

JUNE 14, 2012 – REGULAR MEETING

Minutes of a Regular Meeting of the Town Board of the Town of Somers held on Thursday evening June 14, 2012 at 8:00 PM at 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 Patricia Kalba, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

The Supervisor said that she would like to thank Best Plumbing who came to the Town's savior when the handicapped toilet broke at the Town House. She said that they replaced the toilet gratuitous for the Town.

The Supervisor thanked the public who came and donated blood at that week's Blood Drive. She said that they collected over 41 pints of blood and that was the highest collection ever at the Town House. She said that there would be another Blood Drive at the Town House on August 28, 2012 and again in the fall. The Supervisor said that they appreciated everyone coming back and helping out by donating blood.

PUBLIC COMMENT:

There being no one to be heard on motion of Supervisor Murphy, 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. The Supervisor said that the Public Hearing transferring the duties of the former Conservation Board to the Open Space Committee needed to be added to the list of minutes on the agenda.

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

RESOLVED, that the Town Board does hereby approve the minutes of the May 17, 2012 Public Hearing regarding an Unsafe Building located at 133 Mahopac Avenue, the May 17, 2012 Public Hearing regarding transferring the duties of the former Conservation Board to the Open Space Committee and the May 17, 2012 Regular Meeting.

Monthly
reports

The Deputy 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 Muscoot Tavern, Inc. d/b/a Muscoot Tavern located at 105 Somerstown Road, Somers, was applying for a Corporate Change to their Liquor License.

POP
(Premium
Only
Plan)
Section
125

The Supervisor said that the next item on the agenda was with regard to POP (Premium Only Plan) Section 125. She said that the Director of Finance and herself had done more investigation with regard to that. She said that they found that Aflac would provide the plan at no cost and they would also pre-tax deduct the Aflac premium for the services they provided, this was still a POP program, that was confirmed by e-mail. She said with regard to the other two companies, one gave the Town a break on the initiation fees, although the annual fee was higher and the other charged an initiation fee and their annual was lower. She said that as long as they could do this at no cost to the Town with Aflac she did not see why they should not use them. Councilman Garrity said that when it came to payroll deduction Aflac was one of the best companies out there that was what they did. Councilman Clinchy asked how long the agreement was for. The Supervisor said that she believed that the agreement was annual. Councilman Benedict said that they needed to make the employees aware that Aflac was going to try to sell

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them other products. The Supervisor agreed and said that she would. Councilman Morrissey said that Aflac was upfront with that.

Thereupon motion of Supervisor Murphy, seconded by Councilman Garrity, it was unanimously, RESOLVED, that the Town Board does hereby authorize the Supervisor to execute an agreement with Aflac for a Premium Only Section 125 Plan.

Unsafe structure located at 133 Mahopac Avenue

The next item was an unsafe structure located at 133 Mahopac Avenue. The Supervisor said that the Board received a report from the Assistant Building Inspector that the fence had been placed around the property; a small portion of it was installed by the property owner. She said that the Highway Department went out and installed something that effectively screened the property. Councilman Garrity said that the fence the property owner installed was unacceptable. The Supervisor said that they needed to decide what the next step was. She said she had spoken to the Town Attorney with regard to how to proceed and that was if the Board wanted to direct the building be demolished. She said that the Assistant Building Inspector thought that the building was falling down at that point. Councilman Garrity said that the Assistant Building Inspector said that it looked as if the building had gotten worse since the Board started looking into it and he was concerned that the building would fall down. Councilman Clinchy asked if the property owner had contacted anyone in the Town. The Supervisor said that he had not contacted anyone. Councilman Morrissey asked if they could get an assessment or recommendation from either the Building Department or the Engineering Department as to what they would recommend for the structure. The Supervisor said that they already received the recommendation and that was to demolish the structure. Councilman Benedict asked the Town Attorney because they knew the property was unsafe even with the fence in place if someone was on the property and got hurt could the Town be held liable. The Town Attorney said potentially they could be. Councilman Garrity said that was why they needed to decide what the next step was. The Town Attorney said assuming that the demolition and removal of the debris was going to cost more than \$5,000.00 the Code provided that it be competitively bid. He said that was going to take some time to have the spec put together, the Board should authorize that the process be started. Councilman Garrity said that this was something that the property owner was going to be responsible to pay for. The Supervisor said that it would be a lien against the property. The Town Attorney said that lien would be on the next tax bill. The Supervisor said that they should direct the Building Department to prepare bid specs for the demolition of the building. She said that the Building Department should contact the property owner again to make them aware that was the manner the Board was proceeding in. Councilman Clinchy asked if the property owner was able to do the work himself suddenly would he be able to do so before the Town did anything. The Town Attorney said that he would be able to. The Supervisor said that he could stop the process before the building was knocked down.

