

MARCH 10, 2016 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening March 10, 2016 at 7:00 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.
	Councilman	Anthony J. Cirieco
	Councilman	William G. Faulkner

ABSENT:

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

The Supervisor said that Senator Terrence Murphy was unable to attend that evening's meeting and give his New York State Senate Legislative update.

Children of the Somers Police Department led the Pledge of Allegiance that evening as they were there for Police Award Night.

The Supervisor said that the first item on the agenda was the Police Award Night.

Chief Driscoll explained that what made the Town of Somers special was that the State Police Department, the Somers Police Department, the Volunteer Fire Department and the EMS all work together in difficult situations.

Chief Driscoll invited Officers Siegel and Porteus of the Somers Police Department to the front of the meeting room. He said that Officer Porteus had three Driving While Intoxicated (DWI) arrests that past year. Chief Driscoll explained the three arrests and presented him with a Certificate of Excellent Police Duty. He thanked Officer Porteus and stated that he saved a lot of lives.

Chief Driscoll said that Officer Siegel was off duty on November 15, 2015, driving with his wife on the Taconic State Parkway when he observed a car being driven erratically. He said Officer Siegel followed the vehicle onto Route 6 and called for assistance and the driver was arrested. He continued that on the same night a Somers resident was killed in a separate DWI incident. Chief Driscoll presented Officer Siegel with a Certificate for Meritorious Service in the Second Degree.

Chief Driscoll said that on February 13th at about 1:45 PM there was a report of a dog in the Amawalk Reservoir behind Kennedy Catholic High School. He said New York State Trooper Spallone, Somers Police Officer Dustin and Somers Volunteer Firefighter Cyrulik were dispatched to the area on Route 138. He said that they arrived on the scene about five minutes later and found the dog in the water, about forty feet out, trying to climb onto the ice. Chief Driscoll said that the temperature that day was about 2°F and the owner of the dog had tried unsuccessfully to rescue the dog and was in his car fighting off hypothermia. He said that the Officers decided that they could not wait for the Fire Department to arrive with their ice rescue equipment because the dog was going to perish. He said that the Trooper found a piece of board and was tied to it with a rope, when he went out into the water and the board sank. Chief Driscoll said the Trooper continued to try and rescue the dog, on the way back the rope broke and the Trooper went in the water. He said that he was close enough to shore that the dog was able to swim by itself to safety and Officer Dustin and Firefighter Cyrulik went in to save Trooper Spallone.

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Chief Driscoll invited Officer Dustin and Firefighter Cyrulik to the front of the room and said Trooper Spallone was not able to be present that evening. Chief Driscoll pointed out that this was the second example that evening of the Emergency Services working together and presented Officer Dustin and Firefighter Cyrulik with certificates in appreciation for what they had done. He said that the owners of the dog also sent a letter of thanks to the Department to show their appreciation.

Chief Driscoll invited Fire Commissioner Chrysogelos, EMS Crockett and Officers Walker and Porteus to the front of the room. He said that on December 26, 2015, the Officers were dispatched to a residence in Purdys where a young woman was not breathing. He said that they observed the two members of the Somers Volunteer Fire Department who were the first to respond assisting the young woman. He said that the Officers were able to give their AED defibrillator to be used to shock the young woman and save her life. Chief Driscoll presented certificates of appreciation to Fire Commissioner Chrysogelos, EMS Crockett and Officers Walker and Porteus. Chief Driscoll said that Somers was lucky to have people like them and he was very proud.

Councilman Garrity said that the Fire Department and Police Department do a great job. He said that he has had the opportunity to do multiple ride-alongs with the Police and saw what they did each day. He thanked all the Police and said that they did a phenomenal job. Councilman Garrity said there was a house fire on his street a few years ago and the Fire Department went above and beyond to make sure that the area was safe. He thanked everyone for what they did for the Town every day.

The Supervisor said that the number of calls for 2015 is posted outside the Lincolndale Fire Department and they responded to over 2,000 calls. He also thanked them for their service to the Town.

7:21 PM – 5 minute break
7: 25 PM – meeting reconvened

PUBLIC COMMENT:

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

Monthly Reports

The Town Clerk presented monthly reports from the Town Clerk, Building Inspector, Zoning Board of Appeals, Plumbing, Bureau of Fire Prevention, Parks and Recreation, Planning and Engineering, Tax Receiver and Director of Finance. She also announced a new liquor license application from Salsa Verde Enterprises, Inc. located in Somers Town Shopping Center.

The next item on the agenda was to authorize continuation of Recreation Office hours to open at 8:00 AM.

