

MARCH 10, 2011 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening March 10, 2011 at 6:35 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:       Supervisor       Mary Beth Murphy  
                  Councilman       Harold R. Bolton  
                  Councilman       Frederick J. Morrissey  
                  Councilman       Thomas A. Garrity, Jr.

ABSENT:        Councilman       Richard G. Clinchy

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 a personnel matter.

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

7:35 PM – meeting reconvened

Councilman Clinchy present at 7:35 PM

PUBLIC COMMENT:

Mr. Tom Smith, 15 Carpenter Place, asked if the Board could control the taxes. He said that he knew that they did a great job on the last budget although the School Budget was coming up. He said that when it snowed the School District sent the Custodians home and hired outside contractors plow the school. Mr. Smith asked why the Town Highway Department did not plow the school. He said that this would save money by keeping the services in the Town. He said that this was the same issue with the repair of Town vehicles. Mr. Smith said that he had asked about that before and he was seeing Town vehicles at the local Service Station. Councilman Garrity said that they were changed over to in-house repairs for Town vehicles. The Supervisor said that the new mechanic had not come on board yet. She said that they would certainly work with the Schools with whatever way that was best for everyone. She said that the Town hired a lot of per diem people as well for snow removal. The Supervisor said that with just the manpower that they had in the Highway Department they would not be able to do all of the Town roads much less other locations. The Supervisor said that they will reach out to the schools. Mr. Smith said that it did not make sense to him that on a snow day the Custodians would be sent home; their job was to take care of the property. Councilman Clinchy said that the Custodians did stay to clear sidewalks and other areas that they were responsible for. Mr. Smith said that the Library was used as a Day Care Center. He said that rather than closing on Sundays they should charge for the programs. He said with regard to Shenorock Park why they did not make it a Town wide park. The Supervisor said that was because that was what the Board was petitioned for by the residents. Councilman Morrissey said that the Town was being petitioned, the boundaries were given to them and because the first petition was flawed the Town was willing to marshal through the next round of petitions.

Mr. Joseph Luciano, 10 Walker Drive, said that he would like to clarify something with the Board; they say that they were being petitioned. He said that the Board paid for the petition. He said that the petition that was brought to them was for \$75,000.00 and was a totally different petition. Mr. Luciano said that there seemed to be some confusion with regard to the money and if it was a loan to the UOA. The Supervisor explained that they received a petition from residents of Shenorock asking the Town to take over the 9 acre parcel, the Clubhouse and the lake. She explained that before the Town could take the properties over environmental assessment of the properties had to be done. She said that

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they did a phase 1 and a phase 2 assessment and through that process was how the concept of a beach came about. The Supervisor said that they had received a subsequent petition; it was signed by some residents. She said that petition asked for just the lake property with the beach on it. She said that the Town in it's own due diligence studied the parcels and what would be entailed. Mr. Luciano said that the majority of the people did not sign a petition for a beach. The Supervisor said that he was correct and that was why the district was not formed. He said that the majority of the residents signed for \$75,000.00. The Supervisor said that the petition was not adequate to form a Park District but because of the interest of the resident in the issue the Town studied the properties to see if they were properties that they could acquire. She said that there had been numerous meetings throughout the process where residents were expressing ideas and thought about what they would and would not want in a Park District. She continued that ultimately the petition that was formulated by the residents and presented to the Town was for a beach.

Ms. Faye DeSantos, Heritage Hills, said that they had all received a memo from Councilman Bolton with regard to an off-leash dog park in Somers. She submitted a petition with 535 signatures from residents all over Somers who were interested in the dog park. She said that they acknowledged the budgetary constraints and were willing to fund the installation of fences, gates and all necessary furniture. Ms. DeSantos asked that the Board look at the lot that Councilman Bolton was proposing on Route 100 and authorize a committee to look into this. The Supervisor said that this item was on the add-on agenda for Board discussion.

Ms. Jane Covino, 7 Walker Drive, said that she would like to see the lake area maintained as a natural site. She said that they had no interest in seeing construction there to bring in a Beach Community. She said that all it would do was bring congestion to a very small area. Ms. Covino said that the people who want it should be the ones to pay for it. She said that typically Beach Communities were paid for by the people who wanted to use it. She said that she resented having to pay for something that they will never use or wanted.

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

The Supervisor announced that Sunday April 3, 2011 was the Lions Pancake Breakfast. She said that it was from 8:00 AM to 12:00 PM at the Somers High School.

