

APRIL 11, 2013 – REGULAR MEETING

Minutes of the regular meeting of the Town Board of the Town of Somers held on Thursday evening April 11, 2013 at 8:00 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT: Supervisor Mary Beth Murphy
Councilman Richard G. Clinchy
Councilman Frederick J. Morrissey
Councilman Thomas A. Garrity, Jr.

ABSENT: Councilman Anthony J. Cirieco

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

Proclamations
for Girl
Scouts who
received their
Gold Awards

The Supervisor said that present that evening were Girl Scouts that received their Gold Awards that year. She explained that the Gold Award was the highest award that a Girl could receive in Girl Scouting. She said that they not only had to do a very significant project to achieve that award but they had to spend many years in Scouting, earning badges, camping, learning to be self-sufficient and organizational skills. The Supervisor continued that there was a hierarchy of Bronze, Silver and Gold Awards in the Girl Scouts and the Girls that were present that evening had achieved the very highest possible Award. She said that she had prepared Proclamations for each of them and she read one Whereas clause from each Proclamation which briefly described the project the Girl had done.

The Supervisor said that Bridget Reilly's project was the Pen Pal project that she created with children from the YMCA and the residents of Waterview Nursing Home addressing the need for intergenerational communications where both children and adults could learn from each other. She declared Tuesday, April 16, 2013 as Bridget Reilly Day in the Town of Somers.

The Supervisor said that Sara Bahr's project was for her skills and insight in bringing out the creativity in young children through reading by having the children do mini projects or activities related to the topic of the stories that they read at the Somers Library. She declared Monday, April 15, 2013 as Sara Bahr Day in the Town of Somers.

The said that Shannon Longworth's project was a Memory Forest which she created at the Angle Fly Preserve. She said that the Memory Forest provided habitat for native trees planted in memory one loved ones creating a place for families to commemorate a life well lived. She declared Wednesday, April 17, 2013 as Shannon Longworth Day in the Town of Somers.

Westchester County Legislators Michael Kaplowitz and Peter Harckham presented each Girl Scout with a Proclamation in honor of their Gold Award achievement. They also proclaimed April 14, 2013 as Shannon Longworth Day, April 13, 2013 as Bridget Reilly Day and April 12, 2013 as Sara Bahr Day in Westchester County. They thanked the Supervisor and the Town Board for allowing them to present the proclamations at that meeting.

Update
from
Westchester
County
Legislators
Peter
Harckham
and
Michael
Kaplowitz

The Supervisor said that Westchester County Legislators Michael Kaplowitz and Peter Harckham were present that evening to update the Board on activities at the Board of Legislators.

Legislator Harckham thanked the Board for having them present that evening. He said that it was an honor to continue to work with Legislator Kaplowitz in a collaborative way and they wanted to update the Board on several initiatives that had an impact on Somers and the County at large.

Legislator Harckham said with regard to Lasdon Park that both were working with the administration on a piece of open space. He continued that would be a donation of four acres to the County and the way they were working with the administration, that piece would be deeded to Friends of Lasdon. He said that property would be kept as forever open space and they would do the maintenance, they were hoping to have more news with regard to that shortly. Legislator Harckham said that at the last Government Operations Budget Appropriations Committee meeting they passed bonds to rehab the Main House and they also passed a bond to design

repairs to the Chinese Friendship Pavilion. He said that this was part of the ongoing five years Capital Site to reinvest in the County Parks and get some of the older buildings back in good shape.

Legislator Harckham said that at Muscoot Farm they passed bonds to design a new restroom, the current facility was not capable of dealing with the amount of visitors. He explained that they were expanding the restroom and putting in a brand new septic system.

Legislator Harckham said with regard to Public Safety, Supervisor Murphy was a common colleague on the telephone calls with NYSEG and County OEM and one of the issues that they had noted over the years was critical infrastructure. He explained that when generators go down where the secondary generators came from. He said that if they looked at the State's Emergency Management Plan the County was the second line of defense. Legislator Harckham said that when Hurricane Irene hit Northern Westchester they were so devastated and they had a shortage of generators he and Legislator Kaplowitz worked on the legislation together to address issues. He said that the legislation passed the morning that Hurricane Sandy hit and what it called for was the Department of Emergency Services to do a generator inventory across the County and what the needs were.

Legislator Harckham said that they had spent a lot of time on Water Quality issues. He said that they worked hard on legislation to protect the drinking water from the byproduct of hydro-fracking. He explained that they were obviously not doing hydro-fracking in our area although what they saw in other States were that there were two ways to get rid of the waste. Legislator Harckham said that one was that they were going to sewage treatment plants which were not capable of treating the chemicals and the waste adequately therefore, ruining the treatment plant and it got back into the water. He said that the salty brine was highly radioactive and the salt was highly concentrated. He said that one of the ways they were getting rid of the salt was they were giving it to Towns to put on the roads to control dust or as a deicer. Legislator Harckham said that they passed legislation that was now being replicated in other Counties in the State. Councilman Clinchy asked about the waste being radioactive. Legislator Harckham explained that the waste came from so deep in the ground that there was natural radioactivity.

