

MAY 17, 2012 – REGULAR MEETING

Minutes of a Regular meeting of the Town Board of the Town of Somers held on Thursday evening May 17, 2012 at 7:05 PM that the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:       Supervisor       Mary Beth Murphy  
                  Councilman       Richard A. Benedict  
                  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 for the Board to enter into an executive session with regard to real estate and personnel including Board appointments and Police vacancies.

Thereupon motion of Supervisor Murphy, seconded by Councilman Morrissey, the meeting was adjourned to an executive session with regard to real estate and personnel including Board appointments and Police vacancies at 7:05 PM.

7:40 PM – meeting reconvened

The Supervisor welcomed Councilman Benedict and thanked him for accepting the appointment to the Town Board to fill the interim term to the end of the year. She said that they were happy to have him and knew that he would be able to provide them with a lot of insight and help in the matters that they discuss.

The Supervisor said that it was in order for the Board to continue a public hearing with regard to an unsafe and dangerous structure located at 133 Mahopac Avenue, Somers known as Tax ID 26.08-1-11.

7:40 PM – hearing opened  
7:50 PM – meeting reconvened

The Supervisor asked if there was a motion to direct the Highway Department to install orange snow fencing around the perimeter of the building and junk material that was on the property as soon as possible and to keep track of all costs associated therewith, it will become a lien against the property. Councilman Morrissey asked if they could put some kind of signage on the fencing as well.

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

RESOLVED, that the Town Board does hereby direct the Superintendent of Highways to install orange snow fencing around the perimeter of the building and junk material that is on the property and some kind of signage for NO TRESSPASSING for property known as Section: 28.08 Block: 1 Lot: 11 located at 133 Mahopac Avenue in the Town of Somers, and;

THAT HE HEREBY, keep track of all costs associated therewith, where it will become a lien against the property.

The Supervisor said that it was in order for the Board to open a public hearing with regard a proposed legislation to transfer duties of the former Conservation Board to the Open Space Committee.

7:52 PM – hearing opened  
8:00 PM – meeting reconvened

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The Supervisor said that it was in order for the Board to adopt a Local Law with a series of amendments to the Town Code to transfer duties of the former Conservation Board to the Open Space Committee and a Negative Declaration.

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

RESOLVED, that the Town Board does hereby adopt a Negative Declaration and a Local Law with a series of amendments to the Town Code to transfer duties of the former Conservation Board to the Open Space Committee as follows:

A Local Law to amend the Code of the Town of Somers.

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

1. Chapter 5 entitled ARCHAEOLOGICAL RESOURCES ADVISORY COMMITTEE Subsection 5-7 Meetings with other Boards is hereby amended to read as follows:

**§5-7. (Meetings with other Boards.)**

The Committee shall meet with the Town Board, the Planning Board and the Open Space Committee (OSC) from time to time, in order to apprise the Town of the activity of the Committee.

2. Chapter 93 entitled STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

A) Subsection 93-9.C. and D. Procedure for permits is amended to read as follows:

**§93-9.C. and D. (Procedure for permits)**

C. Notice to agencies. Upon submission of a completed application, the Planning and Engineering Department shall notify all interested agencies required by applicable statutes, the Town Board, the Open Space Committee and any agency so designated by resolution of the Town Board of an opportunity to provide comment.

D. Town of Somers Open Space Committee review. The Open Space Committee shall review the Planning Board applications within 30 days of the date of the Planning and Engineering Department's transmittal letter and shall file a written report to the approval authority with its recommendations concerning the application. Such report shall evaluate the proposed operation or project in terms of the findings, intent and standards of this chapter.

B) Subsection 93-13.B. Review of application; approval is amended to read as follows:

**§93-13.B. (Review of application; approval)**

B. Referrals. The permitting authority, upon receipt of a completed application or upon a determination of completion, may refer the completed application and supporting plans and documents to the Westchester County Soil and Water Conservation District on all applications meeting the criteria set forth in this chapter. All applications not handled by the Town Engineer administratively may be referred to the Open Space Committee for review and comment. The Westchester County Soil and Conservation District or the Open Space Committee, as applicable, shall be required to review the application within 30 days of receipt thereof and shall file a written report with the permitting authority with its recommendations concerning the application, including, but not limited to, an evaluation of the completeness of the application. Such report shall

evaluate the proposed operation or project in terms of the management objectives and principles of this chapter and shall include the effect of such operation or project on the project area. The permitting authority may also refer any application, where applicable, to any other governmental or public agency within whose jurisdiction the site is located, for review and comment.

3. Chapter 133 entitled PROFESSIONAL FEES, Subsection 133-1 Reference of applications to professionals; charges; reports is hereby amended to read as follows:

**§133-1. Reference of applications to professionals; charges; reports.**

The Town Board, the Planning Board, the Open Space Committee or the Zoning Board of Appeals, in the review of any application, may refer any such application presented to it to such engineering, planning, legal, technical or environmental consultant or professional(s) employed by the town, as such Board shall deem reasonably necessary to enable it to review such application as required by law. Charges made by such consultants shall be in accord with charges usually made for such services in the Metropolitan New York Region or pursuant to an existing contractual agreement between the town and such consultant. Charges made by the town shall be in accord with the hourly rates upon which the employee's actual salary is based and fringe benefits and reasonable overhead. All such charges shall be paid on submission of a town voucher. In the event that an application is required to be reviewed by more than one Board, then, in such event and to the extent practicable, both Boards shall use the same consultant who shall, in such case, to the extent practicable, prepare one report providing data, information and recommendations requested. In all instances, duplications of consultants' reports or services shall sought to be avoided wherever possible in order to minimize the cost of such consultants' reports or services to the applicant. The above fees are in addition to any and all other fees required by any other section of this chapter or any other town ordinance or regulation of the Town Code.