The Supervisor said that the Senior Affordable Housing Development that was going up next to Stop & Shop, located on Route 6 in the Baldwin Place area was making progress. She said that they were now accepting applications for that housing project. She explained that there were income requirements associated with being able to live there. The Supervisor said that they had made a presentation at the Somers Seniors held at the Amawalk Fire House. She said that the apartments were one-bedroom and the buildings were two stories. She said that each apartment consisted of a bedroom, bathroom, living room and kitchen, they were air conditioned and it was gas heat. The Supervisor said that there will be a link on the Town website to the applications. She encouraged anyone that was interested and eligible for one of these units to fill out and submit an application. She said that the applications would only be taken until April 27<sup>th</sup>, after that all the applicants will be put into a lottery and then the applicant will be qualified. The Supervisor said that the applicant had to be 62 years old or older to be eligible. She said that they were rental units, the rent will range from \$470.00 to \$895.00 based on income. She said that if anyone knew anyone that would be interested, please let them know about this. The Supervisor said that there were hard copies of the application available in the Town Clerk's Office and in the Supervisor's Office and they can be obtained on the Town Website. She said that if the application was not received by April 27<sup>th</sup> they would not be in the lottery. Councilman Clinchy asked if Somers Residents would get a preference. The Supervisor said that there was no preference, it was a lottery system. She said that applications received after April 27<sup>th</sup> would be placed on a waiting list.

The first item on the agenda was the approval of the minutes.

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

RESOLVED, that the Town Board does hereby approve the minutes of the January 13, 2011 Regular Meeting, the February 3, 2011 Work Session, the February 10, 2011 Public Hearing regarding Maintenance of Separate Sewage Disposal System/On-site Wastewater System and the February 10, 2011 Regular Meeting.

Monthly reports

The Town Clerk presented monthly reports from the Town Clerk, Building Inspector, Parks and Recreation, Tax Receiver, Planning and Engineering, Zoning, Plumbing and Bureau of Fire Prevention. She also announced that pursuant to Section 64, Subdivision 2a of the Alcoholic Beverage Control Law, the 6<sup>th</sup> Unit Associates, LLC d/b/a Season's American Bistro and Lounge, located on 289 Route 100 was renewing their liquor license.

Shenorock Park and the procedure to form a Park District

The Supervisor said that the next item on the agenda was a discussion with regard to Shenorock Park and the procedure to form a Park District. She said that she did receive a number of questions over the course of last week that she would like to share along with the answers. She said that the first question was; are people who own homes in Shenorock but do not live there allowed to sign the petition. The Supervisor explained that they were, if you own a home they were eligible to sign the petition. She said that the next question was; can they ensure that they were on the list. She explained that the district as it was mapped and the Town Assessor had been checking that everyone that was in the geographic area appeared on the list. The Supervisor said that the next question was; if someone owned multiple homes can they sign the petition multiple times. She explained that they can sign for each home that they owned; the caveat was that it was a dual test; it was 51% of the assessed value of owners and also 51% of resident owners. She explained that if they did not live in any of the houses that they own they can sign as an owner but not as a resident owner. The Supervisor said that if they live in one of the houses they can only sign as a resident owner of the address that they live in not all of the houses. She said that the next question was; what was the number of homes that was 51% of resident homeowners. She said that she cannot answer that because it was based on 51% of the assessed value, it was impossible to give a number of homeowners. The Supervisor said that another question was what provisions would be made for residents that would be out of Town during the petition process. She said that if they wanted to sign the petition they would have to be here, there were no absentee ballots in this case. She said that the next question was if there was any way to reliably ensure that the petition will be compiled in a consistent matter. The Supervisor said that was the very reason that the Town was taking on this process; it was to make sure that there was not all of the back and forth that went on with the last petition process. She explained that the Town had asked for them to give them the petition and they will control the signing of it and ensure it was accurate. She said that another question was who will write the Town letter which notified residents of the petition process. The Supervisor said that she will be writing the letter and will circulate it to the Town Attorney and Town Board and if anyone else that would like to review it before it was sent out would be welcomed to do so. She said that any comments or suggestions that anyone may have with regard to the letter she will entertain them. Someone asked from the audience if the Supervisor had a timing on that letter. The Supervisor said that she did not have the timing on the petition and the letter had to coincide that. She said that she would certainly try to make sure that it went out several weeks before any signing period began. She said that she was hoping that they could put something in the water bills to save on postage. The Supervisor said that they would be going out the end of March, the beginning of April whether or not they will be able to do that she was unsure of. She said that those were the questions that she had received. She said that the Board had asked if the proponents of the petition would look to see if they could ascertain the original scope of Shenorock. The Supervisor said that was one of the questions that everyone knew the answer to but no one could define.

