

MAY 9, 2013 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening May 9, 2013 at 7:40 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.
 Councilman Anthony J. Ciriaco

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 open a public hearing with regard to a proposed amendment to Chapter 26 entitled Fire Prevention Bureau, Section 26-2 Powers and Duties , Section 26-2A.(5) is renumbered (6) and a new Section 26-2A.(5), of the Code of the Town of Somers.

7:40 PM – hearing opened
7:41 PM – meeting reconvened

The Supervisor said that it was in order to adopt a Local Law with regard to the amendment to Chapter 26 entitled Fire Prevention Bureau, Section 26-2 Powers and Duties , Section 26-2A.(5) is renumbered (6) and a new Section 26-2A.(5), of the Code of the Town of Somers.

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

RESOLVED, that the Town Board does hereby adopt a Local Law amending Chapter 26 entitled Fire Prevention Bureau, Section 26-2 Powers and Duties , Section 26-2A.(5) is renumbered (6) and a new Section 26-2A.(5), of the Code of the Town of Somers as follows:

A Local Law to amend the Code of the Town of Somers Chapter 26 entitled Fire Prevention Bureau.

1. Section 26-2 Powers and Duties is hereby amended as follows:
 - A. Section 26-2A.(5) is renumbered (6).
 - B. A new Section 26-2A.(5) is added as follows:

“The Emergency Operation described in the New York State Building and Fire Prevention Code - Section 607 and as subsequently amended or replaced by the State of New York shall also be referred to as the “fire service operation.” A Yale number 2642 or Otis 1520 keyed look shall be the only fire service method for overriding normal operating controls and is deemed the only suitable key for use by the Fire Department or other authorized personnel.”

2. Effective Date: This local law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.

PUBLIC COMMENT:

Gerard McLoughlin, Heritage Hills, member of the Affordable Housing Board, said that his resignation from the Affordable Housing Board was on that evenings agenda to be accepted. He pointed out that the Committee never met and suggested that the Board consider dissolving the Committee.

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

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.

The first item on the agenda was several authorizations with regard to Parks and Recreation Summers Camp.

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

Award bid for Summer Camp trip

RESOLVED, that the Town Board does hereby award bid for Summer Camp trip transportation to Baumann & Sons Buses, Inc. in the amount of \$12,755.00. The following bids were received:

Baumann & Sons Buses, Inc.	\$12,755.00
Royal Coach Lines, Inc.	\$13,945.00
County Coach Corp.	\$15,300.00

Hire Day Camp Staff

RESOLVED, that the Town Board does hereby give permission to hire Day Camp, Tot Time Camp and Tusker (teen travel) Trax staff from June 25 – August 3, 2013 and continue to hire for these programs on as-needed basis pursuant to County Health counselor-to-camper ratio regulations per memo dated April 24, 2013 from Steven Ralston, Superintendent of Parks and Recreation.

2013 SUMMER CAMP STAFF

NAME	POSITION	HOURLY RATE
ADAMO, THOMAS	COUNSELOR	6
ADAMS, SARAH	CIT	3.34
ANDRIANO, LUCAS	COUNSELOR	6.17
AQUILINO, ABIGAIL	COUNSELOR	6.33
AQUILINO, NICHOLAS	COUNSELOR	6.67
AUSIELLO, HEATHER	DIVISION HEAD	18
AUSIELLO, MICHAEL	DIVISION HEAD	14
BALLARD, STEPHANI	COUNSELOR	8.03
BERTE, STEPHEN	COUNSELOR	6.5
BILY, MARGARET	DIRECTOR	45.5
CANNON, ERIN	COUNSELOR	6
CARILLO, BROOKE	COUNSELOR	6.17
CARLETON, MARISSA	CIT	3.34
CARNAZZA, ERIK	COUNSELOR	6.17
CASEY, CRAIG	COUNSELOR	6.33
CASEY, KELLY	COUNSELOR	14
CHANIN, ERIC	COUNSELOR	8.39
CHRYSSIKOS, KATHRYN	COUNSELOR	8
CIANFAGLIONE, SCOTT	DIRECTOR	28.21
COOPER, JULIETTE	COUNSELOR	6
COUSIN, PATRICK	CIT	3.34
CUCHINELLI, DOREEN	ASSISTANT DIRECTOR	28.75
DEANGELIS,	COUNSELOR	6