4. Chapter 144 entitled SITE PLAN REVIEW Subsection 144-7.E. Site Plan Elements is hereby amended to read as follows:

**§144.7E. (Site Plan Elements.)**

E. Open Space Committee review and recommendation. Each site plan shall be submitted by the Planning Board to the Open Space Committee for its review and recommendation concerning environmental aspects of such plan. The Open Space Committee shall have 30 days from date of transmittal to respond. Failure of the Open Space Committee to act within the allotted time shall not prejudice the application.

5. Chapter 148 entitled STEEP SLOPES PROTECTION.

A) Subsection 148-6.C.(4) Policies for Evaluating Applications is hereby amended to read as follows:

**§148-6.C.(4) (Policies for evaluating applications.)**

(4) Before issuing any administrative permit, the Town Engineer shall review the administrative permit application with the Administrative Permit Review Team, which shall include the Town Planner, an Open Space Committee Member selected by such Board, the Building Inspector and the Town's environmental Inspector or consultant.

B) Subsection 148-8.E. (1) and (2) Distribution of application are amended to read as follows:

**§148.8.E. (1) and (2) (Distribution of application.)**

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(1) Planning Board applications prepared in accordance with Subsection C above shall be received in sets of 14 by the Engineering Department. The Engineering Department shall refer one copy of a complete application to the Open Space Committee, two copies to the Town Engineer and 11 copies to the Planning Board.

(2) Administrative applications prepared in accordance with Subsection D above shall be received in sets of 10 by the Engineering Department. The Engineering Department shall refer one copy of the complete application to the Open Space Committee and seven copies to the Planning Board for information and two copies to the Town Engineer. The files shall be maintained by the Engineering Department.

C) Subsection 148-8.F. is amended to read as follows:

**§148-8.F.**

F. Open Space Committee review. The Open Space Committee shall review the Planning Board applications within 30 days of the date of the Engineering Department's transmittal letter and shall file a written report with the approval authority with its recommendations concerning the application. Such report shall evaluate the proposed operation or project in terms of the findings intent and standards of this chapter.

D) Subsection 148-8.J. is amended to read as follows:

**§148-8.J.**

Action by the approval authority.

(1) Within 45 days of receipt of the report of the Open Space Committee or the expiration of the period prescribed in Subsection F above or within 45 days of the date of any public hearing held pursuant to this chapter, whichever date shall be later, the approval authority shall render a decision to approve, approve with modifications, or deny the application, giving due consideration to the findings and recommendations, if any, of the Open Space Committee and the findings, intent and standards of this chapter.

6. Chapter 167 entitled WETLAND AND WATERCOURSE PROTECTION.

A) Subsection 167-4.C. Activities subject to regulation is hereby amended to read as follows:

**§167-4.C. (Activities subject to regulation)**

C. Regulated activities subject to administrative permit. The following activities, when proposed for silviculture or a single-family residential parcel, are determined by this chapter to be limited in scope and limited in potential impact. The approval authority for applications to conduct these activities shall be the Town Engineer. Before issuing any administrative permit, the Town Engineer shall review the administrative permit application with the Administrative Permit Review Team, which shall include the Town Planner, an Open Space Committee member selected by such Board, the Building Inspector and the Town's environmental inspector or consultant. The Town Engineer may, at his discretion, refer any application for an administrative wetland activity permit to the Planning Board for its review and action. Activities for which an application may be made for an administrative permit are:

B) Subsection 167-5.B. (1) and (2) Notice to agencies is hereby amended to read as follows:

**§167-5.B. (1) and (2). (Activities subject to regulation.)**

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B. Notice to agencies.

(1) Where the Planning Board is the approval authority, upon submission of a completed application, the Engineering Department shall forward the application and plans to all interested agencies required by applicable statutes, the Town Board, the Open Space Committee and any agency so designated by resolution of the Town Board of an opportunity to provide comment. A 30 day comment period shall be provided after the first acceptance of the complete application.

(2) Where the Town Engineer is the approval authority, upon submission of the completed application, the Engineering Department shall notify all applicable agencies having an interest in the subject matter and the Town Board, Planning Board and Open Space Committee for informational purposes.

C) Subsection 167-8.E. Standards for application for permit decisions is hereby deleted.

D) Subsection 167-10.B.(1) Action to grant permits is hereby amended to read as follows:

**§167-10.B.(1) (Action to grant permits.)**

B. Required conditions. Every permit issued pursuant to this chapter shall be in written form and shall contain the following conditions:

(1) work conducted under a permit shall be open to inspection at any time, including weekends and holidays, by the approval authority, Town officials, the Open Space Committee, the Town Engineer or its designated representative.

