

JULY 8, 2010 – 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 8, 2010 at 7:35 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT: Supervisor Mary Beth Murphy
 Councilman Richard G. Clinchy
 Councilman Frederick J. Morrissey
 Councilman Thomas A. Garrity, Jr.

ABSENT: Councilman Harold R. Bolton

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

PUBLIC COMMENT:

Mr. Dennis DiSanto, President of the Shenorock United Owners Association, said since the last Board meeting in June there had been a lot of activities in Shenorock and he wanted to update the Board with regard to that. He said that there were people who volunteered to help to move forward and they had a meeting to discuss a plan of action. He said that they distributed the beach plan and a question and answer sheet throughout Shenorock, they tried to get that to every residence, they also tried to define what a Park District was. Mr. DiSanto said that they did a postcard mailing to every resident and there were signs posted throughout Shenorock scheduling some informational meetings at the Clubhouse, there was going to be an Ice Cream Social by the Lake and they started a Facebook page and an e-mail list. He continued that one of the residents contacted over 200 local Realtors and surveyed them with regard to the impact the development of the lake would have on property values. He said that 100% of the responses were in agreement that the property values will rise if the improvements were made. Mr. DiSanto read Realtor Cindy Haas' response to the Board. He said that he spoke with Mr. Joe Barbagallo with regard to ways to reduce the cost and reworking the budget. He said that he also wanted to find a way to address the senior citizens that were on fixed incomes and they wanted to work with the Assessor on that. Mr. DiSanto said that there was an anonymous blogger who was making accusations against the UOA and that was disgusting.

Sophie, 6th grader, said that it was not fair that they did not have a lake like Purdys and Lincolndale or pools like the Willows and Heritage Hills. She said that it would be so disgusting to see what they spent time building, go away.

Councilman Garrity said that Sophie did a fantastic job speaking in front of all of the people.

Cathie Fullan, Cypress Lane, said that she has been a resident of Shenorock for the past 6 years and in an effort to meet people she joined the UOA Board and due to work commitments she was unable to continue to stay a member. She said with regard to the accusations that were being made against the UOA Board, those people had done nothing but put the best interest of Shenorock at the forefront and it pained her to read what was being written on the blog.

The Supervisor said that she had not read the blog that was being referred to although the person who authors blogs does not indentify themselves and if they were not willing to stand behind what they were saying then there was a reason for that.

Councilman Garrity said that he had known Mr. DiSanto for many years and his integrity was not in question.

Councilman Morrissey said that this was the forum for any kind of deciding vote on the Park District, this was what the Town Board was going to listen to, and they were not

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guided by anonymous bloggers. He said that they welcome comments from anyone in that forum.

Councilman Clinchy said that he agreed with the other Board members and it was his opinion that any anonymous letter should not be published in newspapers and he did not feel that Mr. DiSanto was getting anything personal out of this it was just something that he believed in and that should be respected by anyone on either side.

Mr. Ed McQuade, Ross Drive, said that in no way was anyone attacking the people who were in favor of the park and beach, it was a wonderful notion. He said that if they swam in the lakes of Lincolnale and Purdys at some time it was un-swimmable because there were no sewers in the area and there was runoff from the different properties. He said that it was his understanding the 9 Acres, which was referred to as open space, was a dump with cars and other things that really needed remediation. Mr. McQuade said with that mixed in he did not know what the liability or the exposure was for the Shenorock residents would be and he was concerned with that.

Mr. Fred Gambino, Dellworth Drive, said that he was a 35 year resident of Shenorock, it looked to him that the Shenorock Association has run into tough financial times and that was not unusual because it was happening all over. He said that he failed to see why the taxpayers should be made to bail out the Association. He said that he had never seen a government project come in at or under cost and what would the taxpayers be looking at after the tax increase. Mr. Gambino said that there were going to be many additional maintenance fees on top of the tax increase. He said that Somers had been known for keeping taxes down, there were people living there that were retired or on fixed incomes and a lot of them could not afford an additional \$400.00 per year. He said that he loved Shenorock and would love to see it more beautiful but he did not think that was affordable. Mr. Gambino asked the Town Board to discontinue this idea and if that was going to be contentious put it up for a referendum vote and let the voters and taxpayers decide what they wanted.

