The Town Attorney said that they were.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Heritage Hills Condo 29 Stormwater Quality Improvements Construction License Agreement which gives Mancini the right to construct the drainage improvements on Condo 29's property at Mancini's cost and expense, per letter dated February 16, 2012 from Geraldine N. Tortorella of Hocherman, Tortorella & Wekstein, LLP.

VOTE: AYES 4 Bolton, Clinchy, Garrity and Murphy
NAYS 0
RECUSED Morrissey

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Heritage Hills Drainage Easement and Stormwater Quality Improvements Maintenance Agreement which gives the Town and Mancini the right to discharge stormwater flows from Robert Martin Boulevard onto the Condo 29 property, divides maintenance responsibility for the drainage improvements on Condo 29's property between the Town and the Heritage Hills Society according to a program previously endorsed by the former Town Engineer during the approval process, and grants the Town an access easement to perform such maintenance, per letter dated February 16, 2012 from Geraldine N. Tortorella of Hocherman, Tortorella & Wekstein, LLP.

VOTE: AYES 4 Bolton, Clinchy, Garrity, Murphy
NAYS 0
RECUSED Morrissey

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Lovell Street Treatment Basin Construction License Agreement which give Mancini permission to access LLPOA's property to install the improvements (again at Mancini's cost and expense) and the Town permission to enter onto the property to perform inspections per letter dated February 16, 2012 from Geraldine N. Tortorella of Hocherman, Tortorella & Wekstein, LLP.

VOTE: AYES 4 Bolton, Clinchy, Garrity, Murphy
NAYS 0
RECUSED Morrissey

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Drainage and Access Easement Agreement for Lovell Street Stormwater Treatment Basin which gives the Town the right to have runoff from Lovell Street discharge onto the LLPOA property, divides maintenance responsibility for the drainage improvements between the Town and LLPOA according to a program previously endorsed by the former Town Engineer during the approval

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process, and grants the Town an access easement to perform such maintenance per letter dated February 16, 2012 from Geraldine N. Tortorella of Hocherman, Tortorella & Wekstein, LLP.

VOTE: AYES 4 Bolton, Clinchy, Garrity, Murphy
 NAYS 0
 RECUSED Morrissey

Westchester
 County -
 Multi-
 Jurisdictional
 Multi-Hazard
 Mitigation
 Plan and a
 Multi-
 Jurisdictional
 Disaster
 Debris
 Management
 Plan

The Supervisor said that the next item was to authorize the participation with Westchester County for the preparation of a Multi-Jurisdictional Multi-Hazard Mitigation Plan and a Multi-Jurisdictional Disaster Debris Management Plan. She explained that the County had obtained grants to prepare those plans. She said that it was necessary to have a plan to receive FEMA Hazard Mitigation funding. The Supervisor said that the County had offered municipalities the opportunity to participate with them in this project. She said that there was no cost to the municipality; they have to provide information and submit the resources that they used. Councilman Garrity said that the other option was for the Town to do this themselves and it had to be done to be compliant. The Supervisor said that they had to do this if they ever wanted to ask for Hazard Mitigation funding. She said that the Town was receiving money in connection with the August storm and the last time they asked for money was after Hurricane Floyd. She said that Hurricane Floyd blew out some bridges in significant ways and they were able to improve those bridges to a much higher standard. The Supervisor said without the Hazard Plan they would not be able to do that in the future. Councilman Morrissey said that they were also asking for someone from the municipality to participate. The Supervisor said that she had given them the Highway Superintendent and her name.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to complete the online survey and,

DOES HEREBY RESOLVE that the Town of Somers will participate in the Multi-Jurisdictional Multi-Hazard Mitigation Plan and the Multi Jurisdictional Disaster Debris Management Plan per letter dated March 7, 2012 from George Oros, Chief of Staff, Westchester County.

