

JULY 11, 2013 – REGULAR MEETING

Minutes of a work session/regular meeting of the Town Board of the Town of Somers held on Thursday evening July 11, 2013 at 7:10 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT: Supervisor Mary Beth Murphy
 Councilman Frederick J. Morrissey
 Councilman Thomas A. Garrity, Jr.
 Councilman Anthony J. Cirieco

ABSENT: Councilman Richard G. Clinchy

Also present were Kathleen R. Pacella, Town Clerk and Patricia Kalba, Deputy Town Clerk.

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

Thereupon motion of Supervisor Murphy, seconded by Councilman Cirieco, the meeting was adjourned to executive session at 7:10 PM with regard to personnel.

7:35 PM – meeting reconvened

The Supervisor said that it was in order for the Board to open a public hearing with regard to the proposed amendment of Chapter 109 entitled Garbage, Rubbish and Refuse, Section 109-4 Definitions and Section 109-6 Standards of Compliance of the Code of the Town of Somers.

7:35 PM – hearing opened

7:36 PM – meeting reconvened

The Supervisor said that it was in order for the Town Board to adopt a Local Law amending Chapter 109 entitled Garbage, Rubbish and Refuse, Section 109-4 Definitions and Section 109-6 Standards of Compliance 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 Chapter 109 entitled Garbage, Rubbish and Refuse, Section 109-4 Definitions and Section 109-6 Standards of Compliance of the Code of the Town of Somers as follows:

A Local Law to amend the Code of the Town of Somers Chapter 109 entitled Garbage, Rubbish and Refuse

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

1. Section 109-4 Definitions shall be amended to add the following:

The definition of “Mixed Recyclables” is deleted and a new definition added as follows:

MIXED RECYCLABLES: The following materials which may be mixed together:

A. Glass bottles and jars, clean and free of food particles and other residues, including but not limited to, glass food bottles and jars, juice bottles, liquor bottles, baby food jars, soda bottles and wine bottles, but not ceramics, crystal, glass doors, light bulbs, mirrors, Pyrex window panes or windshields.

The definition of “Newspaper” is deleted and a new definition added as follows:

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PAPER RECYCLABLES: Newspapers, ledger/office paper, writing paper, junk mail, cardboard, food boxes, magazines, phone books, paper board, chipboard, any and all of which must be clean, dry and free of any liquid or contamination.

A new definition is added as follows:

SINGLE-STREAM RECYCLABLES: A combination of paper/fiber recyclables and mixed recyclables.

2. Section 109-6 Standards of Compliance is hereby amended as follows:

Subsection B.3 is amended to read as follows:

Once-per-week collection at the curbside or on premises, if residential, or, if commercial, collection at designated locations at intervals per contract, of paper/fiber recyclables in a manner appropriate for either dual or single-stream collection (as determined by the Town Board) on scheduled paper/fiber recyclable collection days. Paper/fiber recyclables may be placed for pickup on the day before a scheduled collection, but not sooner.

Mixed recyclables must be placed in appropriate containers provided by the customer or collector. Containers of mixed recyclables shall be placed at curbside or other specified collection locations on scheduled mixed recyclable collection days. Such containers may be placed for pickup on the day before a scheduled collection, but not sooner. Mixed recyclables may be collected only by permitted collectors.

Single-stream recyclables collection. With Town Board approval, collectors may provide or be required to provide single-stream recycling collection services in which newspapers, magazines, cardboard, junk mail and other approved paper/fiber recyclables would be collected together with mixed recyclable materials, with ultimate delivery to a materials recovery facility (MRF).

Subsection B.4 is deleted.

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.

The Supervisor said that it was in order for the Board to open a public hearing with regard to the proposed amendment of Chapter 156 entitled Tree Preservation, Section 156-8 Penalties for Offenses of the Code of the Town of Somers.

7:37 PM – hearing opened
7:38 PM – meeting reconvened

The Supervisor said that it was in order for the Town Board to adopt a Local Law amending Chapter 156 entitled Tree Preservation, Section 156-8 Penalties for Offenses of the Code of the Town of Somers.

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

RESOLVED, that the Town Board does hereby adopt a Local Law amending Chapter 156 entitled Tree Preservation, Section 156-8 Penalties for Offenses of the Code of the Town of Somers as follows:

A Local Law to amend the Code of the Town of Somers Chapter 156 entitled Tree Preservation.

