

JULY 7, 2011 – WORK SESSION/REGULAR MEETING

Minutes of a work session/regular meeting of the Town Board of the Town of Somers held on Thursday evening July 7, 2011 at 7:00 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
 Councilman Thomas A. Garrity, Jr.

ABSENT:

Also present were Kathleen R. Pacella, Town Clerk, Patricia Kalba, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

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

Thereupon motion of Councilman Garrity, seconded by Supervisor Murphy, the meeting was adjourned at 7:00 PM to an executive session to discuss personnel, to return that evening.

7:40 PM meeting reconvened

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.

7:41 PM – hearing opened
7:42 PM – meeting reconvened

The Supervisor said that it was in order to open a public hearing with regard to the proposed amendment of amend §170-3 entitled Definitions and § 170-40 A. & B. entitled Required Number Of Off-Street Parking And Loading Units of the Code of the Town of Somers.

7:43 PM – hearing opened
7:44 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 with regard to the proposed amendment of §170-3 entitled Definitions and § 170-40 A. & B. entitled Required Number Of Off-Street Parking And Loading Units of the Code of the Town of Somers.

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

RESOLVED, that the Town Board does hereby adopt a Short Environmental Assessment Form and a Negative Declaration with regard to the proposed amendment of §170-3 entitled Definitions and § 170-40 A. & B. entitled Required Number Of Off-Street Parking And Loading Units of the Code of the Town of Somers.

The Supervisor said that it was in order for the Board to adopt a Local Law with regard to the proposed amendment of §170-3 entitled Definitions and § 170-40 A. & B. entitled Required Number Of Off-Street Parking And Loading Units of the Code of the Town of Somers.

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

RESOLVED, that the Town Board does hereby adopt a Local Law amending §170-3 entitled Definitions and § 170-40 A. & B. entitled Required Number Of Off-Street Parking And Loading Units of the Code of the Town of Somers as follows:

A Local Law to amend Chapter 170 entitled Zoning of the Code of the Town of Somers.

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

1. Section 170-3 entitled Definitions is hereby amended to add the following:

CONVENIENCE STORE - A retail store generally containing less than 4,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers. It is designed to attract a large volume of stop-and-go traffic and is often times associated with a gasoline filling operation.

GASOLINE STATION- A facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides, and minor automobile accessories. In addition, such facility must provide minor vehicle servicing, minor repairs, and maintenance, and may provide engine rebuilding.

GASOLINE FILLING OPERATION- A facility limited to retail sales to the public of gasoline, motor oil, lubricants, and motor fuels.

PERSONAL SERVICE ESTABLISHMENT- An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops, shoe repair shops, and tailor shops.

RETAIL STORE- A business having as its primary function the supply of merchandise or wares to the end consumer. Such sales constitute the “primary function” of the business when such sales equal at least 80 percent of the gross sales of the business.

2. § 170-40 A. & B. entitled Required number of off-street parking and loading units. Required off-street parking units and loading units are hereby amended in their entirety to read as follows:

A. One-family residence districts.

	Required Parking Units (PU)	Required Loading Units (LU)
Kind of Use		
One-family dwelling (basic)	2	
Each 2 lodgers or boarders (additional)	1	
Each home occupation (additional)	1	
Each professional person maintaining office hours for consultation (additional)	2	
Place of worship, parish house or religious school, for each 5 seats (basic)	1	
Rectory, parsonage or religious office (basic)	2	

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Hospital, nursing home or home for the aged (basic)	1		
Each 3 beds (basic)	1		
Each member of medical		Required Parking Units (PU)	Required Loading Units (LU)

Kind of Use

or nursing staff (additional)	1		
Each 2 service employees (additional)	1		
Golf or country club:			
Each 3 members (basic)	1		
Each 2 employees (additional)	1		
Other clubs, each 5 members or each permanent seats or 200 square feet of floor area, whichever unit of measure is most appropriate to the customary use thereof as determined by the Board of Appeals (basic)	5		
Auditorium, stadium or other place of occasional assembly, for each 5 seats (basic)	1		
Schools and other public buildings:			
For each 5 auditorium seats (basic)	1		
Each 2 employees (additional)	1		
Nursery school, each 5 seats (basic)	1		
Each special permit use		As provided in Article XII	

B. Business Historic Preservation B-HP, Neighborhood Shopping NS, Community Shopping CS, Planned Hamlet PH, and Office and Light Industry Districts.

