

AUGUST 1, 2013 – COMBINED WORK SESSION/REGULAR MEETING

Minutes of a combined work session/regular meeting of the Town Board of the Town of Somers held on Thursday evening August 1, 2013 at 7:15 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.
	Councilman	Anthony J. Cirieco

ABSENT:

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

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

Thereupon motion of Councilman Garrity, seconded Councilman Clinchy the meeting was adjourned to an executive session at 7:15 PM with regard to personnel to return that evening.

7:30 PM – meeting reconvened

PUBLIC COMMENT:

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

The Supervisor said that she wanted to announce that she had had been advised by the New York State Department of Transportation (DOT) that they were going to be reconstructing the intersection of Route 138 and Route 100. She said that they told her that the work was projected for 2014 and explained that they were going to make that a T intersection.

Monthly reports

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

Reis Park Bathroom renovation project budget

The Supervisor said that the first item on the agenda was with regard to expanding the Reis Park Bathroom renovation project budget to cover added expenses at Upper Reis.

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

RESOLVED, that the Town Board does hereby authorize increasing the Reis Park Restroom Renovation budget to \$13,646.06 to cover additional expenses incurred to include the upper Reis restrooms in the project per memo dated July 24, 2013 from Steven Ralston, Superintendent of Parks & Recreation.

Councilman Clinchy asked if any of the bathroom expenses were covered by the East of Hudson. The Supervisor said that they did not cover the bathroom renovations.

Somers Crossing

The next item on the agenda was a series of topics with regard to Somers Crossing. Ms. Syrette Dym, Town of Somers Director of Planning, Mr. Joe Barbagallo, of Woodard and Curran, Engineering Consultant for the Town of Somers, Mr. John Currie, Chairman of the Planning Board, Mr. Christopher Foley, Mr. John Keane, Ms. Fedora Delucia, Ms. Vicki

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Gannon, Planning Board members joined the Town Board. Mr. Richard O'Rourke of Keane & Beane, P.C. representing Boniello Land & Realty, Ltd., was with Bonnie Von Ohlsen, Planner of VHB Engineering, Surveying and Landscape Architecture, P.C. Mr. Tim Allan of Bibbo Associates and Mr. Gus Boniello, applicant, joined the Board as well.

The Supervisor said the first item was for the Board to discuss proposals that were received from Consultant Firms to assist with Somers Crossing. She said that she reviewed the proposals with Ms. Dym and it seemed to her that the Board would have to meet with some of the Firms and interview them. She suggested that the interview with regard to Traffic was F. P. Clark, TRC and Adler. The Supervisor said with regard to Landscape Architecture they should interview Tim Miller and F. P. Clark. She explained with regard to Cultural Resource there was a firm that was a good candidate and because it was summer and someone was out of the Country they did not submit a good proposal. She said that Ms. Dym was suggesting that the proposal was to be reissued. Discussion ensued with regard to the amounts listed in the proposals and when the Board was available to meet and interview the different Firms. The Board agreed that they were going to have a Special Meeting on August 26, 2013 at 5:00 PM at the Van Tassell House to interview Consultant Firms with regard to the Somers Crossing project. The Supervisor said that there would be a short open meeting after the interviews for the Board to make their decisions as to who to hire.

The Supervisor said that the next item with regard to Somers Crossing was to review Part 2 & 3 of the Environmental Assessment Form (EAF) and to make changes. She explained that the EAF was drafted by Ms. Dym. Mr. Keane pointed out some areas that needed to be addressed in Part 1 before they could review Part 2 & 3. It was explained that Part 1 was not their document and the applicant had submitted that to the Town. The Board decided that they would review Part 1, 2, and 3 of the EAF. A lengthy discussion ensued with regard to changes that needed to be made to all 3 parts of the EAF.

Ms. Dym said that what they had to do that evening was address the Positive Declaration and make a Determination of Significance and set a date for public scoping. She said once that was done it would be circulated with the applicant's draft scope, it would be published in the Environmental Notice Booklet and distributed to all of the interested and involved agencies and others. She continued that hopefully they would have feedback and they would have things available by the time they got to the scoping session. Ms. Dym said that the scoping session was tentatively scheduled for the September 12th Regular Meeting. The Supervisor said that was her question, assuming that the Board retained the needed experts on August 26th would there be enough time for them to get up to speed for the September 12th meeting. She said that the other option was to have the public session and keep the session open while they waited for the experts to give their feedback. The Town Attorney said that they could do 90% of the scoping on September 12th and then have a comment period which would allow the consultants to send in their comments. He said that their other alternative was to go way into October and he was not sure if they wanted to do that. Mr. O'Rourke said that they could leave the scoping session open if they needed for the submission of written comments. He said from their prospective they would have asked for this to be set for September 12th so that they were moving forward.

