

JULY 12, 2012 – REGULAR MEETING

Minutes of a Regular Meeting of the Town Board of the Town of Somers held on Thursday evening, July 12 2012 at 7:30 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 Richard A. Benedict

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

PUBLIC COMMENT:

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

Approval
of the
minutes

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

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

RESOLVED, that the Board does hereby approve the minutes of the June 14, 2012 Town Board Regular Meeting.

Monthly
reports

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

Update
reg. 133
Mahopac
Ave.

The Supervisor said that the next item on the agenda was an update with regard to 133 Mahopac Avenue. She said that they had asked the Building Inspector to prepare bid specifications and he was in the process of getting them into the format to be distributed to potential contractors. She said that she sent a letter to the property owner with a copy of the Board's Resolution so that he would be aware of how they were going to proceed. Councilman Clinchy asked if the property owner had responded or contacted the Town at all. The Supervisor said that they had not, not to her knowledge.

Councilman Garrity asked the Town Attorney if there was a time limit as to when they could start taking action and moving forward. The Town Attorney said that there was not, that they had to go through the bid procedure. He said once they had the specs they had to notice the project publicly and have a response period of ten to twenty days. Councilman Garrity said that meant they were looking at thirty to sixty days. The Town Attorney said to get a contractor lined up, the required insurance certificates and everything else in place it would be at least forty-five days. The Supervisor said that she was hoping to have the bid specs by the August meeting for their consideration.

Filming
Permit

The next item was the Filming Permit. The Supervisor said that they discussed this at last week's meeting and since then they had received a very generous offer. She explained that Mancini Realty had offered to donate the \$500.00 Filming Permit fee for the applicant. She said that worked out very well, in talking with the Police Chief subsequent to the meeting she realized that the Officers that worked off-duty were paid directly, they were not paid by the Town. The Supervisor said that there was not the synergy to be able to deduct the cost from the permit fee. She said that she was proposing that they amend the Resolution that was adopted at last week's meeting deleting the portion that deducted expenses and add a thank you to Mancini Realty for the generous donation.

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

RESOLVED, that the Town Board does hereby approve the Application for Filming Permit for Rare Bird Pictures, Inc. for the Film Permit fee of \$500.00 to be paid by Mancini Realty and;

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BE IT RESOLVED, that the Town Board does hereby thank Mancini Realty for their generous donation of the Filming Permit fee and;

BE IT FURTHER RESOLVED, that the Town Board does hereby require that Rare Bird Pictures, Inc. use Somers Purveyors for their second meal needs.

Extension
the term of
Office for
Supervisor

The Supervisor said that the next item was to discuss extending the term of Office for the Supervisor. She explained that Councilman Benedict had asked her to look into extending the Supervisor's term from two years to four years. She said that she circulated the information that she had from when it was done with regard to the Highway Superintendent's term. Councilman Garrity said that this seemed to always be a discussion point during election time and it made sense when all of the other Terms of Office were four years in Somers. He said that he had no objection to putting this out to the public and seeing what the feedback was.

Councilman Morrissey said that he agreed with Councilman Garrity, to have a Supervisor, no matter who it was, have to divert their attention every two years from running a Town to running for reelection was difficult. He said that he felt moving to the four year term it would be more beneficial to the Town and to whoever the Supervisor was. He said that he would like to hear what the public had to say.

Councilman Garrity said that he also felt that the timing was important; if they could get it on the November ballot it would take effect the next year. He said that would be good because the Supervisor seat would run on the election cycle that did not have as many seats up for election.

The Supervisor asked the Town Attorney to explain the process to the public. The Town Attorney said that a Local Law needed to be drafted, which was subject to public hearing and in this instance it was subject to mandatory referendum. He said that if they held the public hearing in August and adopted the Local Law that evening they would be ensured of getting it to the Board of Elections by September to be on the November ballot. He said that this would be effective for the following election.

Councilman Garrity said from a voting stand point one would assume that November's Presidential Election should be a big turn out and they would get the truest sense from the people of the Town of Somers.

Councilman Clinchy asked when this had to be sent to the Board of Elections. The Town Attorney said that he believed that it was a date mid-September. The Supervisor said based on a letter from the former Town Attorney it was sixty days before the Election.