The next item was to authorize an increase in the Highway Department’s petty cash from \$200.00 to \$300.00. Councilman Clinchy asked what the reasoning for the increase was. The Supervisor explained that she had found out about Federal Surplus vehicles and equipment that the Town could purchase and she had recommended this to the Highway Superintendent. She said that he had been using it although they had to go pick up the vehicles or equipment and then they would have to pay for gas to get back. She said that the increase would allow for the petty cash to be available for gas.

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

RESOLVED, that the Town Board does hereby authorize increase in Highway petty cash from \$200.00 to \$300.00 per memo dated February 29, 2012 from Thomas E. Chiaverini, Superintendent of Highways.

Review and
 comment of
 The Green
 at Somers

The next item on the agenda was a review and comment with regard to The Green at Somers. The Supervisor said that they had a rather extensive discussion with regard to this project. She said that this project was not the one the Ms. Drummond had referred to in her address with regard to Affordable Housing. She said that there had been no formal application made. The Supervisor said that there had been discussion with regard to a phase two to the Senior Affordable Housing at the Mews in Baldwin Place and that phase two would be eligible to be counted under the County’s Settlement Agreement. She said that it was in the discussion stages, there had been no application to the Town. She said that the Town of Somers was ahead of the curve in terms of modifying legislation for Affordable Housing; they had several projects in the hopper. The Supervisor said that The Green at Somers was a project that was located on the Driving Range on Route 6. She said that the applicant was present at a meeting and they tried showing the Board a 3D visual of the project that did not work out well. She said that the message that they had sent back to the Planning Board was that they wanted more information before they were willing to entertain any conversation. Councilman Morrissey said that the

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project was three stories with proposed residential on the upper two floors and they wanted some residential units on the ground floor as well. Councilman Garrity said which the Board would have to change the Code for. The Supervisor said that was correct, they were asking for authorization for the Town Board for a third story, for a reduction in parking, a change in the Code to permit residential on the first floor and a lot of different things. She said that she felt that they commented extensively while the applicant was before the Board. She said that she would like to reaffirm that the Town had very little Commercial Zoning and that issue was very carefully looked at by the Town Boards of the last twenty years since the Master Plan was adopted. The Supervisor said what was being asked in many ways was a modification of the Zoning to residential without completely rezoning. She said that she would ask the Planning Board to look very carefully at actions that were essentially changing what was a Commercial zoned area into a Residential zoned area and to be very thoughtful before they took action.

Councilman Clinchy asked if the change would affect other similar projects in the area or would it be to that particular project. The Supervisor said that the Zoning was not specific to that site, there were certain conditions that needed to be met in order for the various provisions to come into play. Councilman Clinchy said that his feeling was that if it made sense for the rest of the Town, sometimes it made sense to make changes because there was a long term benefit and it would help in a lot of ways. He said that the argument of the applicant at the meeting was that the change was needed for their project to make sense. He said that was the part he had issues with; he did not think it was the Town Board's job to look for changes so that a project could go through. Councilman Clinchy said that if it was a good idea for Somers and it benefitted the project too, then that was fine, he agreed with the Supervisor that the Board should have a discussion of what the consequences both intended and unintended would be. He said that he was not in favor of making changes just so that the project would be able to go through.

Councilman Garrity said that Councilman Clinchy was correct; the applicant was claiming that the market as it currently was they would not be able to rent out the retail space. He said that the reality was that five to six years ago they could have and they will be able to five to six years into the future. He said that he would be very hard pressed to allow residential on the first floor. He said that once they allowed that for this project there will be other projects that would want to do the same thing. He said that he was not in favor of putting residential on the first floor. Councilman Clinchy said that he agreed. Councilman Garrity said that they needed to keep in mind that they were told that the Planning Board sent them to the Town Board stating that the Planning Board would not do anything until the Town Board made some decisions. He said that he did not know if Supervisor Murphy had spoken to the Planning Board but he did not believe that was 100% accurate. The Supervisor said that she did not believe that it was, she had watched the Planning Board Meetings and she knew going in how that was crafted. Councilman Garrity said that they would continue to go through the normal Planning process that the Town did with every building that goes up and go from there. Councilman Morrissey said while keeping the Zoning Code intact while they did that.

