

JUNE 12, 2014 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening June 12, 2014 at 6:40 PM at the Somers Community Center, 34 Hillandale Road, (Shenorock) Yorktown Heights, 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 Kathleen R. Pacella, 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 matters.

Thereupon motion by Councilman Cirieco, seconded by Councilman Faulkner, the meeting was adjourned to an executive session with regard to personnel at 6:40 PM, to return that evening.

7:10 PM – meeting reconvened

The Supervisor said that it was in order to open a public hearing with the to a proposed Local Law to amend Chapter 170 entitled Zoning, Section 170-13 Multifamily Residence MFR Districts and a proposed Local Law to amend the Town of Somers 1994 Comprehensive Master Plan, Chapter II. Residential Development. Section C. Multi-Family Housing.

7:10 PM – hearing opened

7:40 PM – meeting reconvened

The Supervisor said that it was in order for the Board to open a public hearing with regard to a proposed Local Law to amend Chapter 158 entitled Vehicles and Traffic, Section 158.5 Penalties for offenses and Section 158.7 Wintertime overnight parking restricted.

7:41 PM – hearing opened

7:42 PM – meeting reconvened

The Supervisor said that it was in order for the Board to adopt a Local Law amending Chapter 158 entitled Vehicles and Traffic, Section 158.5 Penalties for offenses and Section 158.7 Wintertime overnight parking restricted of the Code of the Town of Somers.

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

RESOLVED, that the Town Board does hereby adopt a Local Law amending Chapter 158 entitled Vehicles and Traffic, Section 158.5 Penalties for offenses and Section 158.7 Wintertime overnight parking restricted of the Code of the Town of Somers as follows:

A Local Law to amend Chapter 158 entitled Vehicles and Traffic of the Code of the Town of Somers.

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

JUNE 12, 2014 – REGULAR MEETING

1. Section 158.5 Penalties for offenses is hereby amended to read as follows:

Any violation of this article is hereby declared to be a traffic infraction punishable by a minimum fine of \$50.00 or imprisonment for not more than five (5) days, or by both such fine and imprisonment.

2. Section 158.7 Wintertime overnight parking restricted is hereby amended to read as follows:

The parking of vehicles is hereby prohibited on all country roads and town highways in the Town of Somers from 12:01 a.m. to 7:00 a.m. from December 1 to March 15. The minimum fine for violation of this section shall be \$50.00 for each offense.

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

PUBLIC COMMENT:

Ms. Josephine Bastone, Manor Lane, stated that she had spoken to the Board with regard to NYSEG and gave a recap of those comments with regard to the blackouts that were experienced in South Somers. She said that the interruption in the power in that portion of Somers was occurring again. She pointed out that in a one month period there were four outages. Ms. Bastone said that she just wanted this to be on the Town's radar so that maybe they could keep after NYSEG to try to improve their service. She said that she had also spoken to the Board with regard to having gas lines brought to Somers. She asked the Board to speak to ConEd with regard to the feasibility of having gas lines to Somers. Ms. Bastone stated that ConEd told her that they would not take any requests from potential customers, the requests needed to come from the Town.

The Supervisor said that he had meet with the new representative of NYSEG for the Somers area.

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

Approval  
of the  
minutes

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

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

RESOLVED, that the Town Board does hereby approve the minutes of the May 1, 2014 Work Session and the May 8, 2014 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.

Donations of  
scholarships  
for Day  
Camp  
participants

The Supervisor said that the next item on the agenda were to donations of scholarships for Day Camp participants.

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

RESOLVED, that the Town Board does hereby accept with gratitude a \$7,000.00 donation from the Somers Lions Club to provide scholarships for Day Camp participants per memo dated May 22, 2014 from Steven Ralston, Superintendent of Parks & Recreation.

JUNE 12, 2014 – REGULAR MEETING

RESOLVED, that the Town Board does hereby accept with gratitude a \$2,000.00 donation from the Somers Women’s Club to provide scholarships for Day Camp participants per memo dated May 22, 2014 from Steven Ralston, Superintendent of Parks & Recreation.

Somers Middle School Essay Winners

The next item was with regard to the Somers Middle School Essay Winners. Mr. Rick Warren of the Somers Energy Environment Committee (SEEC) addressed the Board regarding an essay contest that took place for Somers Middle School students. He explained that the SEEC was created to develop the conditions for a more sustainable future here in our Town and beyond. He said that the students were asked to define the term “sustainable communities,” and if they thought Somers would be considered a sustainable community. Mr. Warren said included in the definition they were asked to describe Somers now and their vision of Somers in the future. He said that they were also asked what changes, if any, they would like to see.

Mr. Warren said some of the things to consider might be energy efficiency systems, transportation alternatives, “active transport” (biking/walking,) community gardens and resource conservation.

Five students emerged from the 2014 SEEC Earth Day Essay Contest. They were: First Place- Isha Puri, Second Place – Sara Altschuler, Third Place – Nick Keating, Honorable Mention – Ryann Malsbury and Honorable Mention – Keelyn Foley. Isha Puri and Sara Altschuler appeared at the Town Board meeting and Isha Puri read her winning essay to the Board.

