

JUNE 9, 2011 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening June 9, 2011 at 7:35 PM 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

ABSENT: Councilman Thomas A. Garrity, Jr.

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 continue 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.

7:37 PM – hearing opened
7:45 PM – meeting reconvened

The Supervisor said that it was in order to open a public hearing with regard to the proposed revision of §150-13M entitled Expiration of Conditional Approval of the Code of the Town of Somers to comport with New York State Law.

7:50 PM – hearing opened
7:51 PM – meeting reconvened

The Supervisor said that it was in order for the Board to adopt a Short Environmental Assessment Form and a Negative Declaration in connect with the revision of §150-13M entitled Expiration of Conditional Approval of the Code of the Town of Somers to comport with New York State Law.

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

RESOLVED, that the Town Board does hereby adopt a Short Environmental Assessment Form and a Negative Declaration with regard to the revision of §150-13M entitled Expiration of Conditional Approval of the Code of the Town of Somers to comport with New York State Law.

The Supervisor said that it was in order to adopt a Local Law with regard to amend §150-13M entitled Expiration of Conditional Approval of the Code of the Town of Somers to comport with New York State Law.

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

RESOLVED, that the Town Board does hereby adopt a Local Law to amend §150-13M entitled Expiration of Conditional Approval of the Code of the Town of Somers to comport with New York State Law as follows:

A Local Law to amend §150-13M entitled Expiration of Conditional Approval of the Code of the Town of Somers.

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

1. An amend of §150-13M entitled “Expiration of Conditional Approval” of the Code of the Town of Somers to comport with New York State Law to read as follows:

Section 150-13M. Expiration of Conditional Approval.

Conditional approval of a final subdivision plat and final construction plans shall expire within 180 days after the date of the resolution granting conditional approval unless all requirements of said resolution have been certified as completed by the Planning Board's professional staff. The Planning Board may extend the time in which a conditionally approved plat in final form must be submitted for signature if, in its opinion, such extension is warranted by the particular circumstances thereof, for periods of 90 days each.

2. This Local Law shall take effect immediately upon its adoption and filing in the office of the Secretary of State.

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

PUBLIC COMMENT:

Mr. Mark Koppel, 41 Route 116, said that he had been attending the Town Board meetings and he wanted to start by thanking the Town Board members and the Supervisor for the work that they did. He said that at all of the meetings it was freezing in the Meeting Room. He said that all of the air conditioning was not needed and they were wasting energy. He asked if the air conditioning could be turn off or down. Mr. Koppel said that his next comment was not addressed to the Board in any negative way he wanted to use this as a forum to remind people. He said that when they said the Pledge of Allegiance which ended with “Liberty and Justice for All” as a gay man living in the United States he did not have justice. He said that he was speaking in terms of marriage and marriage rights. Mr. Koppel said that he does not know if don’t ask, don’t tell will ever end as it was supposed to. He said that he was not asking for their support he just wanted them to think about it. He said that there was something else that he had said before; he knew times were bad and it was not a good time to raise taxes but he would like to see the Town buy up any worthwhile undeveloped land to keep as such. Mr. Koppel said that when the Town did approve development he wanted them to keep in mind that they will be losing money on everyone of those houses because the School Districts will not recoup for everyone of those houses. He said that he would like to see more appropriate commercial development. He said that IBM and Pepsi was a brilliant move for the Town. Mr. Koppel said that Somers had a reputation of keeping taxes low and he appreciated that but if they keep approving development they were going to have to raise the taxes. He thanked the Board again for all of the work that they did for the Town.

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

Approval
of the
minutes

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

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

RESOLVED, that the Town Board does hereby approve the minutes of the March 10, 2011 Regular Meeting, the April 7, 2011 Work Session and the April 14, 2011 Regular Meeting.

Monthly
reports

The Town Clerk presented monthly reports from the Town Clerk, Building Inspector, Director of Finance, Parks and Recreation, Tax Receiver, Planning and Engineering, Zoning, Plumbing and Bureau of Fire Prevention.