		Required Parking Units (PU)	Required Loading Units (LU)
Kind of Use			
Art galleries and museums			
Each 300 square feet	1		
Bank			
Each teller station	5		
Each 200 square feet of gross			

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floor area (whichever is greater)	1		
Bed-and-breakfast establishment (basic)	1		
Each guest sleeping room (additional)	1		
Each nonresident employee (additional)	1		
Each 2 seats or 75 square feet of gross floor area in dining area that are available to nonregistered guests, whichever is greater (additional)	1		
Child/adult day-care facility			
Each 1,000 square feet of gross floor area and	1		
Each employee	1		
Commercial nursery or greenhouse, each 1,000 square feet of area devoted to commercial nursery or greenhouse use			
Congregate care facility	As provided in § 170-66		
		Required Parking Units (PU)	Required Loading Units (LU)
Kind of Use			
Convenience Store			
Each 200 square feet of gross floor area	1		
First 10,000 square feet of gross floor area or major fraction thereof (basic)			1
Gasoline station	10		
Gasoline Filling Operation			
Each 200 square feet of gross floor area of associated convenience store/retail store	1		
Health and fitness center, each 50 square feet of gross floor area	1		
Medical, dental and veterinary office, each 150 square feet of gross floor area	1		
Office space:			
Each 250 square feet of gross floor area	1		

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First 10,000 square feet of gross floor area or major fraction thereof (basic)		1
Each additional 100,000 square feet of gross floor area or major fraction thereof		1
	Required Parking Units (PU)	Required Loading Units (LU)
Kind of Use		
Personal Service Establishment:		
Each 200 square feet of gross floor area	1	
First 10,000 square feet of gross floor area or major fraction thereof (basic)		1
Next 25,000 square feet of gross Floor area or major fraction thereof		1
Each additional 50,000 square feet of gross floor area or major fraction thereof		1
Restaurant		
Each 2 seats or each 75 square feet of gross floor area (whichever is greater)	1	
Retail <i>Store</i>		
Each 200 square feet of gross floor area	1	
First 10,000 square feet of gross floor area or major fraction thereof (basic)		1
Next 25,000 square feet of gross Floor area or major fraction thereof		1
Each additional 50,000 square feet of gross floor area or major fraction thereof		1
Theater or motion-picture theater, each 3 seats	1	
	Required Parking Units (PU)	Required Loading Units (LU)
Kind of Use		
Undertaking establishment		1
Each 50 square feet of assembly		

room area or each 4 chapel
seats (whichever is greater)

1

Permitted residential uses	As provided in §§ 170-12D(5) and 170-40A of this chapter
Other uses not listed	Off-street parking requirements for types of uses that do not fall within the categories listed above shall be determined by the Town Board, after recommendation by the Planning Board, and adopted as an amendment to this chapter § 170-40.

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:

Mr. Mark Koppel, 41 Route 116, said that he wanted to thank those who supported marriage equality. He said that as they knew it passed with the help of Republicans and he felt better saying the Pledge of Allegiance. He said that they still did not have Federal rights although that may be coming. Mr. Koppel said for those who were against the marriage equality in the future they would see that there was absolutely no negative effect on the traditional marriage and the sanctity of marriage. He said that Massachusetts has had marriage equality since 2004 and the State was doing just fine. He said that he had heard wonderful things with regard to Angle Fly and was looking forward to using it. He said that he wanted to make his usual pitch for the Town to buy whatever land was valuable environmentally. Mr. Koppel said that he knew it was not a good time as far as taxes however the land was inexpensive. He suggested that the Board consider conducting a referendum with regard to a Bond to buy land to keep Somers the way it was. He said that he thought that people would vote for that. Mr. Koppel said that he was able to end a crisis that he was sure that the Board did not know existed. He explained that someone put up two signs advertising the Melrose School on Route 116. He said that he called the School and told them that the signs were not allowed in Somers and they were removed by that afternoon. Mr. Koppel wanted to thank the Melrose School for their cooperation. He said that he cared about all signs and keeping Somers as nice as it does. Councilman Morrissey thanked Mr. Koppel for taking the initiative to have the signs removed. Mr. Koppel thanked the Board for the job that they did, everyone does appreciate it.