Ms. Anita Krusko, Ross Drive, said that she was a 31 year resident of Shenorock and as a reader of the blog she did not feel that there had been any personal attacks. She said that as a person that had spent any amount of time on all kinds of causes she did not feel that anyone was impugning anyone's efforts and the heart and soul that they had put into it. She said that what was in question was the overall content and the cost of the project. She said that she watched the April 8th Town Board meeting and was astounded by the projects cost and she explained what her concerns were with regard to that. Ms. Krusko said that she went to the meeting at the UOA Clubhouse on July 5th and was disturbed because the cost was not being accurately portrayed. She said that there were 690 households in Shenorock and the only way to do this was to have a referendum.

The Supervisor said that this dialog was what the Board wanted to have happen. She said that the Board had a significant concern that there were not enough people who knew what was going on. She said that they knew that there were 2 sides to the issue and were glad that people were coming out to discuss this. The Supervisor asked them to continue having the discussions and keep the Board involved and apprised. She thanked Mr. DiSanto for the update and thanked everyone else for their comments. She said that no decisions had been made and that they were going to continue to look at this.

Councilman Bolton present at 8:00PM.

Ms. Krusko asked if they could get information and be told exactly what the procedure was to move toward a referendum.

The Supervisor said that there were 2 different ways to move toward referendum. She said that first was by petition of the people, they had to petition the Board to do something and then the Board would hold a public hearing. She said the second was the Board of its own volition could require a referendum be held.

Ms. Krusko asked if it was possible to establish the district without a referendum.

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The Town Attorney explained that the way it worked was if there was a petition it had to outline exactly what they were authorizing including the extent of the work and the maximum cost that was going to be incurred. He said that if that petition was signed by more than 50% of the assessed valuation of the residents that lived there the petition was deemed valid. He continued that the Board could have a public hearing on the subject and concluded whether or not they wanted to adopt the district that was the petition form of forming a district. The Town Attorney said that there was another form and that was when the Board acted on its own without a petition that process was subject to permissive referendum. He explained that meant if a majority of the residents bring in a petition requesting a referendum then the Board had to stop their process and have a referendum. He said that was the only 2 ways that the State would allow the Town to form a district. The Supervisor asked if the Board could on its own volition decide to have a referendum. The Town Attorney said that they could not.

Sophie asked what was money compared to the joy of your child or grandchild. She said that her friends and herself would be ecstatic to have a lake.

Eric Haber, 11th grader, said that the Park District would bring to him and his friends a lot of happiness. He said that they would be able to swim there and they do not even fish there anymore because of how dirty it looked.

Ms. Christine Clementz, Shenorock Drive, said that she had an 8 month old baby and she had lived in Shenorock for 5 years. She said that she loved the community and her neighbors, they were her support system. She said that this would be wonderful and have a great impact of the whole community.

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

8:10 PM – 5 minute break
8:20 PM – meeting reconvened

The Supervisor said that it was in order to continue the public hearing with regard to the Comcast Franchise Agreement renewal.

8:21 PM – hearing opened
8:45 PM – meeting reconvened

Approval of minutes

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

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

RESOLVED, that the Town Board does hereby approve the minutes of the June 10, 2010 Public Hearing regarding the Cablevision Franchise Agreement, the June 10, 2010 Regular Meeting and the June 29, 2010 Special Meeting regarding the Mews at Baldwin Place.

Monthly reports

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

Accept credit card payment for on-line registration for Parks and Recreation

The Supervisor said that the next item on the agenda was to discuss accepting credit card payments for on-line registration for Parks and Recreation. Councilman Garrity said that he was happy to see this happening.

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

RESOLVED, that the Town Board does hereby accept credit card payments for online registration for Parks & Recreation per memo dated July 6, 2010 from Steven Ralston,

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Superintendent of Parks & Recreation: Quotes received from the four (4) vendors were as follows:

United Processing Corp. of Somers	\$6,579.95
M&T	\$7,000.00
League Sport	\$7,320.00
Chase	\$7,158.00

Best Plumbing and their request for Saturday Showroom hours

The next item was with regard to Best Plumbing and their request for Saturday Showroom hours. The Supervisor said that she circulated an e-mail that she received with regard to the showroom and Saturday Hours.