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

RESOLVED, that the Town Board does hereby direct the Building Department to prepare a bid package for the demolition of the unsafe structure located at 133 Mahopac Avenue for the Town Board's consideration and is to inform the property owner that the Board was going to be proceeding according to Town Code §77-9 with the demolition of the building.

Request for Information with reg. Revaluation

The Supervisor said that the next item was a Request for Information with regard to Revaluation. She explained that she had received a time sensitive letter from the City of Yonkers and the Town of Greenburg with regard to revaluation. She said that revaluation had been broadly discussed among the Westchester Communities in various and different ways. The Supervisor said that the letter was asking whether or not the Town of Somers wanted to join forces with the City of Yonkers and the Town of Greenburg in their request for proposals to have a revaluation prepared for their municipalities. She said that she had spoken to the Assessor and the Assessor told her that it would be premature for Somers to join on board with this. She explained that the Assessor felt that sometimes when things were done in such a collective fashion it did not always work out for the best and she saw that in her prior position, it worked out better independently after other Towns had coalesced. The Supervisor continued that one of the most significant things that the Assessor mentioned was that it was very important for her as the Assessor to be extremely familiar with all of the properties. She said that as they knew the Assessor had not been with the Town long enough to have that level of familiarity. She said that her recommendation was that they follow this and stay in touch with what was going on. The

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Supervisor said that she felt that they would be rushing if they jumped on this immediately. Councilman Clinchy asked why they asked Somers to join in on this. The Supervisor explained that the rationale was that if everyone revaluated at the same time there would be some economy of scale in doing it collectively. She said that there always had been a push to try to get funds from other sources in order to do the revaluation. She said that there was some hope that if there was enough momentum from enough Towns there would be funding from other areas. Councilman Clinchy said that it was expensive to do; it would be close to a million dollars. The Supervisor said that for a Town like Somers it would be. Councilman Benedict said that they did not have the money budgeted to do a revaluation. The Supervisor said that they did not budget it for that. She said that she wanted to bring this up with them because it was a letter that came in, it was time sensitive and it was a topic that was broadly discussed in the County. She said she felt that they should at least acknowledge that they received the letter. Councilman Morrissey asked if the same offer had been sent to other Supervisors. The Supervisor said that she believed that it had, most likely all of the other Supervisors in the County received the letter.

Roof
replacement
bid

The next item on the agenda was with regard to the Library and Police roofs. The Supervisor said that they had seen the Library roof specs at the Work Session and as she mentioned at that meeting they were hoping to get the specs for the Police building and the Barn at Van Tassel Park as well. She said that was so that they could do a collective bid and people could bid on either one of the jobs or all three of the jobs. She said that this was to see if there could be some savings by doing this collectively. The Supervisor said that the document was just about done; there were a few more tweaks that the Building Department was making. She said that she would like them to authorize going to bid as the document exists with some minor additional changes.

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

RESOLVED, that the Town Board does hereby authorize going to bid for the roof replacement at the Somers Library, Police Station and the Barn at Van Tassel pending minor additional modifications by the Building Inspector's office and Town Attorney approval.