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NICOLE		
DIMAURO, ANTHONY	COUNSELOR	6.17
DISANTO, RONALD	SPORTS SPECIALIST	12
DONOVAN, MIKE	COUNSELOR	6.17
DOATI, JILLIAN	MUSIC SPECIALIST	18.75
DUENAS, ISABELLA	COUNSELOR	6
EPSTEIN, ALYSSA	COUNSELOR	6.67
FRIEDMAN, PAUL	COUNSELOR	7.17
FRIEDMAN, SCOTT	COUNSELOR	6.75
GABRIEL, JACK	COUNSELOR	6.17
GARGIULO, JACK	COUNSELOR	6.17
GARGIULO, THOMAS	COUNSELOR	6.17
GOLDSTEIN, DANIEL	COUNSELOR	6.17
GRAFFITTI, LAURA	COUNSELOR	7.17
GRAY, MICHAEL	COUNSELOR	6.33
GUADALUPE, GABRIELLA	COUNSELOR	6.33
HARWOOD, ALEXANDER	CIT	3.34
HATALEY, KRISTYN	COUNSELOR	6.17
HIRSCH, MAXWELL	COUNSELOR	8.39
JOHN, JOSHUA	COUNSELOR	6
KRUEGER, GREGORY	COUNSELOR	6.33
KRUEGER, JACKIE	COUNSELOR	6.33
LANGAN, JOSEPH	COUNSELOR	7
LEVINE, JUSTIN	COUNSELOR	6.17
LEVINE, ZACHARY	COUNSELOR	6.5
LIBERATORE, JESSICA	COUNSELOR	7.17
MAHER, GERALD	CIT	3.34
MARCHIONNO, RACHEL	COUNSELOR	8.21
McGUIRE, DYLAN	COUNSELOR	7.17
McGUIRE, MARIA	DIRECTOR	26.86
MCKITRICK, KARINA	FIRST AID SPECIALIST	12
MEY, DEBORAH	ASSISTANT DIRECTOR	28.75
MICHAUD, MATTHEW	COUNSELOR	6.17
NATHAN, MAXWELL	COUNSELOR	8
NATHAN, ZOE	COUNSELOR	7
NEALON, RYAN	COUNSELOR	6.17
O'HARE, JAMES	COUNSELOR	8.39
OLSEN, EILEEN	A & C SPECIALIST	15.67
ORENSTEIN, PATRICIA	DIVISION HEAD	16
ORITI, DANA	COUNSELOR	9.64
ORITI, JOSEPH	COUNSELOR	7.67
PEIST, ERIC	COUNSELOR	8.21
PERSIC, MICHAEL	COUNSELOR	7.33
PERSIC, SAMANTHA	COUNSELOR	7.33
REIMANN, GABRIELLE	COUNSELOR	7.17
REIMANN,	COUNSELOR	8

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VICTORIA		
REES, KAYLA	COUNSELOR	6.17
RIPPON, KAELA	COUNSELOR	6.67
ROSSINI, SUZANNE	MUSIC SPECIALIST	20
SCHLEISSMANN, NICHOLAS	COUNSELOR	6.17
SCHLEISSMANN, SARA	COUNSELOR	6.33
SCOCA, SAMANTHA	COUNSELOR	6.75
SHEA, JENNIE	COUNSELOR	6.17
SIBRIZZI, ALYSSA	COUNSELOR	8.21
SMITH, DORIS JANE	DIVISION HEAD K	33
TILLMAN, CROSBY	COUNSELOR	7.67
ZATTOLA, ROBERT	COUNSELOR	6.17
ZATTOLA, THOMAS	COUNSELOR	6.67
ZORN, JUSTIN	COUNSELOR	6.17

TOT TIME CAMP

MEY, DEBORAH	ASST. DIRECTOR	28.75
CUCHINELLI, DOREEN	ASST. DIRECTOR	28.75
ARMATO-DOATI, JILLIAN	MUSIC SPECIALIST	18.75
CHRYSSIKOS, KATHRYN	COUNSELOR	8
LANGAN, JOSEPH	COUNSELOR	7
SCOCA, SAMANTHA	COUNSELOR	6.75
FRIEDMAN, SCOTT	COUNSELOR	6.75

Hire Seasonal Maintenance Worker Parks and Rec

RESOLVED, that the Town Board does hereby give permission to hire Paul Friedman as Seasonal Maintenance Worker from May 20, 2013 through August 30, 2013 at an hourly rate of \$10.00 per memo dated May 1, 2013 from Steven Ralston, Superintendent of Parks and Recreation.

Annual MS4 Report

The Supervisor said that the next item on the agenda was the Annual MS4 Report. Ms. Syrette Dym, Town Planner presented the executive report to the Board and the audience. She pointed out minor changes that needed to be made to her report. She said that once the report was finalized it would be available on the Town’s website and would be submitted with a cover letter to the Department of Conservation. .

Zoning Petition from Boniello Land & Realty, Ltd.