Councilman Clinchy said that no one who had a two year term enjoyed running every two years. He said that the question was would this result in better, wiser Government. He said that people may question if there were any other Towns that had four year Supervisor terms. He asked the Town Attorney if he knew of any in Westchester. The Town Attorney said that he did not. Councilman Clinchy said that the possible downside was that the Supervisor was always running with the same two people. He said that he would like to know if any other Town had done this and if they were happy with the change. The Supervisor said that she believed that the Supervisor term in Patterson was a four years although she was not aware of any in Westchester. The Board agreed to schedule a public hearing with regard to increasing the Supervisor's term.

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

RESOLVED, that the Town Board does hereby schedule a public hearing for August 9, 2012 for the consideration to increase the Supervisor's term from a two (2) year term to a four (4) year term.

Application
fee for In
Rem filing

The next item on the agenda was to authorize a check in the amount of \$220.00 payable to the Westchester County Clerk's Office for application fee for In Rem filing. Councilman Clinchy asked what the check was for. The Supervisor said that it was for Tax Liens. The Town Attorney said that they had to be filed by July 1st.

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Thereupon motion of Supervisor Murphy, seconded by Councilman Garrity, it was unanimously, RESOLVED, that the Town Board does hereby authorize a check in the amount of \$220.00 payable to the Westchester County Clerk’s Office for the application fee for In Rem filing.

Refer out crosswalk for Opengate, Inc

The Supervisor said that the next item on the agenda was to refer out a request from Opengate, Inc. for a crosswalk on Warren Street at the location of their campus. She said that she served on the Board there and she would be recusing herself from the matter. Councilman Clinchy asked if there was a legal prohibition for this. The Supervisor said that was why they were referring it out for comments.

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

RESOLVED, that the Town Board does hereby refer a request from Opengate, Inc. for a crosswalk on Warren Street at the location of their campus to the Police Chief, Engineering Department and Highway Superintendent.

VOTE:

Ayes	3	Councilmen Clinchy, Garrity & Morrissey
Absent	1	Councilman Benedict
Recused	1	Supervisor Murphy – on Board of Directors of Opengate, Inc.

PERSONNEL:

Current Vacancies:

- Somers Energy Environmental Committee
- Assessment Board of Review (1 – 5 year term to December 31, 2016)
- Substance Abuse Council (1 – unexpired 3 year term to December 31, 2014)
- Architectural Review Board (1 – 3 year terms to March 31, 2015)
- Parks and Recreation Board (3 – 3 year terms to March 9, 2015)

Upcoming Vacancies:

Assessment Board of Review (3 – 5 year term to September 30, 2017)

Reappoint J. Paiva to ARB

The Supervisor said that it was in order for the Board to reappoint Joseph P. Paiva to the Architectural Review Board.

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

RESOLVED, that the Town Board does hereby reappoint Joseph P. Paiva to the Architectural Review Board for a three (3) year term ending March 31, 2015.

The Green at Somers Site Plan

The next item was with a discussion with regard to The Green at Somers Site Plan. The Supervisor said that she understood that this was on the Planning Board agenda. She said that there was discussion by the Planning Board at that meeting and it was her understanding that the Planning Board was going to invite the Town Board to a joint meeting. She said that it may be best for the Board to put this discussion off until after the joint meeting.

Consensus agenda

The Supervisor said that the next item was the consensus agenda.

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

Memo of Understanding (MOU) with GovDeals

1. RESOLVED, that the Town Board does hereby authorize the Highway Superintendent to enter into a Memo of Understanding (MOU) with GovDeals for On-line Auctions of Assets for Sale and Purchase.

Schedule public hearing reg. clean-up of canine waste

2. RESOLVED, that the Town Board does hereby schedule a public hearing for August 9, 2012 with regard to legislation requiring the clean-up of canine waste.

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Execute 2012 IIB Agreement with West. County Dept of Senior Programs and Services for Adult Transportation

3a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2012 IIB Agreement with Westchester County Department of Senior Programs and Services for Adult Transportation per memo dated July 5, 2012 from Barbara Taberer, Program Director.

Execute the 2012/2013 Permit to Operate Renewal Application with West. County Dept of Health for the Nutrition Center

3b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2012/2013 Permit to Operate Renewal Application with Westchester County Department of Health for the Nutrition Center per memo dated June 18, 2012 from Barbara Taberer, Program Director.