Councilman Clinchy said that he was glad that they were continuing those hours. He said that office staff came in at 8:00 AM and some of the professional staff stay until 4:30 PM so the hours were staggered which meant that they could be opened longer. He said that allowed more access to the public. The Supervisor commended Mr. Ralston for taking the initiative to move the hours around in order to serve the residents better.

Recreation Office hours

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

RESOLVED, that the Town Board does hereby authorize the continuation of Recreation Office hours to open at 8:00 AM per memo dated March 3, 2016 from Steven Ralston, Superintendent of Parks and Recreation.

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The Supervisor said the next item was to authorize the hiring of Brendon Scrobol, Maintenance Laborer, to be shared with the Parks Department and Water Department.

Appoint Mr
Brendon
Scrobola as
Maintenance
Laborer

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

RESOLVED, that the Town Board does hereby authorize the hiring of Brendon Scrobola as a Maintenance Laborer, Grade III Step II of the CSEA Contract, at an annual salary of \$35,831.00 to be shared between Parks Department and the Water Department, effective March 14, 2016 per memo dated March 1, 2016 from Steven Ralston, Superintendent of Parks and Recreation.

The Supervisor said that the next item was to authorize the writing off a \$15,732.50 loan from the General Fund to Capital Project Fund 59 for costs related to the proposed acquisition of the Heritage Hills Infrastructure. He explained that a number of years ago there was an evaluation of the Heritage Hills Water and Sewer Plants for possible takeover by the Town. He explained that did not happen and the loan was being paid back to the General Fund.

Writing off
loan

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

RESOLVED, that the Town Board does hereby authorize writing off a \$15,732.50 loan from the General Fund to Capital Project Fund 59 for the cost related to the proposed acquisition of the Heritage Hills Infrastructure per memo dated March 3, 2016 from Robert Kehoe, Director of Finance.

The next item on the agenda was to authorize the release of \$60,000 Letter of Credit to Diamond Getty Inc. The Supervisor said that this was a bond for infrastructure work which was never done. He explained that the Department of Transport came through and reworked the whole intersection. Mr. Woelfle advised that the work is no longer relevant and the bond should be released.

Release of
Letter of
Credit

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

RESOLVED, that the Town Board does hereby authorize the release of \$60,000.00 Letter of Credit to Diamond Getty, Inc., 87 Route 6, Baldwin Place, New York per memo dated February 24, 2016 from Steven Woelfle, Principal Engineering Technician and e-mail dated March 1, 2016 from Roland A. Baroni, Jr., Town Attorney.

The Town Attorney said that he believed that the Letter of Credit was for \$50,000 and a \$10,000 cash deposit and not everything is to be returned to the same person. He said that the Town needed to ensure that the funds were returned to the appropriate parties due to litigation between them.

The Supervisor said that the next item on the agenda was a request to purchase a Town Owned property from Mr. Douglas Lee. Councilman Faulkner asked about zoning for this piece of property. He said that he believed that Mr. Lee intended to do nothing with the land but wanted to verify that there was going to be a Deed Restriction on the land. The Town Attorney said that if granted a Deed Restriction would be placed on Mr. Lee's Deed. It was agreed to refer this request to Parks, Highway and Planning and Engineering for their review and comment.

Purchase of
Town property

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

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RESOLVED, that the Town Board does hereby refer Mr. Douglas W. Lee's request to purchase two (2) Town Owned parcels, Section: 5.15 Block: 3 Lot: 37 and Section: 5.15 Block: 3 Lot: 40, to Parks and Recreation, Superintendent of Highways, Planning and Engineering for their review and comment.

Somers
Crossing

The next item was with regard to the Somers Crossing Final Environment Impact Statement (FEIS). The Supervisor said there had been a flurry of activity this week by all parties involved.

Mr. Fred Wells, Tim Miller Associates, said that a number of comments had been received and the document had been revised since the last meeting. Ms. Bonnie Von Ohlsen handed out a document listing all of the revisions to the Board, Mr. Wells pointed out the major changes made since the last copy was received. He said that a lot of the changes were only minor edits. The Supervisor said that there would not be an opportunity for the Board to review all the changes that night but Mr. Wells was satisfied that the document was ready for acceptance.

Mr. Wells said that the applicant would revise the FEIS so that it adequately addressed the concerns and comments raised during the public hearing period. He brought to their attention a table in the handout. Discussion then ensued with regard to the recreation facility being proposed and the number of sidewalk improvements being proposed. Mr. Wells also mentioned the possibility of a land dedication for future sidewalks.