7. Chapter 170 entitled ZONING.

A) Subsection 170-12.E.(3) Designed residential development is hereby amended to read as follows:

**§170-12.E.(3) (Designed residential development.)**

(3) Review by other agencies. Upon receipt of a completed application for approval of a designed residential development, the Planning Board shall forward for review and report one copy each of such application to the Open Space Committee, the Town Engineer, the Superintendent of Highways, the Westchester County Soil and Water Conservation District, the Westchester County Department of Health, the Westchester County Planning Board and, when such is appropriate, the clerk of any abutting municipality where the property proposed for such development is located within 500 feet of such municipality and such other agencies and officials as determined appropriate by the Planning Board. To ensure full and proper consideration of each agency's report, including its recommendations, such report shall be returned to the Planning Board within 45 days of the date that the application was originally forwarded.

B) Subsection 170-12.E.(9)(b)(1) Referrals is hereby amended to read as follows:

**§170-12.E.(9)(b)(1) (Referrals.)**

(b) Referrals.

(1) Upon receipt of a complete site development plan application, the Planning Board shall refer one copy each to the Open Space Committee, the Town Engineer, the Town Attorney, the Superintendent of Highways, where a private road to be constructed as a part of the site development will intersect with an existing Town road or an approved Class A road, and one copy to any other agency, official or expert as determined appropriate by said Board for review and report.

B) Subsection 170-13.C.(1)(b) Multifamily Residence MFR Districts is hereby amended

to read as follows:

**§170-13.C.(1)(b) (Multifamily Residence MFS Districts)**

- (b) Referral to Planning Board and Open Space Committee. Upon receipt of a properly completed application for approval of a multifamily residence district, eight copies of such application shall be referred to both the Planning Board and the Open Space Committee for review and report. Within 65 days of the date of the Planning Board meeting at which such referral is received, the Planning Board and the Open Space Committee shall report their recommendations back to the Town Board. No action shall be taken by the Town Board until receipt of the Planning Board and Open Space Committee reports or the expiration of the review period, whichever comes first. Said review period may be extended by mutual consent of the Town Board, Planning Board and the applicant.

C) Subsection 170-18.2.A. and F. Application process is hereby amended to read as follows:

**§170-18.2.A and F. (Application process.)**

- A. Pre-application conference. Prior to the submission of an application for site plan approval involving any property in the B-HP District, the applicant shall have one meeting with the B-HP District Technical Committee for the purpose of preliminarily discussing the proposed development concept in general terms, relevant Town planning policies and objectives, development constraints and opportunities, and formal application submission requirements, among other pertinent factors. For the purposes of this meeting, the applicant shall have prepared a conceptual site plan to scale of the proposed development on a topographical base map and shall be prepared to discuss the proposed development concept in sufficient detail to enable the Technical Committee to comment on the proposal. The Technical Committee shall offer constructive advice and guidance on the proposal and the anticipated application review process, but shall not make any policy decisions that are within the purview of the Planning Board as part of its site plan approval jurisdiction. The Technical Committee shall be composed of the Town Planner, the Town Engineer, the Building Inspector, a designated representative of the Architectural Review Advisory Board, a designated representative of the Open Space Committee, a designated representative of the Landmarks Committee of the Somers Historical Society (the Landmarks Committee) and the Town Historian. The Technical Committee shall meet with an applicant within 31 days following the submission of a written request to the Secretary of the Planning Board. If the Technical Committee fails to meet with an applicant who has requested such a meeting within 31 days of such request, and said meeting has not been postponed by mutual agreement, the applicant may proceed to submit a formal application for site plan approval without the need for a pre-application conference.
- F. Referral to Open Space Committee. Upon receipt of an application for site plan approval involving any property in the B-HP District, the Secretary of the Planning Board shall refer a copy of such application to the Open Space Committee for its review and recommendation concerning environmental impacts, including, but not limited to, wetlands, steep slopes and trees, as well as the extent to which the proposal complies with the design guidelines set forth in §170-17.2 of this chapter. Such advisory recommendations shall be submitted in writing to the Planning Board within 45 days of the date of such referral and prior to the Planning Board's first discussion of the application. Failure of the Open Space Committee to act within the allotted time shall not prejudice the application. Upon the future submission of revised documents in support

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of the application, the Secretary of the Planning Board shall refer a copy of such revised documents to the Open Space Committee for its information and continuing review. The Open Space Committee shall be authorized to supplement its original advisory recommendations, but shall not be obligated to do so unless the original report recommends disapproval or modification of the application, in which case the Open Space Committee shall be responsible for submitting updated advisory reports as revised documents are submitted to it for review. If additional reports are prepared, they shall be submitted to the Planning Board in advance of the meeting at which the application is to be considered.

D) Subsection 170-32.8.E. Special exception use permit requirements is hereby amended to read as follows:

**§170-32.8.E. (Special exception use permit requirements.)**

E. Applications for a special exception use permit under this Article shall be referred after receipt to the Open Space Committee for its report and recommendation. The Open Space Committee shall receive at least 30 days after transmittal to make its report and recommendation.

8. Effective Date: This Local Law shall be effective upon filing of same with the Secretary of State of the State of New York.