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

1. Section 156-8 Penalties for Offenses is hereby amended in its entirety as follows:

A. Penalties for Offenses.

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(1) Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a misdemeanor punishable by a fine not to exceed one thousand (\$1,000) dollars for an individual per tree and five thousand (\$5,000) for a corporation per tree, or by imprisonment for a period not to exceed one year, or both. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

(2) In addition to any other penalty authorized by this chapter, any person, partnership or corporation convicted of an offense of the provisions of this chapter shall be required to restore the site to the condition existing prior to commission of the offense to the extent possible or as deemed appropriate by the Town's Engineering Staff.

Specifically, a re-planting plan prepared by a landscape architect shall be required pursuant to which for every tree removed in violation of this chapter multiple trees shall be replanted in number determined by the diameter at breast height (dbh) of the tree(s) removed. For example, if 3 trees at 12" dbh were unlawfully removed, then the replanting plan shall include a minimum of 12 trees at 3" dbh to be replanted. The Town Board shall be empowered to grant relief in whole or in part from this requirement for good cause shown on application to the Town Board.

(3) In addition to the above-provided penalties, the Town of Somers may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction a violation of any provision of this chapter or the terms and conditions of any permit granted hereunder.

2. 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. Herb Oringel, Heritage Hills, said that the various improvements that the Town Board was making was moving Somers closer to be a sustainable community and he appreciated their efforts.

The Supervisor thanked Mr. Oringel for all of his efforts. She said that he brought a lot to the table for the Board's consideration and helped them get to where they needed to go.

Ms. Brenda Bloch-Young, Heritage Hills, stated that she was a retired CPA and said that she had been reading some of the history of the Angle Fly Grants from the County. She said that it appeared to her that there was going to be a potential liability in the next three to four years of \$2,000,000.00. She said that she was curious to know if the Town had a reserve for that and if there was none how was the Town was going to fund that expense.

The Supervisor said that she did not expect that there was going to be a repayment.

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

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

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

RESOLVED, that the Town Board does hereby approve the minutes of the May 14, 2013 Special Meeting and the June 13, 2013 Regular Meeting.

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.

Approval of the minutes

Monthly reports

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Accept a donation from the Lions Club to provide scholarships for Day Camp participants

The Supervisor said that the next item on the agenda was to accept with gratitude a donation from the Lions Club to provide scholarships for Day Camp participants. She thanked the Somers Lions for their donation of \$5,850.00. She explained that this provided scholarships for Day Camp participants who were in need. The Supervisor said that she would like to say that no one was ever turned away from Day Camp. She said that the Town had great assets with both the Town's Women's Club and Lions Club who provided scholarships for every single child that wanted to go to Summer Camp. Councilman Garrity said that this was an example of why people were members of the Lions Club, they do not look for thanks and do so many other things behind the scenes that no one ever hears about.

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

RESOLVED, that the Town Board does hereby accept with gratitude \$5,850.00 donation from the Somers Lions Club to provide scholarships for Day Camp participants per memo dated June 25, 2013 from Steven Ralston, Superintendent of Parks & Recreation.

Littering and Dumping Ordinance

The next item was with regard to discussing a series of items with Assistant Building Inspector Tom Tooma. Mr. Tooma joined the Town Board at the dais. The Supervisor said that the first item they were going to discuss was some suggestions that Mr. Tooma had made to the Littering and Dumping Ordinance. She said that there was some discussion among the Board at the last meeting and the Board asked that Mr. Tooma be invited to the meeting to discuss his suggestions further. Councilman Morrissey said that he appreciated the initiative that Mr. Tooma took with looking at the Code and pulling out items. He said that he had been a member of the Architectural Review Board and some people went through the time and effort of having signs approved. He continued that other people just placed signs wherever they wanted and that happened on buildings, sandwich boards or telephone poles. Councilman Morrissey said that he was in complete agreement with Mr. Tooma that they should change the Code and unapproved signs should be considered litter. Mr. Tooma explained the process he took to arrive at the suggestion to the Board. Councilman Cirieco asked about signs that were placed on private property. Mr. Tooma explained that only No Trespassing signs and a For Sale Sign were all that was allowed without a permit. The Supervisor said that the Sign Ordinance could not be selective it would have to address all signs no matter what the content was. She said that Mr. Tooma was suggesting that the Town's Enforcement Officers could pick up the signs as litter. She said that she thought that Town Attorney clarified that at the last meeting for the Board. Discussion ensued with regard to Mr. Tooma's proposed changes to the Ordinance. The Supervisor suggested that they refer the proposed changes to the Town Attorney in case there were any legal issues that they were unaware of and if there weren't any they would schedule the public hearing for August.

