

MAY 12, 2011 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening May 12, 2011 at 7:40 at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

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

ABSENT:

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

The Supervisor said that it was in order to open a public hearing with regard to Chapter 77 entitled Unsafe Buildings of the Somers Town Code regarding an unsafe and dangerous structure located at 228 Mahopac Avenue, Somers known as Tax ID 15.08-1-3.

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

PUBLIC COMMENT:

There being no one to be heard on motion of Supervisor Murphy, seconded by Councilman Garrity, public comment session 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. She also announced that pursuant to Section 64, Subdivision 2a of the Alcoholic Beverage Control Law, Il Forno, Inc, located on 343 Route 100 was renewing their liquor license.

Update by County Legislators Michael Kaplowitz and Peter Harckham

The Supervisor said that County Legislators Michael Kaplowitz and Peter Harckham were present to give the Board an update on the happenings in the County as they related to Somers. She thanked both of them for being there that evening.

Legislator Kaplowitz said that they appreciated the opportunity to give a regular update as they had done.

Legislator Harckham thanked the Board and said that it was a pleasure to be back with them. He said that first he wanted to offer the Town his sincere condolences for the loss of Mickey Oliver. He said that he knew what a special person she was to the entire Town.

Legislator Harckham said that first thing he wanted to bring the Board up to date on was the budget and he will focus it on the Somers portion. He said that the budget that they received from the County Executive was good with a -1% tax reduction. He explained the process that the Legislators went through for the budget process. Legislator Harckham said that at the end of the process they heard two things loud and clear. He said that the first was that tax relief was needed and the second was that people wanted the public safety services restored. He said at the end of the process their budget had a -2% tax relief and the budget that was eventually passed there was a -2.2% tax reduction. Legislator Harckham explained that they cut spending by \$30,000,000.00 and over the last two years they had cut spending by \$50,000,000.00 and they reduced the size of the County Workforce by 10% last year and by the end of this year it will be 11%. He said that they took reducing the size and the cost of the County Government very seriously. He explained that they did save the severe cuts to the Department of Emergency Services and how that was accomplished.

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Legislator Kaplowitz said that the next issue was dollars for Somers. He said that he wanted to congratulate and thank the Supervisor for allowing and chairing on the \$100,000.00 study for Shenorock and the different septic options for that area. He said that the Supervisor was the Chair of the Northern Westchester Watershed Supervisors and they had resolved that and came to the County. Legislator Kaplowitz said that he worked together with Legislator Harckham to get through as expeditiously as possible. He said that the \$100,000.00 was study money that was put aside by the City of New York years ago from East of Hudson money. He said that they all looked forward to what the study showed and what in fact could be done for the people in Shenorock. Legislator Kaplowitz explained that there had been \$10,000,000.00 allocation that had been put aside to be used for the Lake Communities for future use. The Supervisor thanked both Legislator Kaplowitz and Legislator Harckham for all of their hard work to make this happen.

Legislator Harckham said that they should all know how hard the Supervisor was working negotiating putting together the package for the money. He said that the EPA and the Environmental Facilities put together the water needs report, the chart that put together the entire water project needs. He said that they would be coming in early June to address the Septic Sub-committee and he will keep the Board abreast of that. Legislator Harckham said that they wanted to hear from them what the 2012 projects were so that it could go to Congress for appropriation. He said that one of the reasons that they had always been shortchanged in New York was because they did not do an adequate job in reporting. He said for the first time they were taken a proactive approach and they had a good shot at it.

Legislator Harckham said with regard to the Refuse District, there was a new e-waste and medical waste facility. He said that there was no longer going to be clean-up days run by the County, there was going to be a permanent facility in Valhalla. He said that one of the things that Legislator Kaplowitz and himself were negotiating for was if there was going to be a charge for the people who were not in the District. He said that they were fighting for no charge for the Towns that were not in the Refuse District. Legislator Harckham explained how it was going to work and the cost savings that would be seen for the County. The Supervisor said that Somers had the Shred Mobile on April 24th and there was some discourse surrounding the event as to whether or not Somers was going to have to pay for the Shred Mobile because they were not in the Refuse District. She said that they did not have to pay in the end but she wanted to ensure that they would be able to have that available in the future.

Legislator Kaplowitz said that there were two environmental issues that they had worked on that he wanted to discuss with the Board. He said that first being a Solar Tax Exemption which just passed and he provided handouts to the Board and explained the legislation to the Board. He said that the second environmental issue they were considering was a mandate that all County vehicles going forward for purchase would be hybrid or fuel efficient vehicles.

