

APRIL 14, 2016 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening April 14, 2016 at 6:30 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

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

ABSENT:

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

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

Thereupon motion of Supervisor Morrissey, seconded by Councilman Clinchy, the meeting was adjourned to an executive session at 6:30 PM with regard to personnel to return that evening.

7:05 PM – meeting reconvened

The Supervisor said that it was in order for the Board to open a public hearing with regard to a proposed Local Law to amend Chapter 46 entitled Police Department to add Article II entitled Residency Requirements to the Code of the Town of Somers.

7:07 PM – hearing opened  
7:15 PM – meeting reconvened

The Supervisor said that it was in order for the Board to adopt a Local Law to amend Chapter 46 entitled Police Department to add Article II entitled Residency Requirements to the Code of the Town of Somers.

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

RESOLVED, that the Town Board does hereby adopt a Local Law to amend Chapter 46 entitled Police Department to add Article II entitled Residency Requirements to the Code of the Town of Somers as follows:

A Local Law to amend Chapter 46 of the Code of the Town of Somers entitled Police Department.

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

1. Article II is hereby added to Chapter 46 to read as follows:

**Article II. Residency Requirements.**

Section 46-5. Purpose. It is the purpose of this article to modify the requirements of the Laws of New York (1936), Chapter 104 entitled “An Act Providing for the Establishment, Organization and Operation of Police Departments in the Towns of Westchester County,” Section 18 entitled Part-Time Patrolmen which provides in part

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that such part-time patrolmen at the time of appointment must reside within the boundaries of the Town of Somers.

Section 46-6. Legislative Authority. This Local Law is enacted pursuant to the provisions of Section 10 of the Municipal Home Rule Law.

Section 46-7. Title. The title of this article is “A Local Law to Modify Residence Requirements for Part-Time Patrolmen in the Town of Somers.”

Section 46-8. Restrictions for Part-Time Patrolmen. In the Town of Somers, Westchester County, part-time patrolmen at the time of appointment need not be residents of the Town of Somers.

2. Effective Date: This Local Law shall take effect immediately upon filing of same with the Secretary of State of the State of New York.

PUBLIC COMMENT:

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

Approval of the minutes

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

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

RESOLVED, that the Town Board does hereby adopt the January 7, 2016 Organizational Meeting; the January 11, 2016 Public Hearing regarding the Draft Comprehensive Plan Update 2015; the January 14, 2016 Regular Meeting; the February 4, 2016 Work Session; the February 11, 2016 Public Hearing regarding the Draft Comprehensive Plan Update 2015; the February 11, 2016 Regular Meeting; the March 3, 2016 Work Session, the March 10, 2016 Regular Meeting and the April 7, 2016 Work Session/Special Meeting.

Monthly reports

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

Purchase of Municipality Software Program

The Supervisor said that the next item on the agenda was with regard to the purchase of Municipality Software Program to be used by the Building, Planning, Engineering and Assessor’s Offices. Councilman Garrity asked if the software was replacing something that the Town was currently using. The Supervisor explained that it was the updated better version of what was currently being used by the Departments. Councilman Ciriaco asked if the Board had budgeted for this upgrade. The Supervisor said that it was in the 2016 Budget and all of the Departments were in favor of the upgrade.

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

RESOLVED, that the Town Board does hereby authorize the purchase of Municipality 5 and Municipality Mobile from Software Consulting Associates (SCA) to be used by the Building Department, Planning and Engineering Office and the Assessor’s Office in the amount of \$9,700.00 per memo dated April 8, 2016 from Efram Citarella, Building Inspector.

Renew the annual contract for S. Dym, Director of Planning

The next item was a discussion with regard to the renewal of the annual contract for Syrette Dym, Director of Planning. The Supervisor explained that as they were moving into the Master Plan Update a number of projects came before the Town and they entered into a contract with the Town Planner to work full-time rather than the 20 hours a week. He said that this was so that they would keep on top of everything that was going on in

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the Town. He said that after the Master Plan Update was completed he added on to Ms. Dym’s list of duties. The Supervisor said that she was in charge of the monitoring and marshalling of grants. He said that he did forward the Board Ms. Dym’s list of responsibilities and he was recommending that the Board sign another full year contract with her at an annual salary of \$98,825.00. He said that he also wanted to add that a good portion of that salary was paid by Applicants for the work that Ms. Dym did on proposed developments. Councilman Cirieco said that ultimately this was a temporary situation and asked the Town Attorney what his suggestion would be with regard to the contract and how it was structured. The Town Attorney said that it was and he found it easier to work with Ms. Dym than the outside Planning Consultants. He said that he would recommend that they have Ms. Dym do as much of the work as she could on any project that was before the Town.

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

RESOLVED, that the Town Board does hereby authorize the renewal of an annual contract for Ms. Syrette Dym, Town Planner at a salary of \$98,825.00 to begin May 10, 2016 through May 10, 2017.