Legislator Harckham said that he also wanted to update the Board on some of the septic activities. He said that the Septic Subcommittee continued to do very important work; they had a Public Hearing at the Katonah Library that was chaired by Legislator Kaplowitz and himself on the DEC Intermediate Size Systems. He said that they had about forty to fifty speakers, it was videotaped and they sent the DEC the videotapes and the transcript of the Public Hearing. Legislator Harckham said to DEC's credit they asked them to attend as a Committee with representatives to discuss their finds and they had already made adjustments in their guidelines. He said that they had spent a lot of work on alternative technologies, enhanced treatment units and decentralized systems, which were a hybrid of sewer treatment plants and septic systems. He continued that they negotiated for the first time with the DEP a PILOT Project for the decentralized system in the Watershed.

Legislator Harckham said with regard to the Housing Settlement which there was a lot of noise about over the last few weeks. He said that he wanted to give the Board the good news; they were on schedule and budget. He explained that they met with the Planning Department every two weeks to go over the expanses and where there were things planned. Legislator Harckham said now that the housing market was coming back they were finally getting the free units. He said that the bad news was that there were issues with HUD, the Justice Department and the Monitor on the cultural side. He explained that there were two aspects to the settlement, one was just building the housing and the other was on the housing culture in Westchester. Legislator Harckham said that the administration just lost the decision in the Second Circuit and the issue was what to do moving forward. He continued that the problem with the municipalities that were not-for-profits was that HUD was withholding CBDG money and HOMES money, which went to constructing affordable housing. He said for the first time in the County there was a project for the settlement which could not move forward because the needed \$400,000.00 worth of HOMES money which was being withheld. Legislator Harckham said that they were asking everyone at the County and in the public to take a deep breath because they needed to work through this together and collaboratively. He said that they hoped that HUD would release those funds because they were hurting the people who they wanted to help. He said that this was the topic for Monday's Leadership Meeting.

The Supervisor said with regard to the septic issue, it was her firm belief that the third aspect of the heightened regulations which required the municipalities to institute legislation to inspect septic systems, this belonged at the County. She said that before the County was the entity that had always dealt with everything that had to do with septic systems. She said that this created a redundancy in Government and the last thing that they needed when they were trying to streamline Government. The Supervisor asked Legislator Harckham if he would be willing to write a letter of support to the DEC to transfer the responsibility of inspections. Legislator Harckham said that he would agree to that. The Supervisor said that she wrote a letter and if Legislator Harckham would send one it may help. Legislator Harckham asked the Supervisor to e-mail him her letter so that he would know what her talking points were. He also explained some of the issues that the County had with regard to taking over the inspections.

Legislator Kaplowitz said that he wanted to congratulate the Board as a Legislator and as a resident of Somers, for keeping the tax increase right at the tax cap. He said that the County Budget came in at -.321%. He explained that was working with the County Board of Legislators and County Executive Rob Astorino they were able to in a serious way, achieve some control cost. Legislator Kaplowitz said that all seventeen Legislators supported capping, keeping the tax increase at 0%. He said that it was similar pressures as to what the Town had and with pension cost continue to rise and the Comptroller continuing to ask for more. He said that it was three to five years before the pension cost would begin to level off from what they heard.

Legislator Kaplowitz said with regard to the Monitor which had so many considerations to the quality of life. He said that he still remained concerned that there was a Federal Monitor overseeing Westchester County. He urged everyone to be careful. He said that that he did not believe that they did anything to warrant the Monitor but the settlement came about before they could not afford going to Court and potentially losing and being out 180 to 190 million dollars in fines. Legislator Kaplowitz said that they were working hard to get to the 750 units and they were going to resolve the source of income. He said that there were still some outstanding pieces and they all needed to be circumspect in that, because they were serious.

The Supervisor asked of the 31 Towns in Westchester that were included in the settlement, how many were actually building affordable housing. Legislator Kaplowitz said that believed that it was about eight to ten Towns. Legislator Harckham said that it was about a third with more in the pipeline; they could prove the exact numbers from the Planning Department. The Supervisor said that she was curious. She said that if they divide the 750 units between the 31 Towns they would come up with 24 to 25 units for each Town. Legislator Kaplowitz said that there was no quota; people believe that every Town had to build affordable housing, although they have to build the 750 units throughout the County. Legislator Harckham said that Cortlandt and North Salem had two big projects. The Supervisor said they needed to include Somers. Legislator Kaplowitz said that the Mews II will count towards the settlement. The Supervisor said that the Mews II was going to be 10% of the settlement.