GIS
Mapping
Services for
the East of
Hudson
Stormwater
Mapping

The Supervisor said that the next item was a proposal for GIS Mapping Services for the East of Hudson Stormwater Mapping. She said that they had received a New York State Department of Conservation (DEC) grant on behalf of the Croton Kensico Watershed Inter-municipal Coalition (CKWIC) some time ago and she thought that the previous Town Planner had been working on this. She said that it had come to her attention that they needed to move forward with this more quickly. The Supervisor said that the deadline to spend the money was September 30, 2012. She explained that she had been in touch with the DEC and there was a lot of back and forth with them. She said that she had been in touch with the firm that did the beginnings of their mapping work when they first did the overall plan, when the MS-4 Regulations were enacted. She said that she would like to get the Board's authorization to enter into an agreement with Insite Engineering for the mapping work pending final contract with the DEC and their review of it to ensure that they were comfortable that this was appropriate under the grant and pending Town Attorney approval.

Councilman Garrity asked about the amount of the grant. The Supervisor explained that the grant was a match grant and the match that they were using was money that was spent in the Town of Bedford Hills for a sweeper and in the Town of Somers for sweeping and catch basin cleaning. She said that there would not be any additional out of pocket expenses to match the grant; these were funds that already had been spent by the municipalities. She said that she would like to be able to take advantage of the grant.

Councilman Clinchy asked if Insite had begun the mapping work. The Supervisor said that Insite had not begun the work that was being proposed although several years ago they received a grant for \$200,000.00 to prepare a Stormwater Retrofit Plan. She continued that was also a collective grant for all of the CKWIC municipalities. She said that Somers was the lead on that grant, as part of that grant and the report that was prepared they looked at three components. The Supervisor said that the components were the retrofits, where they all were with the mapping, what was needed to be done to meet the Stormwater MS-4 heighten requirement and it looked at what type of Regional Entity could be formed to collectively get some of the work done. She said that the Retrofit program had moved along nicely and the Corporation they had formed was

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expecting funding from both Westchester County and Putnam County to do the Retrofits within the next week. Councilman Clinchy asked if the funds came through Somers. The Supervisor said that those funds did not, the grants came through Somers. She said that the reason the grants came through Somers was at the time CKWIC was a coalition of Towns who entered into an IMA to work collectively on the issues. She said since then they had formed a Local Development Corporation that was solely focused on the Retrofit project. The Supervisor pointed out the Somers projects that were connected with that. She said that those projects had been approved by the DEC as part of their plan and the Board had authorized those projects to be designed. She said that they were also using grant money from the DEC for the designs. She said that they needed money to build them and that money was going to the Local Development Corporation and after the projects were designed they would actually be built by the Local Development Corporation.

The Supervisor said that there was a mapping component to the heightened regulations; the regulations require that a Town map their entire conveyance system and in that mapping process they identify the attributes of the system. She said with the GIS program the features were identified and then a lot of description items were given about the features. She said that this was another unfunded mandated heightened requirement that they were required to do. Councilman Clinchy asked if the project was just for Somers. The Supervisor said that it was for CKWIC. Councilman Clinchy asked why the grant money was coming to Somers. The Supervisor said that the grant was given to Somers because they were acting in a regional manner and the DEC wanted to promote a regional approach to this. She said that Somers was taking the lead on that regional approach. She explained that they prepared the plan; they received the grant money for the retrofit work and the mapping. The Supervisor said that they went out and obtained a lot of additional money for retrofit work because it was going to cost about \$3,000,000.00 in the first five years. She said that the DEC had to give the money to a municipal entity, they could not give the money to CKWIC therefore they gave it to Somers on behalf of CKWIC. She said that the design work was being done on Somers' projects but the benefit of the phosphorous removal from the projects counted for all of the Towns. The Supervisor said that the mapping was easier because it was a contract with one Engineering Firm to draw up a plan and a percentage of the money would go to each Town.