AYES: Supervisor Morrissey, Councilmen Faulkner, Clinchy, Cirieco  
NAYES: Councilman Garrity

PERSONNEL:

Current Vacancies:

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

Upcoming Vacancies:

Terminate probationary status/hire C. Dammeyer, Maintenance Mechanic

The Supervisor said that it was in order for the Board to terminate the probationary status of Mr. Charles Dammeyer, Maintenance Mechanic effective December 31, 2015 and hire Mr. Dammeyer, permanent Maintenance Mechanic effective January 1, 2016 at an annual salary of \$48,051.00. Councilman Clinchy said that the position was a Civil Service position and asked if the salary was governed by those guidelines. The Supervisor said that it was and this was just to terminate his probationary status. Councilman Garrity said that he was doing a great job. The Supervisor pointed out how he saved the Town a lot of money by doing the work in-house. He listed the projects that Mr. Dammeyer had completed or was currently working on and all of the benefits the Town was seeing.

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

RESOLVED, that the Town Board does hereby terminate the probationary status of Mr. Charles Dammeyer, Maintenance Mechanic effective December 31, 2015 and hire Mr. Dammeyer as permanent full-time Maintenance Mechanic at an annual salary of \$48,051.00 per memo dated April 5, 2016 from Efrem Citarella, Building Inspector.

Review and Comment of The Crossroads at Baldwin Place Site Plan

The Supervisor said that the next item was a review and comment of The Crossroads at Baldwin Place Site Plan. The following comments were submitted to the Planning Board:

The Supervisor commented that the community benefits of this project brought to the Town would enhance the economic future of that area. He stated that the proposed sidewalks, sewer, and water service along with affordable housing units made this project a valuable asset to the Town.

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Councilman Clinchy commented that he hoped that the project would be a comprehensive plan for the people who would be living there. He also stated that if the plan was comprehensive it would be a valuable and attractive part of Town.

Councilman Cirioco commented that the linchpin for this project was the extension of the Sewer in that area and that was followed by the construction of the sidewalks. He stated that the project would also maintain the commercial and residential mix.

Consensus Agenda The next item on the agenda was the consensus agenda. The Supervisor pointed out item number 9 and stated that the Town was in the midst of their Annual Roadside Cleanup and he wanted to ask that anyone who had property abutting any road in Somers to clean up the fronts of their properties. Councilman Cirioco said with regard to item number 7a, he wanted to thank the Somers Women’s Club for their donation of Scholarships for Somers Day Camp participants.

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

Participation in NWH’s National Organ Donor Day Competition 1. RESOLVED, that the Town Board does hereby recognize the Town’s participation in Northern Westchester Hospital’s National Organ Donor Day Competition, Thursday, October 6, 2016.

Combining the July and the August Meeting 2. RESOLVED, that the Town Board does hereby authorize the combining of the July Work Session and Regular Meeting to July 14, 2016 and the combining of the August Work Session and Regular Meeting to August 4, 2016.

Accept bid for 2016 Highway Materials for the category of 16A and 16B Catch Basins 3. RESOLVED, that the Town Board does hereby accept the low bids for the 2016 Highway Materials for the category of 16A and 16B Catch Basins per memo dated March 28, 2016 from Thomas E. Chiaverini, Superintendent of Highways.

Recommend to NYS DOT a request for a Traffic Study and a reduction of speed 4. RESOLVED, that the Town Board does hereby authorize that a resolution be sent to the New York State Department of Transportation (NYS DOT) recommending a Traffic Study be conducted at the intersection of Route 100 and Route 35 and;

BE IT FURTHER RESOLVED, that the Town Board does hereby request that the NYS DOT reduce the speed limit on Route 100 from the intersection of Route 202 and Route 100 to Plum Brook Road from 55 MPH to 35 MPH.

Acknowledge the resignation of J. Mirra, Road Maintainer 5. RESOLVED, that the Town Board does hereby acknowledge the resignation of Mr. Joseph Mirra, Road Maintainer from the Somers Highway Department effective March 25, 2016.

Rescind resolution for G. Friedman from the P & R Board 6. RESOLVED, that the Town Board does hereby rescind the March 10, 2016 resolution acknowledging the resignation of Mr. Gary Friedman from the Parks and Recreation Board and does hereby acknowledge Mr. Friedman’s request “not seek reappointment” to the Parks and Recreation Board with much appreciation for his years of service to the Town of Somers.

Donation from Somers Women’s Club for scholarships for Day Camp participants 7a. RESOLVED, that the Town Board does hereby accept with gratitude a donation of \$2,400.00 from the Somers Women’s Club to be used for

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scholarships for Day Camp participants per memo dated March 28, 2016 from Steven Ralston, Superintendent of Parks and Recreation.