Legislator Kaplowitz said that the next issue was that they were going to want the County, which they will resist, to go to every community and ask for an interactive dialog, what the zoning was like, what their challenges were, what had been accomplished and not accomplished. He said that the Monitor made it clear that they were not prepared to comment on any of that at that time but will be reviewing very carefully along with the staff that he hired to look at everyone's submissions. He said the best way to look at it was the Monitor was looking to grade everyone's papers. Legislator Kaplowitz said that the progress that they had made, the 300 units of affordable housing had all been with carrot and no stick and the hope with that they get to the 750 units that way. He said that he asked the Monitor if once they reached the 750 units did they get to say goodbye to him and it was made quite clear that there were many other central portions to the agreement. He said that the Monitor was going to be on the scene looking at compliance of source of income, looking at zoning.

Councilman Garrity said that he mentioned the big hitters to be Cortlandt and North Salem. He asked the number of units each of them built. Legislator Harckham said that he believed that there were 65 units of affordable housing in North Salem and Cortlandt was 65 or more, that was a big project. Councilman Garrity asked if they were already built. Legislator Harckham said that Cortlandt had residents moving in and North Salem was under construction at that time. Councilman Garrity said that Somers had the most units of affordable housing with the Mews at

that point. Legislator Kaplowitz said that they had an obligation that except for Lewisboro no one else had that was negotiated a number of years ago with the Leadership of Supervisor Murphy, who quarterbacked an effort to preserve the largest undeveloped track in Westchester County, the Angle Fly Preserve. He said that there was an obligation under that agreement separate and apart from the settlement obligation that did lead to a 224 units of affordable housing as a goal and effort. He said that the Mews II was helpful and it was a shame that the Mews I did not count towards the fair and affordable housing although it did count towards Angle Fly Preserve. The Supervisor said that the Mews I was recognized by the Monitor in the letter that he sent the Town as fair and affordable housing because it was marketed as such, although it did not count towards the settlement it did count towards fair and affordable housing in the Somers. She said that it will amount to about 150 units by next summer. Councilman Morrissey said by all accounts they were doing well on their good faith effort for the Angle Fly by generating affordable units and they had already provided 10% of the County settlement housing. Legislator Kaplowitz said that the Monitor had their own volition and he wanted the Town to be careful in that regard.

The Supervisor said from her review of his letter he was looking at the Zoning to see what the Town's Zoning would provide for; they were not looking at particular projects. Legislator Kaplowitz said that they were looking to culture, not just to see that the 750 units were complete. He said the irony was that more affordable housing was built voluntarily with no Federal Monitor than they had under the settlement.

Legislator Kaplowitz said that there were two other issues that he would like to discuss with the Board that evening. He said that one of them was with regard to a LDC and the other was Playland. He said for their information with regard to Playland, the County Executive wisely went out for Request for Proposals looking to see if there was a better way to run Playland. Legislator Kaplowitz said that three came back that were of particularly of note and they were down to those final three proposals. He said that a Community Assistance Committee reviewed and the County Executive did sign an Assets Management Agreement with one of the companies and the Board of Legislators was reviewing all of them. He said that he was confident they were going to figure out a way to get to the best proposal and get Playland in the year 2014 out of County direct operation and into a private purveyor with the appropriate protections that were needed for the taxpayers of Westchester County for the next ten years. Legislator Kaplowitz said that they were trying to figure out the finances and what the culture was of Playland. He said with that the important point to make was that the County still owned Playland, they were not alienating or getting rid of it, it was going to be owned by the County and the Board would have a role in any improvements to the facility. Councilman Morrissey asked about the financing of Playland. Legislator Kaplowitz explained the financing and the cost to the County to the Board.

Legislator Kaplowitz said they were looking to establish a Local Development Corporation (LDC) with Northern Westchester Hospital. He explained that since 2009 non-profits in the State of New York were not able to benefit from Industrial Development Agencies (IDA). These non-profits were hospitals, universities, private schools and nursing homes. He said that these non-profits had capital needs as well, they wanted to put projects up and they want to do it in such fashion that they were getting tax free financing for their projects, similar to other municipal bonds. Legislator Kaplowitz explained that an LDC was a unique entity that if set up correctly with the right oversight it will be outside financing, not County owned, it will be an obligation of the entity that issues the bonds and if there was any default on the bonds the taxpayers paid none of the cost. He gave an example of Northern Westchester Hospital and the saving that they could see. He said that they could be looking at hundreds of millions of dollars of economic activity, which was desperately needed in the County. Legislator Kaplowitz said that they were working on this and Legislator Harckham had led the fight to get them to a LDC that gave them the protections and all of the good things. He said that the bottom line was when the bonds were floated it was not County money, it was not taxpayer money.

The Supervisor asked if the County Executive introduced a LDC. Legislator Harckham explained that there were challenges and they were working on the LDC.