Councilman Clinchy asked if the Planning Board was in favor of this. The Supervisor said that it was hard to say; if they watched the meeting there was discussion around a lot of things. She said that they may have been led a little bit to conclusions. She said that there were certainly discussions by the Planning Board about retail on the first floor. The Supervisor said that she questioned that because Neighborhood Shopping allowed for a lot more businesses besides retail. She said that a mix of commercial use should be considered, it still could be a commercial use but not necessarily retail use. Councilman Clinchy asked if this was something that the Town Board should have a special meeting with the Planning Board. The Supervisor said that the Planning Board receives the Town Board minutes, there was a member present that evening and other members stayed tuned in to what the Town Board was thinking particularly when there was a project before them. She said that she did not think that they needed a formal meeting although they were available to discuss it.

Councilman Bolton said that he felt increasing the building to three stories would be detrimental to the Town.

PERSONNEL:

Current Vacancies:

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Somers Energy Environmental Committee

Upcoming Vacancies:

Architectural Review Board 2 – 3 year terms to 3/31/2015

Parks & Recreation Board 3 – 3 year terms to 3/9/2015

Consensus
agenda

The Supervisor said that the next item was the consensus agenda. She said with regard to item number 4 there were three additional items on the add-on agenda letters e, f and g. She said that item 4e was a Task Order for a Retrofit project, they had received the Task Order a month or two ago and it was recently revised. The Supervisor explained that the Principal Engineering Technician realized that there was a drainage problem in the Purdys area which had long created a number of flooding issues. She said that with this project they would achieve a big phosphorous reduction. She said that she asked Woodard and Curran to add the project to the Task Order. The Supervisor explained that because they were able to get a phosphorous reduction that made it a Retrofit Plan. She said that the way she drafted the Resolution was that none of the work would proceed until they actually received the grant funds from New York State Department of Environmental Conservation. She said that she should caution the Board that CKWIC was a Regional entity of all of the Westchester Towns and the grant may not be enough to design all of the projects that all of the Towns had. The Supervisor said that the CKWIC Technical Committee, which was comprised of the Somers Town Planner and other Planner/Engineers from other Towns, would be prioritizing the projects and only doing the ones that they had the money for. She explained that the other projects would then be done through the corporation which had been formed and she would like everyone know that they had hired a Director for the East of Hudson Corporation. She said that the projects that were not done through the grant money that they received from New York State Department of Environmental Conservation would be done through the money that they were receiving from the East of Hudson WQIP funds; these were funds that they were able to negotiate under the water supply. The Supervisor said that in that group of projects was the Library parking lot that Ms. Jackson was concerned with and it needed to be resurfaced. She explained that they were looking into permeable pavement so that they could get a phosphorous credit for that. Councilman Morrissey said that he would like for that to be the first thing that they did with the grant money. The Supervisor explained that the grant money was for the design and then the implementation would be done through the East of Hudson Corporation. She said that it was a year three project which meant it needed to be done this year.

The Supervisor said that item 4f was a lease agreement for two Police cars. She said that they spoke about allocating funds at budget time for two additional Police cars. She explained that they were three year leases and that at the end of the term the Town would own the vehicles for \$1.00. The Supervisor said that the cost was a little bit more than they budgeted, she did tell the Chief that was the best path to go ahead with, rather than going with a four year lease. Councilman Clinchy asked if he obtained the numbers off of the State Bid List. She said that he did although he most likely used the prior year's figures. She said that the vehicles were taken off the County's Bid List. The Supervisor said that the other thing she would like to mention was that the Chief wanted to purchase black cars and wanted the Board to know that they would be a different color than the cars the Town currently had. Councilman Clinchy asked if he had a reason why the black cars was preferable or was it a matter of taste. The Supervisor said that it was a matter of taste and the Chief felt that was the direction a lot of Police Departments were going in. Councilman Morrissey said to be clear the amount that was proposed was the annual amount for two cars. The Supervisor said that it was correct.