ROLL CALL:	Councilman Richard A. Benedict	AYE
	Councilman Richard G. Clinchy	AYE
	Councilman Frederick J. Morrissey	AYE
	Councilman Thomas A. Garrity, Jr.	AYE
	Supervisor Mary Beth Murphy	AYE

PUBLIC COMMENT:

Ms. Zara Jackson, Heritage Hills, said that she was there to talk to the Board about something that she felt that they were short sided in their vision. She said that she was very disappointed in their decision not to hire an experienced Architect to conduct a detailed evaluation of the Town's infrastructure. She said that assessment would identify not only their immediate needs but also bring to the Board a recommended plan of future repair, renovation and improvement of the Town's properties. Ms. Jackson said that she knew that the Board had discussed this; there was an article in the Somers Record from last July with regard to the Town borrowing to protect the Town's infrastructure. She said that at that time there was an Architect present at the Town Board meeting and he discussed a total plan and identifying ways things could be changed and there would be unforeseen cost associated with the changes. She said that at the last meeting Councilman Garrity suggested that the Town use the in-house Staff with volunteers to assess the Town's buildings. Ms. Jackson said that she wanted to point out with all due respect to the Town's Staff that professionals were needed for the assessment.

Ms. Jackson said that the Library had needed a new roof for quite a while and she knew that there was flooding and there was tremendous loss because something was not done in time. The Supervisor said that the flooding in the Library was not associated with the roof. She explained that it was associated with a drain pipe that normally faced away from the basement area and had been moved to face into the patio area which caused the flooding in the basement. Ms. Jackson asked if that would be part of the professional assessment of all of the buildings. The Supervisor said that it may have, all that needed to be done was to direct the pipe in another direction. She said that the Town had professionals that worked for the Town; it was not that they were using just anyone; they had good professional people that serve as volunteers and staff for the Town. She said that they were trying to take a measured approach to look at this. The Supervisor said that School Districts were required to do this; she did not think that the Town should place an unfunded mandate on themselves that they were not charges with having to comply with. She said that she was interested in exploring a Buildings Assessment initially but when she ultimately saw what was being proposed to be done, it did not appear to her as something that was in the best interest of the Town. She said that they had the opportunity to make the corrections that they knew they needed to make.

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The Supervisor said that she had been working on the Library roof; she met with the Library, an Architect who was a member of the Library Board and the Building Inspector's Office to put the bid packages together. She said that they also looked at the Police Station at the same time and discussed combining those two roofing projects together. She said that she had talked to the Historic Properties Board which included the Town's former Building Inspector about updating the five year capital plan that they made every year. The Supervisor said that she understood what Ms. Jackson was trying to accomplish and felt that they would be able to with a way that was suitable and adequate for the Town without going out and spending tens of thousands of dollars. She said that they would be able to use that money to make some of those improvements. Ms. Jackson said that she understood what they were doing. She said that it was the idea of having a long term plan for the Town, providing information did not mandate what the Town would do. The Supervisor said they originally looked at going out to bond for two to three million dollars' worth of improvements. She said that the Board had pulled back from that, they were not going to spend that amount of money or look to make those types of improvements. Councilman Morrissey said that borrowing the money would put them over the tax cap. The Supervisor said that they had an opportunity to spend money that they had, that they satisfied with capital needs. She said that she felt that was the prudent force for the Town to take. She said that they had funds available to address capital needs. Ms. Jackson said that they may not know what some of the capital needs were. The Supervisor said that they knew what they were and pointed them out. Ms. Jackson said that there may be other points that they were not aware of. The Supervisor said that she was right once a project was started there could be other issues that they were not aware of. She said that they would not be aware of those things from an Architects report either, they were doing exterior evaluations; they were not taking the buildings apart.

Ms. Jackson said that the Town was looking to fix current emergencies, they were not proactively assessing other responsibilities and that bothered her. She said that she felt that they should have a long range plan. The Supervisor said that was an unfair statement and pointed out the renovations that had taken place in the last ten years. She said that they continually maintained the buildings and it was not fair that Ms. Jackson was suggesting that they did not do that. Ms. Jackson said that there were things that could be done to improve and save costs. The Supervisor said that they did not need someone to tell them what those things were. She said that she felt that they made the right decision for the taxpayers of the Town, they were making improvements and they were not looking at the short term they were looking long term as well. She said that they did not feel it was right to spend thousands of dollars for something that they already knew.

Ms. Jackson said that the Supervisor kept referring to a large amount of money and it was her understanding that the assessment would cost \$8,000.00 to \$11,000.00. She said that they did have a different view point and for the \$8,000.00 to \$11,000.00 they would get an enormous amount of information in a way that would allow the Town to prioritize what things were of immediate need and long term needs. Councilman Clinchy said that he was the one that pushed for the assessment and the cost was \$14,000.00 to \$18,000.00 for the study. The Supervisor said that they received three proposals that ranged from about \$18,000.00 to upwards of \$50,000.00.

Councilman Clinchy said that his view point was that a long range capital improvement plan would be wise and one of the things that the Board did agree on was that at the end of the year, budget season they would develop a long range plan.