Councilman Clinchy asked if the new Town Planner was involved in this process. The Supervisor said that she had been helping her some with the DEC and the work was being done by an outside firm. She said that she had been doing a lot of the work herself because this needed to move forward. She said that the Town Planner would be helping her as the bills from Insite came in; the Town Planner would review them and ensured that they were being billed correctly. Councilman Clinchy said that the Town Planner was a good addition to the Town. Councilman Benedict said that he watched the Planning Board meeting and he was quite impressed with her, she was a good addition to the Town.

Councilman Morrissey asked if it was the Supervisor's anticipation that Insite would complete the mapping for Somers. The Supervisor said that she had hoped that they would, according to the evaluation reports from March of 2010 they were 90% complete with the mapping. She said that if they did not complete the mapping with the grant money the Town would fund the additional work so that they would be completed by January of 2013. She said both Insite and the mapping company that Insite worked with did the mapping for Somers and about five of the others Towns. The Supervisor said that it made sense to use those two groups to finish the work. She said that her anticipation was that they should be able to complete the mapping.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the proposal dated June 14, 2012 from Insite Engineering, Surveying & Landscape Architecture, P.C., for the GIS Mapping services with regard to the East of Hudson (EOH) Stormwater GIS Mapping pending Town Attorney approval and final contract with the New York State Department of Conservation.

PERSONNEL:

Current Vacancies:

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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:

The Green
at Somers
Site Plan

The next item on the agenda was a review and comment with regard to The Green at Somers Site Plan. The Supervisor said that they had been putting this over waiting for the Planning Board's comments and she thought that the Planning Board was only looking at the contracting at the last meeting. She said that she did not think they had a change to further review the project. Councilman Morrissey said that they brought the Affordable Housing up to 50%; his concern was if there was still retail on the bottom of the buildings. The Supervisor said that one of the things that she thought they had been talking about was moving the retail into one building and moving the residential to a separate area on the site. She said that she was interested in what the Planning Board thought of that. Councilman Morrissey said that the site was zoned Neighborhood Shopping and if they segregated the site would that still be in compliance with the Zoning Code. The Supervisor said that would probably require a zoning modification. She said that she thought that the Zoning Code required that the second floor be residential. Councilman Garrity said that they should see what was brought to the Board. The Supervisor said that they should keep an eye on this for now. It was agreed that the Board had no comment to submit to the Planning Board at that time.

Consensus
agenda

The Supervisor said that the next item on the agenda was the consensus agenda. She said that with regard to item number 9, that was being removed from the agenda. She explained that did not need to be placed on the agenda, it was Engineering Fees and they did not have to approve that. Councilman Clinchy asked if item number 19 on the add-on agenda was bid out. The Supervisor explained that they received three proposals and they were recommending the lowest proposal received and that company had done drapery cleaning at the Town House before and the staff was pleased with the work. Councilman Morrissey said with regard to item number 14, Mike Festo of North County Electric and Keating Electric volunteering their time to upgrade the Electrical System at the Library. He said that work was long overdue and he wanted to send their appreciation for doing the work. The Supervisor said that they placed an announcement on the Town website with regard to this; she hoped that people supported the companies that were so generous to the Town. Councilman Benedict said with regard to item number 18, he wanted to congratulate Sergeant Richard Barker for becoming a permanent Sergeant. The Supervisor said that he was a good Sergeant and the Police Chief had been extremely pleased with his work. Councilman Clinchy said with regard to item number 16, he assumed that the Building Inspector had not commented on that item. The Supervisor said that the Town Clerk would send him a resolution requesting that he comment after it had been adopted.

Thereupon motion of Councilman Benedict, seconded by Councilman Clinchy, it was unanimously,

Execute 2011
Memorandum
of Agreement

1. RESOLVED, that the Town Board does hereby authorize Supervisor Murphy to execute the 2011 Memorandum of Agreement with Somers, Lewisboro and North Salem for the Senior Nutrition Program, per memo dated May 23, 2012 from Barbara Taberer, Nutrition Program Director.