The next item was a discussion with regard to a Zoning Petition from Boniello Land & Realty, Ltd. Mr. Richard O’Rourke of Keane & Beane, P.C. said that he was representing Boniello Land & Realty, Ltd. He said that present that evening was Bonnie Von Ohlsen, Planner of VHB Engineering, Surveying and Landscape Architecture, P.C. and Mr. Gus Boniello. He thanked the Board for the opportunity to make his presentation that evening. Mr. O’Rourke explained that what they were proposing was a creation of a multifamily residential downtown hamlet. He said that their proposal was consistent with the contours of the Town’s existing Zoning Ordinance although, it was reflective of the particular site and the proximity to the intersection of Route 100 and Route 202. He said that the purpose of the new district would be to permit the creation of mixed uses, a symbiotic relationship, whereby a grocery store could be located in a hamlet together with some other complimentary uses. Mr. O’Rourke explained the proposed housing units to the Board and stated that they were going to be targeted to active seniors. He said that this would provide a housing complex that was in close proximity to the hamlet and was pedestrian friendly. He said that part of the proposal would be the realignment of the intersection and the entrance to Heritage Hills; this should enhance the traffic flow and made the most sense. Mr. O’Rourke said that the most interesting part of their proposal was that it allowed for the creation of a state of the art Memory Care Facility providing treatment for individuals that had memory related ailments. He continued that having this type of facility in

close proximity to Heritage Hills would be beneficial to the Community as well as the welfare of the older residents. He said that what they were trying to do by virtue of the rezoning was to develop something that was consistent with the other MFR Zones, but different and distinctive in that it was a mixed use. Mr. O'Rourke said that this proposed zoning would have obvious benefits such as increased employment opportunities, conveniently located Senior Care Facility, increased shopping opportunities, not only for the residents of the hamlet but also for the Town, and there would be an increase in tax revenues. He said that they did not see any negative impacts; they had the benefit of a very good Engineering and Planning Firm and Mr. Boniello had a track record of achievement and excellence. He said that they believe what was being proposed would be of the highest quality and something that would be consistent with the current hamlet. Mr. O'Rourke said that the proposed Zoning was MFR-DH, Multi Family Residence Downtown Hamlet and was different because of the mixed use that they were proposing. Councilman Clinchy asked if the mixed use that Mr. O'Rourke was referring to was with regard to the Memory Care Facility as well as the residential or grocery store he referred to. Mr. O'Rourke stated that it referred to all three of the uses. Discussion ensued with Mr. O'Rourke and the Board with regard to the difference of what was being proposed and the current Zoning that was in place and what had previously been proposed for that site.

Ms. Bonnie Von Ohlsen displayed proposed renderings of the site and explained their proposed site plan to the Board and answered their questions with regard to the site.

Mr. O'Rourke said that they tried to give a description of the property as best as they could. He said that they were respectfully requested that the Board would start the administrative process which began with the circulation of the Notice of Intent to Declare Lead Agency for purposes of SEQRA. Further discussion ensued with the Board, Mr. O'Rourke and Mr. Boniello with regard to the proposed site plan, the lay out of the site and how the site would be built out.

Councilman Ciriaco asked the Town Attorney what the process was with regard to the application. The Town Attorney explained as Mr. O'Rourke had pointed out the first step the Board would take was to declare their intent to be lead agency and circulate the documents. He said that there was also a referral to the Town Planning Board and to the Westchester County Planning Board. He continued that after the 30 day circulation period a decision would have to be made as to whether the Town Board was the lead agency. The Town Attorney said that another agency that the documents were circulated to could also ask to be lead agency, at which time it would have to be determined which entity was in fact the lead agency. He said that after that they would have to review a scoping document and decide on the scope of the DEIS, this was after a determination of significance and he was assuming that there would be a DEIS. He said that Ms. Von Ohlsen was very well versed in the Scoping Document of the prior project that was proposed for that site. The Town Attorney said that Scoping Document was a sort of co-lead agency effort of the Town Board and the Planning Board to come up with that document. He said that once the DEIS was submitted and determined to be complete they would schedule a public hearing on both the scoping document and the Developer's petition. He continued that at closure of the public hearings the document would be sent back so that a FEIS could be completed. The Town Attorney said that this was the point that all questions that were posed at the public hearings were answered. He continued that at the conclusion of the FEIS the Town Board should be able to make the decision if the Zoning should be changed and the whole process shifted to the Planning Board for Site Plan Review and possibly a subdivision process.

Mr. O'Rourke said that the Town Attorney just explained the process to the Board and they recognized that it was a public participatory process but they had done their homework and really thought about what the community would benefit from. He said that this was a well-considered plan not only in terms of the uses but the engineering and layout. He said that they were well aware of the process that they needed to go through and would like to get it started as soon as possible. Councilman Clinchy asked if the Memory Care Facility and the residential units were marketed together or separately. Mr. Boniello explained that they were marketed separately, they were two different entities. The Town Attorney asked if they had considered an affordable component for the site. Mr. O'Rourke said that they had not, not at that point. He continued that they recognized where they were although it was not something they were processing as part of their plan. The Town Attorney said that they were not even considering an affordable component as part of the Memory Care Facility. Mr. O'Rourke said that was an interesting concept, they were not considering at that time. He said that there was an operator of the facility and they would have to speak to them as well, they were not in the position to answer

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that at that time. Councilman Morrissey asked if there was an interested party in running the Memory Care Facility. Mr. Boniello said that they had spoken to a few different entities and these were national firms that ran the facilities; they were generally not a single entity running a facility. He said that they have experience with the facility and that was their business and they knew what worked for them.