Authorize bid for Summer Camps Trip Transportation

- 7b. RESOLVED, that the Town Board does hereby grant permission to go to bid for Summer Camps Trip Transportation per memo dated March 28, 2016 from Steven Ralston, Superintendent of Parks and Recreation.

International Noise Awareness Day

8. RESOLVED, that the Town Board does hereby adopt resolution of support for International Noise Awareness Day on Wednesday, April 27, 2016.

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 seventh day of April 2016, 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 27, 2016 in the Town of Somers as “NOISE AWARENESS DAY.”**

Annual Spring Town-wide Roadside Litter Clean Up

9. RESOLVED, that the Town Board does hereby announce the Annual Spring Town-wide Roadside Litter Clean Up from April 3, 2016 through April 30, 2016.

Execute the Annual Fireworks Agreement

- 10a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute an agreement for the Annual Firework Display with Garden State Fireworks, Inc. in the amount of \$10,000.00 for 25<sup>th</sup> day of June 2016.

Execute the Annual IT Consultant Agreement

- 10b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Annual IT Consultant Service Agreement with RDM Computer Consultants, Inc. to provide IT consulting, network, file server and desktop support for the Town of Somers computer system in the amount of \$1,350 per month for the 2016 calendar year per Executive Summary dated October 14, 2015 from Ray Maggi, RDM, Computer Consultants, Inc.

Execute the Water Improvement Program Proposal

- 10c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Somers Water Improvement Program Proposal from Woodard and Curran in the amount of \$8,000.00 per letter dated February 18, 2016 from Joseph C. Barbagallo, P.E., Woodard and Curran.

Execute the Professional Engineering Services Proposal for the Route 6 Water Main Connection between Windsor Rd and Mahopac Ave

- 10d. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Professional Engineering Services Proposal for the Route 6 Water Main Connection between Windsor Road and Mahopac Avenue

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from Woodard and Curran in the amount of \$262,595.00 per letter dated March 2, 2016 from Joseph C. Barbagallo, P.E., Woodard and Curran.

Execute the Professional Engineering Services Proposal for Hidden Meadows Construction Phase

- 10e. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Professional Engineering Services Proposal for Hidden Meadows Construction Phase from Woodard and Curran in the amount of \$168,000.00 per letter dated March 2, 2016 from Joseph C. Barbagallo, P.E., Woodard and Curran.

Execute the Westchester County Change of Use Application for Nutrition Program

- 10f. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Westchester County Change of Use Application Form for the Town of Somers Nutrition Program at Van Tassell House.

Execute an application for an Acme Direct Pay Account, Purchase Advantage Card

- 10g. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute an application for an Acme Direct Pay Account, Purchase Advantage Card per memo dated March 31, 2016 from Barbara Taberer, Somers Nutrition Program Director.

Authorize the release of Street Opening Bond

- 11a. RESOLVED, that the Town Board does hereby authorize the release of a Street Opening Bond for 28 Equestrian Park Drive, Section: 27.20, Block: 1, Lot: 12, in the amount of \$140.00 to 58 A JVD Industries, Ltd., 261 West Lincoln Avenue, Mt. Vernon, New York 10550, per memo dated March 14, 2016 from Thomas E. Chiaverini, Superintendent of Highways.

Authorize the release of Driveway Bonds

- 11b. RESOLVED, that the Town Board does hereby authorize the release of a Driveway Bond for 9 Jean Way, Section: 17.12, Block: 2, Lot: 24, in the amount of \$500.00 to Michael and Heidi Cambareri, 9 Jean Way, Somers, New York 10589, per memo dated March 15, 2016 from Thomas E. Chiaverini, Superintendent of Highways.

- 11c. RESOLVED, that the Town Board does hereby authorize the release of a Driveway Bond for 19 Lounsbury Drive, Section: 5.13, Block: 1, Lot: 16, in the amount of \$1,000.00 to C&C Land Company, LLC, 19 Lounsbury Drive, Baldwin Place, New York 10505, per memo dated March 15, 2016 from Thomas E. Chiaverini, Superintendent of Highways.

Authorize the Purchase Order for a 14 Passenger Van with one wheelchair access

12. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute a Purchase Order for a 14 Passenger Van with one wheelchair access in the amount of \$55,554.00 from Shepard Bros. Inc., per memo dated March 25, 2016 from Barbara Taberer, Somers Nutrition Program Director.