New York State Exemption for Bake Sales

The Supervisor said that he wanted to move item number 7 with regard to New York State Exemption for Bake Sales up on the agenda. Mr. Brandon Pelter, a junior at Somers High School said that he was a member of the newly formed Somers Young Republican Club and introduced the other members that were present. He addressed the Board regarding the newest USDA Standards as well as the Healthy Hunger Free Kids Act. He explained that the two pieces of Legislation were an effort to curb obesity in America by limiting the choices of foods in Schools. Mr. Pelter explained that these new standards also apply to Bake Sales and they will not be allowed in any New York State School or any Federal School in the coming School year unless there was an exemption from the State. He said that as a Club they put together a petition, as a young group of students and future leaders they were looking to make a change. He said that they collected signatures of students that disagreed and this petition was specifically to the Bake Sale Ban. Mr. Pelter stated that he also recently launched a petition that was more general addressing the USDA Standards and the Healthy Hunger Free Kids Act. He said that they hoped to get that petition out to the local Schools and across the State. He said that on Thursday, June 6, 2014, they had a “Freedom Sale” because the Bake Sale Ban did not take place until next year. Mr. Pelter stated that they were able to get more signatures during the sale and they raised \$187.00 and that money went directly to the Wounded Warriors Project. He said that this was a strong example of what Bake Sales could do for the Community. He said that in the High School almost every club ran solely off the money raised during Bake Sales. Mr. Pelter said that his group with the help of Councilman Garrity drafted a Resolution that disagreed with the Federal Ban and its purpose was to look for State exemptions. He said that this was a good start for them at that time.

Councilman Faulkner asked if there were any parameters as to what the Town needed to provide to receive the exemption from the State. Mr. Pelter stated that currently the State had not addressed this matter. He said that there was no specific detail as to what needed to be done to receive the exemption. He said that they were hoping that if they brought this to the view of the State Senate and State Assembly something would be done.

Councilman Garrity said that what Mr. Pelter and his group were asking at that point was for the Town Board to send a Resolution to the Assembly and the Senate requesting that they review this and grant the exemptions. He said that he had circulated to the Board the proposed Resolution that they drafted. He continued that the Ban had already taken effect

JUNE 12, 2014 – REGULAR MEETING

in some of the New York City Schools and they were fighting it as well on their local School Board level. Councilman Garrity said that he was happy to see the number of Kids that were involved and interested in what was going on in the Country. He said that he applauded what they were doing and Bake Sales were one of the best fund raisers and he supports them wholeheartedly.

Councilman Clinchy asked if Bake Sales were now banned from the School. Mr. Pelter said that starting the next School year they were. Councilman Clinchy said that he spoke to two Administrators from the School District and was told that they had no plans to ban Bake Sales. Mr. Pelter said that from what he had read, if it was not enforced it will be displayed on the Principals and the Higher Administrations records and evaluations. He said that every club in the High School was required to attend a meeting and they were told effective the next School year they would not be able to have Bake Sales in School. Councilman Clinchy said that it was explained to him that they could have the Bake Sale although there were certain ingredients the items needed to contain to make them healthy. Mr. Pelter said that was correct, everything sold must have whole grain and the right amount of a fruits or vegetables. He agreed that there should be more options but that was for the student to decide.

The Supervisor said to sum up what Mr. Pelter was saying was that the prohibition against Bake Sales was a Federal effort that was going to be imposed upon the State although the State had an option to grant exemptions. He continued that Mr. Pelter was requesting that the Board adopt a proposed Resolution. He said that he would strike one word and he pointed out his suggestion.

Councilman Faulkner gave kudos to Mr. Pelter and his group, this was encroachment of our liberties.

Councilman Ciriaco said that he wanted to congratulate Mr. Pelter and his team, they had articulated this perfectly. He said that they were very proud of them and they had his support.

Mr. Pelter presented the Town Clerk with a petition with 428 signatures supporting his plea to oppose the New York State ban on school bake sales and asked the Town Board for a resolution of support.

Councilman Clinchy said that he was not in support the whole Resolution. He pointed out what he could not support.

Thereupon on motion of Councilman Garrity and seconded by Councilman Faulkner it was

RESOLVED, that the Town Board of the Town of Somers does hereby adopt the following resolution regarding Federal Ban on Bake Sales,

WHEREAS, the Federal Government's Smart Snacks in School Program would enact a policy to ban all bake sales at Somers High School and,

WHEREAS, bake sales are a very important fundraising component of many schools, helping to support many extra-curricular programs, as well as clubs that need the monies from said bake sales to exist and,

WHEREAS, State Aid for our schools continue to decline requiring parents and students to pay more for certain programs and,

WHEREAS, bake sales provide a proven source of safe and effective fundraising and,

WHEREAS, bake sales offer a variety of educational experiences for students, such as social interaction and public speaking and,

JUNE 12, 2014 – REGULAR MEETING

WHEREAS, home bakers normally use healthier ingredients than common industrial food options since home bakers do not have access to industrial food additives and,

WHEREAS, this program is just another example of government over regulation and,

WHEREAS, the key to making children and teenagers healthier is to educate them to make healthier choices, not to impose bans and,

WHEREAS, common sense dictates that there is no correlation between occasional bake sales, which have been a regular feature of school support since the early part of the 20<sup>th</sup> Century, and the threefold increase in childhood obesity in the United States that has occurred since the 1960's when schools began offering less healthy food options in lunch rooms and vending machines and,

WHEREAS, the State has the ability to set the number of exempt school sponsored fund-raisers and,

THEREFORE BE IT RESOLVED, that the Somers Town Board urges both the State Assembly and the State Senate to not support any ban on selling home baked foods at bake sales, and call upon our elected officials to review this program and seek its repeal and,

THEREFORE BE IT FURTHER RESOLVED, that the Town of Somers supports efforts to increase school and Town based opportunities for physical activity among youth, and decrease their consumption of industrially prepared foods and beverages.