Mr. Wells pointed out the donation of one special needs unit to the Town or the appropriate entity. He said that another donation would be the paving of a parking lot on land currently owned by the Fire Department for possible future public use. He said that the proposal was for Somers Crossing to connect to the Heritage Hills Sewer and Water Systems and that would also provide access to adjacent parcels. The Town Attorney asked whether the lines were being sized appropriately. Mr. Wells replied that they were and stated that there was a detailed cost description in the back of the document. Discussion ensued with regard to sidewalk language, affordable housing, zoning changes and the benefit of the grocery store.

The Supervisor said that Mr. Wells and the two other Consultants had rendered an opinion that the FEIS was complete and Ms. Von Ohlsen had given the Board the corrections that will be incorporated into a final document before circulation. Mr. Wells pointed out that the fiscal analysis was going to change due to the proposed inclusion of the 66th unit. He said that they should accept the document with the caveat that it was approved by him before the final circulation.

Councilman Garrity asked about the reconfigured driveway and traffic signal and verified that the responsibility would be handled by both parties. Mr. Boniello explained that he would be responsible for the upgrade of the signal and the future operating costs would be shared with Heritage Hills.

FEIS Statement
Acceptance and
circulation

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

RESOLVED, that the Town Board does hereby accept the Final Environmental Impact Statement (FEIS) for Somers Crossing, Boniello Land & Realty, LTD. as complete and;

BE IT FURTHER RESOLVED, that the Town Board does hereby authorize the circulation of the FEIS to all Involved and Interested Agencies.

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ROLL CALL: Supervisor Rick Morrissey AYE
Councilman Richard G. Clinchy AYE
Councilman Thomas A. Garrity, Jr. AYE
Councilman Anthony J. Cirieco AYE
Councilman William G. Faulkner AYE

The Supervisor said that the next item was a discussion with regard to the funding for Water Storage Tank replacement for Northern Westchester Joint Water Works (NWJWW). He reminded the Board of the failing tank which served about 20% of Somers residents. He said that they were requesting that Somers comes up with their share of the cost so that NWJWW can start the bid process. He said that he saw no reason why the Town should not agree to that.

NWJWW tank replacement

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

RESOLVED, that the Town Board does hereby authorize the payment of up to \$150,000.00 to the Northern Westchester Joint Water Works (NWJWW) for the Catskill Treatment Plant 3MG Water Storage Tank Replacement.

PERSONNEL:

Current Vacancies:

Somers Energy Environment Committee
Affordable Housing Board (3 – unexpired 2 year terms) ending 7/11/2017
Parks & Recreation – (2 – 3 year terms) ending 3/9/2019

The Supervisor said that it was in order for the Board to acknowledge the resignation of Mr. Gary Friedman from the Parks & Recreation Board. The Supervisor added that Mr. Friedman had been an asset to the Town and he was very active in the community. He said that he wanted to thank Mr. Friedman for all his service to the Town. Councilman Clinchy also thanked Mr. Friedman and said that he would be missed.

Resignation of G. Friedman from the Parks & Recs Board

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

RESOLVED, that the Town Board does hereby acknowledge the resignation of Gary Friedman from the Parks and Recreation Board per e-mail dated February 23, 2016 from Gary Friedman.

The Supervisor said that it was in order for the Board to reappoint Mr. James Papa to a 3-year term ending March 9, 2019 on the Parks & Recreation Board.

Reappoint J. Papa to Parks & Recs Board

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

RESOLVED, that the Town Board does hereby authorize the reappointment of James V. Papa to the Parks and Recreation Board to a three (3) year term ending March 9, 2019.

The Supervisor said that it was in order for the Board to authorize the hiring of Ms. Teresa Delaney as Assessment Clerk.

Hire T. Delaney as Assessment Clerk

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

RESOLVED, that the Town Board does hereby authorize the hiring of Teresa Delaney as Assessment Clerk, Grade IV Step I of the CSEA Contract, at an annual salary of

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\$41,010.00, effective March 14, 2016 per memo dated March 4, 2016 from Barbara J. Sherry, Secretary to the Supervisor.

Consensus Agenda The next item on the agenda was the consensus agenda. He said that they were removing item number 4, per memo from the Building Inspector. Councilman Faulkner asked with regard to item number 5, why they were removing that property from the Tax Roll. The Supervisor explained that the Town was rectifying a coding anomaly.

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

Return Maintenance Bond and Erosion Control Bond 1. RESOLVED, that the Town Board does hereby authorize the release and return of the following Bonds per memo dated March 1, 2016 from Steven Woelfle, Principal Engineering Technician:

- a. \$11,555.00 Maintenance Bond – Rosemary Zappi Subdivision – 28.09-1-8
- b. 955.00 Erosion Control Bond – Naclerio Property Site Plan – 4.20-1-7

Execute Agreement with CodeRED Services 2a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute a three (3) year agreement with CodeRED Services, effective April 13, 2016 in the amount of \$27,750.00, \$9,250.00 per year.