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PERSONNEL:

Current Vacancies:

- Conservation Board (1 unexpired term to March 15, 2012)
- Substance Abuse Council (1 – 3 year term to December 31, 2012)
- Substance Abuse Council (2 – 3 year term to December 31, 2013)
- Somers Energy Advisory Panel

Upcoming Vacancies:

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

Consensus agenda

The Supervisor said that the next item was the consensus agenda. She said that with regard to items number 7 and 8 the dates were incorrect. She said that item 7 should read 2013 and item 8 should read 2012. The Supervisor said that there were a few add-on items which she would like to add an adjustment for a Summer Meeting Schedule. She said that July and August would be combined work session/regular meetings. She said that they would be held on July 7th and August 11th. Councilman Bolton said with regard to item number 14 could the Board make sure that was inspected by the Building Inspector. The Town Clerk said that the Board of Fire Underwriters will inspect the work by law. Councilman Bolton said that he would like to see the Building Inspector involved in the project. The Supervisor and with regard to item 3 the word and needed to be removed from the name change. She said with regard to item number 5i, she wanted to note that the Town was receiving additional money from the DOT for the snow. Councilman Bolton said with regard to item number 13, he wanted to thank Tom Tooma, Assistant Building Inspector for all the work that he put into the Library roof repair. The Board agreed with Councilman Bolton.

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

Intent to develop ICF by Opengate

1. RESOLVED, that the Town Board does hereby announce formal notification received from Brian Hulten, LCSW, Chief Executive Officer on May 19, 2011 of intent to develop an ICF (Intermediate Care Facility) at 28 Warren Street, known as Section 17.06 Block 1 Lot 3, currently Opengate Administration Building.

VOTE:

Ayes	4	Councilmen Clinchy, Garrity, Bolton, & Morrissey
Recused	1	Supervisor Murphy – on Board of Directors and is Treasurer

Schedule public hearing w/ reg. to New Parking Standards

2. RESOLVED, that the Town Board does hereby authorize the scheduling of a Public Hearing for July 14, 2011 regarding New Parking Standards for Gasoline Filling Operations Associated with Convenience Stores.

Amend Resolution w/ reg. to SEAP

3. RESOLVED, that the Town Board does hereby amend resolution dated April 10, 2008 to create the Somers Energy Environment Committee which will replace the Somers Energy Panel

WHEREAS, the Town Board of the Town of Somers believes that climate change poses a real and increasing threat to our local and global environments and that it is primarily due to the burning of fossil fuels; and

WHEREAS, we believe that climate change may endanger our economy and livelihoods, harm our farms, orchards, forests and fisheries, spread invasive species and exotic diseases, reduce drinking water supplies, and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to build a sustainable, livable, energy-

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independent and secure community, vibrant innovative economy, health and safe school system, and resilient infrastructure; and

WHEREAS, we believe the scale of greenhouse gas emissions reductions required for climate stabilization will required sustained and substantial efforts, and

WHEREAS, we believe that even were emissions dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

WHEREAS the Town Board desires to establish an Energy Environment Committee composed of knowledgeable individuals from a cross section of our community and;

WHEREAS, the goal of this committee is to recommend plans for the Town of Somers and its residents which may include advice on how to conserve energy, reduce waste, protect and maximize our resources, suggest a wide variety of ways to reduce carbon emissions and foster a healthy, sustainable way of life and;

WHEREAS in order to accomplish this goal the energy task force will conduct a greenhouse gas emissions inventory and forecast to determine the source and quantity of greenhouse gas emissions in the Town; recommend a greenhouse gas emissions reduction target; develop an action plan with both short term and long term actions which when implemented will meet the local greenhouse gas reduction target; assist in implementing the action plan; and monitor and report progress and;

WHEREAS other members may be appointed at a later time

NOW THEREFORE BE IT RESOLVED that the Town Board does hereby transfer the following members from the Somers Energy Panel to serve on the newly created Somers Energy Environment Committee:

1. Herbert N. Oringel, Chair
2. Helen Brady
3. Flo Brodley
4. Richard Clinchy Liaison
5. John Gilbert
6. Jane Harsha
7. Cristina Hopper
8. Frank Maricic

Execute the Proposed Change Order Number 1 for the Somers Library Roof Project

4. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Proposed Change Order Number 1 for the Somers Library Roof Project not to exceed \$3,500.00 per May 25, 2011 memo from Patricia Miller, Library Director.