Ms. Jackson asked Councilman Benedict for his opinion with regard to this since he was a new Board member. Councilman Benedict said that he was of the opinion that any long range plan was only as good as the year that they were in. He said that no one could predict the future; it was a judgment as to when you replace something to get the maximum use out of it. He said that to pay a professional person to predict the future when they had capable people of staff did not make sense. Councilman Benedict said that they needed to get everyone on the same page, have a long range plan and say where the problems are. He said that maybe they should form a long range plan committee to report back to the Board. The Supervisor said that's how this started. Annually each Department submitted to the Board with their budget a five year projection of capital needs and planning. She said that Councilman Clinchy suggested that be consolidated into one plan and that was what she thought that Councilman Clinchy and Councilman Morrissey had embarked on doing. She gave the history on how they wound up where they were with the

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plan that they currently had. The Supervisor said that she felt that they could achieve the results that everyone wanted.

Ms. Jackson said that the Library parking lot was in disarray and that was not something that was unpredictable. She said that she wanted a program to address these things in an orderly way. She said that a professional was only going to give them information; it was not going to fix anything. Ms. Jackson asked that they reconsider their decision with regard to obtaining a professional to do an assessment of the Town's buildings. Councilman Clinchy said that they had made a commitment that at the end of the year to have long range planning. The Supervisor said that they did that every year, they looked at their buildings and predicted out what they needed.

Councilman Morrissey said that they did not need an Architect to come in and tell them what had to happen. He said that every year the different Departments submitted needs. He said that when they first proposed this they were going to go out to bond and they was why they needed to have an architectural report. Councilman Morrissey said that when they decided not to take on the burden of bonding to keep under the 2% tax cap they no longer needed the Architect. He said that the Town property was in good hand with the current Town staff. He said that they were going to continue to address the mentioned properties and as repairs came up they were going to fix them.

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

The Supervisor said that June 1, 2012 was Relay for Life at the Somers Middle School. She said that it was an uplifting event with a lot of activities that go on. She said that for anyone that was a cancer survivor or a caregiver there was a dinner at the beginning of the evening that they were invited to be a guest at. The Supervisor said to attend that people needed to sign up on the website, [www.relayforlife.com/somersny](http://www.relayforlife.com/somersny). Councilman Clinchy said that last year Somers set a record for first year Relay For Life. The Supervisor said that was correct, they were Rookie of the Year for their Region last year. She said that it was the first Relay and they raised over \$115,000.00 and had over forty teams. She said that they were up to almost fifty teams already for this year. Councilman Garrity said that it was another event that the whole Town came out for, it was a great event.

The Supervisor said that Sunday May 20, 2012 was a Walk For Stroke which began at the Somers High School at 9:00 AM. She said that it was a three mile walk for a great cause; there were a great couple of young girls, the Mitchell girls, who were putting the whole thing together. She said that people could sign up for that at, [www.somerswalkforstroke.com](http://www.somerswalkforstroke.com).

Approval  
of the  
minutes

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

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

RESOLVED, that the Town Board does hereby approve the minutes of the April 12, 2012 Public Hearing regarding Unsafe Building 133 Mahopac Avenue, the April 12, 2012 Regular Meeting, the April 20, 2012 Special Meeting, April 24, 2012 Special Meeting and the May 3, 2012 Work Session.

Councilman Benedict abstained since this was his first 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. She also announced that Prima 118, LLC d/b/a Traditions 118 at 11 Old Tomahawk Street, Granite Springs was renewing their Liquor License.

Annual  
Stormwater  
Management  
Report

The Supervisor said that the next item on the agenda was the Annual Stormwater Management Report. She presented the report to the Board and the audience. She said that the report and the slideshow presentation were available on the Town's website under the Planning Department's tab. The Supervisor said that the report would be submitted to the Department of Environmental Conservation. She said that the former Town Planner left a very nice proto type of last year's

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slideshow that she was able to modify to include this year's information for the slideshow and that she had graciously prepared the Town's report to be submitted to the DEC.

Ambit  
Energy

The next item was with regard to Ambit Energy. The Supervisor said that this item was being removed from the agenda at that time.

Electrical  
Underwriters

The Supervisor said that the next item was with regard to the consideration of an application of a new provider of Electrical Underwriters. She explained that the Town had received correspondence from a new Electrical Underwriter looking to do business in the Town. She said that the Building Inspector sent the Board a memo recommending that they stay with the Inspectors that they currently were using. The Supervisor said that they currently were using two and the sense was a third would confuse things. She recommended that the Board reject the application that they had been provided. The Town Attorney suggested adding that they would keep the application of file for future use.

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

RESOLVED, that the Town Board does hereby reject the request from the Electrical Underwriters of N. Y., LLC to do 3<sup>rd</sup> party electrical inspections in the Town of Somers at this time but will keep their request on file for future use.

Personnel  
Policy

The next item on the agenda was to clarify the Personnel Policy permitting employees to opt out of the Town Health Insurance with regard to retirees. The Supervisor said that this item was being removed from the agenda and will be placed on the June agenda.

PERSONNEL:

Current Vacancies:

Somers Energy Environmental Committee

Assessment Board of Review (1 – 5 year term to December 31, 2016)

Substance Abuse Council (1 – unexpired 3 year term to December 31, 2014)

Architectural Review Board (1 – 3 year terms to March 31, 2015)

Parks and Recreation Board (3 – 3 year terms to March 9, 2015)

Upcoming Vacancies:

Resignation  
of Police  
Officer M.  
Carpentieri

The Supervisor said that it was in order to acknowledge the resignation of Police Officer Michael A. Carpentieri. She thanked him for his terrific years of service to the Town. She said that she herself had received numerous letters of accommodation with regard to Officer Carpentieri's service. The Supervisor said that Officer Carpentieri was kind and professional in all of his actions and they wished him the best in his retirement.

