

MAY 8, 2014 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening May 8, 2014 at 6:35 PM at the Heritage Hills Activity Center, 300 East Hill Drive, Somers, New York.

ROLL CALL:

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

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 Morrissey, seconded by Councilman Faulkner, the meeting was adjourned to an executive session at 6:35 PM with regard to personnel to return that evening.

7:10 PM – meeting reconvened

Dr. Henry Olsen, Chairman of Community Relations Committee of Heritage Hills, said on behalf of himself, Pat Ploss, Heritage Hills Society President, the Board of Heritage Hills Society, the 30 Condo Presidents, the over 5,300 residents of Heritage Hills, they wanted to welcome the Board to Heritage Hills. He said that they were proud of their Community and the Town of Somers. He stated that their residents were very active in both their community and the Town of Somers.

PUBLIC COMMENT:

Mr. Dominick Rubino, Heritage Hills, said that he wanted to discuss ComCast with the Board as it related to Heritage Hills. He explained that about three years ago a ten year Franchise Agreement was signed by the Town after several meetings with the residents of Heritage Hills and representatives from ComCast. He continued that the agreement was approved based upon assurances and changes that were made by ComCast representatives. Mr. Rubino stated that some of the things were done and some were not, one of the key things that was supposed to be done was they were to have one representative to help with issues. He said that was only done for the first few months. He said that one of the main concerns that came up three years ago was with regard to the wiring through the individual units. Mr. Rubino said that they were aware that the wiring in the individual Condos was the responsibility of each Unit Owner although ComCast rewired all of the East Hill at no cost and refused to rewire the West Hill. He said that at that time the homes on the West Hill were having the same issues as the East Hill. He said that as of that day they were still having some of the same issues as they were three years ago, although the major problem was with the wiring on the West Hill. Mr. Rubino said that the wiring was old and cannot support the new technology that ComCast is offering. Councilman Garrity asked since the East Hill was rewired were they having less problems than the West Hill. Mr. Rubino stated that they were.

Mr. Rubino asked if the Board could help and work with the residents of Heritage Hills address their concerns with ComCast. He said that they were willing to work with the Board but that they needed someone to take the lead because they were getting nowhere on their own.

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Councilman Faulkner asked why the East Hill was rewired and not the West Hill. Mr. Rubino said the answer that they were given at the time was that the East Hill was older and that it was a “goodwill” gesture to show that they wanted to work with Heritage Hills. He said that at the time the rewiring was done ComCast met with the Heritage Hill Society Board and stated that they would be willing to rewire the West Hill if Heritage Hills Society and all the Condos agreed to have one bill for all of the Units sent to the Heritage Society. He continued that would include all 2,606 Units whether they had service or not.

Councilman Garrity asked if Heritage Hills currently had a committee setup for Cable Television. Mr. Rubino stated that they had a committee through the Counsel of Condos and they were working together with Heritage Society. He said that they could add or change the committee, whatever the Town would like for them to do. Supervisor Morrissey said that he wanted to invite a representative from ComCast back to discuss their concerns. Councilman Garrity said that he would like to work with the Heritage Hills Counsel of Condos with regard to their concerns.

The Supervisor said that he had recently received a number of calls requesting that he reach out to Verizon about providing service to Somers. He said that he did and Verizon had told him that they were building their infrastructure in the five Boroughs of Manhattan and were not interested at this point in time, for financial reasons, to expand up into Northern Westchester. He said that they will continue to make the calls and solicit them to come to Somers.

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

Approval of  
the minutes

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

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

RESOLVED, that the Town Board does hereby approve the minutes of the April 4, 2014 Work Session and that April 10, 2014 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.