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

RESOLVED, that the Town Board does hereby schedule a Public Hearing for Thursday, August 8, 2013 regarding Littering and Dumping Ordinance per memo dated May 30, 2013 from Thomas J. Tooma, Jr., Assistant Building Inspector pending Town Attorney approval.

Building and Assessment Report and 2013 Capital projects priorities

The Supervisor said the next item they needed to discuss with Mr. Tooma was the Building and Assessment Report and 2013 Capital projects priorities. Councilman Garrity said that he knew that the Supervisor and Mr. Tooma worked very hard on that report and they did a great job on it. He thanked Mr. Tooma for his work on the report and for the work he put into the Library. The Supervisor said that there were some projects for 2013 that they were prioritizing and they would be coming back to the Board because they think that the most economical way of getting those projects done would be to hire a Seasonal Handyman. She said that she would get back to the Board with regard to that, they were not prepared to discuss that with the Board at that time. She discussed with the Board all of the projects and improvements that were being done at the Town owned building that were either currently completed, being worked on or going to be completed in 2013 and some of the cost and funding of those projects. Mr. Tooma said that the list was on going and although they did a thorough job listing all the projects if a Board member saw

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something that should be added to let them know. The Supervisor said that they would also send a memo to all of the Department Heads at budget time if they had any modifications or suggestions.

The Supervisor said that the authorization of the purchase and installation of a boiler for the Town House was being removed from the agenda. She said that they were not quite ready at that time and she would place this back on next month's agenda.

Councilman Clinchy present at 8:10 PM.

A resident from the audience asked where the Police Station was located in the Town. The Supervisor explained that the Police Station was located at Van Tassell Park where they held the Senior Nutrition program. She announced that, thanks in large part to Councilman Morrissey and Police Chief Driscoll; Somers now had a prescription drug drop off bin at the Police Station. She explained that people could go Monday through Friday between the hours of 9:00 AM and 5:00 PM and drop off prescription medications so that if could be safely disposed of by the County.

The Supervisor also wanted to point out that because Somers had a Part-time Police Force the Police Station was not open at all hours and was not a safe haven. She said that she did not want people to think that they could go there for help in a dangerous situation and that was why it was not identified.

The Supervisor said that the next item was with regard to Somers Crossing. Ms. Syrette Dym, Director of Planning joined the Board at the dais. The Supervisor asked if the representative of Somers Crossing had anything they wanted to open with before the Board started their discussions. Mr. Judson Siebert of Keane & Beane, P.C representing Boniello Land & Realty, Ltd. introduced himself to the Board and said that the Board was taking the initial step in the SEQRA process. He continued that as the Director of Planning had noted they had no object to the Town Board Notice of Intent to be Lead Agency. He said that the Board was now in the position to formally take on that role. Mr. Siebert explained that with that role the Town Board would lead the SEQRA process in terms of steps that would follow and unfold as they undertake the Environmental Review. He said that they were also aware that a Part II and Part III had been prepared for the Town Board's evaluation and that document, the EAF, was an informational and directional tool to lead them to the first significant determination that they would make. He continued that was as to whether to issue a Positive Declaration or a Negative Declaration with respect to this action. Mr. Siebert stated that if it was a Positive Declaration the Board would undertake a "Full-blown" SEQRA Review. He explained that would include the preparation of an Environmental Impact Statement, which unfolded in two stages, a scoping session at which the parameters of the content of the EIS and the subsequent Environmental Review. He continued after that was the creation of a Scoping Document which was the road map as what the DEIS would entail, the submission of a draft EIS which was accompanied by public hearing. He said after those steps the DEIS was accepted and there was a final Environmental Impact Statement. Mr. Siebert said that he went through the process with the Board because they fully anticipated that the Board would assume Lead Agency status and was going to Positive Declaration the action. He said that it was of sufficient scope and deserving of a full Environmental Review. He said that they recognized there was a meeting scheduled with the Planning Board in August which they felt was a good step and appropriate forum to go through the EAF content that had been prepared. Mr. Siebert said that they looked forward to participating at that meeting. He said that they were requesting that evening that the Town Board would go ahead and take on Lead Agency Status and move forward to the August meeting with the Planning Board and after that meeting, issue a determination of Environmental Significances and Procedures.

