

JUNE 2, 2016 – SPECIAL MEETING

Minutes of a special meeting of the Town Board of the Town of Somers held on Thursday evening June 2, 2016 at 6:30 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

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

ABSENT:

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

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

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

7:05 PM – meeting reconvened

The Supervisor that the first item on the agenda was to authorize the execution of several agreements with Avalon Somers, LLC. Councilman Cirieco asked the Supervisor to explain the agreements that the Board were authorizing.

The Supervisor said that the first agreement was a Bond Agreement between Somers Realty Corp., Avalon Somers LLC, Town of Somers and Travelers Insurance Company. He said that this was a bond that the Town required of the Applicant.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Bond Agreement among Somers Realty Corp., Avalon Somers, LLC, the Town of Somers and Travelers Insurance Company.

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

The next agreement was the Loop Water System Agreement between Somers Realty Corp. and Town of Somers. The Supervisor said that the Loop Agreement connected the two water supplies together. He said that they were naming the loop Adam's Loop, this was something the Water Superintendent had been planning for a number of years.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Loop Water System Agreement between Somers Realty Corp. and the Town of Somers.

ROLL CALL:	Supervisor Rick Morrissey	AYE
------------	---------------------------	-----

JUNE 2, 2016 – SPECIAL MEETING

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

The Supervisor said that the next item was a Security Agreement between Avalon Somers, LLC and Town of Somers. The Town Attorney explained the reason for all of the agreements was because Somers Realty Corp. was subdividing the property. He said that as soon as the plat was filed they would be selling to Avalon Somers, LLC. He said that the bonds and security for the public infrastructure were all being posted by Avalon Somers, LLC. The Town Attorney continued that the Town needed to ensure they had these agreements because if they ever had a call on one of the bonds or letters of credit, the Banks and the Insurance Company would understand why the Town accepted bonds from Avalon Somers, LLC.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Security Agreement between Avalon Somers, LLC and the Town of Somers.

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

The next item was the Public Water Main Easement Agreement.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Public Water Main Easement Agreement between Avalon, LLC and the Town of Somers.

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

The Supervisor said that the next item was the Stormwater Management System Maintenance and Easement Agreement. Councilman Ciriaco said that essentially the Applicant was going to build the Stormwater Management System and manage and maintain that system. The Town Attorney said that was correct and if they did not honor the agreement the easement was in favor of the Town.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Stormwater Management System Maintenance and Easement Agreement between Avalon Somers, LLC and the Town of Somers.

ROLL CALL:	Supervisor Rick Morrissey	AYE
	Councilman Richard G. Clinchy	AYE
	Councilman Thomas A. Garrity, Jr.	AYE
	Councilman Anthony J. Ciriaco	AYE

JUNE 2, 2016 – SPECIAL MEETING

conscientious enough to guard their watershed. He continued that their approval should be adequate. He stated that the Town's Consultant Engineer reviewed the document and recommended all comments had been adequately addressed, that was appropriate because that was the Town Board's review power and authority as an involved agency. Mr. O'Rourke said that he shared with the Town Attorney enabling legislation for the position of the WIG as well as a clear definition of the position. He said that if the Town was in favor of the language that they were suggesting he wanted it to be known that they were mindful and respectful of WIGs and their roles. Discussion ensued with regard to the proposed language change.

Councilman Clinchy asked Mr. O'Rourke if he had worked on another projects where the WIG was involved. Mr. O'Rourke explained his experience with the WIG. He said that there was a legal decision that stated that there was no right to second guess a determination that had been made by a Lead Agency merely because of a position taken by an Interested Agency. Discussion ensued with regard to the position of the WIG and the proposed language in the Finding document.

The Supervisor said that they were going to proceed with the understanding that the language change would become part of the SEQRA Document. The Town Attorney said that Mr. Wells would send him the revised page and he would send that to the WIG for his review. He said that he was also going to ask for a quick response so that the document could be considered for adoption at next week's meeting.

Mr. Wells reviewed the three highlighted items that were stricken from the document. The Board thanked Mr. Wells for all the work he had done.

The next item on the agenda was to authorize the Supervisor to execute an Easement with New York State Electric and Gas (NYSEG) for the installation of a utility pole at the Angle Fly Preserve.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute an easement with New York State Electric & Gas Corporation (NYSEG) for the purpose of installing a pole, numbered 5584-1 located at 49 Route 139, Somers, Section: 37.08 Block: 1 Lot: 2 and more fully described in the easement being presented.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Garrity, the meeting was adjourned at 7:35 PM.

Town Clerk