Mr. Jonas Weiner, Owner of Best Plumbing, Tiling and Stone, said that the business had been in Somers since 2004. He explained that in 2004 there was a resolution of rules for property use passed by the Town Board and he was present to request a modification to the restriction on the days and hours of operation as defined in item 9 to permit showroom activities only from 9 AM – 5 PM on Saturdays. He continued that the warehouse and offices will remain closed; this will allow them to meet their customers' needs and help them flourish during these difficult times.

The Supervisor said that she wanted to make a disclosure under the Ethic Code, Section 23.9 which required anyone to publicly disclose a business relationship. She said that she bought a number of items from Best Plumbing a couple of years ago.

Councilman Morrissey said that he was a loyal customer of Best Plumbing and Jonas Weiner was a close friend of his. He said that he will participate in the discussion although he will be recusing himself from voting on this matter.

The Supervisor said that the Code just required that her relationship be disclosed, she still would participate in the vote.

Councilman Garrity said that he did not have a problem increasing the hours but there must have been a reason the hours were restricted in 2004. The Supervisor said that it was a Special Use Permit that was issued by the Town Board. She continued that the Planning Board did the Site Plan review. Mr. Wiener gave the history of the property and the hours were restricted because of concerns from the residents with regard to activity. Discussion ensued with regard to why Mr. Weiner was requesting the increase in hours.

The Supervisor said that the Town Planner would have to draft a proposed revision to the Special Exception Use permit and they would have a public hearing with regard to this. She said that it seemed to her that this was a fairly simple amendment. She said that with the Board's permission she would recommend that the Town Planner amend paragraph 9 to reflect the change in hours and schedule a public hearing for the August 5th meeting. Councilman Clinchy asked if the neighbors would be contacted. It was decided that they would be.

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

RESOLVED, that the Town Board does hereby schedule a public hearing for August 5, 2010 at 7:30 p.m. to consider amending the Special Exception Use Permit (SEUP) for Best Plumbing Supply, Inc. (owner) which will allow Best Plumbing, Inc. to conduct showroom sales activities on Saturdays from 9:00 AM to 5:00 PM, and that the warehouse and offices will remain closed during this time.

Waiver of the Application Processing Restriction Law - Somers Point Golf Course

The Supervisor said that the next item was with regard to a request for a waiver of the Application Processing Restriction Law, Section 67-5 with regard to Somers Point Golf Course. She said that this was in order to process an application for Site Plan review before the Planning Board.

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Mr. Richard Viggiano, 403 D Heritage Hills, read a letter that he sent to the Town Board with regard to the violations on Fred's Way in Heritage Hills, Somers Point Golf Course. He requested that the Town Board grant them the minimum amount of time in the waiver.

The Supervisor said that it was her understanding that the Golf Course owner wanted to submit a Site Plan Application so that they could come into conformity. She said that it had been the practice of the Town to look to compliance rather than issuing violations and fines. She said that Mr. Viggiano's request for a short time period was a good one. The Supervisor suggested that the Town Board authorize a 3 month waiver with progress reports. Mr. Viggiano said that he did not understand why they were getting another extension. Councilman Garrity explained that this would force them to get something before the Planning Board within the next 3 months and the goal would be when the Site Plan was before the Planning Board and violations that existed would be dealt with at that time. Discussion ensued with regard to the site, violations and the process that was going to go through. Councilman Bolton asked if Mr. Viggiano had pictures of the site. Mr. Viggiano showed pictures of the property to the Board.

The Supervisor said that the way to address this issue was through the Planning process and that was what the Board was trying to convey. She explained that the Planning process would setup a Site Plan that would require that the property be maintained. Mr. Viggiano said that the continual requests to extend the time seemed as if they were not sincere. The Supervisor said that they made this application and they were going to be kept on a short leash with regard to this. Councilman Morrissey explained that violations had been issued to the site; the property owner had been in court and it had been pushed out because they need to come up with a Site Plan. He continued that the public had input in that Site Plan while before the Planning Board. Discussion ensued with regard to the violations that had been issued and the use of the property.