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

RESOLVED, that the Town Board does hereby acknowledge the resignation of Police Officer Michael A. Carpentieri effective June 1, 2012 per letter dated March 29, 2012 from Michael A. Carpentieri.

Resignation  
of C. Damon  
from Library  
Board of  
Trustees

The Supervisor said that it was in order to acknowledge the resignation of Claire Damon from the Library Board of Trustees. She said that Ms. Damon had been a long time Trustee and she was retiring after fifteen years of service and she had served in almost every Officer position on that Board. She said that she knew Ms. Damon was going to stay involved with the Library; she just wanted to step back a bit. The Supervisor said that they respected that although they were glad to hear that she would still be involved with the Friend's of the Library and had offered to work on individual projects that the Library Board deemed necessary. She thanked Ms. Damon for her service and they wished her the best.

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

RESOLVED, that the Town Board does hereby acknowledge the resignation of Claire Damon from the Somers Library Board of Trustees per letter dated April 24, 2012 from Claire Damon.

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Hire S.  
Dym Town  
Planner PT

The Supervisor said that it was in order to authorize the hiring of Ms. Syrette Dym as Planner Part-time.

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

RESOLVED, that the Town Board does hereby appoint Syrette Dym as Somers Town Planner Part-time not to exceed seventeen (17) hours per week which amounts to \$26,775.00 for the year 2012, effective May 30, 2012 per e-mail dated May 17, 2012 from Mary Beth Murphy, Supervisor.

Councilman Clinchy said that they were fortunate to have someone join them with the knowledge, experience and the contacts that Ms. Dym had. He said that this was going to be good for the Town. The Supervisor agreed that Ms. Dym was going to be a great resource.

Review and  
comment of  
The Green  
at Somers  
Site Plan

The next item on the agenda was a review and comment of The Green at Somers Site Plan. The Supervisor said that she did not have a chance to seriously review the Site Plan. She said that she knew that they were before the Planning Board the week before and the Planning Board was discussing different issues with them. She asked if the Board had any comments with regard to the Site Plan. Councilman Clinchy said that the Site Plan was mostly about wetlands and buffers. The Supervisor said that was what it looked like. She said that she would continue to follow the Planning Board and their progress with this. It was agreed that the Board had no comments at that time.

Consensus  
agenda

The Supervisor said that the next item was the consensus agenda. She said with regard to item number 10, she would like to thank the Somers Women's Club for providing scholarships to the Somers Day Camp. She said that they did that every year without fail and it was very much needed. The Supervisor said with regard to item number 6, she would like to remove that from the agenda. She explained that she had additional information that she wanted to discuss with the Town Attorney in more depth before they moved on the action. She said that it will be placed back on a future agenda. The Supervisor said that she would like to add a number 12 to the agenda. She explained that the Historic Properties Board had met that afternoon and they were lucky enough to have an Architect on that Board that prepared a plan for them to fix the foundation of the Ice House. She said that the funding for the work was coming from a settlement. The Supervisor said that the Historic Properties Board would like to go out for proposal to have the work done. She said after that they would send it back to the Town Board for review. She said that they would like the Board to authorize them to obtain proposals to have the foundation on the Ice House repaired.

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

Hire  
Seasonal  
Maintenance  
Worker

- 1a. RESOLVED, that the Town of Somers does hereby approve request to hire the following three persons as Seasonal Maintenance Workers (for weekend cleanup) at a rate of \$10.00 per hour per memo dated April 25, 2012 from Steven Ralston, Superintendent of Parks & Recreation:

Eric Friedman  
Paul Friedman  
Dylan Howie

Hire Day  
Camp  
Staff

- 1b. RESOLVED, that the Town Board does hereby authorize permission to hire the following Day Camp, Tot Time Camp and Tusker (teen travel) Trax staff from June 25, 2012 through August 3, 2012, 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 24, 2012 from Steven Ralston, Superintendent of Parks & Recreation:

**SOMERS DAY/TUSKER CAMPS 2012**

NAME	POSITION	HOURLY RATE
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ADELMAN, HAYLEE	COUNSELOR	7.84
ADELMAN, BREANA	COUNSELOR	6.17
AQUILINO, ABIGAIL	COUNSELOR	6.17
AQUILINO, NICHOLAS	COUNSELOR	6.5
ARMATO, JILLIAN	MUSIC SPECIALIST	18.5
AUSIELLO, HEATHER	DIVISION HEAD	14.43
BATTAPAGLIA, NICOLE	COUNSELOR	6.17
BERTE, STEPHEN	COUNSELOR	6.34
BILY, MARGARET	DIRECTOR	45.25
CARILLO, GIOVANNI	COUNSELOR	6.17
CARUSO, GARY	DIVISION HEAD	12.48
CASEY, CRAIG	COUNSELOR	6.17
CASEY, JAMES	SPORTS SPECIALIST	10.67
CASEY, LAUREN	DIVISION HEAD	15
CHANIN, ERIC	COUNSELOR	8.19
CHRYSSIKOS, KATHRYN	COUNSELOR	7.55
CIANFAGLIONE, SCOTT	DIRECTOR	28.04
COPPELECCHIA, BETH	COUNSELOR	6.17
CUCHINELLI, DOREEN	ASSISTANT DIRECTOR	28.5
DEPASS, MELISSA	FIRST AID SUPERVISOR	12
EPSTEIN, ALYSSA	COUNSELOR	6.5
FEARON, ERIN	ASSISTANT DIRECTOR	20.5
FRIEDMAN, ERIC	COUNSELOR	8.17
FRIEDMAN, JASON	COUNSELOR	8.25
FRIEDMAN, PAUL	COUNSELOR	7
FRIEDMAN, SCOTT	COUNSELOR	6.5
FUSCO, ALEX	COUNSELOR	7
GRAFFITTI, LAURA	COUNSELOR	7
GRAY, MICHAEL	COUNSELOR	6.17
GUADALUPE, AMANDRIA	COUNSELOR	7.84
GUADALUPE, GABRIELLA	COUNSELOR	6.17
HABER, ERIC	COUNSELOR	6.17
HARWOOD, DANIEL	COUNSELOR	6.17
HIRSCH, MAXWELL	COUNSELOR	8.19
IANNACCINO, ALISSA	COUNSELOR	6.17
JACOBS, ADAM	COUNSELOR	6.5
JOHN, ASHLEY	COUNSELOR	8.19
KRUEGER, GREGORY	COUNSELOR	6.17
KRUEGER, JACKIE	COUNSELOR	6.17
LANGAN, JOSEPH	COUNSELOR	6.75
LEVINE, ZACHARY	COUNSELOR	6.34
LIBERATORE, JESSICA	COUNSELOR	7
MARCHIONNO, RACHEL	COUNSELOR	7.5
McGUIRE, DYLAN	COUNSELOR	7
McGUIRE, MARIA	DIRECTOR	26.72
McGUIRE, THOMAS	SPORTS SPECIALIST	10.5
McISSAC, CASSANDRA	COUNSELOR	8.17
MEY, DEBORAH	ASSISTANT DIRECTOR	28.5
MICHAUD, GRACE	COUNSELOR	6.84
MILLMAN, MICHAEL	COUNSELOR	6.17
MINIACI, ANTHONY	COUNSELOR	7
NATHAN, MAXWELL	COUNSELOR	7.84
NATHAN, ZOE	COUNSELOR	6.84
O'HARE, JAMES	COUNSELOR	8.19
OLSEN, EILEEN	A & C SPECIALIST	15.5
ORENSTEIN, PATRICIA	DIVISION HEAD	15.5
ORITI, DANA	COUNSELOR	9.43
ORITI, JOSEPH	COUNSELOR	7.5
ORR, PAULINA	COUNSELOR	7.5

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PERSIC, MICHAEL	COUNSELOR	7.17
PERSIC, SAMANTHA	COUNSELOR	7.17
PIEROTTI, ANTHONY	COUNSELOR	7.5
REIMANN, GABRIELLE	COUNSELOR	7
REIMANN, VICTORIA	COUNSELOR	7.84
RIPPON, KAELA	COUNSELOR	6.5
SCHLEISSMANN, SARA	COUNSELOR	6.17
SCOCA, SAMANTHA	COUNSELOR	6.5
SIBRIZZI, ADRIANA	COUNSELOR	8.34
SIBRIZZI, ALYSSA	COUNSELOR	8
SMITH, DORIS JANE	DIVISION HEAD K	32.67
TILLMAN, CROSBY	COUNSELOR	7.5
ZATTOLA, THOMAS	COUNSELOR	6.5

**TOT TIME CAMP**

BILY, MARGARET	DIRECTOR	45.25
MEY, DEBORAH	ASST. DIRECTOR	28.5
CUCHINELLI, DOREEN	ASST. DIRECTOR	28.5
ARMATO-DOATI, JILLIAN	MUSIC SPECIALIST	18.5
CHRYSSIKOS, KATHRYN	COUNSELOR	7.55
LANGAN, JOSEPH	COUNSELOR	6.75
SCOCA, SAMANTHA	COUNSELOR	6.5
FRIEDMAN, SCOTT	COUNSELOR	6.5

Accept  
Erosion  
Control  
Bond

2. RESOLVED, that the Town Board does hereby authorize acceptance of the following Erosion Control Bonds per memos from Wendy Getting, Senior Office Assistant:
- a. \$500.00 – Mazzella – Tree Preservation, Stormwater Management & Erosion & Sediment Control Permit – 47.16-1-34.
  - b. \$300.00 – Aleksandrovich – Steep Slope Permit – 16.14-2-74.
  - c. \$500.00 – Landscape Lighting Ltd. – Stormwater Management & Erosion & Sediment Control Permit – 37.10-1-23.1.
  - d. \$500.00 – Tavo Development LLC – Tree Preservation, Stormwater Management & Erosion & Sediment Control Permit – 48.17-1-34.