The Supervisor said that they said they were going to target the housing to seniors and asked if the property was going to be age restrictive. Mr. Boniello said that the residential component was not going to be age restrictive. He said that this was going to be open to any age, although when the project was complete it was going to be much more appealing to active adults. He explained that everything that they were doing was going to be targeted towards them.

Councilman Morrissey asked what they needed to get the ball rolling, the Town Attorney was explaining about lead agency to the Board. The Town Attorney said that the notice of intent to be lead agency and the referrals to the Planning Board and the Westchester County Planning were the possibilities that the Board should be considering at that time. Councilman Ciriaco asked who the lead agency was typically. The Supervisor explained that with a Zoning change it was usually the Town Board and with a Site Plan Review it would be the Planning Board. She said that this had components of both and as the Town Attorney pointed out they did review SEQRA. The Town Attorney said that they did not want to segment the reviews; the Town Board would be the lead agency for everything. The Supervisor asked how this worked with regard to the actual subdivision. That Town Attorney said that what was envisioned with the last application was that as they were processing the application for rezoning with the Town Board and going through the Environmental Review they had intended to also be going to the Planning Board to go through the Site Plan Review. He continued that they could address drainage issues, traffic issues and other things that they could proceed with, not that they could get their approvals before the Town Board acted. He said that this was in order to save time during the long process by having both Boards work on the application. The Town Attorney said that the Planning Board was also very involved in the Environmental Review of the last application for the property.

The Supervisor asked the Town Attorney in terms of the condo verses fee simple discussion, was that a determination of the Zoning or the Site Review. The Town Attorney explained that it was a determination of the Town Board. The Supervisor asked if it was incorporated in the Zoning. The Town Attorney explained that it was not incorporated; unless the applicant would commit to it and if it became a central issue the Town Board had the legislative discretion to hand back the application at any point in the process. He explained that it was something that the Town Board controlled, it would require the applicant to do some sort of redesign so that there were zero lot lines proposed, for a small lot subdivision. He said that would then be included in the Town Board's Environmental Review and their findings, once issued, would conclude that was the preferred alternative. The Town Attorney said that during the Environmental Review, he was sure that the Board would have them study the fee simple concept as an alternative. He said that the Board was allowed to do that in the Environmental Review. He explained that they would study their proposal and the Board could pick however many alternatives that were suitable to be considered. The Town Attorney said that he was sure that the fee simple concept was one of them. Mr. O'Rourke said that he would like to add; during the Environmental Review Process one of the components examined through the preparation of the Environmental Impact Statements was the economic impact, the fiscal impacts of a proposed action. He said that this was a proposed action as defined under the SEQRA Regulation and what happened was during that process was the lead agency would require of the proponent of the proposed action to examine the fiscal impacts of different things. He said that it was important to understand the manner of ownership, standing alone was not something that could be legislated by a Town Board. Mr. O'Rourke continued that what they could do through the Environmental Review process was examine fiscal impacts and they made determinations as to what the impacts were. The Supervisor said that she understood that Mr. O'Rourke was saying that they could not put it into the Zoning Code but they could examine it as part of the impact. The Town Attorney said that they could not do it at the Planning Board either because at that point it was too late; it was something that the Town Board needed to study and make a conclusion about.

The Supervisor asked the Town Planner since she was present if she had something to add. The Town Planner said that she agreed with pretty much everything that had gone on but she did think that it was important that both processes go together. She said that they did not want to do

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the Zoning for this even though it was a “conceptual” plan. She continued that the plan had to be understood as to what it was and alternatives had to be pretty far along before it came back for a final determination of Zoning by the Town Board. The Town Planner said that this was so that their Zoning was going to be tied to something that was pretty close to the final Site Plan/Subdivision. The Supervisor said that the Town Planner was saying that the Planning Board process needed to move forward on a dual track with the review of the Zoning process.

Councilman Ciriaco asked when this was going to go to the Planning Board. The Town Attorney said that they should make the referral to the Westchester County Planning Board as they made it to the Town Planning Board, so that the Town Board would get their comments back early on. He said that one of the Westchester County Planning Board’s comments was definitely going to be a provision for affordable housing. Councilman Ciriaco asked if there was a precedent where they would want to be lead agency. The Supervisor said that the County would not want to be lead agency.

Councilman Garrity asked if they needed a motion to circulate their intent to be lead agency. The Town Attorney said that was correct and to circulate the application.

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

RESOLVED, that the Town Board does hereby declare intent to be Lead Agency and to circulate to all interested and involved agencies for the Boniello Land & Realty, Ltd. /Somers Crossing Zoning Petition seeking the adoption of a new Multifamily Residence floating zone district and its application to property known as 307 Route 100 Tax ID #17.15-1-15.1 in the Town of Somers.

The Supervisor said that the Town Planner would help the Board to determine all interested and involved agencies. Mr. O’Rourke said that there was also a list which they provided on their Environmental Assessment Form.

The Town Attorney that the Board should do a second motion making the referrals to the Local Planning Board and the County Planning Board.