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

RESOLVED, that the Town Board does hereby grant a three (3) month waiver with progress reports for the Application Restrictive Law Section 67-5 of the Somers Town Code to Somers Point Golf Club, LLC per request dated June 28, 2010 from Richard L. O'Rourke of Keane & Beane, P.C.

Cluster
Subdivision
for the
Mitchell
Subdivision

The next item on the agenda was with regard to a one time only Local Law for a Cluster Subdivision for the Mitchell Subdivision. The Supervisor said that they received a memo from the Planning Board with regard to a subdivision located off Route 118.

Mr. Ed Delaney, Bibbo Associates, introduced Mr. Gary Mitchell, property owner, to the Board and said that they had been before the Planning Board for a number of years and involved with DEP and all of the other interested parties. He continued that they developed a full conforming 4 lot subdivision with a new Town road and in the final process of this they asked the Planning Board if clustering was possible. He said they found that it was possible and he explained to the Board how that was. Discussion ensued with regard to why they wanted to do this, the Local Law they wanted the Board to adopt and the impact of the Local Law for the rest of the Town.

The Supervisor asked how the Board wanted to move forward with this, did they want to look into it further. Councilman Morrissey said he was in favor of moving forward with the amendment. Councilman Garrity said that it seemed to him that the Planning Board was in favor of the project therefore he had no objection to this. Councilman Bolton said that the only question that he had was with regard to what the comments were from the Fire Department with regard to the road. Mr. Delaney said that was coming, the Town Board was just instructing the Planning Board to continue their review of the cluster at the same heightened restriction that they always had. He said that he did not know what the structure was for the Local Law. The Town Attorney explained that a Local Law would be drafted, discussed with the Town Planner if this was an afterthought to include the Town Board or if they were included with regard to SEQRA. The Supervisor asked if there was an escrow account in place that was suitable to cover the costs associated to this. Mr. Mitchell said that there was an escrow account setup. The Supervisor asked if

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there was money in that account. She explained that she will not authorize any work by a consultant unless there was an adequate escrow account. The Town Attorney said that he will give the Town Planner an estimate of his cost so that they could deposit the money into the escrow account for his services. Councilman Clinchy asked if it was possible to take a walkthrough the property to envision it. It was decided that the Town Board would do a Site Walk on Saturday July 24th at 10:00 AM.

Water Tower Agreement with NYC DEP

The Supervisor said that the next item on the agenda was with regard to a Water Tower Agreement with the New York City Department of Environmental Protection. She said that the agreement looked incredibly one sided and it needed some reworking. She pointed out portions where she would like some language changes. It was agreed to put this item over.

Parking regulation enforcement at Somers Schools

The next item was parking regulation enforcement at Somers Schools. The Supervisor said that the School, Fire Prevention Bureau and the Volunteer Fire Department met and discussed what they thought was a reasonable approach to the parking issues at the school and the Board was now being asked to adopt a Local Law so that enforcement can occur during non-school hours. The Town Attorney said that it would be very difficult for him to define what school hours were. Discussion ensued with regard to what the School was requesting. The Town Attorney said that he will convey the Board's concerns to the School Board.

New York State Retirement Incentive

The Supervisor said that the next item was to discuss the New York State Retirement Incentive. She said that the Director of Finance gave the Board information with regard to what was being offered. She said that the bottom line was that there had to be an economic benefit to the Town of at least 50% and there was a cost to the Town. The Supervisor suggested that they setup a sub-committee to see if there was an economic benefit to the Town. She said that she would like for Councilman Clinchy and Councilman Bolton to look into this and they needed to know by the next Board meeting if this made any sense for the Board to pursue and if they find that it did the Board would than have to schedule a public hearing with regard to this.