Councilman Clinchy asked in light of recent events that had been going on with regard to corruption was there any discussion on the County level to look at Law that existed to see if there were changes needed. Legislator Harckham said that one of the things that they had done a year or so ago was they toughened their Ethics Law, in the past when someone filled their Personal

Financial Disclosure Statement it basically went into a file draw. He continued that for the first time everyone was now scrutinized by an outside entity, someone who was a disinterested party was now reviewing the Personal Financial Disclosure Statements to see if there were any conflicts. Councilman Clinchy asked who appointed that disinterested party. Legislator Harckham answered the Board of Ethics made the appointment.

The Supervisor thanked the Legislators for being present that evening.

The Supervisor said that it was in order to open a public hearing with regard to a Local Law to establish a Sustainable Energy Loan Program.

9:05 PM – hearing opened
9:06 PM – meeting reconvened

Local Law
to establish
a
Sustainable
Energy
Loan
Program

The Supervisor said that it was in order for the Board to adopt a Local Law to establish a Sustainable Energy Loan Program.

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

RESOLVED, that the Town Board does hereby adopt a Local Law to establish a Sustainable Energy Loan Program as follows:

A LOCAL LAW TO ESTABLISH A
SUSTAINABLE ENERGY LOAN
PROGRAM IN THE TOWN OF SOMERS

Be it enacted by the Town Board of the Town of Somers as follows:

Section 1. The Code of the Town of Somers is hereby amended by adding a new Chapter entitled "Energize NY Benefit Financing Program," to read as follows:

ARTICLE I

§1. Legislative findings, intent and purpose, authority.

A. It is the policy of both the Town of Somers and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Town of Somers finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This chapter establishes a program that will allow the Energy Improvement Corporation ("EIC"), a local development corporation, acting on behalf of the Town of Somers, to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefitted by such funds, thereby fulfilling the purposes of this chapter and fulfilling an important public purpose.

B. The Town of Somers is authorized to implement this Energize NY Benefit Financing Program pursuant to Article 5-L of the New York General Municipal Law.

C. This chapter shall be known and may be cited as the "Energize NY Benefit Financing Program Law of the Town of Somers".

§2. Definitions

For purposes of this chapter, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Authority - The New York State Energy Research and Development Authority, as defined by subdivision two of section eighteen hundred fifty-one of the public authorities law, or its successor.

EIC - the Energy Improvement Corporation, a local development corporation, duly organized under section fourteen hundred eleven of the Not-For-Profit Corporation Law, authorized hereby on behalf of the Town of Somers to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this chapter) and providing for repayment of such funds from monies collected by the Town of Somers tax collector as a charge to be levied on the real property and collected in the same manner and same form as the Town of Somers taxes.

Energy Audit - A formal evaluation or "assessment" of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

Energy Efficiency Improvement- Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weatherstripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property.

Qualified Property Owner - An owner of residential or commercial real property located within the boundaries of the Town of Somers that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this chapter.

Renewable Energy System - An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

Renewable Energy System Feasibility Study - A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

§3. Establishment of an Energize NY Benefit Financing Program

D. An Energize NY Benefit Financing Program is hereby established by the Town of Somers, whereby EIC acting on its behalf, may provide funds to Qualified Property Owners in accordance with the procedures set forth under this chapter, to finance the acquisition, construction and installation of Renewable Energy Systems and Energy Efficiency Improvements and the verification of the installation of such systems and improvements.

E. The funds provided shall not exceed the lesser of ten percent of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

§4. Procedures for eligibility

F. Any property owner in the Town of Somers may submit application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Town of Somers offices.

G. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the Town of Somers, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in subsection A of section 5 of this chapter. EIC may also request further information from the property owner where necessary to aid in its determination.

H. If a positive determination on an application is made by EIC acting on behalf of the Town of Somers, the property owner shall be deemed a Qualified Property Owner and shall be eligible

to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under section 6 of this chapter; provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

§5. Application criteria

I. Upon the submission of an application, EIC acting on behalf of the Town of Somers, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

1. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems are determined to be cost effective by the Authority;
2. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems will generate an estimated annual cost savings greater than the annual charge payments;
3. Sufficient funds are available to provide to the property owner;
4. The property owner is current in payments on any existing mortgage;
5. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and
6. Such additional criteria, not inconsistent with the criteria set forth above, as the Town of Somers, or EIC acting on its behalf, may set from time to time.

§6. Opt-in, Energize Finance Agreement

A. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an Energize Finance Agreement made by and between the Qualified Property Owner and EIC, acting on the behalf of the Town of Somers.

B. Upon execution of the Energize Finance Agreement, the Qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of Town of Somers, for the acquisition, construction, and installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of section 7 of this chapter have been met.

C. The Energize Finance Agreement shall include the terms and conditions of repayment set forth under section 8 of this chapter.

§7. Energy audit, renewable energy system feasibility study

A. No funds shall be made available for Energy Efficiency Improvements unless determined to be appropriate through an Energy Audit as defined in Section 2.