VOTE:           AYES 4       Morrissey, Garrity, Ciriaco, Faulkner  
                  NAYS 1       Clinchy

8:18 PM – 2 minute break  
8:20 PM – meeting reconvened

Presentation  
of the  
Shenorock  
Wastewater  
Report

The next item on the agenda was a presentation of the Shenorock Wastewater Report by Mr. Joseph Barbagallo, PE, Woodard and Curran, Town Engineering Consultant. Mr. Barbagallo said that present with him that evening was Steve Robins who was the leader of the project that they were going to discuss that evening. He said that this study began when the EPA started putting pressure of the NYCDEP to clean up their watershed. He said that the activity from the EPA resulted in the Memorandum of Understanding between New York City and the Upstate Communities about how there could be a partnership in terms of cleaning up the water that was serving the residents of New York City. Mr. Barbagallo said that led to the 1997 Regulations and the MOU allocated a specific amount of money to implement projects throughout the Watershed. He said that one of those projects that was identified was for the sewerage in Shenorock. He said that the money had been sitting in an account and to access that account the Town needed to initiate a study. Mr. Barbagallo said that in 2011 the Town working with NYCDEP authored a Scope of Work that focused on studying the best way to implement the improvements that the NYCDEP was seeking to accomplish. He explained that they broadened the scope to not just focus directly on sewers because that knew there were various other ways to improve water quality. He said that as part of the review they looked at site conditions, historic information, collected test data and developed some recommendations. Mr. Barbagallo said that the recommendations, the context of the study and the report were on the Town's website for review.

Mr. Barbagallo said that they were at the beginning of this process, as part of the process with the NYCDEP and the approval of the Scope there was a component that requires input from the public. He said that this meeting was an introduction of the Study, there will be a secondary meeting that will be a more detailed inspection of the alternative and discussion of the findings. He said that between this meeting and the next meeting they

JUNE 12, 2014 – REGULAR MEETING

would be meeting with the NYCDEP and Westchester County, both key stakeholders in the process. Mr. Barbagallo stated that the purpose of the meeting tonight was to introduce the Study, start getting residents discussing, having residents review the report, start understanding what was considered, what was found and what the recommendations were for implementation.

Mr. Barbagallo said that he was going to have Mr. Robins go through what was studied, how it was studied, talk through the alternatives and discuss where they ended up with the Study.

Councilman Clinchy asked Mr. Barbagallo if the money that was set aside was for sewerage and other alternatives. Mr. Barbagallo said that it was originally identified for sewerage but when they wrote the Scope and it was approved by the NYCDEP they brought in the definition of what they wanted to accomplish, which was the Water Quality Improvement. He said that there were many ways to do that.

Mr. Steve Robins, of Woodard and Curran, went through the study, the alternatives and recommendations. Mr. Barbagallo and Mr. Robins answered the Board's questions with regard to the Scope.

Ms. Julie Aitchinson, 63 Lakeview Drive, said that she had lived in Shenorock for 34 years and had seen the ups and downs of the Lake and she believed that sewerage Shenorock was the best idea for the community.

Ms. Linda Roman, 19 Brookside Drive, said that when she moved to Shenorock she was surprised that such a densely populated area did not have sewers. She stated that she was in favor of sewers in Shenorock.

Mr. Robert Gilmartin, 10 Ross Drive, said that he was also a resident of Shenorock for 34 years and he thought all options needed to be explored for the cost effectiveness to the residents.

Mr. Frank Dalton, 19 Brookside Drive, said that he was in favor of the sewerage and he wanted to see the lake revamped. He suggested that solar energy to power the pump stations be considered for the sewer pumps.

Ms. Wendy Nastasi, 36 Crest Drive, asked if they knew what the connection costs were, she was hearing a lot of different costs. Mr. Barbagallo explained that there were different factors that played into what the connection costs might be and it was going to be home specific. Ms. Nastasi asked questions with regard to who would be required to connect to the sewer line. Mr. Barbagallo explained that they have not done the district lines at that point and it would be carefully looked into.

Ms. Therese Olsen, 61 Overhill Road, stated that their property was close to the 9 acre property and asked if the proposed pump station was going to be close to their residents. Mr. Barbagallo stated that it was an enclosed station, a buried chamber with controls.