Supporting the Town of Cortlandt's efforts to stop plans by the Federal Office of Veterans Affairs to reduce medical and other services for our Veterans at the Hudson Valley Health Care System at the Franklin Delano Roosevelt Campus

The next item on the agenda was to adopt a resolution supporting the Town of Cortlandt's efforts to stop plans by the Federal Office of Veterans Affairs to reduce medical and other services for our Veterans at the Hudson Valley Health Care System at the Franklin Delano Roosevelt Campus. The Supervisor explained that she was at the Memorial Day Service in the Town of Cortlandt and at that time it came to her attention the difficulty that they were having in connection with their VA Hospital and efforts that the Federal Government was trying to make to sell off a vast majority of the property to build condos and town houses. She said that she felt that it would behoove them to support Cortlandt. Councilman Bolton said that he did go there that evening and with more and more Veterans retiring the service was needed more and more.

The Supervisor said that Councilman Bolton mentioned to her that there was a drive for things the Veterans like to use or have, such as computer games on disks, movies and books in good condition. She said that there will be a box setup in the Town House and they would place the information on the website and character generator.

The Supervisor said that she drafted a resolution that she did send everyone for consideration and she reviewed it with them.

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

RESOLVED, that the Town Board does hereby adopt resolution supporting the Town of Cortlandt's efforts to stop plans by the Federal Office of Veterans Affairs to reduce medical and other services for our Veterans at the Hudson Valley Health Care System Franklin Delano Roosevelt Campus

WHEREAS, the Somers Town Board is concerned about the removal of Veterans' services at the Hudson Valley Healthcare System Franklin Delano Roosevelt Campus which services many of our Town and local area Veterans, and

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WHEREAS, there are 1,065,749 Veterans residing in New York State and this number does not include those men and women currently serving our country in active duty, some of which will return to the region served by this V.A. Hospital located in the Town of Cortlandt (hamlet of Montrose), and

WHEREAS, our Veterans in the Northern Westchester Community and in the region are facing a catastrophic decision which would include leasing off for seventy-five years 160 acres of the remaining 172 acres at the FDR Campus of the V.A. in the Town of Cortlandt (hamlet of Montrose), Westchester County, New York only leaving 12 acres remaining for actual needed Veteran medical services and other services, and

WHEREAS, this V.A. Hospital and Facility has been opened since 1950 and has served hundreds of thousands of Veterans over the many decades and Veteran Affairs should not reduce, mitigate and deprive our Veterans of their necessary services and ever increasing medical treatment, especially for those brave men and women returning from Wars in Iraq, Afghanistan and from other conflicts in the World, and

WHEREAS, it is the Somers Town Board's desire that the Veterans Administration stop the current plans for the Montrose site, and

WHEREAS, it is the desire of the Somers Town Board to support the Town of Cortlandt's request to the Secretary of Veteran's Affairs to impose a one-year moratorium on the consideration by the Veteran's Administration of a proposed Enhanced Use Lease at the Montrose Site,

NOW THEREFORE BE IT RESOLVED, that the Town of Somers Town Board does hereby call upon the Secretary of Veterans' Affairs to reconsider any determination made by him to remove Veterans' services as they are currently provided at the Montrose facility, and

BE IT FURTHER RESOLVED, that the Town Board supports the Town of Cortlandt and the Village of Buchanan's efforts to keep the Montrose Veterans Administration Facility fully open and operating and providing needed service to the Veterans, and

BE IT FURTHER RESOLVED, that the Town Board does hereby support the efforts of the Town of Cortlandt, in Westchester County, New York and our Veterans to stop the plans by the Office of Veterans Affairs to drastically reduce the medical and other services for our Veterans at the Hudson Valley Healthcare System Franklin Delano Roosevelt Campus, and

BE IT FURTHER RESOLVED, that the Town Board does hereby support Cortlandt and Veterans effort to stop the plans to lease off 160 acres of the remaining 172 acres at this location to a private development company for condominiums/townhouses. Our Veterans need CARE not Condos, and

BE IT FURTHER RESOLVED, that the Town Board does hereby request that the Secretary of Veteran's Affairs impose a one-year moratorium on his consideration of a proposed Enhanced Use Lease with respect to the Montrose V.A. facility site, and

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is authorized and directed to forward a certified copy of this Resolution to the office of the Secretary of Veterans Affairs, the Town of Cortlandt and all Veterans groups in the region.