Dr. Henry Olsen, 652 A Heritage Hills, asked with regard to the proposed amendment that the Board had just passed if that dealt with Repair Stations. The Supervisor said that it did not; it actually distinguished between Repair Stations and Gasoline Stations. Dr. Olsen asked if anyone had looked into the situation relative to the Repair Station on Route 202. The Supervisor explained that the purpose of the amendment was to address a Convenient Store situation, the facility that Dr. Olsen was referring to was a prior non-conforming use. Dr. Olsen said that his concern was that there were an awful a lot cars there all the time. He said that he understood that it was a business, but it was always packed. He asked if that was allowable. The Supervisor explained that they were not allowed to park on the street, she knew that they did sometimes and the Building Inspector had been there on numerous occasions to address the situation. She said that if they were parking on the street again she will send the Building Inspector back. Dr. Olsen asked if they had been fined. The Supervisor said that they had not been fined, the Building Inspector went there and they complied. Dr. Olsen asked if that was the action. The Supervisor said that compliance was always what the Town looked for. She said that a fine from the Judge was pointless if the street was lined with cars. She said that if it occurs again she will send someone back. The Supervisor said that there were cars there that park off the street. Dr. Olsen asked if there was a limit to the number of cars that

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could be parked there; there were a huge number there all the time. The Supervisor said that she did not believe that there was a limit. Councilman Bolton asked if Route 202 was a State Road. The Supervisor said that it was a State Road. Councilman Bolton suggested the Dr. Olsen take his complaint to the State. Councilman Garrity said that it was a prior non-conforming use. Dr. Olsen said that he understood that although the number of cars that were parked there was enormous. He said that because it was non-conforming that meant that they could do whatever they wanted. The Supervisor said that it meant that they needed to continue to do what they had done in the past. She said that she would follow up on this again. She said that it had been addressed before; she knew that they used the parking lot across the street and then it seems to become an issue again. Dr. Olsen said that this was an eyesore in the Hamlet. Councilman Clinchy asked the Town Attorney if there was an avenue that the Town could take with regard to this. The Town Attorney said that there was not. He explained that the only way to address it was that sometime it will come before the Board for something and they will be able to impose a site permit, until that happened the Town had a situation that they could not do too much about. He said that they certainly could control their off site use. Councilman Bolton said that certainly the parking on a State Road was governed by the State and Dr. Olsen could contact them. He asked if tickets could be issued. The Town Attorney asked if it was not a no parking zone. The Supervisor said that it was a no parking zone. She said that she was not sure if it was labeled or if there were signs there but it was a no parking zone. She said that Dr. Olsen's concern was not only parking on the street, which she thought that the Town had pretty effectively addressed. The Supervisor said that there were a lot of cars parked in the alley that was there and as many as possible off the road. Councilman Morrissey asked at what point did the existing non-conforming statues end. The Supervisor said it ended after a year of being out of business.

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

The Supervisor said that the first item on the agenda was a discussion with regard to Capital Renovations and Improvements. She said that Councilman Clinchy and Councilman Morrissey had been working on this and they have obtained the volunteer professional services of one of the Town's residents. She said that they were all familiar with Mr. Russ Davidson of KG&D Architects, because of his past work for the Town and the School. Councilman Clinchy said that their goal for that evening was to update the Board about the work that they had done. He said that they had gone about as far as they could go with the project to preserve the infrastructure of the Town. He explained that they had spent several hundreds of hours working on this. Councilman Clinchy said that they had started with the things that the different Departments had submitted in response to the Supervisor's request. He said that from that Councilman Morrissey and himself went out and spoke to the different Departments to see what people had been noticing that needed to be improved. He said that they collected all of the information and then it became obvious that they needed some professional help. Councilman Clinchy continued that they had put a list together and they prioritized the list. He said that they identified safety, capital preservation and improved services. He said within that they looked for items that would result in energy reduction and cost savings and they indentified several areas where that could be done. Councilman Clinchy gave an example at the Van Tassell House. He said that they wanted to update the Board and then see what direction the Board wanted to go in. He said that they had spoken to the Town's Financial Planner and they were told that this was an ideal time. Councilman Clinchy said that if they wanted to have some of the projects completed before the winter they have to start the bonding process as soon as possible. He said that he mentioned that they were as far as they could to Mr. Davidson and he volunteered to take a look and point out what the next steps were. Councilman Morrissey said that this was all predicated on the Board's acknowledgement that since the money was inexpensive to borrow at this point, now would be the time to purchase a bond to protect the Town's capital investments. Councilman Morrissey said that they needed to pull together what they could do and get an estimate so that they would know the amount of the bond.