Execute documents for Wright's Court

3c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the following documents for Wright's Court per letter dated June 19, 2012 from Adam L. Wekstein, Hocherman, Tortorella & Wekstein, LLP:

1. Vehicular and Pedestrian Access Easement and Sight Easement in favor of the Town of Somers;
2. Stormwater Control Facilities Easement and Maintenance Agreement for Site A;
3. Stormwater Control Facilities Easement and Maintenance Agreement for Site B;
4. Declaration of Covenants and Restriction for Affordable Dwelling Unit on Site A;
5. Declaration of Covenants and Restriction for Affordable Dwelling Unit on Site B; and
6. Declaration of Cross-Parking and Access Easement, Wright's Court Site A and Site B

Award bid - two (2) 201-2B Stainless Steel Dump Body and Class 30 Underbody Hoist

4. RESOLVED, that the Town Board does hereby authorize awarding the bid for two (2) 201-2B Stainless Steel Dump Body and Class 30 Underbody Hoist to Zwack, Inc., Route 22, Stephentown, New York in the amount of \$19,326.00 for both this being the only bid received per memo dated June 27, 2012 from Thomas E. Chiaverini, Highway Superintendent.

Reimbursement from Insurance Reserve to Library Contractual

5. RESOLVED, that the Town Board does hereby authorize the reimbursement from Insurance Reserve in the amount of \$4,028.30 to the Library Contractual Budget to finish replacing water-damaged carpeting per memo dated June 26, 2012 from Patricia Miller, Library Director.

Acknowledge retirement of Police Officer M. Carpentieri

6. RESOLVED, that the Town Board does hereby amend Resolution acknowledging Retirement of Police Officer Michael A. Carpentieri from effective date of June 1, 2012 to June 3, 2012 per letter dated June 12, 2012 from Police Officer Michael A. Carpentieri.

Accept Erosion Control Bonds

7. 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. \$1,000.00 Coral Sea Pools Svc (Kerins) Steep Slope Permit – 58.12-1-18
- b. \$ 200.00 Parubi Stormwater Management and Erosion and Sediment Control Permit – 26.15-1-16
- c. \$ 594.00 Massa Montalto Arch. (CVS) Erosion Control Bond – 17.15-1-13

Release Erosion Control Bonds

8. 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. \$100.00 Conti Tree Preservation 5.17-2-22
- b. \$100.00 Rivilis Wetland Permit – 5.18-1-40
- c. \$200.00 Wiggins Stormwater Management and Erosion and Sediment Control Permit – 5.19-1-52
- d. \$200.00 O'Laughlin Steep Slope Permit – 5.19-1-73.1

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- e. \$500.00 Bernardi Steep Slope Permit – 5.13-1-30
- f. \$ 25.00 Giorgio Tree Preservation Permit – 5.15-1-26
- g. \$100.00 Weintraub Wetland Permit – 5.17-2-64
- h. \$200.00 Healy Wetland and Stormwater Management and Erosion and Sediment Control Permit – 17.17-1-23

Authorize Luzon Environmental Services to perform an annual Oil Tank Tightness Testing

9. RESOLVED, that the Town Board does hereby authorize Luzon Environmental Services to perform an annual Oil Tank Tightness Testing at the Somers Town House and Town House Annex in the amount of \$825.00 per June 19, 2012 memo from Steven Woelfle, Principal Engineering Technician. The following proposals were received:

Luzon Environmental Services	\$ 825.00
US Tank Tech	\$ 825.00
United Tank Testing, Inc.	\$ 850.00
Conklin Services & Construction, Inc.	\$1,100.00

Change dates for Town Board meetings

10. RESOLVED, that the Town Board does hereby change the Town Board Meeting dates to Joint Work Session/Regular Meetings in August and September to August 9, 2012 and September 6, 2012.

The Supervisor said that she wanted everyone to note that there was going to be one meeting in August. She said that meeting was going to be held on August 9, 2012, it was going to be a combined Work Session/Regular Meeting.

The Supervisor said that she again wanted to thank Mancini Realty for stepping up and helping to keep Somers on the map. She said that the firm sounded nice and it was generous of them to donate the fee.

Claims for the payment of all Town Bills in the amount of \$798,612.28 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 declared closed at 8:00 PM.

Deputy Town Clerk