The Supervisor said that Ms. Dym was going to make the discussed changes to the EAF. She asked if the Town Board needed to formally adopt that EAF as modified, what was the next step. She asked if they just directed Ms. Dym to make the changes. Ms. Dym said that they just needed to direct her to make the changes. She said that she wanted to point out that as result of the changes that were discussed that evening there was one change she would recommend and that was to the Positive Declaration. She suggested language that needed to be removed. Discussion ensued with regard to language changes to the Positive Declaration.

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

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RESOLVED, that the Town Board does hereby authorize the adoption of the Positive Declaration for the Boniello Land & Realty, LTD./Somers Crossing located at 307 Route 100, Somers, NY 10589, Tax Map Sheet: 17.15 Block: 15 Lot: 15.1.

The Supervisor said that the Board needed to authorize the circulation of the Somers Crossing, Town of Somers Westchester County, New York, Draft Environmental Impact Statement Scoping Outline (Applicant's Proposed Draft, July 10, 2013).

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

RESOLVED, that the Town Board does hereby authorize the circulation of the Boniello Land & Realty LTD./ Somers Crossing, Town of Somers, Westchester County, New York, Draft Environmental Impact Statement Scoping Outline (Applicant's Proposed Draft, July 10, 2013.)

The Supervisor said that it was in order for the Board to set the Public Scoping Session to begin on September 12, 2013.

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

RESOLVED, that the Town Board does hereby schedule the Public Scoping Session for the Boniello Land & Realty, LTD./The Crossing to begin on Thursday, September 12, 2013

9:45 PM – 5 minute break

9:55 PM – meeting reconvened

Health
Insurance

The next item on the agenda was a discussion with regard to Health Insurance. The Supervisor said that the Board had a brief discussion about the Town's Health Insurance and looking into to if they wanted to change providers to the NYSHIP Plan. She said that if the Board did want to go with that option they needed to formally notice the Town's Unions. She said that she did meet with them informally and told them that this was something that was being considered and gave them the materials that she had with regard to NYSHIP. The Supervisor said that she placed this on the agenda because she needed to know if the Board wanted her to formally notice the Unions. Councilman Morrissey recommended that she make that notice based on the discussions that they had. Councilman Ciriaco said that he agreed with Councilman Morrissey. He said that he did want to discuss a few things. He said that it was his understanding that the present Insurance Carrier was diminishing. The Supervisor explained that they were trying to find new participants and they were embarking on an effort to do so. She said that their concern was that they were going to diminish and they even acknowledged in the current state they needed more participants to be viable. She explained MEBCO's plan to the Board. Councilman Ciriaco said that there was also a cost benefit of changing providers. The Supervisor said that there was although that could change. She said that the Finance Director and herself were concerned about the ongoing liability, they did not want to be the last to leave. She explained that the other issue was because the Town was self-insured with MEBCO there was a buyout fee. The Supervisor said that could change as well. Discussion ensued with regard to the formally noticing the Unions about the Board's consideration of a change in Health Insurance Carriers.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to send a Letter of Intent to the Teamsters IBT Local 456 and the CSEA Somers Unit #8230 Westchester

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County Local 860 giving ninety (90) days’ notice of intent to change health insurance policy coverage.

Review
Chapt. 72 of
Town Code

The Supervisor said that the next item was a review of Chapter 72 of the Code of the Town of Somers regarding Brush, Grass and Weeds and Chapter 157 of the Code of the Town of Somers regarding Vacant Structure, Maintenance. She explained that Chapter 72 did not actually address grass. She pointed out proposed changes that she had made to address grass. The Supervisor said that they would need to adopt a Local Law with regard to those changes. She asked the Town Board if they wanted her to work with the Town Attorney to draft an amendment to those Chapters. It was agreed that the Town Attorney would draft a proposed amendment for the Board’s consideration.

The next item was to award the proposal for a new Town House Boiler. The Supervisor said that they were finally at a place where they were comfortable with their recommendation. She said that they were recommending the proposal be awarded to Johnson Control, who was the lowest proposal they received. She thanked Councilman Clinchy for bringing them to the Town’s attention. The Supervisor said the amount of the proposal was \$22,377.00 to replace the Boiler at the Town House.

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

RESOLVED, that the Town Board does hereby award the proposal for a new Town House boiler to Johnson Controls, Inc. in the amount of twenty-two thousand three hundred and seventy seven dollars (\$22,377.00.) The proposals received were as follows:

Johnson Controls, Inc.	\$22,377.00
Panco Plumbing & Heating, Inc.	\$29,000.00
Wm. DeGasperi & Son Plumbing & Heating Inc.	\$29,300.00
Miceli Plumbing & Heating, Inc.	\$31,800.00

Reject bid
for Police
Building
Exterior
Renovation
Project

The Supervisor said that the next item on the agenda was to award the bid for the Police Building Exterior Renovation Project. She recommended that the bid be rejected and they rebid the project. She explained that only one bid was submitted and they felt if the bid was left open for a longer period of time and sent to local companies they would get better feed results. Councilman Clinchy asked if they needed to change the specifications in order to rebid the project. The Town Attorney explained that they did not have to change the bid package. The Supervisor said that they were actually going to be making some changes to the specifications.