Execute contracts the West. County Dept. of Senior Programs

5. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the following contract with Westchester County Department of Senior Programs and Services per memo dated May 24, 2011 from Barbara Taberer, Nutrition Director:
 - a. Title IIIC, IIIB and SNAP
 - b. Regional Kitchen Agreement for all 2011 Programs
 - c. Nutrition Services Incentive Programs where applicable

Execute Task Order 2-4.5 Lower Moseman

- 5d. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Task Order 2-4.5 Lower Moseman – in the amount of \$3,500.00 and Jan Ridge Road in the amount of \$1,000.00 with Woodard & Curran.

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- Execute the 2011 annual agreement with James W. Sewall Co.
- 5e. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2011 annual agreement with James W. Sewall Co. for tax map maintenance services for the year 2011 in the amount of \$4,200.00 per memo dated May 20, 2011 from Glenn A. Droese, Assessor.
- Execute Task Order 2-4.4 Lake Shenorock Wastewater Study
- 5f. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Task Order 2-4.4 Lake Shenorock Wastewater Study not to exceed \$97,100.00 without prior authorization from the Town Board.
- Execute the License Agreement with Somers Chase
- 5g. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the License Agreement with Somers Chase per letter dated May 19, 2011 from Roland A. Baroni, Jr., Town Attorney.
- Execute agreement with The Care of Trees
- 5h. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute agreement with The Care of Trees for the removal of a severely decayed Sugar Maple tree at the Mt. Zion Church in the amount of \$2,047.00.
- Execute the Indexed Lump Sum Contracts, Payment Factor Adjustment
- 5i. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Indexed Lump Sum Contracts, Payment Factor Adjustment – Amendment B, for the winter of: **2010 – 2011** per letter dated June 2, 2011 from Chuck A. Walter, Permit Field Engineer Residency 8-2.
- Authorize removal of uncollectible tax liens
6. RESOLVED, that the Town Board does hereby authorize the removal of all uncollectible tax liens for the year 2007 per memo dated May 23, 2011 from Joan Ribauda, Receiver of Taxes.
- Reappoint E. Merker to CB
7. RESOLVED, that the Town Board does hereby reappoint Edward Merker to the Conservation Board for a two (2) year term expiring March 15, 2013.
- Appoint J. Paiva to SARB
8. RESOLVED, that the Town Board does hereby appoint Joseph P. Paiva to the Somers Architectural Review Board to the unexpired term ending March 31, 2012 replacing Peter Risetto.
- Day Camp Scholarships by Somers Women's Club
9. RESOLVED, that the Town Board does hereby authorize acceptance of \$1,100.00 donation from the Somers Women's Club to provide scholarships from Day Camp participants per memo dated May 25, 2011 from Steven Ralston, Superintendent of Parks & Recreation.
- Reimbursement from the Insurance Reserve Fund
10. RESOLVED, that the Town Board does hereby authorize reimbursement in the amount of \$225.00 from the Insurance Reserve Fund for replacement of the front windshield on Highway Truck #37 per memo dated June 2, 2011 from Thomas E. Chiaverini, Superintendent of Highways.
- Authorize refund
11. RESOLVED, that the Town Board does hereby authorize the following refund per memo from Steven Woelfle, Principal Engineering Technician:
- a. \$200.00 – Lang Pools, Inc. – Stormwater Mgmt. & Erosion & Sediment Control Permit – 58.08-1-3.2
- Budget modification
12. RESOLVED, that the Town Board does hereby authorize the following budget modifications per memo dated June 6, 2011 from Mary Beth Murphy, Supervisor:
- RESOLVED, that the Town Board does hereby authorize a budget modification to provide funding for engineering services relating to the "Acquisition of Land – State Police Barracks" project performed by Woodard & Curran per memo dated May 31, 2011 from Joan E. Kachmarik, Director of Finance:

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From: 001-1990-.4 – Contingency
To: 001-1440-.42 – Engineer – Environmental Consultant \$22,018.36

RESOLVED, that the Town Board does hereby authorize a budget modification to provide additional funding for the payment of unemployment insurance benefits authorized by the NYS Department of Labor per memo dated May 31, 2011 from Joan E. Kachmarik, Director of Finance.