Ms. Wendy Nastasi, 36 Crest Drive, had a discussion with the Board with regard to the boundaries, how they were determined, why determining the boundaries were relevant and the petition process.

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Mr. Jay Batchelor, 8 Ross Drive, suggested that the Board use the lighting district as the boundaries of Shenorock. He made suggestions to the Board on alternatives for the lake and how to address the back taxes that were owed by the UOA.

Ms. Linda Luciano, 10 Walker Drive, read questions that she had received from residents to the Board as well as a statement that she had prepared with regard to the proposed formation of a beach, the cost of it and the increase in the costs.

The Supervisor asked if they thought that there was some way a compromise could be reached where money would not be borrowed. She said that they did meet in January or February with parties from both sides of the issue. She said coming out of that meeting she did not feel that there was a successful effort for any level of compromise. The Supervisor said that from that point forward she only wanted to have public meetings.

Mr. Al Nastasi, 36 Crest Drive, said that he was on the committee for the Park District and they brought the petition back because it was close to the 51% that was needed. He said that they felt that they had an obligation to the people who signed the petition. Discussion ensued with regard to the petition and their desire to move forward with the petition.

The Supervisor asked the Town Attorney what the process was at this point. She said that they had the petition and what was submitted was rejected. She asked if a new petition needed to be submitted. The Town Attorney said that the map plan and report had been changed therefore; the petition had to conform to the new map plan and report. He explained that someone had to go through the petition and put it into proper form before it was submitted to the Board. Councilman Morrissey said that the Supervisor stated that at the end of March the beginning of April she wanted to send a letter out about the petition, he would think that they would like to have the petition by that point. He continued that the letter was going to give a date to sign the petition. The Supervisor said that before the letter went out, exactly what the petition was; the boundaries and all the other issues needed to be established. She said that she was not sending a letter out before that was established. The Town Attorney said that all that information needed to be amended in the map, plan and report. He said that the first step of the process was to get from Woodard and Curran an amended, up-to-date map, plan and report. He said that was the document from which the petition was drawn from. The Town Attorney said that the first step was up to the Town at this point to ensure that the document was up-to-date. The Supervisor said that she would speak with Woodard and Curran about the issues that were raised as well as incorporating the information that was circulated last week into the new document. The Town Attorney said that once that document was available they could conform the petition to match it, then the Supervisor could draft a letter. He said that the letter will go out and the petition will come in and the dates will be set for people to come in and sign the petition.

Mr. Batchelor asked if anyone was interested in them just paying the taxes that were owed. He suggested that the Town form a district just to collect the taxes for the properties. The Supervisor said that they did not have a petition to do that at this point. Mr. Batchelor asked them to consider that proposal. The Supervisor said that they could only act on a petition that the Board received. She said that the only reason that they were setting up the process for the petition to be signed at the Town was because last time it was so confusing it could not be accepted. She explained that the Town Attorney asked the State Comptroller how to address the issues that were happening and it was suggested that the Town oversee the petition. The Supervisor said that she felt that improving the lake in some way was a good thing for the community at large whether it be just environmentally or a beach. She said that she also had serious mixed feelings about shoving on 49% of the residents a huge tax bill. She said that she would like to see some compromise but unfortunately that was not going to happen. Mr. Batchelor discussed with the Board his ideas to create the beach or clean up the lake with volunteerism.

Ms. Laura Roublick, 29 Cypress Lane, said that the vote will tell, they had gone so far and had put a lot of leg work into this petition. She said that they just wanted their question answered. She asked what the next step was. Ms. Roublick said that if it did

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not go through then they will sit down to look at the other options. She said that at this point they were not turning back. She asked them to tell them what they needed to do next.

The Town Attorney said that they would have to have the Engineer update the report, date it correctly, make the changes that were necessary and submit it to the Town. He said that then they took a copy of that and they conform their petition to match that report. He continued then they will submit the petition and the Town will send out an informational letter to the residents and then the signature process will unfold.