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

RESOLVED, that the Town Board does hereby reject the bid submitted by L. Mark Construction, Inc. for the Police Building Exterior Renovation Project due to the fact that only one bid was received and,

DOES HEREBY, authorize going to bid again for the Police Building Exterior Renovation Project.

Littering and
Dumping
Ordinance

The next item on the agenda was a discussion with regard to the Littering and Dumping Ordinance. The Supervisor said that she had prepared a directive for the Board’s consideration.

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

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RESOLVED, that the Town Board does hereby authorize the directive prepared by Supervisor Murphy with regard to the Littering and Dumping Ordinance to be sent to the Building Department, Highway Department, Police Department and Engineering Department.

The Supervisor announced that the public hearing with regard to Registration of Vacant and Abandon Property was being moved to the September 12, 2013 Regular Meeting.

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

Upcoming Vacancies:

Hire C.
Dammeyer
Seasonal
Maintenance

The Supervisor said that it was in order for the Board to authorize the Seasonal hiring of Mr. Charles Dammeyer as a Seasonal Maintenance Mechanic (Utility). Councilman Cirioco asked the Supervisor to define Seasonal. The Supervisor explained that it began at the time of hiring and will go for no more than four months.

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

RESOLVED, that the Town Board does hereby authorize seasonal hiring of Charles Dammeyer as a Seasonal Maintenance Mechanic (Utility) beginning August 12, 2013 at an hourly salary of \$25.00 not to exceed four (4) months.

Consensus
agenda

The Supervisor said that the next item was the consensus agenda. She pointed out there were some additions to item number 4. She said that she wanted to note that with regard to item number 6 that the Town of Somers was officially declaring themselves a Purple Heart Town for all of the Veterans who had received that honor. Councilman Clinchy asked if they needed to adopt anything for that, he saw that there were three sample Resolutions. The Supervisor said that they did and she liked the Shasta County Resolution. Councilman Clinchy thanked Mr. LaRosa for bringing this to their attention. The Supervisor said that Mr. LaRosa did a lot of work, he did all of the Veteran's clothing drives. She said that Mr. LaRosa was now collecting donations of small appliances and household items. She said that those donations were being dropped off at St. Luke's Church. The Supervisor said that there were certain hours for those drop offs and the hours were available on the Town's website. Councilman Cirioco said with regard to item number 2a was that the firm that they typically used. The Supervisor said that was in connection with the Certiorari Proceedings and the Town Attorney worked very hard to find a qualified firm. The Town Attorney stated that they came highly recommended. Councilman Clinchy asked with regard to item number 1, if those were annual expenditures. The Supervisor said that they typically did that every year.

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

RFP for
Window
Washing and
Floorings

1. RESOLVED, that the Town Board does hereby authorize obtaining Request for Proposals (RFP) per memo dated July 23, 2013 from Barbara J. Sherry, Confidential Secretary to the Supervisor for:
 - a. Window washing at the Town House and Annex Buildings.
 - b. Cleaning of office flooring in the Town House and Annex Buildings

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Execute proposal with Sterling Appraisals, Inc. for the Heritage Hills Water and Sewer Works

2a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute proposal with Sterling Appraisals, Inc. for the Heritage Hills Water and Sewer Works per letter received from Bob Sterling, MAI dated June 27, 2013.

Execute annual Kinsley Power System Service Agreement

2b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the annual Kinsley Power System Service Agreement in the amount of \$2,668.00 for the Somers Sewer District.

Execute Generator Prevention Maintenance Contract with National Standby Repair, Inc

2c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Generator Prevention Maintenance Contract with National Standby Repair, Inc. (NSR) in the amount of \$550.00 for the emergency generator located at the Police Building per memo dated July 17, from Chief Michael W. Driscoll.

Execute 2013/2014 Somers School Tax Warrant

2d. RESOLVED, that the Town Board does hereby authorize the Supervisor execute the 2013/2014 Somers School Tax Warrant.

Execute the Application for Use of New York City Owned Water Supply Lands

2e. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Application for Use of New York City Owned Water Supply Lands – **Revocable Land Use Permit** – Project No. 2208 – Somers Highway Garage.