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

RESOLVED, that the Town Board does hereby make referrals to the Local Somers Planning Board and the Westchester County Planning Board for the Boniello Land & Realty, Ltd./Somers Crossing Zoning Petition seeking the adoption of a new Multi-family residence floating zone district and its application to property known as 307 Route 100, Tax ID# 17.15-1-15.1 in the Town of Somers.

8:45 PM – 5 minute break

8:50 – meeting reconvened

Tree
Replanting
Policy

The Supervisor said that the next item was discussion with regard to a Tree Replanting Policy. She explained that the Board has had a discussion with regard to amending the Town Code and the Principal Engineering Technician had looked at the Code and explained that they do have a Replanting Policy under Chapter 56-8a. She continued that he suggested that if the Board would like to tighten up the regulations they could require a policy that was done on a one on one basis and adjust the fines to reflect what it actually costs to prosecute the actions. The Board agreed with that. The Supervisor asked the Town Attorney to incorporate that into the Zoning Code for the Board’s review for the June meeting. The Town Attorney said that he would draft something for the Board’s consideration. He asked if the Board recognized that they did not set the fines. The Supervisor said that she knew that the Judge set the fines. The Town Attorney asked if it should be along the line of the North Salem Code that he had given to the Board for review. The Supervisor said that sounded reasonable. The Supervisor said that she would place this back on the June agenda; she wanted the Board to see the Local Law before they scheduled the public hearing.

Single
Stream
Recycling

The next item on the agenda was a discussion with regard to Single Stream Recycling. The Supervisor explained that this was something that she was discussing with City Carting/Somers

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Sanitation. She said that City Carting/Somers Sanitation was the major carter in Town by a long shot and they were ready to move to the Single Stream Recycling. She continued that all of the evidence and thinking out there that recycling occurred much better when it was single stream recycling. The Supervisor said that was when you put all the recycling into to the same bin without separating it. She said that she knew that Bedford was working on a Local Law with regard to this. She asked the Town Attorney if he could contact the Town of Bedford's Town Attorney and get a draft of their proposed legislation for their consideration as well. The Supervisor said that she would place this back on the June agenda; she wanted the Board to see the Local Law before they scheduled the public hearing.

Transportation Enhancement Program (TEP)

The Supervisor said that the next item on the agenda was with regard to Transportation Enhancement Program (TEP). She explained that there was a grant program available through Federal money that was distributed by the State. She said that this was a 20% match grant, a reimbursement grant; they did not give the money up front. The Supervisor continued that the projects had to have a minimum of \$200,000.00 and a maximum of \$2.5 million per project. She said that the grant was for sidewalks, bike paths and things of that nature. She said that they had discussed the concept of sidewalks in the Hamlet and she had summited something to the Mid-Hudson Regional Economic Council proposing sidewalks from the High School down to the Hamlet. The Supervisor said that what she would like for the Board to consider was whether or not they should try to retain a professional to assist them to prepare an application for the funding. Discussion ensued with regard to how the grant worked, what the grant could be used for and how to proceed to obtain the grant. It was agreed that the Supervisor would prepare an RFP for the Boards consideration for the June meeting that would be sent out to Engineering Firms and/or Grant Writers to prepare the grant application.

Councilman Cirieco suggested that they send the MS4 Report to the Science Department at the School; maybe they could consider putting it into their curriculum. The Supervisor said that she would and that she was also willing to speak to the students with regard to Stormwater Management.

Resurfacing of the parking lot of the Town House

The Supervisor said that as the Board was aware the resurfacing of the parking lot of the Town House had been put off from May because as it turned out there was a two week work period involved in the resurfacing as well as a two week cure period. She said that she did not want that to interfere with Memorial Day. Therefore, the work was going to begin June 3rd. She said that they were going to put together a memo that will address the use of the Town House and where meetings were going to be held in June. The Supervisor said that the Town Board June meetings were going to be held at the Middle School. She said that there would be no parking in the parking lot of the Town House in the Month of June; the Boniello's were allowing the Town to use Bailey Court for parking in the back portion of the lot. She said that they were making arrangements for all deliveries to be made in May and she made arrangements with the Police to assist the employees with crossing the street at the start and the end of the work day. The Town Clerk asked if arrangements were made for those who were handicapped and needed to conduct business with the Town. The Supervisor said that there was not going to be handicapped parking at the Town House. She said that they were going to publicize the work on the parking lot as much as possible and urge anyone who was handicapped to either come in to do their business before June 1st or after July 1st. She said that if someone should need the services of the Town and could not walk the distance, they should call the office and make arrangement to meet with whatever staff at Van Tassel or staff would go directly to their homes. The Town Attorney said that Grievance Day was in June. The Supervisor said that Grievance Day was going to be held at Van Tassel, a full schedule would be put out as to where everything was going to be held.