Refund  
Erosion  
Control  
Bond

3. RESOLVED, that the Town Board does hereby authorize the refund of the following Erosion Control Bonds per memos from Steven Woelfle, Principal Engineering Technician:
- a. \$500.00 – Stuart’s Century Farm – Steep Slope Permit – 26.08-1-14.
  - b. \$100.00 – Panek – Wetland Permit – 6.19-1-39.
  - c. \$300.00 – Balancia – Wetland/Stormwater Management & Erosion & Sediment Control Permit – 58.12-1-17.
  - d. \$100.00 – Cordes – Wetland Permit – 16.13-1-42.
  - e. \$200.00 – Realbuto – Steep Slope Permit – 36.16-2-28.
  - f. \$100.00 – Morgan – Wetland Permit – 36.20-1-17.
  - g. \$100.00 – Powers – Wetland Permit – 37.12-1-31.
  - h. \$100.00 – Weichbrodt – Steep Slope Permit – 38.13-2-12.
  - i. \$100.00 – DiPaolo – Wetland Permit – 47.20-1-11.
  - j. \$100.00 – Vece – Wetland Permit – 59.05-1-8.

May as  
National  
Preservation  
Month

4. RESOLVED, that the Town Board does hereby adopt a resolution announcing May as National Preservation Month – “Discover America’s Hidden Gems,”

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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, “Discover America’s Hidden Gems,” is the theme for National Preservation Month 2012, cosponsored by The Town of Somers and the National Trust for Historic Preservation.

NOW, THEREFORE, I, Supervisor Mary Beth Murphy, do proclaim May 2012 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.

2011-2012 AAA Agreement with the Department of Senior Programs and Services

5a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2011-2012 AAA Agreement with the Department of Senior Programs and Services in the amount of \$4,041.00 per memo dated May 4, 2012 from Barbara Taberer, Nutrition Director.

Task Order 2-4.9 with Woodard & Curran Engineering for Somers Stormwater Retrofits

5b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Task Order 2-4.9 with Woodard & Curran Engineering for Somers Stormwater Retrofits.

6. REMOVED

Decline property donation from Samara

7. RESOLVED, that the Town Board does hereby decline offer of property donation from Samara known as Tax ID # 17.13-3-2 located at 215 Route 202 in the Town of Somers.

Budget modifications

8. RESOLVED, that the Town Board does hereby authorize approval of the following budget modifications per memo dated May 8, 2012 from Mary Beth Murphy, Supervisor:

RESOLVED, that the Town Board does hereby authorize a budget modification to increase the project budget for interest and fund additional expenditures for authorized stormwater purposes per memo dated April 17, 2012 from Robert Kehoe, Director of Finance:

**INCREASE**

Capital Projects Fund – 054-2405 – East of Hudson Stormwater Projects  
Revenue – Interest Earnings \$24,855.00

**INCREASE**

Capital Projects Fund – 054-5197-0400 – East of Hudson Stormwater Projects  
Appropriations – Contractual Expenses \$24,855.00

RESOLVED, that the Town Board does hereby authorize a budget modification to provide for overage in budget line per memo dated May 8, 2012 from Barbara J. Sherry, Confidential Secretary to the Supervisor:

From: 1620.0450 – Buildings, Town House Repairs  
To: 1620.0430 – Buildings, Town House Green \$1,300.00

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- |  |
|--|
| Reimbursement<br>of Insurance<br>Reserve |
|--|
9. RESOLVED, that the Town Board does hereby authorize \$450.00 reimbursement from the insurance reserve fund to the Highway Department for replacement of front windshield on trucks 38 & 39 per memo dated April 30, 2012 from Thomas E. Chiaverini, Superintendent of Highways.
- |                          |
|--------------------------|
| Day camp<br>scholarships |
|--------------------------|
10. RESOLVED, that the Town Board does hereby accept with grateful appreciation a \$1,150.00 donation from the Somers Women’s Club to provide scholarships for Day Camp participants per memo dated May 9, 2012 from Steven Ralston, Superintendent of Parks & Recreation.
- |                               |
|-------------------------------|
| Accept<br>Performance<br>Bond |
|-------------------------------|
11. RESOLVED, that the Town Board does hereby accept the Performance Bond in the amount of \$20,000.00 for Metro PCS New York for the Lincoln Hall Tower Removal Bond/Landscaping Warranty per memo dated March 5, 2012 from Steven Woelfle, Principal Engineering Technician.
- |   |
|---|
| RFP for Ice<br>House<br>Foundation at<br>the Wright Reis<br>Homestead |
|---|
12. RESOLVED, that the Town Board does hereby authorize the Historical Properties Board to go out to Right for Proposal (RFP) to have the foundation on the Ice House at the Wright Reis Homestead shored up.

Councilman Clinchy said that he wanted to point out that there was an incident at the Park the day before and Police were called. He said that the Police responded quickly and it was admirable. He said that the Parks Staff were on the ball along with Councilman Garrity to help apprehend that suspect. Councilman Clinchy said that he was proud of all of them for going above and beyond the expectations of their jobs.

The Supervisor said that Sunday was Somers Walk for Stroke, people could sign up on the website and it was going to be a beautiful day for a walk. She encouraged everyone to get out there and give their support.

The Supervisor said that Relay for Life was June 1, 2012 and asked that everyone support that.

The Supervisor said that the Memorial Day Parade was May 28, 2012, the kick-off was at the Somers Middle School. She said that line up was between 9:00 AM to 9:30 AM and the Parade started at 10:00 AM. She asked everyone to come to that and support the Veterans and all that they sacrificed for the freedoms that we had.

Claims for the payment of all Town Bills in the amount of \$749,938.78 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 declared closed at 8:50 PM.

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Town Clerk