Engineering  
update with  
reg. to  
Heritage  
Hills

The Supervisor said that the next item on the agenda was a discussion with Mr. Joseph Barbagallo, PE of Woodard and Curran, Town Engineering Consultant with regard to an update on Heritage Hills. Mr. Barbagallo said that the Town Board asked him to spend time that evening discussing a couple of aspects he was working on within the boundaries of Heritage Hills. He said that the first item he wanted to discuss was the Heritage Hills Treatment Plant. He stated that there seemed to be some lack of information getting to the public about what was going on and he wanted to fill in some of the gaps. Mr. Barbagallo pointed out the usage and data for the wastewater flow and the daily flow to the plant. He also gave a brief history of the Treatment Plant and some upgrades that had been made. He said that since the last upgrade had been completed, it was their understanding that during wet weather flows the plant cannot handle the flow going to it. Mr. Barbagallo stated that was resulting in certain instances; violations of the permit. He continued that they had learned that there was a challenge in the plant with the way that it passed the wastewater through the facility and he explained that to the Board. He said that clearly this was a situation that needed to be rectified and he had been in contact with an Engineer retained by New York State Department of Environmental Protection (DEP) to redesign the upgrade to accommodate the additional flows. Mr. Barbagallo said that he had recently contacted the Engineer to ask what the status of the upgrade was and was told that they had designed the modification and provided it to the DEP although they were no longer on the

project. He said that they suggested that he contact the DEP for an update. He continued that when he contacted the DEP he learned that they had hired a third Engineer to do a tier review of the design review completed and they anticipated that by the end of June they would know what they were going to be doing. Mr. Barbagallo said that he was told that any additional information that the Town wanted needed to be put in writing and they would respond in detail. He said that they were in process of getting that additional information which was timely because they had development applications that wanted to tie in back before the Planning Board.

Mr. Barbagallo said the second thing he wanted to discuss was relative to the overall Utility. He said that they were supporting the Town Board and the Town Attorney in the Tax Certiorari Case. He said that they were in the process of doing a replacement cost analysis and an associated depreciation to assist in the real property value of the improved property. Mr. Barbagallo said that this was going to be on going over the next few months.

Mr. Barbagallo said that the last thing he wanted to address was with regard to stormwater. He gave an overview of Croton Kensico Watershed Inter-Municipal Coalition (CKWIC) and the East of Hudson Watershed Corporation (EOH) and the retrofit plan that encompassed all of the surrounding Towns. He pointed out several projects that were on going through the Town. Mr. Barbagallo said that there were two retrofit projects that were submitted for Heritage Hills this year. He explained the projects that had been identified in Heritage Hills, the work that would be done and the benefit to the Town and the EOH. Discussion ensued with the Board with regard to the new requirements for the five year permits and stormwater projects within the Town. Mr. Barbagallo said that the Town of Somers and the Town Board had done a great job representing the Town in terms of delivering their requirements under their MS-4 permit. He said that they had well exceeded their goal. He said that the work and efforts by the Town of Somers was submitted to Westchester County Planning for an award and the Town did received a high award from them.

Annual MS-4 Report

The next item was the Annual MS-4 Report. Ms. Syrette Dym, Director of Planning presented the Annual MS-4 Report to the Board and gave an overview of the PowerPoint presentation of the report. She stated that the Annual report was available on the Town's website for those who were interested in reviewing the presentation.

Proposed modification to the 1994 Town of Somers Comprehensive Master Plan and associated Zoning Text amendments with reg. to Hidden Meadows project

The Supervisor said that the next item was a proposed modification to the 1994 Town of Somers Comprehensive Master Plan and associated Zoning Text amendments. Ms. Dym explained that there were three things that the Board was going to move on that evening. She continued that the Town Board and Planning Board were currently involved in reviewing an application on a project known as Hidden Meadows, located on Route 6. She said that they were seeking the application of the Multi-Family Residence Baldwin Place District for the development of that site. Ms. Dym said in order to do that it had been determined that currently there needed to be some modifications to the Comprehensive Master Plan and some amendments to the Zoning text with regard to the Multi-Family District. She explained that the Board needed to designate themselves as Lead Agency, the Board's intent had been sent and they received no objections. She said then they needed to consider the suggested modifications from the Planning Board and the Open Space Committee and vote to include the modifications. Ms. Dym said lastly the Board needed to schedule the Public Hearings for the proposed modifications to the Comprehensive Master Plan and the Zoning text amendments to move the project forward.