The Supervisor said with regard to item number 4g to upgrade the Tax Collection System with SCA. She said that they had budgeted for that and in addition to that they were starting a Lockbox Program for the Tax Collection. She said that should streamline the process in the Tax Office and the SCA Program would have a feature that allowed for the lockbox. Councilman Clinchy asked what the benefits of the lockbox would be. The Supervisor said that it benefitted the Town because the money goes directly into the bank; there was no disadvantage to the Taxpayer. She explained that anyone who mailed their taxes or the Mortgage Companies that mail a good amount of bills with the Lockbox System it would go directly into the bank and the Town would get an electronic upload to the system of all the documentation without having to key it all in. She said that there was a huge savings in terms of manpower in the Tax Office. The Supervisor said that the Town did try the system out with the Water Collections and it was

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working well and now they were moving forward to the Tax Collections. She said that the SCA upgrade also came with a lot of additional software.

The Supervisor said with regard to item number 16 that was to purchase two trucks for the Highway Department. Councilman Clinchy asked if those were budgeted for. She said that they budgeted for one large truck and this was for two smaller trucks. She said that she followed the Highway Superintendent's recommendations with regard to these items because he knew best as to what was needed.

The Supervisor said with regard to item number 12, the RFP for Insurance Brokers, last year they did not require the Town's current Broker to submit a new proposal and asked if the Board wanted to proceed in the same manner. Councilman Bolton said that they should submit a new proposal like everyone else. He said what she was doing was excluding him from the process. The Supervisor said that she was asking the Board if they wanted to see a full proposal from the current Broker. Councilman Bolton said that he would like to see a proposal from the Broker. The Supervisor asked if that was the consensus of the Board or were they comfortable with the qualifications of their current Broker. Councilman Morrissey asked if they could compare the proposals. The Supervisor explained that last year when they went out for proposals from other Brokers they told their current Broker that they did not have to submit a proposal. Councilman Garrity said that he was certain that their current Broker was up to the task. It was agreed that they would like the current Broker to submit a proposal as well.

The Supervisor said with regard to item number 13a Mr. Nash's appointment would be effective March 31, 2012.

Councilman Clinchy asked with regard to item number 15 why that location was chosen. The Town Clerk said that she asked that question and was told it was because when they were in the building no one would know where they were. She explained that it was a Romantic Comedy and they were going to be shooting all over Westchester.

Councilman Bolton said with regard to item number 8 he did not receive that memo. The Supervisor gave Councilman Bolton a copy of the memo. Councilman Bolton said that he agreed with that item.

Councilman Bolton asked with regard to item number 4b was this a grant that they needed to apply for. The Supervisor said that it was a good thing. She explained that they would get a phosphorous reduction for that as well. She said that it was a Member Item that they received from Senator Ball for work at Reis Park. The Supervisor explained that once they received authorization for the Member Item they needed to submit paperwork and it was dispersed in a reimbursement process after the work was done. Councilman Bolton asked if there was engineering involved. The Supervisor said because the Town had did the drainage on another field they were going to do this the same way. She said that a small amount of engineering work would be required to achieve the phosphorous reduction. She said that the engineering work would calculate the reduction so that the Town could receive the credit for the MS-4. Councilman Clinchy said that he was at the Parks Board meeting when this was discussed and to the credit of the Park Superintendent he looked at ways to maximize the funding, not just on one field.