Legislator Kaplowitz said with regard to the 2010 Census the County received the results in March. He explained that it showed that Westchester County grew; they were one of the top in growth. He said that this caused the redistricting of Legislative Lines. He pointed out Somers on the map and said that they benefited from having two legislative Districts. Legislator Harckham said that the redistricting was a population shift. Legislator Kaplowitz explained the changes to the Board.

The Supervisor said with regard to the Census, the Sales Tax Revenue that the Towns receive was based on population came out of the census. She asked if they knew when that was going to kick in. Legislator Harckham said that they would find out for her. Legislator Kaplowitz said presumably the next time, they were real numbers at this point.

Legislator Harckham said starting in June all residents of Westchester would be required to recycle numbers 1 through 7 plastics. He said that the market had gotten to the place where it was affordable to increase the number and they had passed legislation and

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purchased the equipment to do so. Councilman Clinchy asked if that was for both public and private. Legislator Harckham said yes that was for everyone.

Legislator Harckham asked if the Board remembered when the County made available surplus vehicles for one dollar. He said that grounded to a halt under the last administration because it became too unwieldy and the new administration did not pick it up for the same reason. He said that they had introduced legislation where they were going to setup a lottery for the Municipalities and Fire Districts to get surplus vehicles.

The Supervisor thanked the Legislators for the Emergency Supply Kit.

Councilman Bolton asked what the 1 through 7 recyclables were. Legislator Harckham explained that it was mostly different food containers and gave some examples.

Councilman Clinchy said that there was just an article with regard to the Legacy Field in Yorktown. He asked how Somers could get involved in the Legacy project. Legislator Kaplowitz explained the Legacy funding and said that he did not think that the fund would be available at this time. He said that there was an opportunity; there was a legal mandate that created that opportunity. Legislator Kaplowitz said that it related to the Fair and Affordable Housing Settlement that the County reached with Federal parties and what had not yet played out. He explained that this could bring further consideration for funding for communities in ways of legacy funds or other investments if the Fair and Affordable Housing was built in certain communities. He explained to the Board how it worked for Yorktown. The Supervisor said that at a Council of Governments meeting it was made clear that no discretionary money from the County would be forthcoming to any municipality unless they did certain acts in connection with the requirements that the County adhere to under the Affordable Housing Settlement.

Authorize
J. Robock
access to
Town's
NYSEG
Records

The next item on the agenda was to authorize Mr. Jerry Robock access to the Town's NYSEG records to prepare a bid for the Town's Energy Supplier. The Supervisor explained in an effort to try to reduce the Town's electrical costs they would be looking to bid their NYSEG costs. She said that they would need to authorize Mr. Robock access to their NYSEG bills. Councilman Clinchy explained the process to the Board. Councilman Bolton asked if this had anything to do with the deregulation of power. Mr. Robock said that because electricity had been deregulated there was a choice of who they could buy from. He explained that there were two choices; it could either be bought at a variable rate which was what they were currently doing or on a fixed base annual contract. He said that what they were going to do was an analysis to see which option was right for the Town. Mr. Robock said that they would bring that potential to a couple of different vendors and have them bid on it and they would make a presentation to the Board. Discussion ensued with regard to the process and the benefit to the Town.

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

RESOLVED, that the Town Board does hereby authorize Jerry Robock to access the Town's NYSEG records to prepare bid for the Town's Energy Supplier.

PERSONNEL:

Current Vacancies:

- Substance Abuse Council (1 – 3 year term to December 31, 2012)
- Substance Abuse Council (2 – 3 year term to December 31, 2013)

Upcoming Vacancies:

- Affordable Housing Board (5 – 2 year terms to July 11, 2013)

Hire P.
Nicolosi PT
Clerk –
Assessor's
Office

The Supervisor said that it was in order to authorize the hiring of Patricia Nicolosi as Part Time Clerk in the Assessor's Office.

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

RESOLVED, that the Town Board does hereby authorize the hiring of Patricia Nicolosi as Part Time Clerk in the Assessor's Office at an hourly rate of \$13.00 to work no more than 17 hours per week effective Monday, May 16, 2011 per memo dated May 12, 2011 from Mary Beth Murphy, Supervisor.

Approval of the Minutes

The Supervisor said that the next item on the agenda was the approval of the minutes.