Authorize additional work to be done at the Town House and Reis Park

The next item was to authorize the Supervisor to execute proposals from R. Pagni and Sons with regard to additional work to be done at the Town House and Reis Park. The Supervisor said the additional work at the Park was to authorize \$20,000.00 to redo all of the paths at the Library and Reis Park, this was approved at the last meeting and included in the proposal. She said that the storage bins had been in the middle of the parking lot and they needed authorization to move and reset of them in the amount of \$4,000.00. She said that the stripping of the Reis Park lot had not been done and she thought it was a good idea to do that and she needed the Board authorization in the amount of \$3,600.00. The Supervisor said that she was removing the pump station at the Concession Stand and regrade of the new storage bin. She explained that she was not part of a discussion with regard to those items and wanted more information from the Engineer. She said that there was a trench for the conduit at the Town House that needed to be added to the

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authorizations in the amount of \$7.00 per linear foot, which she believed that it was about 200 linear feet. She explained that they obtained a generator for Town Hall and it needed to be hooked up. She said while they were doing the parking lot they wanted to install a trench so that there was a conduit connecting the two Buildings.

The Supervisor said that the proposal for additional work to be done at the Town House was the removal of three trees at the end of the parking lot in the amount of \$2,925.00. She said that they would also install three mature Cornus Florida Trees in the amount of \$2,400.00 to replace the trees that were being removed. She said that the Board needed to address the lights for the parking lot. The Supervisor said that removing the existing lights was going to cost \$1,500.00; the installation of the new lights was expensive. She said that the Contractor suggested five new lights and they only had two lights there now. She suggested the installation of two or three lights and have the same amount of lights as was currently there at a lesser cost. The Supervisor said unless the Board wanted to leave the existing lights. Discussion ensued with regard to the lighting in the Town House parking lot and what the Board's preference was with regard to lighting. It was agreed that they would authorize up to five lights but should be re-evaluated with the Engineers.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the following with R. Pugni & Sons, Inc.:

A. Additional work for the Town Hall proposal:

- a. Removal of three (3) trees, including stump and disposal - \$2,925.00
- b. Install three (3) mature Cornus Florida trees - \$2,400.00
- c. Removal of existing site lights \$1,500.00
- d. Furnish and install up to five (5) new Niland Co. 20' street lights as per photometric plan - \$11,300.00 each. Includes concrete pole base, conduits, wiring, connection to existing panel, poles and fixtures \$56,000.00

B. Additional work at Reis Park:

- a. Clean, repair and repave eight thousand square feet (8,000) of pathways - \$20,000.00
- b. Relocate Storage bins and reset - \$4,000.00
- c. Layout and stripe middle drive parking lot - \$3,600.00
- d. Trenching for conduit at Town Hall for new generator \$7.00 per linear foot.

The Supervisor said that the next item was a series of items with regard to Finance. She explained that they were in connection with instructions from the Town's Auditing Firm.

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

RESOLVED, that the Town Board does hereby authorize the following Budget Modifications per memo dated May 3, 2013 from Mary Beth Murphy Supervisor:

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year-end budget coverage in the amount of \$30,000.00 per memo dated April 26, 2013 from Robert Kehoe, Director of Finance:

From: 003.9712.0700 – Bond Interest

To: 003.9712-0600 – Bond Principal \$30,000.00

RESOLVED, that the Town Board does hereby authorize a budget modification to authorize the use of monies for 2012 settlements per memo dated May 2, 2013 from Robert Kehoe, Director of Finance:

Budget
modifications

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From: 001.0001.0885 – Fund Balance designation for Tax Certiorari

To: 001.1930.0400 – Judgments & Claims Refunds
Tax-Payments \$27,808.00

RESOLVED, that the Town Board does hereby authorize use of the Tax Certiorari Reserve to fund the 2013 settlement with Pepsi approved at the February 2013 meeting in the amount of \$241,348.00 per memo dated May 2, 2013 from Robert Kehoe, Director of Finance.

RESOLVED, that the Town Board does hereby authorize the following changes to the fund balances that will be reflected in the 2012 Financial Statements per memo dated May 2, 2013 from Robert Kehoe, Director of Finance:

Decreases during 2012:

Restricted Fund Balance for Property Damage- Decrease by \$38,833.00
-Insurance Reserve payments during 2012
Assigned Fund Balance for Capital Costs – Decrease by \$400,000.00
-Capital Project payments during 2012. Roof Replacements, Van Tassel Porch
and Police Station Drainage work
Assigned Fund Balance for Tax Certioraris- Decrease by \$27,808.00
- Primarily NYSEG tax settlement
Assigned Fund Balance Designated for Subsequent Year- Decrease by \$35,000.00
- Per 2013 Budget

Increases at Year-End 2012 to replenish Fund Balances:

Restricted Fund Balance for Property Damage- Increase by \$54,983.00
Assigned Fund Balance for Capital Costs – Increase by \$200,000.00
Assigned Fund Balance for Tax Certioraris- Increase by \$40,000.00

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, 2013)
Affordable Housing Board (4 – 2 year terms ending July 11, 2013)

Upcoming Vacancies:

The Supervisor said that it was in order for the Board to acknowledge the resignation of Gerard M. McLoughlin from the Affordable Housing Board. She thanked Mr. McLoughlin for his years of service on the Affordable Housing Board.