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

RESOLVED, that the Town Board does hereby declare Lead Agency to amend the Town of Somers 1994 Town of Somers Comprehensive Master Plan Chapter II, Residential Development, Section C, Multi-Family Housing and to amend Chapter 170 entitled Zoning, Section 170-13 Multi-Family Residence MFR Districts of the Town of Somers.

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The Supervisor said with regard to the comments that the Board received, the Town Board would make the modifications that the Planning Board brought up in their review and comment.

The Supervisor said that it was in order for the Board to schedule the Public Hearings for the proposed modifications to the Comprehensive Master Plan and the Zoning text amendments for June 12, 2014. Councilman Garrity pointed out that those Public Hearing were going to be held at the Somers Community Center located in Shenorock.

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

RESOLVED, that the Town Board does hereby authorize scheduling of a Public Hearing on June 12, 2014 at 7:00 p.m. at the Somers Community Center, 34 Hillandale Road, (Shenorock) Yorktown Heights, New York on a proposed Local Law to amend the Town of Somers 1994 Comprehensive Master Plan, Chapter II, Residential Development, Section C. Multi-Family Housing of the Town of Somers.

RESOLVED, that the Town Board does hereby authorize scheduling of a Public Hearing on June 12, 2014 at 7:00 p.m. at the Somers Community Center, 34 Hillandale Road, (Shenorock) Yorktown Heights, New York on a proposed Local Law to amend Chapter 170 entitled Zoning, Section 170-13 Multi-Family Residence MFR Districts of the Town of Somers.

Authorize the Tax Certiorari Settlement with Greenbriar – Somers Corporation

The next item on the agenda was to authorize the Tax Certiorari Settlement with Greenbriar – Somers Corporation.

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

RESOLVED, that the Town Board does hereby authorize the Town's Attorney to execute a Consent Judgment in the following matter: Greenbriar-Somers Corp. vs. Town of Somers – Index # 20982/07 et al.

Authorize payment to the East of Hudson Coalition for legal services in connection with NYSDEC and NYCDEP negotiations to secure Stormwater Retrofit funding

The Supervisor said that the next item on the agenda was to authorize payment to the East of Hudson Coalition for legal services in connection with the New York State Department of Environmental Conservation and the New York City Department of Environmental Protection negotiations to secure Stormwater Retrofit funding. He explained that each of the East of Hudson (EOH) municipalities had a prorated share of the legal fees.

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

RESOLVED, that the Town Board does hereby authorize payment to East of Hudson Coalition for legal services in connection with NYSDEC & NYC DEP negotiations to secure storm water retrofit funding in the amount of \$3,230.25.

The Supervisor said that item number 6, a discussion with regard to the Emergency Management Coordinator was being removed from the agenda.

Authorize Road Reconstruction Bond

The next item was to authorize a Road Reconstruction Bond in the amount of up to \$3 million for Highway paving subject to Permissive Referendum.

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

**BOND RESOLUTION**

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(Permissive Referendum)

At a regular meeting of the Town Board of the Town of Somers, Westchester County, New York, held at the Heritage Hills Activity Center, in Somers, New York, in said Town, on the 8th day of May, 2014 at 7:10 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Morrissey, and upon roll being called, the following were

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

ABSENT:

The following resolution was offered by Supervisor Morrissey, who moved its adoption, seconded by Councilman Garrity, to-wit:

BOND RESOLUTION DATED MAY 8, 2014.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$3,000,000 BONDS OF THE TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK, TO PAY THE COST OF THE RECONSTRUCTION AND RESURFACING OF VARIOUS ROADS THROUGHOUT AND IN AND FOR SAID TOWN.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide will not result in a significant environmental effect; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Somers, Westchester County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of the reconstruction and resurfacing of various roads throughout and in and for the Town of Somers, Westchester County, New York, including drainage, sidewalks, curbs, gutters, landscaping, grading or improving rights-of-way, as well as other incidental improvements and expenses in connection therewith, there are hereby authorized to be issued not to exceed \$3,000,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$3,000,000, and that the plan of financing thereof is by the issuance of the not to exceed \$3,000,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

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Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Somers, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of the Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

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The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilman William G. Faulkner	VOTING	AYE
Councilman Anthony J. Ciriaco	VOTING	AYE
Councilman Richard G. Clinchy	VOTING	AYE
Councilman Thomas A. Garrity, Jr.	VOTING	AYE
Supervisor Rick Morrissey	VOTING	AYE

The resolution was thereupon declared duly adopted.