B. No funds shall be made available for a Renewable Energy System unless determined to be feasible through a Renewable Energy System Feasibility Study as defined in Section 2.

C. The cost of such Energy Audit and/or Renewable Energy System Feasibility Study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

§8. Terms and conditions of repayment

The Energize Finance Agreement between the Qualified Property Owner and EIC acting on behalf of the Town of Somers, shall set forth the terms and conditions of repayment in accordance with the following:

A. The principal amount of the funds paid to the Qualified Property Owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on their Town

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of Somers tax bill and shall be levied and collected at the same time and in the same manner as Town of Somers property taxes, provided that such charge shall be separately listed on the tax bill. The Town of Somers, shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of the Town of Somers tax due date.

B. The term of such repayment shall be determined at the time the Energize Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the Town of Somers.

C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the Town of Somers at the time the Energize Finance Agreement is executed by the property owner and EIC.

D. The charge shall constitute a lien upon the real property benefitted by the Energize NY Benefit Financing Program • and shall run with the land. A transferee of title to the benefitted real property shall be required to pay any future installments, including interest thereon.

§9. Verification and report

E. EIC shall be responsible for verifying and reporting to the Town of Somers on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such program.

F. The Town of Somers shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority may establish.

Section 2. This local law shall take effect upon filing with the Secretary of State.

Councilman Clinchy asked how someone would get the information to apply for the loan. The Supervisor said that first stop would be for them to go to the Energy Improvement Corporation, which was out of Bedford. She said that she believed that there was a link to the Corporation on the Somers Energy page located on the Town of Somers website.

PUBLIC COMMENT:

Ms. Polly Kuhn, Heritage Hills, said that she thought that the proposed Zoning Text Amendment with regard to The Green at Somers would be on the agenda that evening. She said that she had heard that it was decided that there would no amendment and no public vote and she was appalled by that. She discussed with the Board the need for affordable workforce housing in Somers and the work the Planning Board had put into the project.

Mr. Barry Singer, Heritage Hills, discussed the history and need for affordable housing in the Town of Somers.

Councilman Cirienco present at 9:15 PM

Ms. Francoise Bennett, Heritage Hills, said that she was a member of the League of Voters. She read a prepared statement with regard to the Town of Somers need for affordable workforce housing.

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

Town wide
clean-up

The Supervisor announced that there was a Town wide clean-up being held from April 12, 2013 to April 22, 2013. She said that anyone interested could sign up at the Library, on-line and in the Supervisor's Office. She said that they were giving out bags and gloves and they have had a lot of participation from the local businesses. Councilman Morrissey urged everyone to be safe while they were out cleaning up the roadways.

Approval of
the minutes

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

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

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RESOLVED, that the Town Board does hereby approve the minutes of the March 14, 2013 Public Hearing regarding Proposed waiver of Recreation Fees for the Mews II at Baldwin Place; the March 14, 2013 Public Hearing regarding Proposed Amendments to Zoning Code, Chapter 170 – NS Zone and the March 14, 2013 Regular Meeting.

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

Allocation of Rec Fees to set a budget for complete restoration of the Reis Park exterior restroom
The Supervisor said that the next item on the agenda was to authorize the allocation of \$20,000.00 from Recreation Fees to set a budget for complete restoration of the Reis Park exterior restroom.

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

RESOLVED, that the Town Board does hereby authorize allocation of \$20,000.00 from Recreation Fees to set budget for complete restoration of the Reis Park exterior restroom per memo dated April 3, 2013 from Steven Ralston, Superintendent of Parks & Recreation.

Repaving of walkway in Reis Park
The Supervisor said as a point of interest the work at the Park was coming along quite well and the parking lot had been completely paved and it will open for parking that Monday. She said that the driveway had also been paved up to Upper Reis and it looked great. She said that she wanted to ask the Board if they would consider repaving the walkways. The Supervisor explained that they had \$152,000.00 set aside for paving the main drive in the event that they EOHWC was not going to pay for the paving. She said that they would find out tomorrow how much the EOHWC will be paying for. She continued that they did allocate \$11,000.00 to mill the road and the Contractor had done an incredible job.

Councilman Garrity said that the Contractor also did the pavers at the concession stand. The Supervisor explained that Unilock donated the pavers and the Contractor installed them as a donation to the Town. She said that the park was going to look very nice once it was all done.

The Supervisor said that she wanted to get permission from the Board assuming that the \$152,000.00 that was originally budgeted was not going to be spent would they agree to allocate up to \$20,000.00 for the repaving of the walkways. She said that way everything in the park would like nice and uniform.

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

RESOLVED, that the Town Board does hereby authorize the spending of up to \$20,000.00 for repaving of the walkways in Reis Park assuming that the \$152,000.00 that was originally budgeted was not going to be spent.