Ms. Dym said that one of the things that she wanted to bring to the Board's attention was that the DEC posted the SEQRA process on their website. She said that the first item for the Board to make a motion on was Lead Agency. She said that the Town Board intent had been circulated to all of the interested and involved agencies that had been identified. Ms. Dym said that at that

Purchase
and
installation
of a boiler

Somers
Crossing

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point they had completed the EAF, the applicant had submitted an EAF. She continued where they were at in the process and all of the things that were referred to came after. The Supervisor asked Ms. Dym if the Town Board could get a smaller version of the chart that she was referring to emailed to them. Ms. Dym said that she would get it to the Town Board and if anyone else was interested in the chart it was available on the New York State Department of Environmental Conservation website under the Environmental Review section.

The Supervisor said that it was her understanding that the first step in the process now that they sent the Letter of Intent and no one had objected to that was that they would accept that status of Lead Agency. She said that Ms. Dym drafted a proposed Resolution in that regard which was contained in the body of her memo to the Town Board. Ms. Dym said that she would like to make one amendment to her memo to the Board. She said that where she indicated that there were responses from two agencies, which were the Westchester County Planning Board in a letter dated June 23, 2013 and one from New York City Department of Environmental Protection dated June 29, 2013, in fact there was also a response from the Somers Planning Board dated June 12, 2013 that needed to be added. She said that they all indicated that they had no objection to the Town Board assuming Lead Agency Status.

Councilman Clinchy asked Ms. Dym if there was anything unusual about the Town Board being the Lead Agency, why the Town Board was sometimes the Lead Agent and other times it was the Planning Board. Ms. Dym explained that in this case the request was for a Zoning change which was under the jurisdiction of the Town Board. She continued that if something came to them that was requesting Site Plan approval or Subdivision approval those were under the jurisdiction of the Planning Board.

The Supervisor as that it was in order for the Board to adopt a Resolution with regard to their Intent to act as Lead Agency.

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

RESOLVED, that the Town Board does hereby resolve to act as Lead Agency under SEQRA for the Petition of Boniello Land & Realty, Ltd. – Somers Crossing for a Request for Creation and Adoption of a New Multifamily Resident Downtown Hamlet (MFR-DH) Floating Zone District and its Site Specific Application, having circulated its intent to all involved and interested agencies and having received responses from the Westchester County Planning Board, the NYCDEP and the Somers Planning Board none of whom objected, and having received no other objections within the specified 30 day time frame to assuming that role per memo dated July 3, 2-013 from Syrette Dym, Town Planner.

The Supervisor said that next item with regard to Somers Crossing was to discuss the hiring of Technical Consultants for the project. She explained that there had been some off-line discussions regarding what kind of expertise the Town Board and the Planning Board would require. She said that the Planning Board was also going to be involved in the process as well, because they would ultimately be responsible for the Site Plan. The Supervisor said that the conclusions that had been drawn was that a Traffic Engineer, Cultural Resources and Landscape Architecture would be needed. She said that Ms. Dym had prepared Request for Proposals (RFP) to go out to firms listed in her memo, if there was anyone else the Board would like the RFP sent to let her know. She said that the RFPs were also going to be placed on the Town's website to advertise it to the general public. Councilman Clinchy said that there was a member of the former Conservation Board that was very good with regard to landscape and the RFP should be forwarded to them. He said that he would send the Supervisor their information. The Supervisor said that she was speaking to Ms. Dym and she felt that they should have the responses returned to the Town by July 26, 2013, that would fit into the rest of the schedule that they were trying to operate under.

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

Hiring
Technical
Consultants
for Somers
Crossing

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RESOLVED, that the Town Board does hereby authorize going for Request for Proposal (RFP) for the Boniello Land & Realty, Ltd. – Somers Crossing for Technical Consultants to be delivered to the Town Clerk by July 26, 2013.

Review
draft EAF
for
Somers
Crossing

The Supervisor said that the next item with regard to Somers Crossing was to review the draft Environmental Assessment Form (EAF). She said that she was not sure if the Board had an opportunity to look over the document and the Planning Board had decided at their meeting to put over their review until the August 1st meeting with the Town Board. She said that the one thing that stood out to her the most was Water Overlay Protection District that existed with the aquifer. The Supervisor said that she did not see anything in Part II with regard to it and wondered if that needed to be added. She asked if the Board wanted to review the draft EAF at that time or did they want to wait for the joint meeting with the Planning Board on August 1, 2013. The Board agreed that they would wait to do the review with the Planning Board. The Supervisor said that they would put that item over to the August 1st meeting.