Councilman Faulkner said for the record the Town Board's intention was to use no more than \$2 million based on their current plans. The Supervisor said that they may exceed that amount. Discussion ensued with regard to their paving plan.

Update with regard to the status of the I84/684 Consortium

The Supervisor said that he would like to give an update with regard to the status of the I84/684 Consortium efforts. He explained that was a consortium of South East, Lewisboro, North Salem, Beford and Somers. He said that they just finalized their items that they wanted DOT to address. The Supervisor said that he did consult with the Highway Superintendent and went over his wish list of State Roads. He said that this was in the hopes of getting some attention to Westchester County Roads. He said that each municipality had their own DOT issues that they would like for the DOT to address along with their concerns with regard to the I84/684 highways. Councilman Ciriaco said that this was going to take a long time. The Supervisor said that it would. Councilman Ciriaco said that the benefits of this would be immense and will improve the quality of life and meet sustainability efforts. The Supervisor said that he would be keeping the Board updated.

Accept Performance Bond issued by RLI Insurance Company for the NYSMSA Limited Partnership d/b/a Verizon Wireless

The Supervisor said that the next item was to accept a Performance Bond issued by RLI Insurance Company for the NYSMSA Limited Partnership d/b/a Verizon Wireless. The Town Attorney reviewed the documents and stated that they were adequate.

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

RESOLVED, that the Town Board does hereby accept Performance Bond No. CMS0273713 in the amount of \$8,000.00 issued by RLI Insurance Co. for the NYSMSA Limited Partnership d/b/a Verizon Wireless.

PERSONNEL:

Current Vacancies:

Somers Energy Environmental Committee  
Substance Abuse Council (2 – unexpired 3 year terms to December 31, 2016)  
Affordable Housing Board (1 – unexpired 2 year term ending July 11, 2015)  
Affordable Housing Board (4 – 2 year terms ending July 11, 2015)  
Parks and Recreation (4 – 3 year terms to March 9, 2017)  
Architectural Review Board (3 – 3 year terms to March 31, 2017)  
Assessment Board of Review (1 – unexpired 5 year term ending September 30, 2015)

Upcoming Vacancies:

The Supervisor said that it was in order to authorize the re-appointment of Mr. John DeMase and Mr. Mark Brown to the Architectural Review Board, both to a three year term ending December 31, 2017. He said that they also needed to authorize the re-appointment

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of Mr. Stephen Krug, Mr. Donald Penzine, Mr. John Zattola and Ms. Michele Sanz to the Parks and Recreation Board to three year terms ending December 31, 2017.

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

Reappoint  
J. DeMase  
to ARB

RESOLVED, that the Town Board does hereby reappoint John DeMase to the Architectural Review Board to a three (3) year term ending March 31, 2017.

Reappoint  
M. Brown to  
ARB

RESOLVED, that the Town Board does hereby reappoint Mark Brown to the Architectural Review Board to a three (3) year term ending March 31, 2017.

Reappoint S.  
Krug to P&R  
Board

RESOLVED, that the Town Board does hereby reappoint Stephen Krug to the Parks & Recreation Board to a three (3) year term ending March 9, 2017.

Reappoint D.  
Penzine to P&R  
Board

RESOLVED, that the Town Board does hereby reappoint Donald V. Penzine to the Parks & Recreation Board to a three (3) year term ending March 9, 2017.

Reappoint  
J. Zattola to  
P&R Board

RESOLVED, that the Town Board does hereby reappoint John Zattola to the Parks & Recreation Board to a three (3) year term ending March 9, 2017.

Reappoint  
M. Sanz to  
P&R Board

RESOLVED, that the Town Board does hereby reappoint Michele Sanz to the Parks & Recreation Board to a three (3) year term ending March 9, 2017.