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

Budget
modifications

1. RESOLVED, that the Town Board does hereby authorize the following budget modifications per memo dated March 2, 2012 and revised March 7, 2012 from Mary Beth Murphy, Supervisor:

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year end overage per memo dated March 1, 2012 from Thomas E. Chiaverini, Superintendent of Highways:

From: 5132.401 – Fuel	\$896.20
5133.402 – Telephone	\$1,082.63
5132.403 – Electricity	\$1,000.00

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5010.4 – Supt. Contractual \$668.09
To: 5132.405 – Maintenance \$3,646.92

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year end overage per memo dated March 2, 2012 from Thomas E. Chiaverini, Superintendent of Highways:

From: 9060.8 – Health Insurance \$36,965.28
To: 5110.4 – General Repair – Contractual \$36,965.28

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year end overage per memo dated March 5, 2012 from Robert Kehoe, Director of Finance:

From: 1310.0100 – Finance – Personal Services
To: 1010.400 – Town Board – Contractual \$3,549.56

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year end overage due to one time 2% salary increase per memo dated March 5, 2012 from Robert Kehoe, Director of Finance.

From: 1310.0100 – Finance – Personal Services
To: 1220.0100 – Supervisor – Personal Services \$3,572.93

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year end overage due to one time 2% salary increase per memo dated March 5, 2012 from Robert Kehoe, Director of Finance.

From: 1310.0100 – Finance – Personal Services
To: 1330.0100 – Tax Collection – Personal Services \$1,490.07

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year-end overage per memo dated March 5, 2012 from Robert Kehoe, Director of Finance:

From: 1355.0100 – Assessment – Personal Services
To: 1620.0401 – Building – Fuel \$3,701.03

RESOLVED, that the Town Board does hereby authorize a budget modification to cover overage due to classified ad for foreclosures in December 2011 per memo dated March 5, 2012 from Robert Kehoe, Director of Finance:

From: Finance – Personal Services
To: 1330.0400 – Tax Collection – Contractual \$4,874.70

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year-end overage per memo dated March 5, 2012 from Robert Kehoe, Director of Finance:

From: 1910.0400 – Unallocated Insurance
To: 1420.0510 – Legal Services – Legal Services Other \$13,783.84

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year-end overage due to one-time 2% salary increase per memo dated March 5, 2012 from Robert Kehoe, Director of Finance:

From: 3120.0100 – Police – Personal Services
To: 3510.0100 – Dog Control – Personal Services \$290.47

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year-end overage due to vandalized street signs per memo dated March 5, 2012 from Robert Kehoe, Director of Finance:

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From: 5010.0100 – Superintendent of Highways – Personal Services
To: 3310.0400 – Traffic Control – Contractual \$4,488.70

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year-end overage due to one-time 2% salary increase per memo dated March 5, 2012 from Robert Kehoe, Director of Finance:

From: 3620.0100 – Safety Inspections – Personal Services
To: 8010.0100 – Zoning – Personal Services \$371.47

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year-end overage due to one-time 2% salary increase per memo dated March 5, 2012 from Robert Kehoe, Director of Finance:

From: 1440.0400 – Engineer – Contractual
To: 8020.0100 – Planning – Personal Services \$10,988.37

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year-end overage per memo dated March 5, 2012 from Robert Kehoe, Director of Finance:

From: 9060.0800 – Health Insurance
To: 9040.0800 – Workers Compensation Insurance \$22,386.76

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year-end overage per memo dated March 5, 2012 from Robert Kehoe, Director of Finance:

From: 9060.0800 – Health Insurance
To: 9045.0800 – Life Insurance \$197.80

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year-end overage per memo dated March 5, 2012 from Robert Kehoe, Director of Finance:

From: 9060.0800 – Health Insurance
To: 9050.0800 – Unemployment Insurance \$3,082.28

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year-end overage per memo dated March 5, 2012 from Robert Kehoe, Director of Finance:

From: 1310.0100 – Finance – Personal Services
To: 1930.0400 – Special Items – Risk Retention Insurance Reserve \$400.00

RESOLVED, that the Town Board does hereby authorize a budget modification to provide additional funding. Estimated cost provided by NYSEG during 2011 budget preparation was less than actual per memo dated March 5, 2012 from Robert Kehoe, Director of Finance:

From: 031 – 599 – Appropriated Fund Balance
To: 031 – 5182.0400 – Shenorock Lighting Dist. Fund 31 - \$2,020.91

RESOLVED, that the Town Board does hereby authorize a budget modification to increase the 2011 budget for the receipt of death certificate revenue that will be used to pay the Registrar of Vital Statistics per memo dated March 5, 2012 from Robert Kehoe, Director of Finance:

From: 001-1603 – Revenue - Vital Statistics
To: 001.4020.1 – Vital Statistics – Personal Services \$1,390.00

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RESOLVED, that the Town Board does hereby authorize a budget modification to increase the 2011 budget for the receipt of Westchester County Grant funds that will be used to pay consulting engineering services for the Shenorock Wastewater Study per memo dated March 5, 2012 from Robert Kehoe, Director of Finance:

From: 001-1289 – Other Government Income
 To: 001-8020.41 – Planning Consultant \$5,901.33

RESOLVED, that the Town Board does hereby authorize a budget modification to increase the 2011 budget for the receipt of Cablevision funds that will be used to pay for Information Technology purchases per memo dated March 5, 2012 from Robert Kehoe, Director of Finance:

From: 001.27098 – Gifts and Donations – Cablevision
 To: 001.1680.4 – Information Technology – Contractual \$9,286.15

Refer donation of property

2. RESOLVED, that the Town Board does hereby refer donation of property located at 215 Route 202 Tax ID # 17.13-3-2 to Planning & Engineering, Parks & Recreation, Open Space Committee, Somers Land Trust and the Highway Superintendent for review and comment per an e-mail request dated February 22, 2012 from Barbara J. Samara.

Reimbursement from Insurance Fund to Police Contractual

3. RESOLVED, that the Town Board does hereby authorize \$1,000.00 reimbursement from Insurance Reserve to 3120.4 Police Contractual for repair of Car 385 per memo dated February 3, 2012 from Michael W. Driscoll, Chief, Somers Police Department.

Execute agreement with municibid for liquidation of the Skate Park equipment

- 4a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute agreement with municibid for liquidation of the Skate Park equipment per memo dated February 22, 2012 from Steven Ralston, Superintendent of Parks and Recreation.

Execute grant application with NYS Development Assistance Program

- 4b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute grant application with NYS Development Assistance Program in the amount of \$100,000.00 for the installation of subsurface drainage on the lower Reis Park playing fields per memo dated February 22, 2012 from Steven Ralston, Superintendent of Parks and Recreation.

Execute the 2012 Tax Warrant

- 4c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2012 Tax Warrant.

Execute agreement with Legion Fireworks

- 4d. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute agreement with Legion Fireworks in the amount of \$10,000.00 for Independence Day Celebration to be held in Reis Park on Route 139 on Saturday, June 30, 2012.

Execute some or all of Task Order 2-4.9 CKWIC Somers Retrofit Project Design

- 4e. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute some or all of Task Order 2-4.9 CKWIC Somers Retrofit Project Design with Woodard and Curran upon receipt of grant funds from New York State Department of Environmental Conservation.

Execute a three (3) year lease agreement with Ford Credit for two (2) – 2013 Ford Police Cars

- 4f. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute a three (3) year lease agreement with Ford Credit for two (2) – 2013 Ford Police Cars at an annual cost of \$22,820.36 with the option to purchase for \$1.00 per memo March 6, 2012 from Michael W. Driscoll, Somers Police Chief.

Execute upgrade of Tax Collection System with SCA

- 4g. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute upgrade of Tax Collection System with SCA in the Amount of \$15,300.00

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Accept
Erosion
Control Bond

5. RESOLVED, that the Town Board does hereby accept the following Erosion Control Bonds per memos from Wendy Getting, Senior Office Assistant:
- a. \$200.00 – Petroccione (Griggs) – Stormwater Management & Erosion & Sediment Control Permit – 16.06-1-84.
 - b. \$500.00 – Jandrasits Wetland Permit – 26.12-2-30.
 - c. \$200.00 – NYSDEP Reconstruction of Croton Falls Pumping Station Stormwater Management & Erosion & Sediment Control Permit – 6.12-25-13.