The Supervisor said that it will be another couple of weeks for the lights to arrive and be installed in the Park. She said that it was her understanding that weather permitting they will be playing soccer at the Park and they were asking that no one park in the lower lot. She said that the restrooms had also gotten a facelift as well.

Schedule Public Hearing with regard to the Elevator Key Law
The next item was a discussion with regard to an Elevator Key Law. The Supervisor said that the only comments she had received were in favor of it. She asked the Town Attorney to draft a Local Law and they schedule a public hearing.

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

RESOLVED, that the Town Board does hereby authorize the scheduling of a public hearing for a Local Law to amend the Code of the Town of Somers Chapter 26 entitled Fire Prevention Bureau for May 9, 2013.

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Sale of
Railroad
Avenue

The Supervisor said that the next item was with regard to discussing the sale of Railroad Avenue. She said that the Board needed to have an executive session with regard to this matter. The Board agreed to have the executive session at the end of the meeting.

Complete
Streets
Policy

The next item on the agenda was the Complete Streets Policy. The Supervisor said that they use the Southern Westchester Energy Action Consortium's version which they had a chance to review.

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

WHEREAS, Complete Streets are streets that provide safe, comfortable, and convenient access for users of all abilities and all modes including pedestrians, bicyclists, motorists, and transit riders; and

WHEREAS, the Town of Somers Complete Streets vision is to encourage the development of a complete streets network throughout the Town of Somers to create a more balanced transportation system; and

WHEREAS, Complete Streets support economic development by helping to create a walkable, vibrant Town of Somers where businesses can thrive while also supporting livable neighborhoods; and

WHEREAS, the Complete Streets Program outlines an approach to for an improved, transparent process to promoting shared access throughout the community and

WHEREAS, the Complete Streets Program encourages incorporating complete streets design practices, to the extent feasible, as a part of routine infrastructure planning, design, and maintenance for public and private projects; and

WHEREAS, the Complete Street program shall be consistent with and assist in achieving the goals and recommendations set forth in the Town of Somers Comprehensive Plan and other adopted policy documents; and

WHEREAS, New York State passed the complete streets law in 2011 that requires that complete streets design guidelines be considered for the planning, design, construction and reconstruction of roadways receiving federal and state funding; and

WHEREAS, the people of the Town of Somers have expressed strong support for Complete Streets.

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Somers hereby adopts the Complete Streets Program Policy to enhance shared access within the Town of Somers and to improve quality of life for its residents; and

NOW, THEREFORE BE IT FURTHER RESOLVED that the Town Board of the Town of Somers will strive to initiate the recommended action items in the immediate future, including the establishment of the Shared Access Advisory Board and a Complete Streets Checklist.

Citizen
Task Force
with regard
to Lincoln
Hall

The Supervisor said the next item on the agenda was to consider the creation of a Citizen Task Force and outline of responsibilities with regard to Lincoln Hall. She said that they spoke about this at the last meeting and she reworked the Resolution. She said that at that point she had three people who were interested in serving. The Board agreed that the Task Force should consist of 5 members and the Police Chief to act as Ex-Officio. The Supervisor said that they should include a Town Board Member and asked for a volunteer to be the liaison. Councilman Morrissey said that he would be liaison although that would depend on how much they met. Councilman Garrity said that he would be the second liaison.

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

WHEREAS, residents of Somers have expressed concerns regarding safety and security with regard to Lincoln Hall, and

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WHEREAS, residents of Somers have expressed concerns regarding reports of escapes by the residents of Lincoln Hall and crimes committed at Lincoln Hall, and

WHEREAS, residents of Somers have expressed concerns regarding the level of criminal offenses committed by those detained at Lincoln Hall and

WHEREAS, residents of Somers have expressed concerns regarding information available with respect to Lincoln Hall

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby creates a Task Force to consist of five (5) residents of the Town of Somers, to make recommendations and proposals to the Town Board and the Town Supervisor from time to time as to actions to consider taking with regard to safety and security as it relates to Lincoln Hall.

BE IT FURTHER RESOLVED, that the taskforce will exist for one year from the date of this resolution, and

BE IT FURTHER RESOLVED, that Councilman Morrissey be appointed as liaison to the task force, and

BE IT FURTHER RESOLVED, that Police Chief Michael Driscoll be appointed as an ex officio member of the task force.

The Supervisor said that anyone that was interested in serving on the Citizens Task Force should send her an e-mail or drop a letter off to her office. She said that once they had everyone that was interested they would get them together to meeting with the Board at an executive session. She said that if there were more than five people interested they could decide to increase the number of members or choose the best five.

PERSONNEL:

Current Vacancies:

Somers Energy Environmental Committee
Substance Abuse Council (2 – unexpired 3 year terms to December 31, 2016)

Upcoming Vacancies:

The Supervisor said that she would like to thank Ms. Barbara Stockwell who was resigning from the Library Board of Trustees. She said that Ms. Stockwell had served on the Library Board of Trustees for many years and served as President for at least four to five of those years. She said that Ms. Stockwell had been a huge advocate for the Library over the years. The Supervisor said that the Stockwell's were moving out of State and that was why she was resigning. She said that she wanted to express their thanks and appreciation for Ms. Stockwell's years of service.