Councilman Clinchy asked Ms. Dym who had purview over the wetlands in that area. Ms. Dym explained that it depended on the types of actions proposed for that site. She said that she knew that there were Town Buffers involved, Army Corp was involved and New York City Department of Conservation. She said that they had all three entities there in some way to some extent. Ms. Bonnie Von Ohlsen, the applicant's Planning Consultant of VHB Engineering, Surveying and Landscape Architecture, P.C., also explained that the New York City Department of Environmental Protection regulated that watercourses and there were watercourses on the property.

Ms. Polly Kuhn, Heritage Hills, said that she understood that the proposal was for a Memory Care Facility, a Grocery Store and for some housing. She asked what the situation was at that point, this had moved on and the Town Board knew what kind of zoning change they wanted and what kind of residential units they were asking for. The Supervisor said that the proposal had not changed at all, at least on paper, they were in the very early stages of the process. She said that the proposal that was before the Board still contained Memory Care Facility, some housing and a Grocery Store. She said that as the process evolved there would be alternatives that would be looked at and there would be some discussion with regard to changes. The Supervisor continued that at that point there had been no discussion with regard to that issue, there would be a scoping session where they would discuss changes. Ms. Kuhn said that luxury housing units were mentioned and that was all she knew about. The Supervisor said that would all be thoroughly discussed and the public would be part of the scoping session as well.

The next item on the agenda was an adoption of a Permissive Referendum with regard to the conveyance of a portion of the road bed of Railroad Avenue property known as 21 Brick Hill Road.

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

RESOLVED, that the Town Board does hereby authorize going to permissive referendum for the sale of a portion of Railroad Avenue (a paper roadway approx. 50 feet wide and 175 feet long), to adjacent property owners, Stephen Perry and Mary Broderick, residing at 21 Brick Hill Road, Somers, New York 10589 for the sum of \$3,500.00 subject to the following conditions:

1. Easements in favor of the Town of Somers for recreation trails and drainage purposes.
2. Receipt of survey and description for conveyance purposes (Purchaser's expense).
3. The portion of Railroad Avenue being purchased shall be merged into the contiguous property of purchaser and shall be deed restricted to prohibit the construction of a principal structure thereon.

Adopt
Permissive
Referendum
for Railroad
Ave

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4. Subject to Permissive Referendum.

5. Reimbursement to the Town - legal fees and title charges, if any.

The Supervisor said that the next item on the agenda was a discussion with regard to the registration of abandoned /vacant/foreclosed properties. She explained that the Building Inspector had sent the Board a memo asking the Town Board to add to the Town Code an Ordinance requiring registration of abandoned /vacant/foreclosed properties and a fee to be paid by companies who secure and maintain those properties on behalf of the Banks and Mortgage Companies. She said that this was so that they track the maintenance of property and ensure that it was occurring. The Supervisor said that if the Board agreed she would ask the Town Attorney to draft a Local Law. Councilman Garrity asked what rights the Town had to maintain the property of an abandon property. The Supervisor said what they did was contact the Bank and have them maintain the property, although that was a process. Discussion ensued with regard to foreclosed property and who was responsible to maintain them.

The Town Attorney present at 8:35 PM.

The Supervisor explained to the Town Attorney that the Board would like a draft Local Law with regard to the requirement of registration of abandoned /vacant/foreclosed properties per the memo from the Building Inspector. She said that they would schedule the public hearing for the August regular meeting.

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

RESOLVED, that the Town Board does hereby schedule a Public Hearing for Thursday, August 8, 2013 regarding registration of abandoned/vacant/and foreclosed properties per memo dated July 2, 2013 from Efrem Citarella, Building Inspector.

The next item was a discussion of residency requirement for Part-time Police Officers. The Supervisor said that item was being removed from the agenda. Councilman Clinchy asked if they were going to come back to that at a later date. The Supervisor said that it was not, the Police Chief had requested that it be placed on the agenda but it was addressed.

The Supervisor said that next item was for her to announce that she had submitted a Letter of Intent for Hazard Mitigation Grants. She explained that this was for inclusion in Westchester County Hazard Mitigation Plan and funding for installation of the generator at the Town House. She said that she also reached out to various Department Heads to see if they had anything else they would like for her to submit a Letter of Intent for in that regard. Councilman Clinchy asked what was the impact of the Westchester County Hazard Mitigation Plan. The Supervisor explained that they could not get Hazard Mitigation money unless they had a plan and they could be part of the County's Plan, then they would not have to make their own plan. Councilman Clinchy asked if that was money from the State and the Federal Government. The Supervisor said that money mostly came from the Federal Government.