Mr. Joseph Luciano, 10 Walker Drive, asked what the next step was if the petition failed. Councilman Clinchy said that their next step depended on what the Board was given by the residents. Mr. Luciano said that according to a Resolution dated September 10, 2009 adopted at a Regular Meeting stated that if the UOA of Shenorock by unable to do so the said property shall forever be maintained by the Town of Somers as a municipal park. He gave each Board member a copy of the minutes that he had read from. The Town Attorney said that the Resolution Mr. Luciano was quoting from was in connection of a grant, it had nothing to do with the formation of the Park District. Mr. Luciano said that in 2005 there was a report done and given to the Town titled Northern Westchester County Ground Water Summary and he read from the report. He said that if the boundaries of the district had changed then the proposal had changed. He asked who had done that. Discussion ensued with regard to the boundary changes and why they were changed. Mr. Luciano requested an itemized list of what the Town spent on the proposal of the Park District. The Supervisor said that she would get that together for him. Mr. Luciano asked the Board a series of additional questions with regard to the formation of the Park District.

Ms. Wilhelmina Pesce, 20 Rogers Lane, asked if the Board was leaning to support the formation of a Park District because of the loan of the engineering fees. The Supervisor said that was not influencing anyone, they were not leaning one way or the other. She said that the Board would really like to see a compromise among the residents.

Ms. Anita Krusko, 32 Ross Drive, said that she went to the Historical Society that day to look into the boundaries although she did not have enough information at this time. She said that she also had been going through the minutes from 2006 and 2007. She said that there were no present Councilmen on the Board when this began. Ms. Krusko gave the Board a suggested page format for the information. She asked about the status of the grant application that was applied for in December. The Supervisor said that she did not know the status of the application at this time. Ms. Krusko quoted from Town Law of New York State that the Town Board may reject a petition if it was not in the public's interest. Discussion ensued with regard to the different petitions, engineering fees allocated and the public's knowledge of the project.

Mr. Anil Jambotkar, 1 Orchard Drive, addressed the Board with regard to the boundaries.

Mr. Luciano asked why the homes that were located on Mancini Drive that bordered the lake were not included in the district. He stated that they will also benefit.

Mr. Fred Gambino, 11 Dellworth Drive, asked if this petition passed in the future could the Board pass a resolution to add the 9 acres property. The Supervisor explained that for that to happen it would have to be another petition and/or voted on by the residents. Mr. Gerbino said that they were hearing that this was what the people of Shenorock wanted and it was not what everyone wanted.

The Supervisor said that she would speak with Woodard and Curran with regard to the issues that were raised and have them prepare a map, plan and report.

10:00 PM – 5 minute break  
10:15 PM – meeting reconvened

The next item was a discussion with regard to the municipal acquisition of the Heritage Hills Water and Sewer Districts. The Supervisor explained that the districts already exist,

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the question was if the Town could help the residents see some savings if the Town took over the district. She said that the Board asked the Town's Engineering Firm to submit a proposal for the cost of the preparation of the analysis. She said that the Board looked at that last month and she asked Mr. Barbagallo, the Town Engineering Consultant to go back over the proposal, she did not want to spend the amount of money involved to find out in the end that the district would not be worth forming. The Supervisor said that Mr. Barbagallo had gone back through the proposal and phrased it differently. She said that she tried to do a thumbnail analysis as to whether or not she thought that savings could be obtained for the residents of Heritage Hills. She explained how she did the analysis and the figures she used. The Supervisor said that she did not see a savings for the Heritage Hills residents. She asked for some input as to if her analysis was a reasonable way to find a thumbnail figure of the costs. The Town Attorney said that the one thing that he thought of was with regard to the assessment number. He asked if the School in the District was included in that number. The Supervisor said that they were not in the assessment number because it was only Heritage Hills condos. The Town Attorney said that the commercial properties had to be included.

Mr. Richard Benedict, President of the Heritage Hills Society, said that they had what the Water and Sewer Districts collected in revenue for 2009 and that was what they had paid. He said that if they could come in with a number under that then it was economically feasible. He said that he did not think that the assessed value should be put into it. He said that it was what they paid in 2009, what they had to pay to service the debt and run the district. Discussion ensued with regard to if the acquisition was economically feasible to the residents that were in the districts.

The Supervisor said that they had the revised proposal from Woodard and Curran and they wanted to ensure that was going to give them what they needed. She said that the first phase was going to breakdown the planning and understanding of the major financial and user rate implications of the Town assuming ownership of the utilities. Discussion ensued with regard to what was included in the phases of the proposal.