Central air conditioning for the Town House Annex

The Supervisor said that the next item on the agenda was with regard to proposals for central air conditioning for the Town House Annex. She said that they had a grant for the Annex and they did some work on the building; there was some money left in that grant. She said that she had asked the Building Inspector's office to evaluate the air conditioning situation over there and unfortunately at this point the Town had only received 2 proposals which was not adequate, procedure required 3 but there was a limited time frame on this grant money. The Supervisor asked to Board to authorize her after the third proposal was received to execute the lowest proposal.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the lowest proposal after the third proposal is received for central air conditioning for the Town House Annex which will be funded through grant monies.

PERSONNEL:

Current Vacancies:

Affordable Housing Board (1 – 2 year terms to July 11, 2011)
Substance Abuse Council (1 – 3 year term to December 31, 2012)
Substance Abuse Council (1 – 3 year term to December 31, 2013)
Conservation Board (2 – 2 year terms to March 15, 2012)

Upcoming Vacancies:

Appoint E.
Mignardi
Library Board
of Trustees

The Supervisor said that she was announcing the appointment of Ms. Elizabeth Mignardi to the Library Board of Trustees.

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

RESOLVED, that the Town Board does hereby announce the appointment of Elizabeth Mignardi to the Library Board of Trustees to the unexpired term of Dr. Marie Grace Mutino ending December 31, 2013 per letter dated June 22, 2010 from the President of the Library Board of Trustees.

The Supervisor that it was in order for the Board to adopt a series of appointments.

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

Appoint G.
Mc Loughlin
to Affordable
Housing Brd

RESOLVED, that the Town Board does hereby appoint Gerard M. Mc Loughlin to the Affordable Housing Board to a term ending July 11, 2011.

Appoint J.
Purcell to CB

RESOLVED, that the Town Board does hereby appoint John Purcell to the Conservation Board replacing Charles Friedberg to a two (2) year term ending March 15, 2012.

Appoint E.
Evans to CB

RESOLVED, that the Town Board does hereby appoint Eric H. Evans to the Conservation Board replacing Frank Lapetina to a two (2) year term ending March 15, 2012.

Appoint M. La
Gue to CB

RESOLVED, that the Town Board does hereby appoint Michael J. La Gue to the Conservation Board replacing Gloria Rosenzweig to a two (2) year term ending March 15, 2012.

Resign. of G.
Rosenzweig
from CB

The Supervisor said that it was in order to acknowledge the resignation of Ms. Gloria Rosenzweig from the Conservation Board. She thanked Ms. Rosenzweig for her service on the Conservation Board and knew that she was a very active participant. Councilman Clinchy said that the only reason she was leaving was because her work prevented her from participating. The Supervisor said when she was ready to come back to let the Board know.

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

RESOLVED, that the Town Board does hereby acknowledge with regret the resignation of Gloria Rosenzweig from the Conservation Board effective immediately.

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Kauffman
Wetland
Permit

The next item was a review and comment with regard to the Kauffman Wetland Permit. The Supervisor said that it was for a pool which skirted the buffer. The Board had no comments to submit to the Planning Board.

Consensus
agenda

The Supervisor said that the next item was the consensus agenda. She said with regard to item number 11 the Kinsley Power Systems Service Agreement she saw that there were some further comments with regard to that. She said that the comments were incorporated into the agreement. She asked if the Board was ready to vote on it or should it be put over again. The Town Attorney said that the only thing that he saw was that it was not clear that it was a 1 year agreement only. He suggested just adding a sentence that the agreement was for a 1 year period and the renewal was subject to approval. Councilman Bolton said that he was looking for a mutual agreement that could be extended. He said that their insurance certificate did not name the Town. The Supervisor said that it did and pointed that out to him. She said that she was not opposed to automatic renewals because she would not want to see something fall through the cracks. Councilman Bolton said in that case they would not have a say in the renewal and the cost. The Supervisor said that might be something that they can address. She said that her concerns were, was there anyone that could provide a service agreement it is their generator; she would not want to see the Town in a situation where they were not being served because the renewal was overlooked. She said that maybe her concerns could be addressed in the wording. The Town Attorney said that he was going to go back and try some different wording. It was agreed to remove this item from the agenda until next month.