Authorize  
the  
application  
for wages  
and benefits  
under  
Section 207-  
C of the  
General  
Municipal  
Law

The Supervisor said that it was in order for the Board to authorize the application filed by Police Officer Ricardo Thomas for wages and benefits under Section 207-C of the General Municipal Law.

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

RESOLVED, that the Town of Somers does hereby authorize the application filed by Police Officer Ricardo Thomas dated February 25, 2014 for wages and benefits under Section 207-C of the General Municipal Law, per email dated April 16, 2014 from Ernest Stolzer.

Review and  
comment of  
Caracciolo –  
Festo Wetland,  
Steep Slope,  
SMESC, Tree  
Removal App.

The next item on the agenda was a review and comment of the Caracciolo – Festo Wetland, Steep Slope, SMESC, Tree Removal Application. The Board agreed that they had no comment to submit.

Consensus  
agenda

The Supervisor said that the next item on the agenda was the consensus agenda. He said that he was adding a number 16 to the consensus agenda, to authorize the Supervisor to go out for additional Request for Proposal (RFP) to replace the Oil Fire Boiler at the Van Tassell House. He explained that they did go out for RFP and they only received one proposal and he was uncomfortable accepting it without any competitor. Councilman Garrity said with regard to item number 7, he wanted to thank Marguerite Davis for her years of service in the Planning and Engineering Department.

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

Execute the 2014  
IIIB Agreement with  
the Department of  
Senior Programs and  
Services

1a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2014 IIIB Agreement with the Department of Senior Programs and Services in the amount of \$3,483.00 per memo dated April 28, 2014 from Barbara Taberer, Program Director.

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Execute the application for US DOJ-BJA Bullet Proof Vest Program

1b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the application for US DOJ-BJA Bullet Proof Vest Program per email dated April 22, 2014 from David Burpee.

Award Bid for 2014 Summer Camp Trip transportation

2. RESOLVED, that the Town Board does hereby award bid to Baumann & Sons Buses, Inc. for the 2014 Summer Camp Trip transportation in the amount of \$11,735.00 per memo dated April 28, 2014 from Steven Ralston, Superintendent of Parks and Recreation. The bids received were:

Baumann & Sons Buses, Inc.	\$11,735.00
Royal Coach Lines, Inc.	\$11,920.00

Authorize reimbursement to the Somers Library for water cleanup

3. RESOLVED, that the Town Board does hereby authorize reimbursement to the Somers Library for water cleanup in the amount of \$2,142.25 per memo dated April 28, 2014 from Patricia Miller, Library Director.

Authorize permission to submit Day Camp trip vouchers to be processed as pre-paid

4a. RESOLVED, that the Town Board does hereby authorize permission to submit Day Camp trip vouchers to be processed as pre-paid per memo dated April 17, 2014 from Steven Ralston, Superintendent of Parks and Recreation.

Hire T. Silva as Seasonal Maintenance Worker for Parks

4b. RESOLVED, that the Town Board does hereby authorize the hiring of Tyler Silva as Seasonal Maintenance Worker at an hourly rate of \$10.00 per memo dated April 17, 2014 from Steven Ralston, Superintendent of Parks & Recreation.

Execute the Refuse Removal Agreement from DEP property

5a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Refuse Removal Agreement from DEP property along the Amawalk, Muscoot and Croton Reservoirs with New York City as stated in the agreement.

Execute the Land Use Project 2205 Town of Somers Highway Garage Stockpile agreement

5b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Land Use Project 2205 Town of Somers Highway Garage Stockpile agreement dated April 25, 2014.

Execute Agreement for the installation and maintenance of an antenna and appurtenant radio and network equipment for SCADA system

5c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Agreement between the Town of Somers and the City of New York by and through the Department of Environmental Protection for the installation and maintenance of an antenna and appurtenant radio and network equipment which will be used as part of the SCADA system on the Water Tower located at 13 North Ross Drive, Shenorock, New York.

Approve formula calculations for the Buy-In by Somers Realty, Inc. (The Hamlet) for entrance by extension of the ASWD

6. RESOLVED, that the Town Board of the Town of Somers does hereby approve the attached formula calculations for the Buy-In by Somers Realty, Inc. (The Hamlet) for entrance by extension of the Amawalk-Shenorock Water District and authorizes the billing of same to Somers Realty, Inc. as soon as practicable.