The Town Attorney asked if the Board was going to activate the District to pay for the study. The Supervisor said that it was a loan. The Town Attorney said that the Districts exist therefore they could be taxed next year. The Supervisor said that she did not realize that and that would be one way of doing this. Mr. Benedict said that he did not have a problem with that.

The Supervisor said that when Councilman Clinchy was at the Association of Towns Meeting and he spoke with another Company that had some interested things to say and he wanted to explore that. She suggested that the Board authorize the study pending a discussion with Councilman Clinchy, the Town Attorney and herself with regard to other opportunities.

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

RESOLVED, that the Town Board does hereby authorize the adoption of Task Order 2-4.3 from Woodard and Curran for Heritage Hills Infrastructure Acceptance Planning Phase 1: Preliminary Evaluation pending discussion with the Town Attorney, Councilman Clinchy and Supervisor Murphy.

The Supervisor asked the Town Attorney what they needed to do to activate the District to pay for the study. The Town Attorney explained that they should have the Finance Director prepare a budget based on the final costs and then convert that to a tax rate. The Supervisor asked the Finance Director to establish the budgets for the Board's next meeting.

Mr. Benedict said that he wanted to thank the Board especially the Supervisor and the Town Attorney for the time that they had put into this and their support of their request.

Mr. Benedict said that he wanted to clear up something; during that evenings meeting the Heritage Hills Certioraris were brought up and they were blamed for taxes having to go

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up because of Heritage Hills. He said that Heritage Hills did not get anything that they did not deserve; they took advantage of the Law. He said that they should not be portrayed in the Town of costing the Town money. Mr. Benedict said that they paid a lot of taxes in the Town and received a lot less services than other parts of the Town. He said that they paid their own sewer and water, collected their own trash and plowed their own roads. He said that he hoped that the Board would defend them when people were blaming Heritage Hills for the taxes going up.

Dog Park

The Supervisor said that the next item was a discussion with regard to a Dog Park. Ms. Faye DeSantos presented a petition that had 535 signatures in support of a Dog Park in Somers. She said that they were offering to help pay for the Dog Park and the site that they were looking at was already maintained by the Town so that was not going to be an additional cost to the Town. She said that they were proposing that they will raise the money for the fencing and a few benches. Ms. DeSantos said that they were looking for a place for people to congregate with dogs and socialize safely. She said that they would like the Board to authorize a committee to draw up plans and anything else that they would need. She said that they went to the Parks and Recreation Board and were told that this needed to be started by the Town Board. Councilman Bolton explained the proper way for them to go about creating the dog park. Ms. DeSantos asked if it required authorization from the Board to go forward with this. Councilman Bolton said that it did. Ms. DeSantos said that they were there that evening to ask for the authorization. The Supervisor asked if they wanted the Board to tell the Parks and Recreation Board to form a committee to investigate a dog park. Ms. DeSantos said that was what they were looking for. Councilman Morrissey asked if there was going to be a cost to the tax payers associated with this. Ms. DeSantos said that the maintenance of the property was going to be done by the Town. The Supervisor said that what they were authorizing at this point was the formation of a committee to explore the possibility of a dog park. She said that Councilman Bolton was going to head up that committee in conjunction with the Parks and Recreation Board. She said that they will reach out to residents that were interested in joining the committee.

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

RESOLVED, that the Town Board does hereby authorize the formation of a committee to study the possible creation of a dog park.

Completeness  
review of  
DEIS for  
Alexan  
Somers  
Woods

The next item on the agenda was a discussion with the Consultants with regard to the completeness of the DEIS for Alexan Somers Woods. She said that this item was being put over until the May Regular Meeting. She said that they had gotten a letter extending the completeness determination date. Councilman Clinchy asked if they would be at the Work Session or the Regular Meeting. The Supervisor said that it was possible that they could be at both meetings.

Improveme  
nt Bond for  
highway  
and major  
repairs

The Supervisor said that the next item on the agenda was an Improvement Bond for highway and major repairs. She said that they discussed this at the last meeting; bonding for highway paving again. She said that they also reached out to all to the Departments with regard to the needed repairs. Councilman Bolton said that they had recently found out that they absolutely had to pay prevailing wages and that made a big difference in repair budgets. He said that he would like to go over everything and try to come up with an assessed value. Discussion ensued with regard to prevailing wages. Councilman Bolton said that he did discuss with the Highway Superintendent the paving and his current goals and other projects that he was doing. He said that they also discussed how the costs have increased due to the cost of oil. Discussion ensued with regard to the amount the Board wanted to bond and the cost of borrowing at this time. It was agreed to have a Board Resolution drafted to borrow \$2,000,000.00.