Refund
Erosion
Control Bond

6. RESOLVED, that the Town Board does hereby authorize refunds of the following Erosion Control Bonds per memos from Steven Woelfle, Principal Engineering Technician:
- a. \$200.00 – Cambareri – Stormwater Management & Erosion & Sediment Control Permit – 17.12-2-24.
 - b. \$300.00 – Kauffman – Wetland/Stormwater Management & Erosion & Sediment Control Permit – 17.12-2-2.11.
 - c. \$200.00 – Chefalas Steep Slope/Stormwater Management & Erosion & Sediment Control Permit – 6.11-1-13.

Authorize
payment to
Eagle Award
& Trophy
Co., Inc.

7. RESOLVED, that the Town Board does hereby authorize payment in the amount of \$577.50 to Eagle Awards & Trophy Co., Inc. for three (3) Brass Plaques honoring Florence Oliver, John Behler and Peter Burkmeyer to be paid from Town Board Contractual 1010.4.

Transfer of bond
monies from
Trust and Agency
Accounts to the
General Fund

8. RESOLVED, that the Town Board does hereby authorize the transfer of bond monies from Trust and Agency Accounts to the General Fund as listed in memo dated February 21, 2012 from Steven Woelfle, Principal Engineering Technician.

Reimbursements
from Insurance
Reserve Fund for
the replacement of
front windshield
on Truck

9. RESOLVED, that the Town Board does hereby authorize \$200.00 reimbursement from Insurance Reserve Fund for the replacement of front windshield on Truck #19 per memo dated February 27, 2012 from Thomas E. Chiaverini, Superintendent of Highways.

Authorize D.
Dopman to
work in
Court Office

10. RESOLVED, that the Town Board does hereby authorize the following per memo dated February 28, 2012 from Barbara Sherry:
- a. Diana Dopman to work in the Court Office on February 12, 16, 21 & 23.
 - b. Allow Diana Dopman to work on an as needed basis to fill in for vacation, etc. in the Town Offices.

Adopt Building
Department Fee
Schedule for
Plumbing and
Zoning Board of
Appeals

11. RESOLVED, that the Town Board does hereby adopt Building Department Fee Schedule for Plumbing and Zoning Board of Appeals per memo dated February 28, 2012 from Efreem Citarella, Building Inspector.

RFP for
Insurance
Broker

12. RESOLVED, that the Town Board does hereby authorize circulation of Right for Proposal (RFP) for selection of Insurance Brokers to solicit bid for 2012-2012 insurance.

Appoint R.
Nash to ARB

- 13a. RESOLVED, that the Town Board does hereby appoint Richard A. Nash to a three (3) year term to the Architectural Review Board effective March 31, 2012 ending March 31, 2015.

Appoint S. Nash
to Somers
Energy
Environment
Committee

- 13b. RESOLVED, that the Town Board does hereby appoint Shannon Nash to the Somers Energy Environment Committee to serve at the pleasure of the Board.

Authorize
revised
resolution
regarding the
Tappan Zee
Bridge

14. RESOLVED, that the Town Board does hereby authorize revised resolution regarding the Tappan Zee Bridge as follows:

RESOLVED, that the Town Board does hereby adopt a resolution of support to proceed on a parallel track with both the replacement of the Tappan Zee Bridge

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and the restoration of dedicated public transportation infrastructure to its long-held place in plans for the replacement of the Tappan Zee Bridge.

WHEREAS, it is essential that the bridge replacement process not be slowed down, halted or derailed and that the bridge be built with potential for mass transit particularly bus rapid transit to be incorporated.