The Supervisor said the she also wanted to announce that she submitted a request to NWEAC for submission of grant application for funding to update the Comprehensive Master Plan and to update Zoning and Permitting Regulations for Solar Panels. She explained regarding the Comprehensive Master Plan update that was only with regard to sustainability and it was on a reimbursement basis. She said that it was a reimbursement basis for updating Zoning and Permitting Regulations for Solar Panels as well. The Supervisor said she discussed this with the Assistant Building Inspector and he reviewed the model Regulations from CUNY. The Supervisor continued that the Assistant Building Inspector explained that the Town's Regulations were very much like the model Regulations. She said as a point of information the Assistant Building Inspector told her that they were getting more applications for Solar Paneling. She said to date that year there were twelve applications.

Registration of abandoned /vacant/foreclosed properties

Residency requirement for Part-time Police Officers

Submitted a Letter of Intent for Hazard Mitigation Grants

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The Supervisor announces the following:

- a. Supervisor has submitted letter of intent for Hazard Mitigation grant for the following:
 - i. Inclusion in Westchester County Hazard Mitigation Plan.
 - ii. Funding for installation of Generator at the Town House.
- b. Supervisor has submitted request to NWEAC for submission of grant application for funding to:
 - i. Update Comprehensive Master Plan
 - ii. Update zoning and permitting regulations for Solar Panels.

Mr. Oringel said that it was great news that the Somers Solar Permitting language was consistent with the uniform language CUNY was circulating through the State. He said that set them up for participation in the Solar Program. He said with regard to the Comprehensive Master Plan, there were a number of grants that required some work to be done in advance of being qualified. Mr. Oringel explained that they had to have an updated Comprehensive Master Plan that reflected the Board's will. He said that he would like to add a chapter with regard to sustainability and once the Comprehensive Master Plan was completed it was at that time they could apply for the expenses that were required to bring it to that level. The Supervisor said that this was unusual to her to have a grant where the money was spent and then the Town was reimbursed for the work that was done. She stated that grants usually worked in the opposite fashion and they could not be reimbursed for work that was already done.

Mr. Oringel said that the Town Board was looking at generators for the Town House, the latest technology for generators was solar powered generators. The Supervisor said that she could put in for that under the Hazard Mitigation Grants and asked Mr. Oringel to get her a further description with regard to that for inclusion.

ADP
TotalPay
Product

The next item on the agenda was with regard to ADP TotalPay Product. The Supervisor explained that currently the payroll checks were issued as Town of Somers checks and they wanted to move to the checks being issued as ADP checks. She said that their reasoning for doing that for every other check other than payroll checks the Town issued had Positive Pay. She continued that Positive Pay was a system to ensure that checks were not fraudulent or cashed by someone inappropriately. The Supervisor said for some reason that could not be done with the payroll checks. She said that ADP TotalPay system would do the Positive Pay system. She said that this was a good thing and it was going to cost a \$300.00 initial payment.

Councilman Ciriaco asked the number of employees that were getting actual checks instead of Direct Deposit. The Director of Finance stated that about half of the employees still received checks. Councilman Morrissey said that all Westchester County Employees were required to have direct deposit. The Supervisor asked the Town Attorney if the Town could require their employees to have direct deposit. The Town Attorney said that was something that would be negotiated with the Unions.

Councilman Clinchy said that he wanted to compliment Mr. Kehoe for bring this and other improvements and changes to the Town's procedures.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to enter agreement with ADP for TotalPay per memo dated July 1, 2013 from Robert Kehoe, Director of Finance.

PERSONNEL:

Current Vacancies:

Somers Energy Environmental Committee
Substance Abuse Council (2 – unexpired 3 year terms to December 31, 2016)
Affordable Housing Board (1 – unexpired 2 year term ending July 11, 2013)

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Affordable Housing Board (4 – 2 year terms ending July 11, 2013)

Upcoming Vacancies:

The Supervisor said that she wanted to announce that the Substance Abuse Council asked her to reach out to the Community. She said that if anyone was interested in serving on that Council they were reenergizing and revitalizing their efforts.

Reappoint
of T.
Stegner,
Town
Assessor

The Supervisor said that it was in order to authorize the reappoint of Ms. Teresa Stegner, Town Assessor.