Request  
for two (2)  
directional  
signs

The Supervisor said that the next item on the agenda was a discussion with regard to a request for two (2) directional signs at Tomahawk Road and Overhill Road and Miller Avenue and Bridge Lane. He said that the requested signs were not currently permitted. He asked the Town Attorney for an explanation because one of the locations of the signs was on a State Road and the other location was on a Town Road. The Town Attorney stated that when it came to State and County Roads the Town had no jurisdiction to permit signs. He said as for Town Roads, if they were going to consider permitting signs in the right-of-way, it would have to go to the Town Highway Superintendent. He explained that the Highway Superintendent actually controlled the rights-of-way and he would have to determine things like site lines, if the signs were obstructive, if the material to be used, there was a range of topics that were looked at in determining whether or not to

JUNE 12, 2014 – REGULAR MEETING

allow signage in the area that he controlled. Councilman Clinchy asked if those regulations were set out in New York State Law. The Town Attorney explained that there was a body of Law called Highway Law and the Highway Superintendent had to adhere to it and there were State Manuals that were given to him that he needed to follow. He continued that if a private resident wanted to place a sign on their property they would have to seek a variance. He said that the real issue was that if they were going to allow signage in the rights-of-way and the Highway Superintendent did concur what limits would be placed on that, was it just going to be for not-for-profit, if it was going to the for-profits, the Town Attorney said that the Town may be burdened with a number of requests that they did not anticipate. He said that it would be difficult for the Town to pick and choose without some set of rules and regulations in place. Councilman Clinchy asked if they could control the amount of time a sign could be placed. The Town Attorney said that the signs he was familiar with were signs temporary in nature such as a Lions Club holding a fair and those type of things. He said that what they were considering was going to stay up year round. Councilman Clinchy asked if they could place a time limit on the signs. The Town Attorney said that they could, but the main point was to find out from the Highway Superintendent whether or not he would allow signs in the rights-of-way at all. The Supervisor thanked the Town Attorney for his direction.

Ms. Mary Wolchan, a representative of the Hebrew Congregation of Somers, said that the Board of Directors had sent her to the meeting that evening. She said that she received a telephone call to remove the signs that had been in place for over ten years. She said that she was told that one sign was grandfathered and asked why she was being told the one on the State Road needed to be removed when they had no jurisdiction on that. The Supervisor said that it was in the Town right-of-way as well. He continued that the signs were placed with no application and just appeared whenever that was and the Building Department did not actively go out and look for illegal signage. He said that once a complaint was lodged they then investigated the complaint. Ms. Wolchan stated that she felt that the signs were necessary because visitors and guests to the Synagogue cannot find it because the roads were windy. She said that all Houses of Worship should be clearly identified for anyone coming into the area. She requested that their signs be allowed to stay up, they were a not-for-profit, a House of Worship and they were not selling anything, they just needed people to find them.

The Supervisor said that he understood the Hebrew Congregation of Somers' position and he wanted the Town Attorney to explain the legalities. He said that they would refer this matter to the Highway Department for their opinion. He said that he was going to have the Highway Superintendent contact the Department of Transportation as well.

Mr. Jeff Motelson, Director of the Temple, said that the Building that they were in that evening had a similar sign that was in place currently. He said that they were all there participating in that meeting. He said that the Town had nothing about that sign, they were not asked to be removed. The Supervisor said that Mr. Motelson did not know if the Somers Community Center was not asked to take down their signs. Mr. Motelson said that he knew that it was in place as they were there speaking. The Supervisor said that he personally requested that the property owner remove their signs. He said that they were in violation and they were going to be treated as such. Discussion ensued with regard to other signs throughout the Town and what should be allowed. The Supervisor said that they were working through the process and they appreciated that they took their signs down when the request was made. He said that this matter was being referred to the Highway Department with a copy sent to the Police Department and Building Department for review and comment.

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

RESOLVED, that the Town Board does hereby refer the request for directional signs for the Hebrew Congregation of Somers per e-mail dated May 22, 2014 from Mary Wolchan

JUNE 12, 2014 – REGULAR MEETING

on behalf of the Hebrew Congregation of Somers Board of Directors to the Highway Superintendent, Building Inspector and Police Chief for review and comment.

Authorize CF Air Conditioning and Heating, Inc. to complete work at Van Tassell House

The next item was to authorize CF Air Conditioning and Heating, Inc. replacement of the oil fired boiler, room heating and air conditioning system and replacement of the stainless steel chimney lining at the Van Tassell House. The Supervisor said that they only received one bid the second time that this was sent out.

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

RESOLVED, that the Town Board does hereby authorize CF Air Conditioning and Heating, Inc. to replace the oil fired boiler, room heating and air conditioning system and replacement of a stainless steel chimney lining at the Van Tassell House not to exceed \$30,000.00 per memo dated June 2, 2014 from Efreem Citarella, Building Inspector and,

DOES HEREBY, authorize the Supervisor to execute the contract.

Letter of Support of the Land Use Law Center Application

The Supervisor said that the next item was a discussion with regard to a Letter of Support of the Land Use Law Center Application for the funding from the Cleaner/Greener Communities Program. He explained that with a grant they would be able to provide training that the Energy Environment Committee members as well the Open Space Committee would benefit from.

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

RESOLVED, that the Town Board does hereby authorize a letter of support of the Land Use Law Center application for funding from the Cleaner/Greener Communities Program and,

DOES HEREBY, the Supervisor to execute same.

Authorize the transfer of outdated/unused sports equipment

The next item on the agenda was with regard to a Resolution to authorize the transfer of outdated/unused sports equipment to the "Play it Forward" a not-for-profit Agency. Councilman Garrity said that the proposed Resolution that he sent the Board. He explained that he spoke with the Town Attorney and the Superintendent of Parks and Recreation and the Town had a lot of equipment that was no longer of any use in the Sports Organizations. He read a proposed Resolution to the Board and stated that "Play it Forward" needed to be removed and reputable non-profit agency needed to be added.

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

RESOLVED, that the Town Board does hereby authorize the transfer of outdated/unused sports equipment no longer used by the Town's recreation program to a reputable "not for profit" agency.