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

RESOLVED, that the Town Board does hereby approve the minutes of the March 3, 2011 Work Session.

Consensus agenda

The next item was the consensus agenda.

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

RFP for additional Insurance Brokers

1. RESOLVED, that the Town Board does hereby authorize issuance of request for proposals for additional insurance brokers to be received no later than Monday, May 23, 2011 in the Town Clerks office.

Execute Annual MS4 Report

2. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Annual MS4 Report –submitted by Town Planner, Sabrina Charney-Hull.

Withdrawal of DEIS for Somers Woods Development

3. RESOLVED, that the Town Board does hereby acknowledge letter dated May 6, 2011 from McCullough, Goldberger & Staudt, LLP for withdrawal of the Draft Environmental Impact Statement (DEIS) submitted to the Town November 2010 for the Somers Woods Development, LLC (Alexan Woods) project.

Authorize the independent raising of funds for Town Dog Park

4. RESOLVED, that the Town Board does hereby authorize the independent raising of funds for the construction of a Town Dog Park to be located on Town property on Route 100.

Acknowledge the resignation of E. Evans from CB

5. RESOLVED, that the Town Board acknowledges with regret the resignation of Eric Evans from the Somers Conservation Board effective immediately.

Refer out request for stop signs

6. RESOLVED, that the Town Board does hereby refer request for stop signs at the following intersections to Police, Highway and Town Engineering Office for review and comment:
 1. Entrance Way East and Lake Way (4-way stop) and/or
 2. Entrance Way East and Central Way (3-way stop) and/or
 3. Entrance Way East and Inter Way (3-way stop) and/or
 4. Entrance Way West and Ridge Way and/or
 5. Entrance Way West and Fair Way

Execute the Agreement with CMA for financial advisory services for road improvement bond

7. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Agreement with CMA for financial advisory services for road improvement bond per letter dated April 20, 2011 from Nick Krzemienski.

Schedule public hearing - §150-13M

8. RESOLVED, that the Town Board does hereby authorize the scheduling of a Public Hearing for Thursday, June 9, 2011 for proposed revision of §150-13M Expiration of Conditional Approval of the Code of the Town of Somers to comport with NYS Law.

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Announce National Preservation Month

9. RESOLVED, that the Town Board does hereby adopt a resolution announcing May as National Preservation Month “Celebrating America’s Treasures.”

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, “Celebrating America’s Treasures” is the theme for National Preservation Month 2011, cosponsored by the Town of Somers and the National Trust for Historic Preservation.

NOW THEREFORE, I Supervisor Mary Beth Murphy, do proclaim May 2011 as National Preservation Month, and call upon the people of the Town of Somers to join their fellow citizens across the United States in recognizing and participating in this special observance.

Accept Erosion Control Bonds

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

- a. \$1,000.00 – 102 Moseman LLC/Gaggini Wetland Permit – 48.18-1-10.
- b. \$200.00 – Cambrareri Stormwater Mgmt. & Erosion & Sediment Control Permit – 17.12-2-24.

Reappoint H Oringel Chair of SEAP

11. RESOLVED, that the Town Board does hereby reappoint Herbert N. Oringel as Chairman of the Energy Advisory Panel to a term ending December 31, 2011.

Dedication of original Farmstead at the entrance of Angle Fly

12. RESOLVED, that the Town Board does hereby authorize dedication of original Farmstead at the entrance of Angle Fly Preserve to “Mickey Oliver” for her many contributions to the Town and the protection and preservation of the Angle Fly per memo dated April 25, 2011 from the Somers Land Trust.

Disposal of old Library equipment

13. RESOLVED, that the Town Board does hereby authorize disposal of old Library equipment since no requests were received from newspaper ad to purchase per memo from Patricia Miller, Library Director.

Hire Day Camp Staff

- 14a. RESOLVED that the Town Board does hereby authorize permission to hire for Somers Day Camp, Tot time Camp and Tusker (teen travel) Trax staff from June 27 – August 5, 2011 and continue to hire for these programs on an as-needed basis pursuant to County Health counselor-to-camper ratio regulations per memo dated April 27, 2011 from Steven Ralston, Superintendent of Parks & Recreation.

| NAME | POSITION | HOURLY RATE |
|-------------------|-----------|-------------|
| ADELMAN, HAYLEE | COUNSELOR | 7.67 |
| AQUILINO, ABIGAIL | CIT | 3.34 |