Mr. Russ Davidson of KG&D Architects said that they had been doing this type of work all across the County. He said that when Councilman Clinchy came to him and explained what they were doing the process called Buildings Condition Survey a 5 year Capital

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Plan immediately came to mind. He said that this was something that was legally required of every Public School in New York State. Mr. Davidson explained the survey, how it worked, and the benefit. He said that based on the initial list that Councilman Clinchy had given him he assembled a team of people, all who know the Town's facilities. He said that the first step was in the proposal that he had submitted. Mr. Davidson explained that it was a needs assessment, concept and a budget. He said that it was not a complete design. Discussion ensued with regard to Mr. Davidson proposal. Councilman Morrissey thanked Mr. Davidson for putting the proposal together. Mr. Davidson said that he was happy to help. He suggested that the Board get things started by mid August to have things done by the fall. The Supervisor asked Councilman Clinchy and Councilman Morrissey what they were looking for the Board to do. Councilman Clinchy said if they were going to go forward the next step would be to go to bond in September they would have to engage in the plan and cost and that would be where they would need someone like Mr. Davidson to put that together. He said that if they wanted to have some of the things done by this winter that was the time frame. The Supervisor said that they were looking for the Town to retain Mr. Davidson. Councilman Clinchy said that if they were going to go forward, that was the next step. The Supervisor suggested that they take an opportunity to review the proposal. Councilman Garrity asked if they legally needed to obtain other proposals. The Town Attorney said that they legally did not have to get additional proposals. It was agreed that the Board would review the proposal submitted by Mr. Davidson. The Supervisor said that she would place this on the agenda next month.

Monthly reports

The Town Clerk presented monthly reports from the Town Clerk, Building Inspector, Director of Finance, Parks and Recreation, Tax Receiver, Planning and Engineering, Zoning, Plumbing and Bureau of Fire Prevention. She also announced that pursuant to Section 64, Subdivision 2a of the Alcoholic Beverage Control Law, Mama Rosa Restaurante, LLC, located at 252 Route 100 was applying for a liquor license.

Revision to Chapter 90, Entertainment, Place of

The next item on the agenda was a proposed revision to Chapter 90, Entertainment, Place of; the Code of the Town of Somers. The Supervisor said that she asked the Town Attorney to draft an amendment with regard to noise. She said as everyone was aware there had been concerns expressed with regard to the Road House Tavern located on Route 118. She said that there had been a number of residents who expressed concern about the amount of noise that was emanating from the establishment. The Supervisor said that she asked the Town Attorney to tighten up the Entertainment Code to address those issues. She suggested that they schedule a public hearing with regard to the proposed revision. Councilman Bolton asked the Town Attorney if when he wrote the revision if he could include limitations of the decibel levels. He said that the revision very broadly addressed the noise. He said that he had spoken to some of the residents and he felt badly for them. The Town Attorney said that the problem with doing that was the Town would have to purchase the equipment to measure the decibels and the Policemen would have to be trained to use it. Councilman Bolton said that he did not want the law coming into effect and not be applicable to the problem. Councilman Garrity said that section B of the revision should cover the noise. The Town Attorney said that basically the noise should not be audible off of the property. Councilman Garrity asked the Town Attorney what the enforcement was for this. The Town Attorney said that there could be a daily fine for each incident, the Police have to enforce and be vigilant that everyday was a new offense. Discussion ensued with regard to the fines and enforcement. Councilman Clinchy asked if this was going to create an issue for the residents who have a party in their yards. The Town Attorney said that this only applied to commercial property.

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

RESOLVED, that the Town Board does hereby authorize the scheduling of a Public Hearing for Thursday, August 11, 2011 for the proposed revision to Chapter 90, Entertainment, Places of; of the Code of the Town of Somers regarding noise.

Use of Recreation Fees

The Supervisor said that the next item was to discuss the use of Recreation Fees to secure an engineer to conduct perk tests for a small septic system for a future concession stand.