Library  
Roof  
Repairs

The next item was a proposal with regard to the Library Roof Repairs. The Supervisor thanked Councilman Bolton for all of his efforts with this and asked for an update. Councilman Bolton said that the first bids came back too high and the request for proposal came in and then it was identified that they would have to pay prevailing wages. He said that he called each company that had submitted a proposal and asked if they

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could provide the service at the price that was quoted with prevailing wages and certified payroll. He said that he only had one person that said that they could although he was too high and it would have to be bid out. Councilman Bolton said that he spoke with the Assistant Building Inspector and it was decided to cut out the section of the roof that needed to be done as soon as possible. He said that with the prevailing wages this project was going to have to be bid. The Supervisor asked the Board for authorization for Councilman Bolton and herself to continue to explore this and go ahead if the proposal comes in under \$35,000.00 or rebid the project. Discussion ensued with regard to what work was needed to be done to the roof.

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

RESOLVED, that the Town Board does hereby authorize going to bid for the Somers Library Partial Roof Repair.

PERSONNEL:

Current Vacancies:

Substance Abuse Council (1 – 3 year term to December 31, 2012)  
Library Board of Trustees (1 – 5 year term to December 31, 2015)  
Substance Abuse Council (2 – 3 year term 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)

The Supervisor said that it was in order for the Board to acknowledge the resignation of Mr. Scott Roveto from the Somers Land Trust and the Open Space Committee. She thanked for his service to the Town and for all of his hard work.

Resignation  
of S.  
Roveto  
from  
Somers  
Land Trust  
& Open  
Space  
Committee

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

RESOLVED, that the Town Board does hereby acknowledge the resignation of Scott Roveto from the Somers Land Trust and thanks him for his service effectively immediately.

The Supervisor said that the next item was the consensus agenda. She said that item number 5d pending Town Attorney review needed to be added. She pointed out that the Town wide litter pickup would be from April 1, 2011 to April 17, 2011.

Consensus  
agenda

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

Go to bid  
for Clivus  
Multrum  
composting  
toilets

1a. RESOLVED, that the Town Board does hereby authorize permission to go to bid for the purchase of Clivus Multrum (or equal) composting toilets as part of the Angle Fly Preserve Trails Grant Project per memo dated February 23, 2011 from Steven Ralston, Superintendent of Parks & Recreation.

2011 New York State  
Office of Children and  
Family Services  
Program grant  
application

1b. RESOLVED, that the Town Board does hereby authorize permission to submit the 2011 New York State Office of Children and Family Services Program grant application per memo dated February 23, 2011 from Steven Ralston, Superintendent of Parks & Recreation.

Hire K.  
Anderson as  
Maintenance  
Laborer

1c. RESOLVED, that the Town Board does hereby authorize the hiring of Karl R. Anderson as Maintenance Laborer at an annual salary of

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\$32,054.00, Group 3 Step 1 in accordance with the CSEA Collective Bargaining Agreement per memo dated February 23, 2011 from Steven Ralston, Superintendent of Parks & Recreation.