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|---------------------|--------------------|-------|
| AQUILINO, NICHOLAS | COUNSELOR | 6.34 |
| ARITA, CHRISTOPHER | COUNSELOR | 6.17 |
| ARITA, MARCI | COUNSELOR | 7.34 |
| ARMATO, JILLIAN | MUSIC SPECIALIST | 18.25 |
| AUSIELLO, HEATHER | DIVISION HEAD | 14.25 |
| BELMONT, TARA | COUNSELOR | 7.3 |
| BERTE, STEPHEN | COUNSELOR | 6.17 |
| BILY, MARGARET | DIRECTOR | 45 |
| CARUSO, GARY | DIVISION HEAD | 12.25 |
| CASEY, JAMES | SPORTS SPECIALIST | 10.5 |
| CASEY, KELLY | COUNSELOR | 8 |
| CHRYSSIKOS, KATHRYN | COUNSELOR | 7.3 |
| CIANFAGLIONE, SCOTT | DIRECTOR | 27.86 |
| COHEN, MICHAEL | COUNSELOR | 6.17 |
| CORD, KAYLA | COUNSELOR | 7.34 |
| CUCHINELLI, DOREEN | ASSISTANT DIRECTOR | 28.25 |
| DEANGELIS, NICHOLAS | COUNSELOR | 6.84 |
| DISANTO, RONNIE | COUNSELOR | 8.25 |
| EPSTEIN, ALYSSA | COUNSELOR | 6.34 |
| FEARON, ERIN | ASSISTANT DIRECTOR | 20.34 |
| FRIEDMAN, ALEX | COUNSELOR | 7.3 |
| FRIEDMAN, ERIC | COUNSELOR | 8 |
| FRIEDMAN, JASON | COUNSELOR | 8.25 |
| FRIEDMAN, PAUL | COUNSELOR | 6.84 |
| FUSCO, ALEX | COUNSELOR | 6.84 |
| GRAFFITTI, LAURA | COUNSELOR | 6.84 |
| GUADALUPE, AMANDRIA | COUNSELOR | 7.67 |
| JACOBS, ADAM | COUNSELOR | 6.34 |
| KRISSA, MICHELLE | COUNSELOR | 8.25 |
| LANGAN, JOSEPH | COUNSELOR | 6.5 |
| LEVI, ARIANA | COUNSELOR | 6.5 |
| LEVINE, ZACHARY | COUNSELOR | 6.17 |
| LIBERATORE, JESSICA | COUNSELOR | 6.84 |
| LINE, REBECCA | COUNSELOR | 8.5 |
| LOVELL, MEGAN | DIVISION HEAD | 15 |
| MARCHIONNO, RACHEL | COUNSELOR | 7.34 |
| MARIANI, MICHAEL | COUNSELOR | 7.34 |
| McGUIRE, DYLAN | COUNSELOR | 6.84 |
| McGUIRE, MARIA | DIRECTOR | 26.57 |
| McGUIRE, THOMAS | SPORTS SPECIALIST | 10.34 |
| McISSAC, CASSANDRA | COUNSELOR | 8 |
| MELITO, ALEXANDRA | COUNSELOR | 6.9 |
| MEY, DEBORAH | ASSISTANT DIRECTOR | 28.25 |
| MICHAUD, GRACE | COUNSELOR | 6.67 |
| MINIACI, ANTHONY | COUNSELOR | 6.84 |
| NATHAN, MAXWELL | COUNSELOR | 7.67 |
| NATHAN, ZOE | COUNSELOR | 6.67 |
| OLSEN, EILEEN | A & C SPECIALIST | 15.34 |
| ORENSTEIN, PATRICIA | DIVISION HEAD | 15.34 |
| ORITI, DANA | COUNSELOR | 9.25 |
| ORITI, JOSEPH | COUNSELOR | 7.34 |
| ORR, PAULINA | COUNSELOR | 7.34 |
| PERSIC, MICHAEL | COUNSELOR | 7 |
| PERSIC, SAMANTHA | COUNSELOR | 7 |
| PIEROTTI, ANTHONY | COUNSELOR | 7.34 |
| PINSLEY, LAUREN | COUNSELOR | 8.4 |
| REIMANN, GABRIELLE | COUNSELOR | 6.84 |