From: 001-1990.4 – Contingency
To: 001-9050.8 – Employee Benefits – Unemployment Insurance \$5,000.00

RESOLVED, that the Town Board does hereby authorize a budget modification to provide funding for the removal of a severely decayed Sugar Maple Tree per memo dated June 6, 2011 from Barbara J. Sherry, Confidential Secretary to the Supervisor:

From: 001-1990.4 – Contingency
To: 001-7520.41 – Mt. Zion Restoration \$2,047.00

RESOLVED, that the Town Board does hereby authorize a budget modification for money needed for overtime per memo dated June 6, 2011 from Steven Woelfle, Principal Engineering Technician:

From: A1440.4 – Engineering Contractual
To: A1440.11 – Engineering Overtime \$500.00

Authorize payment to Hudson Valley Roofing & Sheet Metal, Inc.

13. RESOLVED, that the Town Board does hereby authorize payment to Hudson Valley Roofing & Sheet Metal, Inc. in the amount of \$40,972.38 for completion of roof repairs per memo dated June 7, 2011 from Patricia Miller, Library Director.

Execute Agreement between North County Electric and the Koegel Foundation

14. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Agreement between North County Electric and the Koegel Foundation for the installation of new underground electric service to the Tomahawk Chapel in the amount of \$5,000.00 and the cost of the electric usage for the next three years per letter dated June 3, 2011 from William F. Koegel.

Councilman Bolton said that he would like to take a moment to recognize that Mr. Sal Cafiero, Jr., member of the VFW had passed away. He said that Mr. Cafiero was one of those old Veterans that people saw marching in the parades every year carrying the flags. He said that he was such a nice man with a lovely family that lived in Somers. Councilman Bolton said that he will be missed and he would like to honor him with a moment of silence. The Supervisor offered the Board's condolences to Mr. Cafiero's family.

The Supervisor said that she wanted to alert the Board that she would be calling for a special meeting at the end of June to discuss the insurance issues. She said that as soon as she received all of the proposals, they would be looking at a date during the last week of the month. She asked that the Board try to keep their calendars opened for that.

Councilman Clinchy congratulated the Supervisor on a successful Relay for Life Event. The Supervisor said that it was thanks to the whole Town. Someone from the audience asked if there was a final figure of the amount collected. The Supervisor at that point they collected \$105,000.00. She said that was what they had cleared to date; they had to pay for the stage rental. She said that was just about the only thing they had to pay for; there were donations from so many different people, Somers was a wonderful place. Councilman Clinchy said that there were two people he would like to point out. He said that first being Harrison Meyer, who walked 100 laps. He said that Katelyn Anderson's

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team had a big blank spot of walkers for the midnight to 7:00 AM shift and she walked the entire time.

Councilman Morrissey said he would like to remind everyone that the Independence Day Celebration was June 25th and the whole Town was invited. The Supervisor said that anyone who wanted to donate to the Fireworks Fund please feel free to do so. She said that they would also be honoring IBM at the event for their 100th Anniversary. She said that Pepsi had also partnered with the Town to fund quite a few of the activities. Councilman Morrissey said that the Somers Lions would be cooking food there and they would be having the Taste of Somers as they have done in the past. The Supervisor said that the Lynn Adams Walk was that day as well. She said that the list of activities was on the Town's website.

Councilman Clinchy asked what day was the High School Graduation. The Supervisor said that it was June 22nd at 5:00 PM.

Councilman Bolton said that there was going to be a meeting on June 13th at the Van Tassell House at 7:30 PM for the Somers Dog Park. He said that they were going to be discussing fund raising. He invited anyone that was interested to attend that meeting.

Claims for the payment of all Town Bills in the amount of \$ 952,294.30 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 8:05 PM.

Town Clerk