RESOLVED, that the Town Board does hereby acknowledge with regret the resignation of Barbara Stockwell from the Library Board of Trustees per letter dated March 13, 2013 from Barbara Stockwell.

The next item was the consensus agenda. The Supervisor pointed out the additions to item number 3. She said with regard to item number 10 she wanted to point out the low proposals that were received. Councilman Morrissey said that a work permit was required from the Health Department when tanks were being pulled. The Supervisor said that she would let them know.

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

1. RESOLVED, that the Town Board does hereby authorize a budget modification per memo dated April 5, 2013 from Supervisor Mary Beth Murphy:

Resignation
of B.
Stockwell
from the
Library
Board of
Trustees

Consensus
agenda

Budget
Modifications

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RESOLVED, that the Town Board does hereby authorize a budget modification to cover year end budget overage per memo dated March 29, 2013 from Robert Kehoe, Director of Finance:

From: 003-9712.0700 – Debt Service – Bond Interest

To: 003.9712.0600 – Debt Service – Bond Principal \$30,000.00

Adopt Dog
Park
Regulations

2. RESOLVED, that the Town Board does hereby authorize the adoption of Dog Park Rules as presented per memo dated February 27, 2013 from Steven Ralston, Superintendent of Parks & Recreation.

Tax PILOT
Agreement
with regard
to the Mews
II

- 3a. RESOLVED, that the Town Board does hereby authorize Supervisor Mary Beth Murphy to execute the Agreement for Payment in Lieu of Tax (PILOT) Agreement by and among the Town of Somers, Somers Senior II, LLC and Mews Housing Development Fund Company, Inc.

Execute
agreement for Bi-
Annual Generator
Maintenance &
Check-up

- 3b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute agreement with Michael Baranowski for Bi-Annual Generator Maintenance & Check-up for the Town of Somers Police Department in the amount of \$368.00 per memo dated March 14, 2013 from Michael W. Driscoll, Police Chief.

Execute the
EZ Pass
Business
Application

- 3c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the EZ Pass Business Application and include monthly payment as a prepay pending receipt of a properly executed Town of Somers Voucher.

Execute the annual
Fireworks
agreement with
Garden State
Fireworks, Inc

- 3d. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the annual Fireworks agreement with Garden State Fireworks, Inc. in the amount of \$10,000.00 for the 29th day of June, 2013.

Authorize
transfer of
bonds to the
General Fund

4. RESOLVED, that the Town Board does hereby authorize transfer of bonds to the General Fund as listed in memo dated March 26, 2013 from Steven Woelfle, Principal Engineering Technician.

Release
Erosion
Control
Bonds

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

- a. \$100.00 Marschke Wetland Permit – 17.10-1-5
- b. \$350.00 Arena Wetland Permit – 18.13-1-43
- c. \$100.00 Johnson Wetland Permit – 48.13-1-33
- d. \$500.00 D’Uva Steep Slope Permit – 59.06-1-4
- e. \$100.00 Finney Wetland Permit – 16.14-3-20
- f. \$300.00 Lucaj Wetland Prmit – 27.11-2-13
- g. \$500.00 Puleo Wetland Permit – 48.05-1-14
- h. \$500.00 Santaroni Constr. Corp Steep Slope Permit – 48.13-1-1
- i. \$200.00 Lanwehr/Ceradini Steep Slope Permit – 36.16-2-4
- j. \$ 25.00 Luppino Tree Preservation Permit – 17.16-1-17
- k. \$100.00 DiMiceli Erosion Control Bond – 27.13-1-68
- l. \$ 25.00 Line Tree Preservation Permit – 48.13-1-13
- m. \$ 25.00 Faustini Tree Preservation Permit – 17.17-1-40
- n. \$100.00 Poccia Tree Preservation Permit – 36.16-2-25
- o. \$100.00 Martin Wetland Permit – 6.19-1-32
- p. \$ 25.00 DiSiena Tree Preservation Permit – 27.08-2-2.1
- q. \$300.00 Living Resources Corp/Camary Statewide Services Steep Slope Permit – 15.16-2-1
- r. \$100.00 Sheehan Tree Preservation Permit – 17.10-1-23
- s. \$ 25.00 Kirwan Tree Preservation Permit – 18.13-2-47.5
- t. \$150.00 Suydam Steep Slope Permit – 37.19-1-7
- u. \$100.00 Kessler Steep Slope Permit – 38.06-1-7

Return
Erosion
Control
Bonds

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- 6. RESOLVED, that the Town Board does hereby authorize the return of Erosion Control Bond in the amount of \$57,439.00 posted by AARK Contracting per memo dated March 15, 2013 from Steven Woelfle, Principal Engineering Technician.