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

RESOLVED, that the Town Board does hereby acknowledge the resignation of Gerard M. McLoughlin for the Affordable Housing Board effective April 18, 2013 per e-mail from Mr. McLoughlin.

The Supervisor said that it was in order for the Board to acknowledge the resignation of Ms. Emma Pajonas as Part-time Clerk in the Building Department. She said that Ms. Pajonas worked for the Town while she was getting her education. She continued that Ms. Pajonas received a job as a Teacher and wished her the best of luck for the future.

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

RESOLVED, that the Town Board does hereby acknowledge with regret the resignation of Emma Pajonas as Part-time Clerk in the Building Inspector's Office effective May 17, 2013.

Resignation of
G.
McLoughlin
from
Affordable
Housing
Board

Resignation of
E. Pajonas fro,
Building
Depart.

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Councilman Cirioco asked about the vacancies for the Substance Abuse Council. The Supervisor said that they did not currently have a full Board. She said that they did have a revised Substance Abuse Council, Mr. Christiansen, who was newly appointed, had taken a strong interest in the Board and it's revision. She said that if anyone was interested in becoming a member of the Substance Abuse Council to contact her office.

Consensus Agenda

The next item on the agenda was the consensus agenda. The Supervisor said that item number 3 should read \$5,400.00 not \$4,500.00 and she would like to add to it, authorize the Supervisor to execute the contract. She pointed out the two additions on the add-on agenda and explained them briefly to the Board. Councilman Clinchy asked with regard to item number 13, what the purpose of the 30 day notification was. The Town Clerk explained that it was a State Law and the process to the Board and the reasoning for the request for the waiver.

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

Execute Wright Express Gas Card

1. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Wright Express Gas Card – one card for Highway and one card for emergency purposes to be kept in the Town Clerk's safe, users will be required to submit a written request and logs to support card usage – per memo dated May 1, 2013 from Robert Kehoe, Director of Finance and in addition the Fleet Voyager card application will not be submitted.

Five (5) year agreement with the Town of Bedford to provide for one hundred (100) parking spaces for commuters

- 2a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute a five (5) year agreement with the Town of Bedford to provide for one hundred (100) parking spaces for commuters from the Town of Somers in a parking lot on the westerly side of Route 117 in the hamlet of Katonah, known as Commuter Lot #3, at no direct costs to the Town of Somers, and said agreement to expire April 27, 2018; be

BE IT FURTHER RESOLVED,

THAT the new agreement would reserve one hundred (100) spaces for the exclusive use of Somers residents until the last day of August of each year, at which time all unsold Somers permits would then be available to be sold by the Town of Bedford.

Execute the 2012 Tri-Town Contract for Nutrition

- 2b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2012 Tri-Town Contract with the Towns of Lewisboro and North Salem for the Nutrition Program and corresponding vouchers per memo dated April 25, 2013 from Barbara Taberer, Nutrition Program Director.

Authorize Baker Digging, Inc. to demolish structure and clean-up site at 133 Mahopac Avenue

3. RESOLVED, that the Town Board does hereby authorize Baker Digging, Inc. to demolish structure and clean-up site at 133 Mahopac Avenue in the amount of \$5,400.00 per memo dated April 29, 2013 from Efrem Citarella, Building Inspector and,

DOES HEREBY authorize the Supervisor to execute contract. The proposals received were:

Baker Digging, Inc.	\$5,400.00
Frebar	\$6,600.00
Landscape Unlimited, Inc. (Vieira)	\$13,500.00

Grant temporary waiver of the Application Processing Restrictive Law

4. RESOLVED, that the Town Board does hereby grant temporary waiver of the Application Processing Restrictive Law pursuant to §67-5 to Somers Development, LLC per memo dated April 15, 2013 from Steven Woelfle, Principal Engineering Technician.

Accept Erosion Control Bonds

5. RESOLVED, that the Town Board does hereby accept the following Erosion Control Bonds per memos from Wendy Getting, Senior Office Assistant:

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- a. \$200.00 – Lang Pools, Inc./Gonzalez – Stormwater Management & Erosion & Sediment Control Permit – 15.07-1-1.2.
- b. \$200.00 – DiLuna – Stormwater Management & Erosion & Sediment Control Permit – 28.17-1-1.
- c. \$100.00 – Maher Wetland Permit – 36.11-1-2.
- d. \$500.00 – Renna – Stormwater Mangement & Sediment Control Permit – 17.13-3-13.