Budget Modifications

13. RESOLVED, that the Town Board does hereby authorize the following budget modifications/transfers per memo dated April 1, 2016 from Rick Morrissey, Supervisor:

RESOLVED, that the Town Board does hereby authorize a budget transfer in the amount of \$20,000.00 due to 2015 bond refunding per memo dated March 23, 2016 from Robert Kehoe, Director of Finance:

FROM:	003.9714.0007.0000	Open Space Interest	\$20,000.00
TO:	003.9714.0006.0000	Open Space Principal	\$20,000.00

RESOLVED, that the Town Board does hereby authorize a budget transfer in the amount of \$8,588.40 due to reclass of the Water System Modeling Project per memo dated March 23, 2016 from Robert Kehoe, Director of Finance:

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FROM: 040.9950.0940 Capital Fund \$8,588.40  
TO: 040.8120.0400 Sanitary Sewer Contractual Expense \$8,588.40

- Accept Erosion Control Bond
14. RESOLVED, that the Town Board does hereby accept an Erosion Control Bond for a Tree Preservation, Stormwater Management and Erosion and Sediment Control Permit for Section: 36.08, Block: 1, Lot: 74 in the amount of \$500.00 from RAM Star Realty, LLC, 39 Moseman Avenue, Katonah, New York per memo dated March 11, 2016 from Wendy Getting, Senior Office Assistant (Auto Sys), Planning & Engineering.
- Refer request to purchase Town Owned Property
15. RESOLVED, that the Town Board does hereby refer a request from Mr. Joseph Curry to purchase Town Owned Property, Section: 5.15, Block: 3, Lot: 44, 11 Geranium Drive to Parks and Recreation Department, Engineering Department, Highway Department and the Open Space Committee for their review and comment.
- Refer request to purchase Town Owned Paper Road
16. RESOLVED, that the Town Board does hereby refer a request from Ms. Rena M. Riccardi to purchase Town Owned Paper Road known as “Bud Court” to Parks and Recreation Department, Engineering Department, Highway Department and the Open Space Committee for their review and comment.
- Accept Erosion Control Bond
17. RESOLVED, that the Town Board does hereby accept an Erosion Control Bond and Wetland Permit for Section: 47.12, Block: 1, Lot: 18, 4 Sun Hill Road, Katonah in the amount of \$300.00 from Robert Roy Crook, III, 4 Sun Hill Road, Katonah, New York per memo dated April 6, 2016 from Wendy Getting, Senior Office Assistant (Auto Sys), Planning & Engineering.
- Authorize placement of a 5 KW Solar System at the Somers Library
18. RESOLVED, that the Town Board does hereby authorize the placement of a 5 Kilowatt Solar System at the Somers Library.

Councilman Garrity said that there was going to be an E-Waste Drop-off Day on April 16<sup>th</sup> between 9:00 AM and 5:00 PM in the Somers Intermediate School Parking Lot. He said that this was being ran by the Somers PTA and they were requesting a \$5.00 donation per vehicle. The Supervisor said that people could direct any questions to City Carting.

Councilman Garrity said that the Town of Somers Roadside Cleanup was April 3<sup>rd</sup> to April 30<sup>th</sup> and bags and gloves could be picked up at the Town House or the Library. He urged everyone to help out and stated that there was information on the Town’s website.

Councilman Ciriaco said that the Somers Historical Society was sponsoring an Inspirational Artifact Exhibit at the Town House on April 17<sup>th</sup> from 2:00 PM to 4:00 PM.

Councilman Ciriaco said that the Lions Club Carnival was going to be held at Fireman’s Field on April 28<sup>th</sup> to May 1<sup>st</sup>.

Councilman Ciriaco said that on Tuesday, April 26<sup>th</sup> at 7:00 PM at the Somers Middle School, Partners in Prevention was sponsoring their Second Annual Coffee. He said that the Keynote Speaker for that event was Senator Murphy and they were hoping to have a great attendance for that event.

Councilman Clinchy said that in conjunction with Westchester County the Mobile Shredder was going to be at Reis Park on May 6<sup>th</sup> from 10:00 AM to 1:00 PM for Somers residents only.

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Councilman Faulkner said that there was going to be a Spring into Sustainability Event at the Town House on Saturday, April 30<sup>th</sup> from 12:30 PM to 3:30 PM. He said that there was going to be informational displays, family activities and presentations.

Councilman Faulkner said that Memorial Day was coming up and in preparation of that celebration the Town was looking for volunteers to help place flags on the graves of Veterans. He said that anyone who was interested in volunteering should contact Mr. John Sullivan for additional information.

The Supervisor said that the Town had a new event procedure, there was a form that needed to be submitted for all events being held in the Town. He said that the form was available on the Town website, after it was submitted to the Supervisor's Office it was sent to the Somers Police, Highway, Fire and Parks and Recreation Departments. He explained that this made everyone aware of what was going on and the specific needs of each event were met.

Claims for the payment of all Town Bills in the amount of \$642,031.25 were presented and allowed for payment as shown on the Abstract of Audited Claims on file in the office of the Town Clerk.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Ciriaco, the meeting was adjourned at 8:00PM to an executive session with regard to personnel not to return that evening.

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Town Clerk