PERSONNEL:

Current Vacancies:

- Somers Energy Environmental Committee
- Substance Abuse Council (2 – unexpired 3 year terms to December 31, 2016)
- Affordable Housing Board (1 – unexpired 2 year term ending July 11, 2015)
- Affordable Housing Board (4 – 2 year terms ending July 11, 2015)
- Assessment Board of Review (1 – unexpired 5 year term ending September 30, 2015)
- Zoning Board of Appeals (1 – unexpired 5 year term ending December 13, 2017)

JUNE 12, 2014 – REGULAR MEETING

Upcoming Vacancies:

K.  
Westerman's  
appointment  
to the Park  
Board

The Supervisor said that it was in order to rescind the Resolution appointing Kevin Westerman to the Parks and Recreation Board to a term ending March 9, 2017 and appoint Kevin Westerman to the unexpired term of Marion Levine ending March 9, 2015.

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

RESOLVED, that the Town Board does hereby rescind resolution appointing Kevin Westerman to the Parks and Recreation Board to a term ending March 9, 2017 and,

DOES HEREBY, appoint Kevin Westerman to the unexpired term of Marion Levine to a term ending March 9, 2015.

Acknowledge  
the resignation  
of D. Schirmer  
and appoint P.  
Nicolosi as  
Secretary to the  
Assessment  
Board of  
Review

The Supervisor said that it was in order to acknowledge resignation of Denise Schirmer as Secretary to the Assessment Board of Review effective April 16, 2014 and authorize hiring Patricia Nicolosi as Secretary to the Assessment Board of Review effective April 17, 2014.

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

RESOLVED that the Town Board does hereby acknowledge the resignation of Denise Schirmer as Secretary to the Assessment Board of Review effective April 16, 2014 and,

DOES HEREBY, authorize the hiring of Patricia Nicolosi as Secretary to the Assessment Board of Review effective April 17, 2014 at an hourly rate of \$14.3971.

Acknowledge  
resignation of  
C. Wohlberg  
from ZBA

The Supervisor said that it was in order to acknowledge resignation of Mr. Clifford Wohlberg as member and Chairman of the Zoning Board of Appeals effective May 7, 2014. Councilman Clinchy said that this was with great regret, Mr. Wohlberg was a great service to the Town. The Supervisor said that he wanted to thank Mr. Wohlberg for his years of service on the Zoning Board of Appeals and for his thoughtful decision making. He said that he would be sorely missed.

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

RESOLVED, that the Town Board does hereby acknowledge with regret the resignation of Clifford Wohlberg as member and Chairman of the Zoning Board of Appeals effective May 7, 2014.

The Supervisor said that it was in order to appoint Gregory Caron, Michele Henning to the Substance Abuse Council to the unexpired terms ending December 31, 2016 and Kathleen Cucchinella to the unexpired term ending December 31, 2014. He said in addition to these appointments he would like to invite all the candidates that were interviewed to become guest members.

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

Appoint G.  
Caron to  
Substance  
Abuse Council

RESOLVED, that the Town Board does hereby appoint Gregory F. Caron to the Substance Abuse Council to the unexpired term of Maureen McPartlan-Hurson ending December 31, 2016.

Appoint M.  
Henning to  
Substance  
Abuse Council

RESOLVED, that the Town Board does hereby appoint Michele Henning to the Substance Abuse Council to the unexpired term of Pamela Guerrero ending December 31, 2016.

JUNE 12, 2014 – REGULAR MEETING

Appoint K. Cucchiarella to Substance Abuse Council

RESOLVED, that the Town Board does hereby appoint Kathleen G. Cucchiarella to the Substance Abuse Council to the unexpired term of Caroline Shenefield ending December 31, 2014.

Rescind resignation of M. Davis and reinstate

The Supervisor said that it was in order to rescind the Resolution of resignation from Ms. Marguerite Davis effective May 20, 2014.

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

RESOLVED, that the Town Board does hereby rescind the resolution of resignation from Marguerite Davis effective May 29, 2014 and,

DOES HEREBY, reinstate her as Intermediate Clerk in the Planning and Engineering Department at an hourly rate of \$17.5484.

Consensus Agenda

The Supervisor said that the next item on the agenda was the consensus agenda. Councilman Garrity said that he would like to have item number 1 removed from the consensus agenda. He said that he was not in favor of the change in the dates of the meetings and would like to have this item voted of separately. Councilman Cirienco asked with regard to item number 5 if they had already passed that Resolution. The Town Clerk explained that they received the request again with a new name. The Town Clerk asked with regard to item number 7 if the Supervisor wanted to add in "by the Somers Women's and Gardening Club". The Supervisor said that he did although they needed to get the proper name of the Club. Councilman Cirienco asked if this would be after the intersection was changed. The Supervisor explained that the DOT wanted insurance that this garden that was going to be setup by the DOT was going to be maintained. He said that the Somers Women's and Gardening Club was willing to maintain that garden. Councilman Clinchy asked with regard to item number 2g was this a different project. The Supervisor explained that it was a different project and what was involved. Councilman Clinchy asked with regard to item number 8 if that had to be done every year. The Town Clerk explained that it does get done annually.