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

RESOLVED, that the Town Board does hereby reappoint Teresa Stegner as Somers Town Assessor for a six (6) year term effective October 1, 2013 ending September 30, 2019.

Appoint
P.
Chamoun
to the
Library
Board of
Trustees

The Supervisor announced the appointment of Ms. Paula Chamoun to the Library Board of Trustees by the Library Board.

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

RESOLVED, that the Town Board does hereby announce the appointment of Paula Chamoun by the Somers Library Board of Trustees to complete the unexpired term of Barbara Stockwell ending December 31, 2017 per memo dated June 18, 2013 from James Hasl, President of the Somers Library Board of Trustees.

Acknowledge
the
resignation of
S. Nash from
the Somers
Energy
Environment
Committee

The Supervisor said that it was in order to acknowledge the resignation of Ms. Shannon Nash from the Somers Energy Environment Committee. She thanked Ms. Nash for her service to the Somers Energy Environment Committee and wished her all the best. She said that she was on to bigger and better things.

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

RESOLVED, that the Town Board does hereby accept with regret the resignation of Shannon E. Nash from the Somers Energy and Environment Committee per letter dated July 2, 2013 from Shannon E. Nash and wishes her success in her educational pursuits.

Appoint
the
Lincoln
Hall Task
Force

The Supervisor said that it was in order to appoint the Lincoln Hall Task Force as it was listed on the agenda.

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

RESOLVED, that the Town Board does hereby appoint Caroline Shenefield Angiello to the Lincoln Hall Task Force effective immediately for a term ending July 30, 2014 to serve at the pleasure of the Board.

RESOLVED, that the Town Board does hereby appoint Jane Fulton to the Lincoln Hall Task Force effective immediately for a term ending July 30, 2014 to serve at the pleasure of the Board.

RESOLVED, that the Town Board does hereby appoint John Gabriel to the Lincoln Hall Task Force effective immediately for a term ending July 30, 2014 to serve at the pleasure of the Board.

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RESOLVED, that the Town Board does hereby appoint Lionel Weinstein to the Lincoln Hall Task Force effective immediately for a term ending July 30, 2014 to serve at the pleasure of the Board.

RESOLVED, that the Town Board does hereby appoint Christopher Swee to the Lincoln Hall Task Force effective immediately for a term ending July 30, 2014 to serve at the pleasure of the Board.

The Supervisor said that the next item on the agenda was a review and comment with regard to Wrights Court Site B amended Site Plan. She explained that she understood that there was some fairly extensive discussion at the Planning Board with regard to this and if it could be a separate Site Plan. She said that she wanted to have a conversation with the Town Attorney. The Town Attorney said that now there were two different owners and it was now a necessity for two different Site Plans. He said that one of the subjects that was discussed at the Planning Board meeting was the connection of the properties. The Supervisor explained that Site A was on one side of the street and Site B was on the other side and Site A and B were one application to the Planning Board initially. She said that now that there were different owners the owner of Site A wanted to build as it was designed and the owners of Site B were looking for some changes in how the site was designed. She continued that there were some discussion as to if there needed to be a new Planning Board application and not an amendment to the existing Site Plan. The Town Attorney said that he would have to discuss this with Ms. Dym, Director of Planning. He said that he was not aware that the other property was across the street. The Supervisor explained that the sites were on either side of Scott Drive. The Town Attorney said that he said that he did not think that the amendment was a problem although he would discuss this with Ms. Dym.

Review and comment for Wrights Court Site B amended Site Plan

The next item was the consensus agenda. The Supervisor pointed out two typos with regard to item number 3.

Consensus agenda

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

- 1a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Service Agreement with JP McHale Pest Management, Inc. for Pest Management services at the Mt. Zion Church for an annual amount of \$425.00.
- 1b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Task Order 2-4.16 with Woodard & Curran in the amount of \$35,000.00 (\$29,546.00 to be paid by EOHWC and \$5,454.00 to be paid by the Town of Somers) for additional construction services related to the stormwater retrofit projects at Reis Park and the Town House.
- 1c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Task Order 2-4.17 with Woodard & Curran in the amount of \$5,000.00 for preparation of Federal Transportation Enhancement Program (TEP) application and New York State Consolidated Funding Application (CFA) for funding for sidewalk design and construction in and around the Business Historic District.
- 1d. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Indexed Lump Sum Contract, Payment Factor Adjustment – Amendment B, for the winter of: **2012 – 2013** in the amount of \$31,126.64 per letter dated June 12, 2013 from Chuck A. Walter, Permit Field Engineer Residency 8-2.
- 1e. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2013/2014 Permit to Operate renewal application with Westchester County Department of Health per memo dated July 9, 2013 from Barbara Taberer, Program Director.