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

Budget
modifications

1. RESOLVED, that the Town Board does hereby authorize approval of the following budget modifications per memo dated June 29, 2010 and revised July 8, 2010 from Mary Beth Murphy, Supervisor:

RESOLVED, that the Town Board does hereby authorize a budget modification to provide for over expenditure of budget line per memo dated June 24, 2010 from Tammi Savva, Senior Office Assistant Automated Systems:

From: 1620.403 – Building – NYSEG
To: 1620.401 – Building – Fuel \$2,617.03

RESOLVED, that the Town Board does hereby authorize a budget modification to provide additional funding for estimated expenditures (land, telephone, cell telephone, vehicle gasoline/maintenance and Spring Hill Kennels impound charges) for the remainder of the year per memo dated June 17, 2010 from Michael Driscoll, FOIC:

From: 001-3120.4 – Police – Contractual
To: 001-3510.4 – Dog Control – Contractual \$2,000.00

RESOLVED, that the Town Board does hereby authorize a budget modification to provide funding for contractual expenses in excess of budget due to severe winter conditions per memo dated June 15, 2010 from Thomas E. Chiaverini, Superintendent of Highways:

From: 909 – Highway Fund – Fund Balance
To: 5142.4 – Snow Removal – Contractual \$49,629.22

RESOLVED, that the Town Board does hereby authorize a budget modification for the purchase of a new sewer pump at the primary pump station due to exceeding anticipated budget cost per memo dated July 6, 2010 from Adam J. Smith, Water Superintendent:

From: 040-8120.0400 – Contractual

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To: 040-8120.0200 – Equipment \$19,525.00

RESOLVED, that the Town Board does hereby authorize a budget modification to pay the Board of Review and their Clerk due to substantial workload increase per memo dated July 8, 2010 from Glenn A. Droese, Assessor:

From: 1355.11 – Overtime

To: 1355.41 – Board of Review (\$300.00)

1355.1 – Clerk Part time (\$300.00) \$600.00

Shenorock
Park District

2. RESOLVED, that the Town Board does hereby authorize the following for the Shenorock Park District per e-mail dated June 11, 2010 from Joan E. Kachmarik, Director of Finance:

- a. Amend budget by an additional \$75,000.00
- b. Authorize an additional loan of \$67,132.94 to provide payment to Woodard & Curran.

Release
Driveway
Bond

3. RESOLVED, that the Town Board does hereby authorize release of \$250.00 Driveway Bond to North County Homes per memo dated June 15, 2010 from Thomas E. Chiaverini, Superintendent of Highways.

Release
Erosion &
Sediment
Bond

4. RESOLVED, that the Town Board does hereby authorize the release of the Erosion and Sediment Control Bond #08891061 issued by Fidelity and Deposit Co. in the amount of \$8,996.00 for Amawalk Point Road.

Accept
Erosion
Control Bond

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

- a. \$100.00 – Bernardo Wetland Permit – 16.16-1-1
- b. \$100.00 – Guerrero Tree Preservation Permit – 28.13-1-10
- c. \$100.00 – DiMauro Stormwater Management & Erosion & Sediment Control Permit – 36.08-1-18.1.
- d. \$100.00 – Pugini – Stormwater Management & Erosion & Sediment Control Permit – 37.13-1-1.
- e. \$200.00 – Kristensen Steep Slope Permit – 26.15-1-17.
- f. \$100.00 – Ensinger/Kuebler Stormwater Management & Erosion & Sediment Control Permit – 37.10-1-13.1.
- g. \$200.00 – Walraven Tree Preservation, Stormwater Management & Erosion & Sediment Control Permit – 48.17-1-38.
- h. \$500.00 – Schwartz/Stonewall Farm Wetland Permit – 15.15-1-3, 15.16-2-10, 15.19-1-1 & 15.20-1-1.

Return
Erosion
Control Bond

6. RESOLVED, that the Town Board does hereby authorize the return of the following Erosion Control Bonds per memos from Steven Woelfle, Principal Engineering Technician:

- a. \$100.00 – DiMauro Steep Slope/Tree Preservation Permit – 36.08-1-18.1.
- b. \$100.00 – Clark Erosion & Sediment Control Permit – 6.19-1-19.
- c. \$200.00 – Monaco Stormwater Management & Erosion & Sediment Control Permit – 18.09-1-2.2.