Move concrete
water trough
located on
Route 202 to
Bailey Park

2. RESOLVED, that the Town Board does hereby authorize Somers Chamber of Commerce to move the concrete water trough located on Route 202 to Bailey Park for enhancing its visibility as a vestige of Somers rural past and to enhance the Park with plantings per memo dated May 29, 2012 from Historic Properties Board.

Small Claims
Assessment
Reduction
Refund

3. RESOLVED, that the Town Board does hereby authorize a \$272.99 Small Claims Assessment Reduction Refund for parcel known as 27.05-2-17 as stated in the May 18, 2012 memo from Teresa A. Stegner, Assessor.

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Closing of
Capital
Projects

4. RESOLVED, that the Town Board does hereby authorize the closing of the Capital Projects for the Senior Community Center and the Shenorock Park District per memo dated May 30, 2012 from Robert Kehoe, Director of Finance.

Authorize
Capital
Project
Budget

5. RESOLVED, that the Town Board does hereby authorize a Capital Project Budget for the acquisition of the Heritage Hills Infrastructure as follows:

59-510	Estimated Revenues		\$25,000.00
	59-5710	Bond Proceeds	\$25,000.00
59-960	Appropriations		\$25,000.00
	59-8310-400	Contractual	\$25,000.00

BE IT FURTHER RESOLVED, that the Town Board does hereby authorize the Appropriations to be funded through a loan from the General Fund per memo dated May 14, 2012 from Robert Kehoe, Director of Finance.

Go to bid for two (2)
new 8 foot Stainless
Steel Dump Body with
Hoist for the two (2)
recently purchased Cad
and Chassis

6. RESOLVED, that the Town Board does hereby authorize the Superintendent of Highways to go to bid for two (2) new 8 foot Stainless Steel Dump Body with Hoist for the two (2) recently purchased Cad and Chassis per memo dated May 30, 2012 from Thomas E. Chiaverini, Superintendent of Highways.

Hire M.
Cleary for
Summer
Maint. Work
for ASWD

7. RESOLVED, that the Town Board does hereby authorize the hiring of Michael J. Cleary, VI for summer maintenance work with the Amawalk Shenorock Water District at an hourly salary of \$10.00 effective June 4, 2012 per memo dated May 23, 2012 from Adam Smith, Superintendent of Water and Sewer.

Accept
Erosion
Control
Bonds

8. RESOLVED, that the Town Board does hereby authorize the acceptance of the following Erosion Control Bonds per memo dated May 30, 2012 from Wendy Getting, Senior Office Assistant:

\$6,738.00 – Rigdgeview Designer Builders Erosion Control Bond –
16.12-1-41 & 42

9. REMOVED

One year time
extension for The
Somers Estates
Letter of Credit

10. RESOLVED, that the Town Board does hereby authorize a one year time extension for The Somers Estates Letter of Credit No. S93059188 per memo dated May 24, 2012 from Steven Woelfle, Principal Engineering Technician.

Accept
Bonds

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

- a. \$200.00 Blue Haven Pools – Stormwater Management and Erosion and Sediment Control Permit – 4.19-1-16
- b. \$300.00 Rexhepi – Stormwater Management and Erosion and Sediment Control Permit – 37.12-1-10
- c. \$200.00 MacSweeney – Stormwater Management and Erosion and Sediment Control Permit – 18.13-1-36 & 46
- d. \$500.00 Norton/Somers Chase HOA Tree Preservation Permit – 28.06-1-33
- e. \$200.00 Matz Wetland Permit – 17.14-2-9
- f. \$200.00 Gsegnet Stormwater Management and Erosion Control Permit –
5.18-1-16

Release
Bonds

12. RESOLVED, that the Town Board does hereby authorize the release of the following Bonds per memos from Steven Woelfle, Principal Engineering Technician:

- a. \$25.00 Smajlaj Tree Preservation Permit – 18.09-1-2.1
- b. \$100.00 Iorizzo/Anthony Sylvan Pools Corp. Erosion Control Bond –
5.18-1-21
- c. \$100.00 Benefit Options LLC (Durso) Wetland Permit – 5.18-1-44

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- d. \$25.00 Fedele Tree Preservation Permit – 37.12-1-12
- e. \$25.00 Galibert Tree Preservation Permit – 37.05-1-3
- f. \$25.00 Hughes Tree Preservation Permit – 37.12-1-4.1
- g. \$25.00 Leahy Tree Preservation Permit – 36.20-1-30
- h. \$25.00 Mansfield Tree Preservation Permit – 38.13.2-.33
- i. \$25.00 Purpura Tree Preservation Permit – 36.16-2-15
- j. \$25.00 Somoza Tree Preservation Permit – 36.12.-3-3
- k. \$25.00 Gall Tree Preservation Permit – 38.10-1-24
- l. \$100.00 Gall/Daly Wetland Permit – 38.10-1-24
- m. \$25.00 Zherka/Anthony & Sylvan Pools Tree Preservation Permit – 48.09-1-15
- n. \$200.00 Aronoff Wetland Permit – 27.20-1-9
- o. \$25.00 Drankoski and Glen Gate Co. Tree Preservation Permit – 48.17-2-13
- p. \$25.00 Boniello Land & Realty Tree Preservation Permit – 58.12-1-17
- q. \$100.00 Dorbu Steep Slope Permit – 27.18-1-16
- r. \$100.00 Desharnais Wetland Permit – 6.16-1-7.5
- s. \$300.00 Ciano Erosion Control Bond – 5.13-1-16
- t. \$200.00 Meadow Ridge Homes, Inc. Erosion Control Bond – 4.18-1-16
- u. \$200.00 Meadow Ridge Homes, Inc. Erosion Control Bond – 4.18-1-7

Standard
Work Day
and
Reporting

13. **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)
Elected Officials							
Supervisor	Mary Beth Killgannon-Murphy	6	1/1/12-12/31/13	N	20		
Town Clerk	Kathleen R. Pacella	6	1/1/12-12/31/15	N	20		
Town Board	Thomas A. Garrity, Jr	6	1/1/12-12/31/15	N	12.50		
Town Board	Harold R. Bolton	6	1/1/10-12/31/13	N	15.33		
Town Board	Frederick J. Morrissey	6	1/1/10-12/31/13	N	1.08	X	
Highway Superintendent	Thomas E. Chiaverini	6	1/1/08-12/31/13	N	20		
Tax Receiver	Joan Ribaldo	6	1/1/10-12/31/13	N	20		
Judge	Michael J. McDermott	6	1/1/12-12/31/15	N	15.98		
Appointed Officials							
Assessor	Teresa Stegner	7	11/7/11-9/30/13	Y	20		
Parks & Rec Board Chair	James Papa	7	1/7/12-12/31/12	N	1.36		

On this 15th day of June, 2012

Signature: _____ Date enacted: June 14, 2012

I, Patricia Kalba, Deputy Clerk of the governing board of the Town of Somers, of the State of New York, do hereby certify the I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on 14th day of June, 2012, on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consisting of 5 members,

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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.

IN WITNESS WHEREOF, I have hereunto
Set my hand and the seal
Of the Town of Somers.

Res. of thanks
for donation of
electrical work
at Library

14. RESOLVED, that the Town Board does hereby adopt a resolution of thanks to Mike Festo of North County Electric and to Keating Electric for generously volunteering their time to upgrade the electric at the Library.

Call for
Performance
Bond

15. RESOLVED, that the Town Board does hereby adopt a resolution calling for the Performance Bond in the form of Irrevocable Letter of Credit No.: 200743 – 87 Route 6, Baldwin Place, New York in default.