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

1. MOVED TO REGULAR MEETING

Execute the IIIC/NSIP: Nutrition Service Second Amendment PY 2014

2a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the IIIC/NSIP: Nutrition Service Second Amendment PY 2014 in the amount of \$11,512.00 per email dated June 2, 2014 from Barbara Taberer, Program Director.

Execute agreement with The Leahy Company, Inc

2b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute agreement with The Leahy Company, Inc. to audit Workers Compensation Premiums for the years 2013 – 2014.

Execute the annual Fire/Intrusion Alarm System Inspection

2c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the annual Fire/Intrusion Alarm System Inspection at the Reis House with CIA Security in the amount of \$685.00.

Execute the Equitable Sharing Agreement and Certification

2d. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Equitable Sharing Agreement and Certification for the Somers Police Department.

Letter of support for the Energy Improvement Corp

2e. RESOLVED, that the Town Board does hereby authorize the Supervisor to send a letter of support for the Energy Improvement Corp. Energize NY

JUNE 12, 2014 – REGULAR MEETING

Clean Energy market Transformation Proposal per email dated June 4, 2014 from Herb Oringel, Chair, Energy Environment Committee.

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|---|--|
| Execute the lease agreement with Ingersoll Auto of Pawling  | 2f. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the lease agreement with Ingersoll Auto of Pawling for a 2014 Chevrolet Equinox for the Building Department in the amount of \$270.00 per month for 36 months.   |
| Execute Woodard & Curran Task Order 2-4-2.1   | 2g. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Woodard & Curran Task Order 2-4-2.1 Reis Park Expansion Project in an amount not to exceed \$14,750.00.  |
| Authorize the disposal of a 2003 Crown Victoria Police Cruiser                                      | 3a. RESOLVED, that the Town Board does hereby authorize the disposal of a 2003 Crown Victoria Police Cruiser VIN #2FAFP71W43X137665 per memo dated May 29, 2014 from Michael W. Driscoll, Police Chief.  |
| Authorize the disposal of a 1993 Chevrolet Astro Van  | 3b. RESOLVED, that the Town Board does hereby authorize the disposal of a 1993 Chevrolet Astro Van VIN #1GDM15Z2PB 218720 per memo dated May 5, 2014 from Michael W. Driscoll, Police Chief.   |
| Refund Stormwater Management and Erosion and Sediment Control Bond                                  | 4. RESOLVED, that the Town Board does hereby authorize a refund of a (Vent) Stormwater Management and Erosion and Sediment Control Bond in the amount of \$200.00 to Blue Haven Pools NY, Inc., per memo dated May 28, 2014 from Steven Woelfle, Principal Engineering Technician.   |
| Refer Road name for Susan Haft/Ridgeview Design Builders  | 5. RESOLVED, that the Town Board does hereby refer the change of road name from Boulder Ridge Road to Boulder Pond Drive for the Susan Haft/Ridgeview Design Builders to the Bureau of Fire Prevention, Highway Superintendent, Police Chief, and Principal Engineering Technician & Town Historian per letter dated May 23, 2014 from Susan Haft. |
| Close the Ross Drive Water Tank Town Capital Project Fund   | 6. RESOLVED, that the Town Board does hereby authorize the closing of the Ross Drive Water Tank Town Capital Project Fund and transfer remaining funds to the Amawalk-Shenorock Water District per memo dated May 16, 2014 from Robert Kehoe, Director of Finance.   |
| Resolution for Maintenance of Landscaping & Planting Bed At the Route 100 – Route 138 Intersections | 7. Resolution for Maintenance of Landscaping & Planting Bed<br>At the Route 100 – Route 138 Intersections  |

RESOLUTION #61214  
Resolution of Town Board

WHEREAS, the New York State Department of Transportation (NYSDOT) proposes to improve the intersection of New York State Route 100, S.H. 1324 and New York State Route 138, S.H. 775, in the Town of Somers, Westchester County and,

WHEREAS, NYSDOT will include and provide for as part of the construction, reconstruction or improvement of the above-mentioned project the installation of shrubs, plants, and mulch in the northeast quadrant of the Route 100 – Route 138 intersection, as shown on the contract plans relating to the project,

NOW, THEREFORE,

BE IT RESOLVED, that the Town of Somers does hereby approve the installation of shrubs, plants and mulch in the northeast quadrant on the Route 100 – Route 138 intersection as above stated and as shown on the

JUNE 12, 2014 – REGULAR MEETING

contract plans relating to the project, and that the Town of Somers will maintain or cause to be maintained such shrubs, plants and mulch installed in the northeast quadrant of the Route 100-138 intersection, including the control and removal of grass, weeds and other undesired vegetation within the planted bed, and

BE IT FURTHER RESOLVED, that the clerk of their Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Standard Work Day and Reporting Resolution

8

Standard Work Day and Reporting Resolution

BE IT RESOLVED, that the Town of Somers, Location Code 30038 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on record of activities maintained and submitted by these officials to the Clerk of this body:

Title	Name	Standard Work Day (Hrs/Day)	Term Begins/Ends	Participants in Employers' Time Keeping System (Y/N)	Days/Months (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
<b>Elected Officials</b>							
Town Clerk	Kathleen R. Pacella	6	1/1/12-12/31/15	N	26.67		
Town Board	Thomas A. Garrity, Jr	6	1/1/12-12/31/15	N	11.67		
Town Board	Anthony J Cirieco	6	1/1/14-12/31/17	N	5.25		
Town Board	William G. Faulkner	6	1/1/14-12/31/17	N	4.03		
Highway Superintendent	Thomas E. Chiaverini	6	1/1/12-12/31/15	N	29.50		
Tax Receiver	Joan Ribaldo	6	1/1/14-12/31/17	N	31.50		
Judge	Michael J. McDermott	6	1/1/12-12/31/15	N	17.00		
<b>Appointed Officials</b>							
Assessor	Teresa Stegner	7	10/1/13-9/30/19	Y			
Parks & Rec Board Chair	James Papa	7	1/3/14-12/31/14	N	1.26		
Director of Finance	Robert Kehoe	7	1/1/13-12/31/14	Y			
Deputy Town Clerk	Patricia Kalba	7	1/1/14-12/31/14	Y			
Deputy Highway Superintendent	Louis Noto	7	1/1/14-12/31/14	Y			
Deputy Receiver of Taxes	Michele A. McKearney	7	1/1//14-12/31/14	Y			

On this 13 day of June, 2014

Signature: Kathleen R. Pacella Date enacted: June 12, 2014

I, Kathleen R. Pacella, Clerk of the governing board of the Town of Somers, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on 12<sup>th</sup> day of June, 2014, on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto  
Set my hand and the seal

JUNE 12, 2014 – REGULAR MEETING

Of the Town of Somers.

I further certify that the full board, consisting of 5 members, that and 5 of such members were present at such meeting as (SEAL) that 5 of such members voted in favor of the above resolution.

Accept  
Erosion  
Control  
Bond

9. RESOLVED, that the Town Board does hereby accept the following Erosion Control Bond per memo from Wendy Getting, Senior Office Assistant:

\$300.00 – Vataj – Stormwater Management & Erosion & Sediment Control Bond.

Hire Day  
Camp, Tot  
Time Camp  
& Tusker  
(Teen Travel)  
Trax staff

10. RESOLVED, that the Town Board does hereby authorize hiring of Day Camp, Tot Time Camp & Tusker (Teen Travel) Trax staff beginning June 30 – August 8, 2014 per memo dated May 28, 2014 from Steven Ralston, Superintendent of Parks & Recreation and,

DOES HEREBY, authorize continuation of hiring on an as-needed basis.

**2014 Summer Day and Tusker Trax Camp**

NAME	POSITION	HOURLY RATE
ADAMO, THOMAS	COUNSELOR	6.17
ADAMS, SARAH	COUNSELOR	6.17
ANDRIANO, LUCAS	COUNSELOR	6.33
AQUILINO, NICHOLAS	COUNSELOR	6.83
AUSIELLO, HEATHER	ASST. DIRECTOR	18.17
AUSIELLO, MICHAEL	DIVISION HEAD	14.17
CANNON, ERIN	COUNSELOR	6.17
CARRILLO, BROOK	COUNSELOR	8.04
CARLETON, MARISSA	COUNSELOR	6.17
CARNAZZA, ERIK	COUNSELOR	6.33
CASEY, CRAIG	COUNSELOR	6.5
CIANFAGLIONE, SCOTT	DIRECTOR	28.39
COOPER, JULIETTE	COUNSELOR	8.04
CORBETT, JULIA	COUNSELOR	6
COUSIN, PATRICK	COUNSELOR	6.17
DEANGELIS, NICOLE	COUNSELOR	6.17
DEAGAZIO, DEAN	COUNSELOR	6.17
DIMAURO, ALEXIS	COUNSELOR	6
DIMAURO, ANTHONY	COUNSELOR	6.33
DISANTO, RONALD	SPORTS SPECIALIST	11.67
DONOVAN, MIKE	COUNSELOR	6.33
DRISCOLL, MEGAN	COUNSELOR	6
DUENAS, ISABELLA	COUNSELOR	6.17
EPSTEIN, ALYSSA	COUNSELOR	6.83
GABRIEL, JACK	COUNSELOR	6.33
GARGIULO, THOMAS	COUNSELOR	6.33
GOLDSTEIN, DANIEL	COUNSELOR	6.33
GRAY, MICHAEL	COUNSELOR	6.5
HARWOOD, ALEXANDER	COUNSELOR	6.17
HIRSCH, MAXWELL	COUNSELOR	8.57
KORNBLATT, SARAH	COUNSELOR	6.5
KRUEGER, GREGORY	COUNSELOR	6.5
KRUEGER, JACKIE	COUNSELOR	6.5
LAZZARA, JOSEPH	CIT	3.34