Execute 2016 Town Tax Warrant 2b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2016 Town Tax Warrant.

Execute Records Management Grant Application 2c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2016 Records Management Grant Application to New York State Achieves.

Schedule Public Hearing for Police Dept 3. RESOLVED, that the Town Board does hereby schedule a public hearing for April 14, 2016 with regard to a proposed Local Law amending Chapter 46 of the Code of the Town of Somers entitled Police Department to add Article II. Residency Requirements.

Authorize Removal of Property from Tax Roll 5. RESOLVED, that the Town Board does hereby authorize the removal of 1 Route 100, Section: 58.08, Block: 1, Lot: 4, from the Tax Roll due to exemption status per memo dated February 23, 2016, from Joan Ribauda, Receiver of Taxes.

6a. RESOLVED, that the Town Board does hereby authorize a Request for Proposal (RFP) be sent to replace half of the wood shingled roof of the Wright-Reis Homestead per memo dated February 19, 2016 from the Historical Properties Board.

RFP to replace half of the wood shingled roof of the Wright-Reis Homestead 6b. RESOLVED, that the Town Board does hereby authorize a Request for Proposal (RFP) be sent for the cleaning of the windows, carpets and floors of the Town House and Annex and the cleaning of the upper gutters of the Town House, Annex and Wright-Reis Homestead per memo dated February 16, 2016 from Efram Citarella, Building Inspector.

Authorize a refund of Town and County taxes 7. RESOLVED, that the Town Board does hereby authorize a \$878.50 refund of Town and County taxes to Maryellen Olin Myers, per e-mail dated February 24, 2016 from Teresa Stegner, Assessor.

Authorize a refund of Town and County taxes 8. RESOLVED, that the Town Board does hereby authorize a \$410.05 refund of Town and County taxes to Rodd, Linde & Erika Kauffman, per

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letter dated March 2, 2016 from Mary Beth Murphy, Executive Director, Westchester County Tax Commission.

Authorize display of NAMI ribbons

9. RESOLVED, that the Town Board does hereby authorize the display of no more than twenty-five (25) white National Alliance of Mental Illness (NAMI) ribbons around the Town of Somers to raise the awareness of mental illness from May 1, 2016 to May 31, 2016.

Authorize Budget Transfers

10. RESOLVED, that the Town Board does hereby authorize a budget transfer in the amount of \$1,573.00 to cover 2015 year-end budget overages per memo dated February 25, 2016 from Robert Kehoe, Director of Finance:

FROM: 001.1990.0400 Contingency \$1,573.00

TO: 001.1420.0510 Legal Services \$1,573.00

RESOLVED, that the Town Board does hereby authorize a budget transfer in the amount of \$1,432.00 to cover Water System Modeling Project previously coded as transfer out to Capital Project for the Winsor Farm Water District per memo dated March 4, 2016 from Robert Kehoe, Director of Finance:

FROM: 049.9950.0940 Capital Fund Transfer \$1,432.00

TO: 049.8340.0400 Water Transmission Contractual Expense \$1,432.00

RESOLVED, that the Town Board does hereby authorize a budget transfer in the amount of \$1,687.94 to cover Water System Modeling Project previously coded as transfer out to Capital Project for the Amawalk Heights Water District per memo dated March 4, 2016 from Robert Kehoe, Director of Finance:

FROM: 050.9950.0940 Capital Fund Transfer \$1,687.94

TO: 050.8340.0400 Water Transmission Contractual Expense \$1,687.94

RESOLVED, that the Town Board does hereby authorize a budget transfer in the amount of \$23,250.00 to cover Water System Modeling Project previously coded as transfer out to Capital Project for the Amawalk Shenorock Water District per memo dated March 4, 2016 from Robert Kehoe, Director of Finance:

FROM: 051.8310.0400 Water Administration Contractual Expense \$23,250.00

TO: 051.8340.0400 Water Transmission Contractual Expense \$23,250.00

The Supervisor said that he had signed a contract under the Community Choice Aggregation Program. He explained that the Town had locked in at a price of \$0.695 per kilowatt hour for residential and small commercial property. He said that the average NYSEG customer in Somers had been paying \$0.759 per kwh for residential and \$0.8414 for small commercial. The Supervisor said that the rates would be going up but now the Town had a three-year deal and those new rates would stay the same. He thanked all those involved and said that all the information was available on the Town website. He said that this was a great accomplishment and a great benefit for the Town.