WHEREAS, Diamond Getty, Inc. posted a performance bond in the form of an Irrevocable Letter of Credit issued by Mahopac National Bank No. 200743 in the principal sum of Fifty Thousand (\$50,000.00) Dollars and an addition performance bond in the form of cash in the principal sum of Ten Thousand (\$10,000.00) Dollars all to secure the performance of certain storm drainage and other improvements in connection with its application before the Somers Planning Board during the later part of 2007; and

WHEREAS, the applicant has defaulted in performing the work required to be performed.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Somers hereby declares Diamond Getty, Inc. to be in default of its obligations to complete construction of certain improvements, including construction of a Baysaver Storm Treatment Unit and other requirements with respect to the property located at 87 Route 6, Baldwin Place, N. Y., Town of Somers Tax Map 04.16-1-2 and Town of Carmel Tax Map 86.14-1-1 as shown on plans approved by the Somers Planning Board,; and be it further,

RESOLVED, that the Deputy Town Clerk certify the within resolution, as adopted, and deliver same to the Town's Attorney together with the original letter of credit and that the Town Attorney then be directed to file said documents with the Mahopac National Bank accordingly and direct payment of the proceeds directly to the Town of Somers Office of the Supervisor; and be it further,

RESOLVED, that upon receipt of the bond proceeds that the Town Engineer's Office prepares the necessary specifications and bid documents to have the work required to be performed and completed and to coordinate with the property owner concerning same.

Refer out
recommendation for
reduction of
Building Permit fees

16. RESOLVED, that the Town Board does hereby refer recommendation for reduction of Building Permit fees for solar and renewable energy improvements to the Building Inspector for review and comment.

RFP for
Auditing
services

17. RESOLVED, that the Town Board does hereby authorize the circulation of a Request For Proposals (RFP) for Auditing services for the Town of Somers for the years 2012 thru 2016

Appoint R.
Barker as
permanent
Sergeant of
the Somers
Police Dept.

18. RESOLVED, that the Town Board does hereby terminate probationary status of Richard Barker as Sergeant of the Somers Police Department effective June 13, 2012 and does hereby appoint him as permanent Sergeant of the Somers Police Department per memo dated June 13, 2012 from Michael W. Driscoll, Police Chief.

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Curtain
cleaning for
the Town
House and
Annex

19. RESOLVED, that the Town Board does hereby authorize the cleaning of all curtains in the Town House and Annex buildings by Gene's Carpet Cleaning Services in the amount of \$640.00 per e-mail memo from Wendy Getting, Senior Office Assistant.

Councilman Garrity said that June 30th was the Independence Day Celebration at Reis Park. He said this was an all-day event; there were some new things going on which included some family events. Councilman Morrissey said there would be Family Competitions this year. Councilman Garrity said that there would be fireworks and the Lion's Club would be cooking food, as always. He said that this was always one of the best days in Somers. He said that they were hoping that the weather would cooperate and everyone would come join them at the Park for this fun day. Councilman Clinchy said that the Town was still accepting donations for the Fireworks fund.

Councilman Benedict said as it was stated at the Work Session, he wanted to thank the Town for a successful Relay For Life, which made the Town proud. The Supervisor said that they did have a successful event and they had a Town they could be proud of.

The Supervisor said that she wanted to remind everyone that it was Flag Day. She said that they should honor the flag, fly it proudly and fly it high. She said that this was a great Nation and they were very blessed to be a part of it. The Supervisor said that they should also remember the people that fought to keep us as safe as we were.

Councilman Clinchy said that those who fought were at Reis Park playing softball. Councilman Garrity said in a double header All-Star Softball game. He explained that there were men from all over the Country, who were in all branches of the United States Armed Forces playing against the Somers Men's Softball League All-Stars.

Claims for the payment of all Town Bills in the amount of \$ 469,792.64 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 Benedict, the meeting was declared closed at 8:45 PM.

Deputy Town Clerk