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She said that when the idea first came to the Board to place a concession stand in the park the Board did not like the proposed location. She continued that the Parks and Recreation Board had been discussing where to move it based on the Town Board's comments and as a result of that it cannot be hooked into the existing septic system. She said that they needed to put in a small septic system for the concession stand and they were asking for the resources to find a good spot for that. Councilman Garrity said that he had been to some of the Parks and Recreation Board meeting and was in the Park daily and he was all for this idea. Mr. Jim Papa, Parks and Recreation Board Chair, said that they had chosen a location near the play area across from the gazebo. He said that they were going to look at the whole area and choose the best location.

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

RESOLVED, that the Town Board does hereby authorize the use of Recreation Fees (not to exceed \$5,000.00) to secure an engineer to conduct perk tests for a small septic system for a future concession stand per memo date June 30, 2011 from James Papa, Chairman of the Parks & Recreation Board.

Wireless
Facilities
Consultant

The next item on the agenda was with regard to a Wireless Facilities Consultant. The Supervisor said that the Board had received a memo from the Town Planner. She explained that originally she had thought that it would be better to have one contract with the Consultant, after the Town Planner obtained additional information, as they could see that she laid it out in the memo the reasons why they should not have just one. The Supervisor said that she liked to deal with one consultant because then there was one person responsible. She said given the information that the Town Planner provided she wanted to bring this to the Board before a final decision was made. Councilman Bolton asked if they would be saving money by breaking it up. The Supervisor said that she did not think that they would be saving money although the Town Planner pointed out that there were services that were similar to her role as the Town Planner and the Town might not need those services, they might not want or need the services of the visual person and there was also a lawyer and the Town had their own Attorney. She said that they needed to be careful that they were not charging an applicant for more than one person doing the same thing. Councilman Morrissey said that he agreed that they should go with the individual contracts. The Supervisor said that it was agreed that they should go with the individual contracts.

School
traffic

The Supervisor said that next item on the agenda was School traffic discussion. She said that they received a memo from the Bureau of Fire Prevention asking for the drafting of legislation to designate fire lanes at the Schools. She said that she spoke to the School District and they were on board with the plan. The Supervisor asked the Town Attorney to draft the legislation and they would schedule the public hearing at this time as well. She said that they had also received a request to adopt a resolution in support of a letter from the School District with regard to some safety issues that they would like to see addressed to the Department of Transportation.

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

RESOLVED, that the Town Board does hereby authorize the scheduling of a Public Hearing for Thursday, August 11, 2011 for the designation of fire lanes at Somers Central School District (all four campuses) per memo dated May 31, 2011 from the Somers Bureau of Fire Prevention.

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

RESOLVED, that the Town Board does hereby adopt a resolution in support of letter dated June 16, 2011 from Joseph Bernardi, Somers School District Director of Transportation/District Safety, to New York State DOT.

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Appoint D. Smith
Town Historian

The Supervisor said that she would like to appoint Ms. Doris Jane Smith as Town Historian effective July 11, 2011. She said that she wanted to share with the Board that Ms. Smith did a test run at the Independence Day Celebration. She said that they had visitors from Somers Pointe, New Jersey and with the help of Mr. Arnold Guyot they had the best time talking about the Town. The Supervisor said that they will be sending a contingent of Somers people to Somers Pointe, New Jersey in the fall. Councilman Garrity said that he thought Ms. Smith was a fantastic choice for the Town Historian, she was very knowledgeable about the Town and has been a long time resident.

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

RESOLVED, that the Supervisor announces the appointment of Doris Jane Smith as Town Historian effective July 11, 2011.

Annual Salary for Town Historian

The Supervisor said it was in order for the Town Board set the annual salary for the Town Historian.

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

RESOLVED, that the Town Board does hereby set the annual salary for Town Historian, Doris Jane Smith in the amount of \$5,774.00 payable bi-weekly effective July 11, 2011.

VOTE: Aye Murphy, Clinchy, Garrity, Morrissey
 Opposed Bolton

Councilman Bolton said that he felt that the salary was too high. He said that most Towns that he had questioned about the salary level for that position was not even paid. The Supervisor said that it was a reduction from what the prior Town Historian was receiving. Discussion ensued with regard to the salary and the position.