Resolution of Support for International Noise Awareness Day

- 7. RESOLVED, that the Town Board does hereby adopt resolution of support for International Noise Awareness Day on Wednesday, April 24, 2013.

WHEREAS, Noise Awareness Day, sponsored by The League of the Hard of Hearing, is being observed in the Town of Somers and throughout the world on the twenty-fourth day of April 2013, and

WHEREAS, exposure to excessive noise can and does permanently damage hearing, and excessive noise is also detrimental to the quality of life, for New Yorkers. The League for the Hard of Hearing and the New York City Department of Environmental Protection (DEP) have developed a public/private partnership that is working with many city agencies to address noise related problems that impact on the quality of life in our city and towns; and

WHEREAS, New Yorkers and visitors are already noticing lower noise levels on the streets and in public places, we can all help by being good neighbors, by reporting excessive noise and by refusing to put ourselves, our neighbors and our children in danger of permanent hearing loss,

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Somers, in recognition of this important initiative, does hereby proclaim, Wednesday, April 24, 2013 in the Town of Somers as “NOISE AWARENESS DAY.”

Donation of 1996 Ford Explorer (old police vehicle) to the SVFD

- 8a. RESOLVED, that the Town Board does hereby authorize the donation of 1996 Ford Explorer (old police vehicle) to the Somers Volunteer Fire Department for training per memo dated March 15, 2013 from Adam Smith, Water Superintendent.

Permission to scrap 2002 Chevy Tahoe (police vehicle)

- 8b. RESOLVED, that the Town Board does hereby authorize permission to scrap 2002 Chevy Tahoe VIN #IGNEK 13252J308866 (police vehicle) per memo dated March 27, 2013 from Michael W. Driscoll, Police Chief.

Annual Roadside Little Clean-Up

- 9. RESOLVED, that the Town Board does hereby announce Annual Roadside Little Clean-Up beginning April 12, 2013 – April 22, 2013.

Contract for the utility markings for New York Leak Detection, Inc.

- 10. RESOLVED, that the Town Board does hereby authorize the Supervisor to sign contract for the utility markings for New York Leak Detection, Inc. for the Town House, Town House Annex and Van Tassel House in the amount of \$1,500.00 per memo dated April 11, 2013 from Thomas J. Tooma, Jr., Assistant Building Inspector. The proposals received were:

Master Locators, Inc.
 2426 E. Helms Manor
 Boothwyn, PA 19061 \$2,560.00

New York Leak Detection, Inc.
 PO Box 269
 Jamesville, NY 13078 \$1,500.00

Contract for the oil tank removal and installation for Madison Energy Corp./Madison Environmental & Tank Services

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign contract for the oil tank removal and installation for Madison Energy Corp./Madison Environmental & Tank Services for the Town House, Town House Annex and Van Tassel House in the amount of \$11,000.00 per memo dated April 11, 2013 from Thomas J. Tooma, Jr., Assistant Building Inspector. The proposals received were:

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Dutchess Environmental Construction
936 Route 6
Mahopac, NY 10541 \$19,400.00

Madison Environmental & Tank Services \$11,000.00
352 Route 202
Somers, NY 10589

Accept
Erosion
Control
Bond

11. RESOLVED, that the Town Board does hereby authorize acceptance of Erosion Control Bond in the amount of \$1,000.00 from DeRuzza/Bedford Building & Remodeling for Stormwater Management and Erosion and Sediment Control Permit TM: 37.16-1-19.5 Per memo dated April 1, 2013 from Wendy Getting, Senior Office Assistant.

The Supervisor said that it was in order for the Board to enter into an executive session.

Thereupon motion of Supervisor Murphy, seconded Councilman Garrity the meeting was adjourned to an executive session at 9:40 PM to return that evening.

10:00 PM – meeting reconvened

Authorize
the Sale of
a portion of
Railroad
Avenue

The Supervisor said that it was in order to authorize the sale of Railroad Avenue to Mr. and Mrs. Perry in the amount of \$3,500.00 subject to permissive referendum, an easement for drainage and recreational trails and the usual building restrictions. The Town Clerk asked if this was just a portion of Railroad Avenue. The Supervisor explained that it was just the portion that the Perry's had requested to purchase. She said that it was approximately .176 acres, the portion immediately adjacent to their property. She said that they would have the Perry's contact the Town Attorney with title and survey.

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

RESOLVED, that the Town Board does hereby authorize the sale of a portion of Railroad Avenue; approximately .176 acres to Stephen R. Perry and Mary Broderick residing at 21 Brick Hill Road, in the amount of \$3,500.00 subject to permissive referendum, an easement for drainage and recreational trails and the usual building restrictions.

Claims for the payment of all Town Bills in the amount of \$774,671.11 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 adjourned at 10:02 PM.

Town Clerk