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| REIMANN, VICTORIA | COUNSELOR | 7.67 |
| RIPPON, KAELA | COUNSELOR | 6.34 |
| SIBRIZZI, ADRIANA | COUNSELOR | 8.17 |
| SIBRIZZI, ALYSSA | COUNSELOR | 7.67 |
| SMITH, DORIS JANE | DIVISION HEAD K | 32.33 |
| TATERA, KELLY | COUNSELOR | 7 |
| TENEFRANCIA, MELISSA | COUNSELOR | 8.17 |
| TIGHE, ERYN | COUNSELOR | 8 |
| TILLMAN, CROSBY | COUNSELOR | 7.34 |
| TROISI, JOSEPH | COUNSELOR | 6.84 |
| TURCHIK, KYLE | COUNSELOR | 6.84 |
| WATSON, KEVIN | COUNSELOR | 7.5 |
| ZATTOLA, THOMAS | COUNSELOR | 6.34 |
| ZIMMERMAN, HANNAH | NURSE | 12.34 |

Award bid for Purchase of Restroom Structure

14b/c. RESOLVED, that the Town Board does hereby award bid which was the only bid received for “Purchase of Restroom Structures” to be used at the Angle Fly Preserve to Clivus Multrum, Inc. in the amount of \$40,242.00 and,

DOES HEREBY give the Supervisor authorization to execute agreement for said structures per memo dated April 26, 2011 from Steven Ralston, Superintendent of Parks and Recreation.

Budget modification

15. RESOLVED, that the Town Board does hereby authorize the following budget modification per memo dated April 27, 2011 from Mary Beth Murphy, Supervisor:

RESOLVED that the Town Board does hereby authorize a budget modification to provide for overage for the Unemployment Insurances first quarter payment and provide funding to years end per memo dated April 27, 2011 from Thomas E. Chiaverini, Superintendent of Highways:

From: 5142.1 – Snow Personal Services
 To: 9050.8 – Unemployment Insurance \$10,000.00

Reduce Letter of Credit

16a. RESOLVED, that the Town Board does hereby authorize the reduction of Letter of Credit #S93059188 in the amount of \$970,846.00 to \$695,540.00 for the Somers Estates Subdivision Performance Bond per memo dated April 28, 2011 from Marilyn Murphy, Planning Board Secretary.

Lawsuit settlement

16b. RESOLVED, that the Town Board does hereby adopt resolution of lawsuit settlement per correspondence from Melissa Halter, Esq. of Sokoloff Stein, LLP dated April 26, 2011.

Execute Closing Certificate and Supplemental Agreement re: State Drinking Water Revolving Fund

17. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Closing Certificate and Supplemental Agreement re: State Drinking Water Revolving Fund Project No. DO-16239B retroactive to April 29, 2011 per letter received April 15, 2011 from Tracey Hitchen Boyd, Deputy Director, and Financial Management of the New York State Environmental Facilities Corporation.

Municipal lighting audit

18. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute quote for municipal lighting audit with EnerPath, Rochester, NY.

Return Erosion Control Bonds

19. RESOLVED, that the Town Board does hereby authorize the return of the following Erosion Control Bonds per memos dated May 2, 2011 from Steven Woelfle, Principal Engineering Technician:

a. \$ 25.00 – Erenberg Tree Preservation Permit – 37.10-1-6.

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Resolution
of support
for Somers
Relay for
Life

- b. \$200.00 – Erenberg Erosion & Sediment Control Permit – 37.10-1-6.
20. RESOLVED, that the Town Board does hereby adopt a Resolution of Support for the Somers Relay for Life on June 3rd – 4th, 2011 from 7:00 p.m. to 7:00 a.m. at the Somers Middle School.

The Supervisor said that she wanted to share with the entire Town that Mickey Oliver, the Town Historian, at 96 years young had passed away. She said that the out pouring of support from the community to her family had been appreciated. She said that Mickey was such an important part to the Town for so many years. The Supervisor said that she was an advocate for anything historical in the Town; she always got her point across and was very hard to say to no to. She said that she always promoted her position with graciousness and respect for her colleagues. She said that here in the Town House she was a friend and loved by everyone. The Supervisor said that Mickey will be very sorely missed. She said that the Funeral Service would be tomorrow and the road between St. Luke's to the Ivandell Cemetery will be closed for 10 to 15 minutes for the Funeral Procession. She ended the meeting with a moment of silence in Mickey's memory.

Claims for the payment of all Town Bills in the amount of \$1,463,405.54 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 Clinchy, the meeting was adjourned at 8:30 PM to an executive session with regard to personnel matters and collective bargaining not to return that evening.

Town Clerk