Water System Buy in Fee – Somers Realty 152 Residential Units

Year	Bond Rate Amwalk- Shenorock Water District	Property Assessed Value	Buy in Cost
2002	15.411675	443,400	\$ 6 833.54
2003	10.82987	443,400	\$ 4,801.96
2004	9.393	443,400	\$ 4,164.86
2005	8.601403	443,400	\$ 3,813.86
2006	7.840874	443,400	\$ 3,476.64

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2007	7.343895	443,400	\$ 3,256.28
2008	6.957482	443 400	\$ 3 084.95
2009	6.90502	443,400	\$ 3,061.69
2010	6.407621	443,400	\$ 2,841.14
2011	3.941419	443,400	\$ 1,747.63
2012	6.278806	443 400	\$ 2 784.02
			\$ 39,866.57

Year	Bond Rate Route 6 Commercial	Property Assessed Value	Buy in Cost
2002	8.18813	443,400	\$ 3,630.62
2003	12.7719	443,400	\$ 5,663.06
2004	11.9791	443,400	\$ 5,311.53
2005	11.765787	443 400	\$ 5 216.95
2006	9.534196	443,400	\$ 4,227.46
2007	7.730838	443,400	\$ 3,427.85
2008	6.638574	443,400	\$ 2,943.54
2009	7.285783	443,400	\$ 3,230.52
2010	7.085498	443,400	\$ 3,141.71
2011	5.519626	443,400	\$ 2,447.40
2012	6.09178	443 400	\$ 2,701.10
			\$ 41,941.74
		<b>Total</b>	<b>\$ 81,808.31</b>

Accept resignation of M. Davis as Intermediate Clerk in the Planning and Engineering

7. RESOLVED, that the Town Board does hereby accept with regret the resignation of Marguerite Davis as Intermediate Clerk in the Planning and Engineering Department effective May 29, 2014 per memo dated April 22, 2014 from Marguerite Davis and,

DOES HEREBY, authorize advertising for same at an hourly rate of \$15.00.

Hire M. Cleary, VI as seasonal part-time with the Water Department

8. RESOLVED, that the Town Board does hereby authorize the hiring of Michael J. Cleary, VI as seasonal part-time with the Water Department at an hourly rate of \$12.00 to begin on or about June 2, 2014 per memo dated April 23, 2014 from Adam Smith, Superintendent of Water & Sewer.

Announcing May as National Preservation Month

- 9a. RESOLVED, that the Town Board does hereby adopt a resolution announcing May as National Preservation Month celebrating New Age of Preservation Embark, Inspire, & Engage.

WHEREAS, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability, and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people;

NOW, THEREFORE, I, Supervisor Rick Morrissey, do proclaim May 2014 as National Preservation Month, and call upon the people of Somers, New York to join their fellow citizens across the United States in recognizing and participating in this special observance.

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Announce May as National Alliance of Mental Health Month

- 9b. RESOLVED, that the Town Board does hereby adopt a resolution announcing May as National Alliance of Mental Health Month.

Refer Stop Sign request

10. RESOLVED, that the Town Board does hereby refer Stop Sign request to Police Chief, Principal Engineering Technician and Highway Superintendent for review and comment per letter received April 8, 2014 from Whispering Pine.

Authorize purchase of a software program for the Court office

11. RESOLVED, that the Town Board does hereby authorize purchase of a software program for the Court office at a cost of \$995.00 per memo dated April 10, 2014 from Barbara Lloyd, Court Clerk.

Accept Erosion Control Bond

12. RESOLVED, that the Town Board does hereby authorize the acceptance of the following Erosion Control Bonds per memos from Wendy Getting, Senior Office Assistant:

- a. \$100.00 – Newman – Steep Slope Permit – 28.09-1-15.
- b. \$500.00 – Zappico Stormwater Mgmt. & Erosion & Sediment Control – 4.19-1-12

Accept Scholarship from WCTCCA to be used for attendance at the Town Clerk's Conference

13. RESOLVED, that the Town Board does hereby authorize the acceptance of \$500.00 from the Westchester County Town and City Clerk's Association to be used for attendance at the Town Clerk's Conference held on April 27 – April 30, 2014.