JUNE 12, 2014 – REGULAR MEETING

LEVINE, JUSTIN	COUNSELOR	6.33
LEVINE, ZACHARY	COUNSELOR	8.04
LIBERATORE, JESSICA	COUNSELOR	7.33
MARCHIONNO, RACHEL	COUNSELOR	9.47
MCCORMACK, ASHLEY	COUNSELOR	6.17
McGUIRE, DYLAN	COUNSELOR	7.33
McGUIRE, MARIA	DIRECTOR	31.5
MCKITRICK, KARINA	FIRST AIDE SUPER.	12.17
MICHAUD, ALLISON	COUNSELOR	6
MICHAUD, MATTHEW	COUNSELOR	6.33
MOLLAGHAN, MARYKATE	CIT	3.34
NATHAN, MAXWELL	COUNSELOR	8.17
NATOLE, MICHAEL	COUNSELOR	6
NEALON, RYAN	COUNSELOR	6.33
OLSEN, EILEEN	A & C SPECIALIST	15.83
ORENSTEIN, PATRICIA	DIVISION HEAD	16.17
ORITI, JOSEPH	COUNSELOR	8.04
REIMANN, VICTORIA	COUNSELOR	8.21
REES, KAYLA	COUNSELOR	6.33
SANTORE, COURTNEY	DIVISION HEAD	15
RIPPON, KAELA	COUNSELOR	6.83
SCHLEISSMANN, NICHOLAS	COUNSELOR	6.33
SCHLEISSMANN, SARA	COUNSELOR	6.5
SCOCA, SAMANTHA	COUNSELOR	7
SHEA, JENNIE	COUNSELOR	6.33
SMITH, DORIS JANE	DIVISION HEAD K	33
TURCHICK, TAYLOR	CIT	3.34
ZATTOLA, ROBERT	COUNSELOR	6.33
ZATTOLA, THOMAS	COUNSELOR	8.04

Hire Seasonal Maintenance Workers for Parks

11. RESOLVED, that the Town Board does hereby authorize the hiring of the following Seasonal Maintenance Workers retroactive to May 27, 2014 per May 22, 2014 & June 1, 2014 memos from Steven Ralston, Superintendent of Parks & Recreation:
  - a. Paul Friedman - \$10.00 per hour
  - b. Jordan Feldman - \$10.00 per hour
  - c. Michael Pierz - \$9.00 per hour
  - d. David Mink - \$9.00 per hour

Award RFP for painting of Mt. Zion

12. RESOLVED, that the Town Board does hereby award the Request for Proposal (RFP) for the painting of Mt. Zion Church to Paul's Painting in the amount of \$9,250.00 per memo dated June 3, 2014 from the Historic Properties Board.

Meeting dates for July & August

The Supervisor said this was a discussion with regard to the change/combining of the July and August Town Board meeting. Councilman Clinchy said that he was not going to be able to attend the meeting on July 17<sup>th</sup>, everything else was fine. Councilman Garrity said that he was not going to be available on July 17<sup>th</sup> or August 21<sup>st</sup>. Supervisor Morrissey said that they should meet on July 3<sup>rd</sup> and asked if that worked for everyone else. The Town Clerk said that evening did not make sense because it was the evening before a Holiday. Councilman Faulkner said that his preference because of the Holiday he liked the meeting dates on July 10<sup>th</sup> and 17<sup>th</sup>. The Town Attorney said that it was not unusual for Boards to have only one meeting during the Summer Months. The Supervisor proposed that the Board consolidate the July work session and regular meeting to July 10<sup>th</sup>, they should be able to have a full Board for that meeting.

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

JUNE 12, 2014 – REGULAR MEETING

RESOLVED, that the Town Board does hereby combine the July meeting to a work session/regular meeting to be held on July 10, 2014.

The Supervisor suggested the meeting be moved to August 28<sup>th</sup>. Discussion ensued with regard to that being late in August to have a meeting of the Board. Councilman Faulkner suggested that the Board meet on the 14<sup>th</sup> and the 21<sup>st</sup> of August. He said then Supervisor Morrissey missed one meeting and Councilman Garrity missed one meeting and everyone else would be present and no one would be missing two meetings. Councilman Garrity said that he agreed to that change. It was agreed that the August meetings would be held on August 14<sup>th</sup> and 21<sup>st</sup>.

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

RESOLVED, that the Town Board does hereby change the August 2014 meetings from August 7, 2014 Work Session and August 14, 2014 Regular Meeting to August 14, 2014 Work Session and August 21, 2014 Regular Meeting.

The Supervisor said that the Somers VFW Post in partnership with the Somers Volunteer Fire Department will be conducting a Flag Retirement Ceremony. He said that will be held on Flag Day, Saturday, June 14, 2014 at Fireman's Field at 7:00 PM.

The Supervisor said that the Town of Somers was sponsoring a Blood Drive on Wednesday, June 25, 2014, 2:30PM – 8:30 PM at the Town House. He said that walk-ins were welcomed and that the gift of blood was an important one.

Councilman Faulkner said that next Thursday the Somers Education Foundation was having their annual Golf Outing to raise money for the Somers Children and their educational pursuits. He said that was being held at the Angle Brook Golf Course and there were a few spots left for anyone that was interested.

Councilman Faulkner said that the 2014 World Cup began that day and he wanted to say go Team USA.

Councilman Ciriaco said that there was a fantastic turnout for the Relay for Life event. He said that they raised about \$160,000.00 and that would be going up as the money keeps coming in. He said that some of the teams raised great amounts of money although everyone did great. Councilman Garrity said that it was an outstanding event and the weather cooperated for them. He said that he wanted to thank the Community for their support.

Councilman Garrity said that June 28<sup>th</sup> was the Somers Independence Day Celebration at Reis Park. The Supervisor said that it was a 4:00 PM start this year with music, food and fireworks. He said that Somers Lions Club was spearheading the donations for the fireworks this year. Councilman Garrity said that everyone should come out, it was a great event.

Councilman Garrity wished everyone a happy and safe Independence Day on July 4<sup>th</sup>.

Claims for the payment of all Town Bills in the amount of \$642,085.84 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 Morrissey, seconded by Councilman Garrity the meeting was adjourned at 10:15 PM.

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Town Clerk