Return
Erosion
Control Bonds

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

- a. \$5,169.13 St. Joseph’s School Erosion Control Bond – 7.09-1-1, 3, 4.
- b. \$7,995.00 Lincoln Hall Wastewater Treatment Site Plan Erosion Control Bond (16.15-1-1.8)
- c. \$ 500.00 St. Luke’s Erosion Control Bond – 17.15-1-10, 11, 12
- d. \$ 100.00 Mendes Wetland Permit – 26.15-1-3
- e. \$ 100.00 Vasallo – Erosion & Sediment Control – 26.16-1-8.
- f. \$ 500.00 Farese Steep Slope Permit – 27.17-1-21
- g. \$5,862.00 Maple Ridge Subdivision ECB – 6.14-1-2
- h. \$ 500.00 Farese Wetland Permit – 27.17-1-1
- i. \$ 100.00 Bulfamante Tree Preservation Permit – 18.05-1-22
- j. \$ 200.00 Cukaj Erosion & Sediment Control Permit - 27-16-1-6
- k. \$ 100.00 Maestri & Coral Sea Pools Erosion & Sediment Control Permit – 27.16-1-35
- l. \$ 100.00 Contini Erosion, Sediment & Tree Preservation Permit – 36.12-1-32
- m. \$ 100.00 Antolino Erosion & Sediment Control Permit – 38.17-2-9
- n. \$ 200.00 Casciano Stormwater Management and Erosion & Sediment Control Permit – 58.12-1-12
- o. \$ 25.00 Boniello Land & Realty Tree Preservation Permit – 58.08-1-7
- p. \$ 25.00 Boniello Land & Realty Tree Preservation Permit – 58.08-1-8
- q. \$ 25.00 Boniello Land & Realty Tree Preservation Permit – 58.08-1-9
- r. \$ 100.00 Rand Realty/Boniello Land & Realty Tree Preservation Permit – 58.16-1-1

Announce
May as
National
Preservation
Month

7. RESOLVED, that the Town Board does hereby adopt a resolution announcing May as National Preservation Month and congratulates them on their 40th Anniversary.

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; and

WHEREAS, the National Preservation is celebrating their 40th Anniversary.

NOW, THEREFORE, I, Supervisor Mary Beth Murphy, do proclaim May 2013 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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Combined
July
Meetings

8. RESOLVED, that the Town Board does hereby authorize combining the July 4, 2013 Work Session and July 11, 2013 Regular Meeting to one meeting to be held on July 11, 2013.

Accept
Erosion
Control Bond

9. RESOLVED, that the Town Board does hereby accept the \$4,516.00 Erosion Control Bond posted by Silvio Management Corp. for the Hallic Place Development, LLC for Wright's Court – Site B only per memo dated May 1, 2013 from Wendy Getting, Senior Office Assistant.

Appoint S.
Vourakis to
SEEC

10. RESOLVED, that the Town Board does hereby appoint Stacie D. Vourakis to the Somers Energy Environment Committee to serve at the pleasure of the Board.

Change in
Planner title
and hours

11. RESOLVED, that the Town Board does hereby authorize a change in title for Syrette, Dym from Planner (Planning) to Director of Planning and,

DOES HEREBY, increase her weekly hours from 17 to 21 hours per week effective May 9, 2013.

Additional
work for the
Town House
Annex fuel oil
storage tank

12. RESOLVED, that the Town Board does hereby authorize payment for additional work on the Town House Annex fuel oil storage tank in the amount of \$725.00 to Madison Environmental & Tanks Services per memo dated April 26, 2013 from Thomas J. Tooma, Jr., Assistant Building Inspector.

Waiving of 30 day
notice for
application of new
liquor license

13. RESOLVED, that the Town Board does hereby authorize waiving of 30 day notice for application of new liquor license for Finn's Tavern, 152 Route 202, Lincolndale Plaza, Lincolndale, NY 10540 (formally the Lovell Street Ale House.)

The Supervisor said that the Memorial Day Parade was Monday, May 27th that will kick off at the Middle School at 9:30 AM. She encouraged everyone to come out, to either watch or march in the parade. She said that it was always a nice event in Somers and the residents always come out for the Veterans.

The Supervisor said that Relay For Life was being held on Friday May 31st at the field between the Somers Intermediate School and Somers Middle School. She said that they were getting more and more teams signing up for that. She said that this was a great community event for a great cause to celebrate those who have survived cancer and to remember those who have succumbed. Councilman Cirienco said that there was a lot going on and people were starting to get energized. The Supervisor said that there was also a lovely survivor dinner at the beginning of the evening that starts at 5:30 PM. She said that anyone that was a cancer survivor and their caregivers were welcome to attend. She explained that the Girl Scouts did an incredible job of preparing and serving the food. The Supervisor said anyone interested in attending the dinner could contact either Carol Cirienco or herself, they were the Co-Chairs of the event. She said that the first lap of the event was the survivor lap and there was a Luminary Ceremony at 10:00 PM.

The Supervisor wished all mothers a Happy Mother's Day.

Councilman Morrissey said that the Somers Lions Invitational Track Meet was next weekend. He also pointed out that there was the Walk For Stroke on Saturday.

Councilman Clinchy said that that he had a request from the Somers Energy Environment Committee; they wanted to honor those who had begun the energy audit of their homes. He said that they would like to create an event at a Town meeting to recognize those people. The Supervisor said that was a great idea and if they got her a list of the people she would have certificates made.

Claims for the payment of all Town Bills in the amount of \$740,534.54 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 to an executive session with regard to personnel at 9:35 PM not to return that evening.

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Town Clerk