Issue 1
Building
Permit in
Rosemary
Zappi Subd

7. RESOLVED, that the Town Board does hereby authorize the issuance of one (1) building permit in the Rosemary Zappi Subdivision – 28.09-1-8.2 per memo dated June 24, 2010 from Marilyn Murphy, Planning Board Secretary.

Release
SEQRA
Professional
Fee Account -
SCSD

8. RESOLVED, that the Town Board does hereby authorize the release of \$1,232.20 SEQRA Professional Fee Account to Somers Central School

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District per memo dated June 14, 2010 from Sabrina Charney Hull, Town Planner.

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| Release
Erosion
Control Bond | 9. RESOLVED, that the Town Board does hereby authorize release of \$36,217.00 Erosion Control Bond for the Windsor Farms Subdivision per memo dated June 29, 2010 from Steven Woelfle, Principal Engineering Technician. |
| Accept
Erosion
Control Bond | 10. RESOLVED, that the Town Board does hereby authorize acceptance of \$29,051.84 Erosion Control Bond, posted by Kearney Realty & Dev. Group for the Mews at Baldwin Place per memo dated June 30, 2010 from Wendy Getting, Senior Office Assistant. |
| | 11. REMOVED |
| Removal of
uncollectible tax
liens for the
years 2005 –
2006 | 12. RESOLVED, that the Town Board does hereby authorize removal of uncollectible tax liens for the years 2005 – 2006 per memo dated July 7, 2010 from Joan Ribaldo, Receiver of Taxes. |
| Extending
contract with
PAR
Development
Group, LLC | 13. RESOLVED, that the Town Board does hereby authorize extending contract with PAR Development Group, LLC for six (6) months for property on Valley Drive vacant lots 6, 8, 10, & 12 per letter dated July 2, 2010 from John B. Colangelo, Esq. |
| Authorize change
order for the Town
of Somers
Pavement
Resurfacing Project | 14. RESOLVED, that the Town Board does hereby authorize a change order for the Town of Somers Pavement Resurfacing Project Pin #8760.12 and payment to Bilotta Paving from the original amount of \$537,918.48 to \$564,000.48 per memo dated July 7, 2010 from Steven Woelfle, Principal Engineer Technician and Thomas E. Chiaverini, Superintendent of Highways. |
| Purchase of a
Morback
Wood Chipper | 15. RESOLVED, that the Town Board does hereby authorize the purchase of a Morback Wood Chipper at a cost of \$46,305.00 in place of a foreman's utility pick-up truck per memo dated July 6, 2010 from Thomas E. Chiaverini, Superintendent of Highways. |
| Accept TD
Bank Letter of
Credit | 16. RESOLVED, that the Town Board does hereby accept TD Bank Letter of Credit No. 20003807 in the amount of \$1,100,000.00 for the Somers Senior LP. |

The Supervisor said that the Town had their Independence Day Celebration and it was a huge success. She said that there were great photos in the paper and lots of fun was had by all. She said that they were able to raise 100% of the fireworks donations through contributions; they already started on next year's funds. The Supervisor said that they were very thankful for everyone who donated; the list remained on the Town website and will throughout the summer and on the character generator. She said that she wanted all the businesses and organizations to be recognized. She said that she sent them all letters with a list of all of the donors and a letter to the paper thanking all of them. The Supervisor said that she wanted to give special recognition to the people who ran the Lynn Adams Walk as well as the Lions and all the other organizations. She said that this had really become a community group effort and that could be seen. She said that there were great readings by the 3rd grade prize winners which were awarded by the Women's Club, the Veterans were there and the Boy Scouts were celebrating their 100th Anniversary and the fireworks were great.

Councilman Clinchy thanked Mr. Ralston who was there from early in the morning to late at night. The Supervisor thanked Mr. Ralston for everything that he does in anticipation of the day, which was a lot. She said that they also needed to thank the Somers Volunteer Fire Department and Police Department. Councilman Clinchy said that it was Americana at its best.

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Claims for the payment of all Town Bills in the amount of \$1,469,753.17 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 10:30 PM.

Town Clerk