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Councilman Faulkner wished everybody a Happy St Patrick's Day, Happy Easter and Passover. He said that the rescheduled Somers Education Foundation Blackjack Ball would be on March 19th at Villa Barone Manor in Mahopac. He said that they had three wonderful honorees that night from the community.

Councilman Faulkner said that he also wanted to announce that there would be a Pasta Dinner Fundraiser at the Amawalk Fire House for the Herbert family on Saturday, March 12th, from 4:00 PM to 8:30 PM. He asked that everyone come out to support that very worthy cause.

Councilman Clinchy said that he wanted to remind everyone that March Madness was underway and to give his annual basketball report. He said that last year the Boys' Basketball Team had a record-setting season but this year the Girls were 18 and 2 and were ranked in the State for a while and had their best season ever. He said that the Sectional Basketball Tournament just completed and Mr. Roman Cattalino, Somers Athletic Director, was the Sectional Basketball Chairman, Mr. Richard Leaf who lives in Heritage Hills was the voice of Westchester Basketball and Mr. Howard Green, also of Heritage Hills, was the Head Official.

Councilman Clinchy also wanted to announce that the Annual Easter Egg Hunt would take place on March 19th at Reis Park at 10:00 AM.

Councilman Clinchy announced that April 2nd was the 50th Anniversary Reunion and Plaque Dedication of the Somers Circus Stamp Day. He said that there would be a dedication at 12:00 PM at the Somers Post Office and then the Original Elephant Float from the 1964 World's Fair will travel to the Somers Library for a reception from 1:00 PM to 3:00 PM where the Somers Historical Society would make a Presentation. The Supervisor added that it will be explained why Somers was the Cradle of the American Circus.

Councilman Clinchy announced that Solarize Somers was supposed to end on March 7th but it had been extended to the end of the month. He said that there was a link on the Town website with more information.

Councilman Ciriaco held up a leaflet and said that he wanted to remind everyone that five years ago the Town Board adopted a Local Law requiring all residents with septic systems to pump them out every 5 years and that the deadline of May 2016 was approaching. He said that residents who have not had their septic system inspected may be subject to a \$200.00 fine and all the relevant information was on the Town website. The Supervisor clarified that an inspection meant an evacuation of the septic system.

Councilman Ciriaco also wanted to remind the residents that Daylight Savings Time would be the weekend of March 12th and clocks needed to be set forward. He said that the Fire Department also wanted to remind everyone to change the batteries on both Smoke Detectors and Carbon Monoxide Detectors.

Councilman Garrity announced that on Sunday, April 3rd, the Lions' would be hosting their Annual Pancake Breakfast at Somers High School cafeteria from 8:00 AM to 12:00 PM. He said that this was where Little League Softball and Baseball uniforms were handed out. He said that they expect to serve between 1,000 and 1,500 breakfasts.

Councilman Garrity announced that the Lions' Club would be hosting their 50th Anniversary Gala on Friday, May 6th, at 7:00 PM at Villa Barone. He believed that the event was close to selling out if not sold out although they were still accepting donations and placements of ads for their journal.

Councilman Garrity said he had two other announcements. He said the first was the third largest Saint Patrick's Day Parade in New York which happened to be in Mahopac would

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be on Sunday, March 13th at 2:00 PM. He said that the second was that past weekend, together with his son and the Supervisor, he had volunteered at the Special Olympics for the Basketball Skills Event. He said that it was great to see the joy of those young adults hitting the rim and getting a point and how excited they were for each other. Councilman Garrity said that it was a fantastic experience and he hoped to continue doing it every year. He said that spring there would be a Special Olympics Spring Event, he thought at Somers High School. He said that it would be much larger than the Basketball Event and they would need volunteers. Councilman Garrity said that as the time got closer he would have additional information. He said that he and the Supervisor had a great time at the event.

The Supervisor said that the Somers Litter Task Force would be present at the Pancake Breakfast handing out trash bags for the Town-wide Clean Up. He said he wanted to remind all residents that if there is debris in front of their house, to make the effort to collect it. He said that his office should be contacted if residents do not wish to receive the blue-wrapped Express Advertisement that was thrown in their driveways.

The Supervisor wished everyone a Happy St Patrick's Day and urged everyone to be safe and smart.

Claims for the payment of all Town Bills in the amount of \$704,589.91 were presented and allowed for payment as shown on the Abstract of Audited Claims on file in the office of the Town Clerk.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Faulkner, the meeting was adjourned at 8:20 PM.

Town Clerk