- Hire K. Mollaghan as a part-time Intermediate Clerk
- 1c. RESOLVED, that the Town Board does hereby authorize the hiring of Kathleen Mollaghan as a part-time Intermediate Clerk to work no more than 17 hours per week at an hourly salary of \$15.00 effective March 14, 2011 per memo dated February 23, 2011 from Steven Ralston, Superintendent of Parks & Recreation.
- Historical Properties Board to add citizen member
2. RESOLVED, that the Town Board does hereby adopt resolution authorizing the Historic Properties Board permission to add on citizen member to the Board Membership.
- Begin process of §77-5
3. RESOLVED, that the Town Board does hereby authorize to begin process of §77-5 of the Code of the Town of Somers Order of Repair or Demolish for property know as Section: 15.08 Block: 1 Lot: 3 located on Mahopac Avenue per memo dated February 25, 2011 from Thomas J. Tooma, Jr., Assistant Building Inspector.
- Re-establish annual salary for S. Brewer Deputy Tax Receiver
4. RESOLVED, that the Town Board does hereby authorize the re-establishment of annual pay for Stephanie Brewer, Deputy Receiver of Taxes from \$30,000.00 to \$33,120.00 retroactive to January 2, 2011 per memo dated February 17, 2011 from Mary Beth Murphy, Supervisor.
- Execute Task Order 2-4.5
- 5a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Task Order 2-4.5 Lower Moseman and Jan Ridge Engineering Services with Woodard & Curran.
- Execute the Angle Fly Preserve Revocable Land Use Permit – Project No. 1980
- 5b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Angle Fly Preserve Revocable Land Use Permit – Project No. 1980 per memo dated February 16, 2011 from Barbara Sherry, Secretary to the Supervisor.
- Execute the Agreement with Student Assistance Services Corporation, a NYS not-for-profit corporation
- 5c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Agreement with Student Assistance Services Corporation, a New York State not-for-profit corporation duly organized under the laws of New York State having its principal place of business and office at 660 White Plains Road, Tarrytown, New York 10591 in the amount of \$3,200.00.
- Execute agreement with Garden State Fireworks, Inc. for the annual Independence Day Celebration
- 5d. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute agreement with Garden State Fireworks, Inc. for the annual Independence Day Celebration in Reis Park to be held on Saturday, June 25, 2011 per letter dated February 24, 2011 from August N. Santore, Vice President of Garden State Fireworks, Inc. pending Town Attorney review.
- Filming Permit
- 5e. RESOLVED, that the Town Board does hereby authorize granting of filming permit for Drew Santini for a SUNY Purchase Freshman Film project filming at Mt. Zion Church and the Wright Reis Homestead per application received March 7, 2011.
- Execute Joint Application with NYSDEC – Stream Disturbance at Angle Fly Preserve
- 5f. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Joint Application with NYSDEC – Stream Disturbance at Angle Fly Preserve.
- Budget modification
6. RESOLVED, that the Town Board does hereby authorize the following budget modification per memo dated March 7, 2011 from Mary Beth Murphy, Supervisor:

RESOLVED, that the Town Board does hereby authorize a budget modification to provide funding for **2010** year end general insurance

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expenditures per memo dated February 16, 2011 from Joan E. Kachmarik, Director of Finance:

From: 001-1990.4 – Contingency  
To: 001-1910.4 – Special Items, Unallocated Insurance \$98.00

RESOLVED, that the Town Board does hereby authorize a budget modification to Increase the **2011 Budget** for the receipt of NYSERDA grant funds that will be used to pay the Energy Managers for completion of “Milestone 1,” per memo dated February 16, 2011 from Joan E. Kachmarik, Director of Finance.

From: 001-3090 – State Aid – Other, General  
To: 001-8160.42 – Energy & Environment – Contractual, Energy \$20,000.00

RESOLVED, that the Town Board does hereby authorize a budget modification to provide additional funding for year end health insurance adjustment **2010 Budget** per memo dated February 25, 2011 from Joan E. Kachmarik, Director of Finance:

From: Highway Fund – 5110.0402 – General Repairs, Contractual Paving  
To: Highway Fund – 9060.0800 – Employee Benefits, Health Insurance \$30,000.00

RESOLVED, that the Town Board does hereby authorize a budget modification to provide additional funding to the line to cover seasonal overtime. Original budget is nearly depleted due to significant and unforeseen plowing and snow removal per memo dated February 28, 2011 from Steven Ralston, Superintendent of Parks & Recreation.

From: A7110.1 – Parks – Personal Services  
To: A7110.11 – Parks – Overtime \$5,000.00

Erosion Control Bond from BVS Acquisition Co., LLC

7. RESOLVED, that the Town Board does hereby accept \$8,263.00 Erosion Control Bond from BVS Acquisition Co., LLC per memo dated February 10, 2011 from Wendy Getting, Senior Office Assistant.

Thanks for excellent work during snow storms

8. RESOLVED, that the Town Board does hereby give resolution of thanks to the Somers Police Department, Somers Highway Department, and the Somers Volunteer Fire Department for their outstanding and cooperative work during the recent snow storms.

Execute 2011 Tax Warrant

9. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2011 Town Tax Warrant.

Somers School Lighting Energy Project

10. RESOLVED, that the Town Board does hereby authorize the following for the Somers School Lighting Energy Project:  
a. Reject bid  
b. Preparation of revised specifications  
c. Re-bid project

Accept Removal Bond

11. RESOLVED, that the Town Board does hereby accept \$47,000.00 Tower Removal Bond #BLQ9004802 from New Cingular Wireless PCS, LLC for property known as 38.17-1-5 located at 121 Route 100 Amato property per memo dated March 3, 2011 from Steven Woelfle, Principal Engineering Technician.