Elect to participate as a participating employer in the New York State Health Insurance Program

14. RESOLVED, that the Town Board of the Town of Somers of the State of New York elects to participate as a participating employer in the New York State Health Insurance Program and to include in such plan its officers and employees and to include in such plan its retired officers and employees, subject to and in accordance with the provisions of Article XI of the Civil Service Law and the Regulations governing the New York State Health Insurance Program, as presently existing or hereafter amended, together with such provisions of the insurance contracts as may be approved by the President of the Civil Service Commission and any administrative rule or directive governing the plan.

Scheduling of a Public Hearing for a proposed increase in parking ticket fines

15. RESOLVED, that the Town Board does hereby authorize the scheduling of a Public Hearing for Thursday, June 12, 2014 at 7:00 p.m. at the Somers Community Center, 34 Hillandale Road, (Shenorock) Yorktown Heights, New York for a proposed increase in parking ticket fines per memo dated April 21, 2014 from Chief Michael W. Driscoll.

RFP for the replacement of the oil fired boiler room, heating and air conditioning system, and replacement of the stainless steel chimney lining at the Van Tassell

16. RESOLVED, that the Town Board does hereby authorize Request for Proposals (RFP) again since only one proposal was received for the replacement of the oil fired boiler room, heating and air conditioning system, and replacement of the stainless steel chimney lining at the Van Tassell House per email dated April 28, 2014 from Rick Morrissey, Supervisor.

The Supervisor said with regard to the upcoming calendar, the June 5, 2014 Work Session was the same night as the Westchester County Municipal Officials Dinner. He said that Somers was being awarded the Stormwater Retrofit Award that Mr. Barbagallo referenced. He proposed that they combined the June Work Session and Regular Meeting on June 12, 2014. The Supervisor said that meeting was going to be held at the Somers Community Center in Shenorock.

The Supervisor said that Father Sandy Key of St. Lukes had established a Food Pantry, which is turning out to be very successful. He said that people could go to either the Town

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website or the St. Luke's website for a list of items that they needed. He said that donations could be dropped off Monday through Thursday 9:00 AM to 4:30 PM near the Parish Office or during Services on Saturday at 5:30 or Sunday at 10:00 AM.

Councilman Faulkner said that Saturday was Somers Fest at the High School. He said that there was plenty of Sporting Events going on and the Food Pantry was also going to be present near the track at the High School accepting donations.

Councilman Cirieco said that Relay for Life was being held on May 30<sup>th</sup> between the Somers Middle and Intermediate Schools. He explained that Relay for Life was to raise money for cancer research and prevention. He said that this will be Somers' 4<sup>th</sup> year doing an event and the raised over \$200,000.00 each year. Councilman Cirieco said that they had a great turnout this year with 40 teams and the goal was for \$100,000.00. He said that there will be a Survivor Dinner at 5:30 PM that evening and they were hoping for a large turnout for the event.

Councilman Clinchy said that the Rotary Club had an event at the High School that evening called "On My Mind" and that was a diverse community of writers that write about their experiences. He continued that this was a celebration of the best writing and it was published in a book "On My Mind".

The Supervisor said that he wanted to remind everyone that there was a Drug Drop Boxes located at the Police Station. He explained that the boxes were for all expired and unused medication, prescriptions and over the counter medications for proper disposal. He said that they were bringing about 40 pounds a month to the County for disposal. Councilman Cirieco said that the reason for this was that there was a rise of prescription pain relieving medication, so has the addiction to these drugs.

Claims for the payment of all Town Bills in the amount of \$428,385.25 were presented and allowed for payment as shown on the Abstract of Audited Claims on file in the office of the Town Clerk.

The Board thanked Heritage Hills for their hospitality that evening.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Garrity the meeting was adjourned at 8:30 PM to an executive session with regard to contracts not to return that evening.

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Town Clerk