Memorial Ceremony Committee for 10th Anniv. Of 9/11

The Supervisor said that she was speaking to Chief Driscoll and they were going to start a committee for a Memorial Ceremony this year for the 10th Anniversary of 9/11. She said that people in the Town lost their lives and the ceremony was to memorialize them. She said that the first meeting will be on July 14th at 3:00 PM at the Town House. The Supervisor said that all were welcome to attend that meeting. She said that she would be reaching out to the Fire District and asked Councilman Bolton to reach out to the Veterans on behalf of the Town.

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 Environmental Committee

Upcoming Vacancies:

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

The Supervisor announced that the Energy and Environment Committee was looking for new members. She said that they were particularly interested in people who were interested in waste management and in air and water quality. She said that they were looking for people who had some time and wanted to volunteer.

Sumer Maintenance Workers for P&R

The Supervisor said it was in order to authorize the hiring of Summer Maintenance Workers for Parks and Recreation.

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

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RESOLVED, that the Town Board does hereby authorize the hiring of the following per memo dated June 27, 2011 from Steven Ralston, Superintendent of Parks & Recreation:

Eric, Chanin, Eric Friedman and Paul Friedman as Summer Maintenance Workers (for weekend cleanup) at an hourly rate of \$10.00 effective July 9, 2011.

Resignation
of E.
Kalpaxis,
Bookkeeper

The Supervisor said that it was in order acknowledge the resignation of Eileen Kalpaxis, Bookkeeper. She said that that she worked for the Town for about 10 years and she did an excellent job. She said that Eileen will be missed.

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

RESOLVED, that the Town Board does hereby acknowledge with regret the retirement of Eileen Kalpaxis, Bookkeeper effective June 25, 2011.

Summer
Intern for
Court
Office

The Supervisor said that it was in order to authorize the hiring of a Summer Intern for the Court Office.

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

RESOLVED, that the Town Board does hereby authorize the hiring of Julie Haraca, as a summer intern in the Court Office at an hourly rate of \$8.00 effective June 16, 2011, per memo dated June 10, 2011 from the Honorable Denis J. Timone, Town Justice.

Appoint S.
Woelfe –
Principal
Engineering
Tech.

The Supervisor said that it was in order to appoint Steven Woelfe to the position of Principal Engineering Technician.

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

RESOLVED, that the Town Board does hereby appoint Steven Woelfe to the position of Principal Engineering Technician effective June 6, 2011 at the current yearly salary of \$69,525.00 – no change. Per Civil Service rules and regulation he will maintain probationary status until August 29, 2011, per memo dated June 29, 2011 from Mary Beth Murphy, Supervisor.

Appoint S.
Flynn to
Conservation
Board

The Supervisor said that it was in order to appoint Stephen Flynn to the Conservation Board to a term ending March 13, 2015.

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

RESOLVED, that the Town Board does hereby appoint Stephen W. Flynn to the Somers Conservation Board for a two (2) year term replacing Eric Evans to a term ending March 15, 2012.

Consensus
Agenda

The next item was the consensus agenda. The Supervisor said with regard to item number 4 she would recuse from voting on this matter. She explained that she was on the Board of Directors of Opengate.

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

Refer out
the
donation of
property
request

1. RESOLVED, that the Town Board does hereby refer request to donate 16, 18, & 20 Myrtle Drive (known as tax map 5.19-1-21, 22 & 23) to Parks & Recreation Board, Highway Superintendent, Conservation Board and Planning & Engineering for review and comment, per letter dated June 28, 2011 from Bryan Miller & Elizabeth Ferszt-Miller.

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Petition to waive
residency
requirement to
Assistant Court
Clerk

- 2. RESOLVED, that the Town Board does hereby move to petition the State Senate under Municipal Home Rule for a waiver of the residency requirement that the position of Assistant Court Clerk be a resident of the municipality in and by which they are employed, per memo dated June 27, 2011 from Mary Beth Murphy, Supervisor.