Purchase of software for computerized ground speed control units

12. RESOLVED, that the Town Board does hereby authorize the purchase of software for computerized ground speed control units in the Highway

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trucks, to be paid from the Road Salt Reduction Program Contract #M060806 through New York State DOT.

Accept  
Erosion  
Control Bond

13. RESOLVED, that the Town Board does hereby accept Erosion Control Bond in the amount of \$2,578.00 posted by Homeland Towers, LLC – for property known as 38.17-1-5 located at 121 Route 100 Amato property per memo dated March 4, 2011 from Wendy Getting, Senior Office Assistant.

Return  
Erosion  
Control Bond

14. 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 – Grillo Tree Preservation Permit – 5.18-1-47
  - b. \$100.00 – DeMase Tree Preservation Permit – 16.20-1-22

Review  
Wetland/Stormwater  
Management and  
Erosion and Sediment  
Control Permit  
Application

15. RESOLVED, that the Town Board reviewed 102 Moseman, LLC Wetland/Stormwater Management and Erosion and Sediment Control Permit Application per memo dated March 2, 2011 from Steven Woelfle, Principal Engineering Technician and has no comment.

Reimbursement  
from the  
Insurance  
Reserve Fund

16. RESOLVED, that the Town Board does hereby authorize reimbursement of \$225.00 from the Insurance Reserve Fund for replacement of the front windshield on Highway Truck #11 per memo dated March 2, 2011 from Thomas E. Chiaverini, Superintendent of Highways.

St. Joseph's  
Church/JFK  
High School  
Campus site  
work

17. RESOLVED, that the Town Board does hereby authorize the following for the St. Joseph's Church/JFK High School Campus site work per memo dated March 10, 2011 from Sabrina D. Charney Hull, AICP, Town Planner:
- a. Return \$57,439.00 Erosion Control Bond No. 16BSBFH164 (for site work) to Bradhurst Site "Construction Corp. upon receipt of letter of request from Bradhurst Construction Corp.
  - b. Accept \$57,439.00 Erosion Control Bond No. CSC-94667 issued by AARK Contractors Inc. to replace Bond returned to Bradhurst Site Construction Corp.

Roadside  
Litter Pick-Up

18. RESOLVED, that the Town Board does hereby announce Town Wide Roadside Litter Pick-Up dates – April 1, 2011 through April 17, 2011.

Police Officer liaison  
between the Town of  
Somers and  
Westchester County  
Solid Waste  
Commission

19. RESOLVED, that the Town Board does hereby announce Police Officer Robert Matuszewski as liaison between the Town of Somers and Westchester County Solid Waste Commission to enable Officer Matuszewski to write tickets in conjunction with the Westchester County Solid Waster Commission, to become effective immediately at no extra compensation.

The Supervisor said they lost two Town residents that week; the first was Councilman Garrity's mother. She said that Ms. Garrity was well involved with a lot of things in Town with the School District and Local Town Government. She said that second was Mr. Donald Derr, who worked in the vaults for 20 years and instituted the Town's Records Management Program. She said that she wanted to close the meeting with a moment of silence in their honor and the Board sent their condolences to their families.

Councilman Morrissey said that he wanted to remind everyone on Sunday at 10:00 AM at the Angle Fly they will be moving pieces of the bridge that will transverse the Angle Fly brook. He said that all are welcomed and they were hoping to have as many hands as possible.

Councilman Garrity said that his mother passed away last week and the out pouring of support from the Town was overwhelming. He said that when he spoke to his father that day he asked him to make a point of thanking everyone. He said that was why he and his

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family made Somers their home. Councilman Garrity said that he wanted to say a simple thank you to everyone from him and his family.

Claims for the payment of all Town Bills in the amount of \$967,982.09 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 11:35 PM.

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Town Clerk

APRIL 7, 2011 – WORK SESSION

Minutes of a work session of the Town Board of the Town of Somers held on Thursday evening April 7, 2011 at 7:05 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 enter into an executive session with regard to personnel.

Thereupon motion of Supervisor Murphy, seconded by Councilman Morrissey, the meeting was adjourned to an executive session with regard to personnel at 7:05 PM to return that evening.

7:40 PM – meeting reconvened

This being a work session no actions were taken.

Thereupon motion of Supervisor Murphy, seconded by Councilman Garrity, the meeting was adjourned at 10:20 PM.

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Town Clerk