WHEREAS, the inclusion of public transportation has been an important feature of the Tappan Zee Bridge Replacement Project (the "TZB Replacement") since the launch of formal environmental review in 2002 and before. After receiving detailed public input in 280 meetings and data generated over 10 years, all five alternatives—and all but the "No Build" alternative—for the Tappan Zee Bridge Replacement included transit; and

WHEREAS, New York State and the federal government, after years of public input and broad consensus on the inclusion of public transportation in the Tappan Zee Bridge Replacement, have decided to pursue a replacement without transit and have re-started the environmental review process based on an alternative lacking public transportation; and

WHEREAS, approximately 138,000 vehicles travel across the Tappan Zee Bridge every day, far more than the bridge was designed to handle when built in 1955, with this volume is expected to increase significantly in the coming years, and, that without public transportation, the Tappan Zee Bridge Replacement would not result in increases in peak-direction capacity or long term operational changes to traffic patterns, and that without improvements, travel times across the Tappan Zee Bridge/1-287 corridor (the "Corridor") are expected to grow by as much as 70 percent; and

WHEREAS, the development of public transportation as part of the Tappan Zee Bridge Replacement is central to relieving congestion in the Corridor and local arterials, improving air quality, achieving sustainability goals, reducing dependence on fossil fuels, improving pedestrian safety, and improving motorist travel time, in Westchester and New York State; and

WHEREAS, residents of communities in the Tappan Zee Bridge service area would be burdened by many years of unnecessarily increasing traffic, if provision for transit infrastructure is not included in the Tappan Zee Bridge Replacement; and

WHEREAS, Westchester County is planning its own Bus Rapid Transit ("BRT") routes, which would benefit from and become more effective by eventually interconnecting to BRT or other public transportation on the Tappan Zee Bridge; and

WHEREAS, New York State and the Federal Highway Administration should not repeat the mistakes of the past by locking in automobile- and truck-only infrastructure in this important Corridor 'for decades to come; and

WHEREAS, providing for the inclusion of public transportation in the Tappan Zee Bridge Replacement is consistent with and advances the purposes of numerous state, county and federal government policies aimed at reducing dependence on foreign oil, air pollution and the emission of greenhouse gases, including the New York State Climate Action Plan, the Westchester Action Plan for Climate Change, and federal goals enshrined in the Clean Air Act, the [Safe, Accountable, Flexible, Efficient Transportation Equity Act](#), Executive Order 13514;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Somers hereby,

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1) Calls upon Governor Cuomo, the New York State Department of Transportation, the Federal Highway Administration and the Federal Transit Authority to proceed on a parallel track with both current plans for the replacement of the Tappan Zee Bridge and the restoration of public transportation infrastructure to the plans for the replacement of the Tappan Zee Bridge.

2) Calls upon other affected communities and municipalities to let their opinion be known to Governor Cuomo and the relevant agencies and representatives of New York State and the federal government on this critical decision that will impact quality of life for decades to come.

3) Pledges to join with other affected municipalities to participate fully in the Tappan Zee Bridge Replacement planning process to ensure that the Tappan Zee Bridge Replacement when built will be fully consistent with the important concerns and objectives clearly expressed by the citizenry over the many years of the Tappan Zee Bridge Replacement planning process.

Authorize the
filming permit to
Christmas Tree
Productions, Inc.

15. RESOLVED, that the Town Board does hereby authorize the filming permit to Christmas Tree Productions, Inc. to film at the Muscoot Inn (interior) on Sunday, March 18, 2012.

authorize the
purchase of
two new light
medium duty
trucks

16. RESOLVED, that the Town Board does hereby authorize the purchase of two new light medium duty trucks at a cost of \$36,198.00 each from Van Bortel Ford, East Rochester, NY per memo dated March 8, 2012 from Thomas E. Chiaverini, Superintendent of Highways.

Claims for the payment of all Town Bills in the amount of \$809,436.89 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 Garrity, the meeting was declared closed at 8:30 PM.

Town Clerk