Service Agreement with JP McHale Pest Management, Inc.

Execute Task Order 2-4.16

Execute Task Order 2-4.17

Execute the Indexed Lump Sum Contract, Payment Factor Adjustment – Amendment B, for the winter of: 2012 – 2013

Execute the 2013/2014 Permit to Operate renewal application with Westchester County DOH

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Authorize proposals to provide preliminary appraisal services

2. RESOLVED, that the Town Board does hereby authorize the following proposals with Valuation Plus, Inc. to provide preliminary appraisal services:
- a. \$3,000.00 for Doherty Farms, Inc.
 - b. \$3,500.00 for the Heritage 202 Center.

Return Erosion Control Bonds

3. 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 Mauro Tree Preservation Permit – 16.06-3-48
 - b. \$500.00 Lincoln Hall Wetland Permit – 16.15-1-1
 - c. \$996.00 Opengate Erosion Control Bond – 17.06-1-3
 - d. \$ 75.00 Slutsky Tree Preservation Permit – 18.05-2-1
 - e. \$350.00 Summer Trails Day Camp Erosion Control Bond – 26.16-1-1
 - f. \$100.00 DeGasperis (Bristow/Taft) Erosion Control Bond – 38.13-2-10.5
 - g. \$100.00 Meadow Ridge Homes Erosion and Sediment Control Bond – 4.19-1-2
 - h. \$100.00 Meadow Ridge Homes Erosion and Sediment Control Bond – 4.19-1-3
 - i. \$200.00 Spearman Architectural Design, PC (Gardella) Steep Slope Erosion Control Permit – 27.14-1-1
 - j. \$200.00 Siemers Erosion and Sediment Control permit – 27.20-1-3
 - k. \$300.00 Thomas Wetland Permit – 47.12-1-31

Accept Erosion Control Bonds

4. RESOLVED, that the Town Board does hereby authorize the acceptance of the following Erosion Control Bonds per memos from Wendy Getting, Senior Office Assistant.
- a. \$ 500.00 Conti Stormwater Management and Erosion and Sediment Control – 37.10-1-2
 - b. \$ 200.00 LoParrino Erosion Control Bond – 5.18-1-29
 - c. \$2,620.00 Meichner Erosion Control Bond – 6.14-1-13

Authorize Paul's Painting paint exterior of the Wright Reis House & Summer Kitchen

5. RESOLVED, that the Town Board does hereby authorize Paul's Painting to paint the exterior of the Wright Reis House and the Summer Kitchen in the amount of \$15,550.00, per memo dated July 1, 2013 from the Historic Properties Board.

Authorize Fenway Floor Covering

6. RESOLVED, that the Town Board does hereby authorize Fenway Floor Covering (successor of D&P Floor Covering) to carpet the Town House hallway in an amount not to exceed \$4,071 per memo dated July 5, 2013 from Barbara Sherry, Confidential Secretary to the Supervisor.

Standard Work Day Resolution for Part-time Police Employees

Standard Work Day Resolution for Part-time Police Employees

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

Title	Standard Work Day (Hrs/days)
Part-time Police Officers	8

On this 12 day of July, 2013

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Signature: *Kathleen R. Pacella* Date enacted: July 11, 2013

I, Kathleen R. Pacella, 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 11th day of July, 2013, 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, that and 5 of such members were present at such meeting as 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

(SEAL)

Town of Somers
(Name of Employer)

- 8. RESOLVED, that the Town Board does hereby authorize the release of \$25,000.00 Greenbriar Subdivision Section 7 Performance Bond per memo dated July 8, 2013 from Steven Woelfle.

Release
Performance
Bond

The Supervisor thanked the Lions for the wonderful Independence Day Celebration and to all who contributed to the fireworks. She said that she did not have a final number at that time, although she thought that they were going to be at or very close to their goal.

Councilman Morrissey said on behalf of the Lions he wanted to thank the Town for supporting the event. He said that the Taste of Somers event broke records, they had more people than they had ever had and more Restaurants.

Councilman Garrity wished Tommy Garrity a Happy 11th Birthday.

Claims for the payment of all Town Bills in the amount of \$729,122.37 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 8:55 PM.

Town Clerk