Release
Erosion
Control
Bonds

- 3. RESOLVED, that the Town Board does hereby authorize the release of the following Erosion Control Bonds per memos from Steven Woelfle, Principal Engineering Technician:
 - a. \$500.00 Greenbriar Somers Corp. Steep Slope Permit – 6.11-1-5
 - b. \$500.00 Greenbriar Somers Corp. Steep Slope Permit – 6.11-1-3
 - c. \$500.00 Greenbriar Somers Corp. Steep Slope Permit – 6.11-1-15
 - d. \$500.00 Greenbriar Somers Corp. Steep Slope Permit – 6.15-2-3,4
 - e. \$100.00 Wagner Steep Slope Permit – 17.17-2-7
 - f. \$500.00 DeVita Steep Slope Permit – 8.09-1-10
 - g. \$200.00 Westfair Pools & Supplies, Wetland Permit – 37.12-1-4.21
 - h. \$200.00 Rios Steep Slope Permit – 37.15-1-25
 - i. \$300.00 Armato Wetland Permit – 47.12-1-52
 - j. \$200.00 Kristensen Steep Slope Permit – 26.15-1-17
 - k. \$200.00 DeSanto Stormwater Management Permit – 6.15-2-52
 - l. \$25.00 Benzenberg Tree Preservation Permit – 5.15-1-36
 - m. \$25.00 Lomio Tree Preservation Permit – 5.18-1-58
 - n. \$25.00 Safris Tree Preservation Permit – 5.19-3-38
 - o. \$25.00 Grasso Tree Preservation Permit – 16.12-1-12
 - p. \$25.00 Kittredge Tree Preservation Permit – 16.14-1-20
 - q. \$25.00 Repp Tree Preservation Permit – 16.20-2-30
 - r. \$25.00 Hogan Conctrct. Inc. Tree Preservation Permit – 17.08-2-30
 - s. \$25.00 Pires Tree Preservation Permit – 18.09-1-6
 - t. \$25.00 Ford Tree Preservation Permit – 26.08-2-4
 - u. \$25.00 Delfa Tree Preservation Permit – 26.20-2-7
 - v. \$25.00 DeLasho Tree Preservation Permit – 27.09-2-6
 - w. \$25.00 Olsen Tree Preservation Permit – 27.10-1-9
 - x. \$25.00 Varbero Tree Preservation Permit – 27.16-1-17
 - y. \$25.00 Laaraj Tree Preservation Permit – 38.09-2-20
 - z. \$25.00 CJC Assoc.L.P. Tree Preservation Permit – 48.17-1-17

Refund
SEQRA
Professional
Fees

- 4. RESOLVED, that the Town Board does hereby authorize a refund in the amount of \$945.08 SEQRA Professional Fee for the Opengate Site plan per memo dated June 24, 2011 from Sabrina Charney Hull, Town Planner.

Budget
Modifications

- 5. RESOLVED, that the Town Board does hereby authorize the following budget modifications per memo dated June 28, 2011 from Mary Beth Murphy, Supervisor:

RESOLVED, that the Town Board does hereby authorize a budget modification for 2010 chargeback by the Westchester County Board of Elections which was more than anticipated per memo dated June 20, 2100 from Kathleen R. Pacella, Town Clerk:

From: 1450.4 – Elections – Contractual
 To: 1450.41 – Elections – Contractual Westchester County \$206.45

RESOLVED, that the Town Board does hereby authorize a budget modification to provide funding for unpaid real property taxes (2010 County/Town, etc, and 2010-2011 School) on the five properties foreclosed in 2011 per memo dated June 30, 2011 from Joan E. Kachmarik, Director of Finance:

From: 001-1990.4 – Contingency
 To: 001-1950.4 – Special Items – Property Taxes, Town Owned Prop.
 \$20,041.20

JULY 7, 2011 – WORK SESSION/REGULAR MEETING

RESOLVED, that the Town Board does hereby authorize a budget modification for snow damages to the Men's Softball field shade structure (\$1,440.00) and vehicle damage to the Reis Park entrance gate (\$315.00,) per memo dated June 27, 2011 from Steven Ralston, Superintendent of Parks and Recreation:

From: A-911 – Insurance Reserve
To: A7110.4 – Parks – Contractual \$1,755.00

RESOLVED, that the Town Board does hereby authorize a budget modification for donation from the Somers Lions Club to assist with funding for senior special event programs, per memo dated June 27, 2011 from Steven Ralston, Superintendent of Parks and Recreation:

From: A2709 – Gifts & Donations
To: A7140.4 – Instructional/Special Programs – Contractual \$1,000.00

RESOLVED, that the Town Board does hereby authorize a budget modification to increase the 2011 budget for the receipt of NYSERDA grant funds that will be used to pay the Energy Managers for completion of "Milestone 2", per memo dated June 15, 2011 from Joan E. Kachmarik, Director of Finance:

From: 001-3090 – State Aid – Other, General
To: 001-8160.42 – Energy & Environment – Contractual, Energy \$20,000.00

Installation
of Boiler in
the Annex

6. RESOLVED, that the Town Board does hereby award proposal for the installation of the Annex Building Boiler to C. F. Air Conditioning & Heating, Inc. in the amount of \$7,000.00 per memo dated June 30, 2011 from Barbara J. Sherry, Confidential Secretary to the Supervisor. The proposals received were as follows:

- a. Susa Plumbing & Heating - \$7,600.00
(additional \$750.00 to go "green".)
- b. Farinella Plumbing & Heating - \$7,300.00.
- c. C. F. Air Conditioning & Heating, Inc. - \$7,000.00.

Schedule
public
hearing for
stop signs

7. RESOLVED, that the Town Board does hereby authorize the scheduling of a Public Hearing for Thursday, August 11, 2011 regarding request for stop signs at the following intersections:

- a. Entrance Way East and Lake Way (4-way) and/or
- b. Entrance Way East and Central Way (3-way) and/or
- c. Entrance Way East and Inter Way (3-way) and/or
- d. Entrance Way West and Ridge Way and/or
- e. Entrance Way West and Fair Way

Bid for
culvert on
Lakeview
Drive

8. RESOLVED, that the Town Board does hereby authorize the Superintendent of Highways to go to bid for one 3 ft. X 10 ft. concrete culvert to be delivered to Lakeview Drive, Shenorock, NY per memo dated June 29, 2011 from Thomas E. Chiaverini, Superintendent of Highways.

Accept
Erosion
Control
Bonds

9. RESOLVED, that the Town Board does hereby accept the following Erosion Control Bond per memo dated July 1, 2011 from Wendy Getting, Senior Office Assistant:

\$500.00 – Gebhardt Tree Preservation & Stormwater Management & Erosion and Sediment Control.

JULY 7, 2011 – WORK SESSION/REGULAR MEETING

Scholarship
donation
for Day
Camp from
Lions Club

10. RESOLVED, that the Town Board does hereby accept with gratitude donation from the Somers Lions Club in the amount of \$3,300.00 to provide scholarships for Day Camp participants per memo dated June 27, 2011 from Steven Ralston, Superintendent of Parks and Recreation.

Mileage
reimbursement
rate

11. RESOLVED, that the Town Board does hereby authorize reimbursement for Town Officers and employees at \$.55.5 per mile as set by the Internal Revenue Service for use of their own automobiles when on official town business effective July 1, 2011 through December 31, 2011 per notice received from IRS.

Funds
transfer

12. RESOLVED, that the Town Board does hereby authorize the following per memo dated July 5, 2011 from Joan E. Kachmarik, Director of Finance:

54-510 – Estimated Revenues		\$2,075,000.00
(054-5710) Serial Bond Proceeds		\$2,062,600.90
(054-0237) Interest		\$ 12,399.10
54-960 – Appropriations		\$2,075,000.00
(054-5110-400) Administration		\$ 50,000.00
(054-5110-401) Contractual		\$2,025,000.00

Reimbursement
from Insurance
Reserve

13. RESOLVED, that the Town Board does hereby authorize reimbursement in the amount of \$1,000.00 from 1931.4 – Insurance Reserve to 3120.4 – Police Contractual for repair of Police Vehicle #7K-386 per memo dated July 6, 2011 from Michael W. Driscoll, Chief of Police.

The Supervisor said that the Independence Day Celebration was held last Saturday. She said that it was a wonderful time. She said that they honored IBM of their 100th Anniversary and Pepsi was very involved in the Celebration this year. She said that they provided a lot of resources for the Town and they helped make the day exciting. The Supervisor said that the Parks and Recreation Superintendent as always did a fantastic job. She said that the Lions, Police, Fire Department, the Women’s Club and all of the organizations in the Town made it a great day. She said that they raised almost as much as they needed for the fireworks and they were still accepting donations. The Supervisor said all in all it was a wonderful day.

Claims for the payment of all Town Bills in the amount of \$926,549.18 were presented and allowed for payment as shown on the Abstract of Audited Claims on file in the office of the Town Clerk.

Thereupon motion of Supervisor Murphy, seconded by Councilman Garrity, the meeting was adjourned at 9:05 PM.

Town Clerk