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. \$200.00 Meadow Ridge Homes Stormwater Management & Erosion & Sediment Control Permit – 4.19-1-5
- b. \$100.00 Meadow Ridge Homes Erosion & Sediment Control Permit – 4.19-1-8
- c. \$300.00 Backman Wetland Permit – 16.10-2-36.5
- d. \$200.00 Rojas Erosion & Sediment Control Permit – 17.12-2-1.1
- e. \$200.00 Farina Stormwater Management & Erosion & Sediment Control Permit 27.08-2-2.2
- f. \$500.00 Norton/Somers Chase HOA Tree Preservation Permit – 28.06-1-33
- g. \$100.00 John Casey Management (Southland Corp) Wetland Permit – 38.17-2-1
- h. \$200.00 Paggi, Martin & DelBene (7-11 Inc.)- Stormwater Management & Erosion & Sediment Control Permit 38.17-2-1
- i. \$300.00 Boniello Land & Realty - Wetland/Steep Slope/Tree Permit - 58.08-1-5
- j. \$500.00 Boniello Development Corp.- Wetland Permit 58.08-1-5&6
- k. \$25.00 Boniello Land & Realty Corp.- Tree Preservation Permit – 58.08-1-10
- l. \$500.00 Boniello Development Corp.- Steep Slope Permit – 58.08-1-10 & 58.12-1-19
- m. \$ 25.00 Boniello Land & Realty Corp. Tree Preservation Permit – 58.12.1-19
- n. \$8,263.00 BVS Acquisition Co., LLC- Erosion Control Bond – 4.20-1- 11.8
- o. \$200.00 Frey Wetland Permit – 17.08-1-9.3
- p. \$100.00 Frey Stormwater Management & Erosion & Sediment Control Permit 17.08-1-9.3
- q. \$200.00 Beresford Landscape (Rosenzweig) Stormwater Management & Erosion & Sediment Control Permit – 47.08-1-30
- r. \$100.00 Lafayette Street Properties, LLC/Travis Hopkins Stormwater

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- Management & Erosion & Sediment Control Permit
– 48.17-1-32
- s. \$100.00 Cheung Tree Preservation Permit – 16.12-1-33
- t. \$100.00 Firestone Erosion and Sediment Control Permit
– 27.09-1-50
- u. \$100.00 Aqua-Pro (Murphy Aqua-Pro) Erosion and Sediment
Control Permit 27.13-1-69
- v. \$100.00 Grippo Wetland Permit – 47.20-1-14
- w. \$200.00 Surfside Pools and Constr. Corp.(Mensi) Stormwater
Management & Erosion & Sediment Control Permit
-27.06-1-12
- x. \$100.00 Zubatkin (Samaj Investors Corp) Tree Preservation Permit
- 28.10-1-12.1
- y. \$200.00 Roma Pools (Coppolecchia/Casale) Steep Slope Permit
–28.13-1-27
- z. \$200.00 Zeni Erosion and Sediment Control Permit – 48.13-1-1

Accept Erosion
Control Bonds

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

- a. \$200.00 Christiansen – Stormwater Management & Erosion & Sediment Control Permit – 47.12-1-21
- b. \$200.00 Chimes – Stormwater Management & Erosion & Sediment Control Permit – 59.05-1-18
- c. \$200.00 LaRosa – Stormwater Management & Erosion & Sediment Control Permit – 4.18-1-6
- d. \$500.00 North County Homes, Inc. – Stormwater Management & Erosion & Sediment Control Permit – 26.20-1-23
- e. \$200.00 Cheatham – Stormwater Management & Erosion & Sediment Control Permit – 58.08-1-10

Combine
August Town
Board Meetings

5. RESOLVED, that the Town Board does hereby authorize the Supervisor to combine the August 8, 2013 Regular Meeting with the August 1, 2013 Work Session Meeting.

Declare
Somers
“Purple
Heart Town”

6. RESOLVED, that the Town Board does hereby officially declare the Town of Somers a “Purple Heart Town,

WHEREAS, the people of the Town of Somers have great admiration and the utmost gratitude for all the men and women who have selflessly served their country and this community in the Armed Forces; and

WHEREAS, veterans have paid the high price of freedom by leaving their families and communities and placing themselves in harm’s way for the good of all; and

WHEREAS, many men and women in uniform have given their lives while serving in the Armed Forces; and

WHEREAS, many citizens of our community have earned the Purple Heart Medal as a result of being wounded while engaged in combat with an enemy force, construed as a singularly meritorious act of essential service.

NOW, THEREFORE, BE IT RESOLVED, that Mary Beth Murphy, Town Supervisor hereby proclaims the Town of Somers as a Purple Heart Town so designated, honoring the service and sacrifice of our nation’s men and women in uniform wounded or killed by the enemy while serving to protect the freedoms enjoyed by all Americans.

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Councilman Garrity said that he wanted to congratulate the Town Historian, Doris Jane Smith, last week she was on television. He said that there was a piece with regard to the Elephant Statue and the Hotel and Ms. Smith did a great job.

Councilman Clinchy said that there was a nice article in the Somers Record about the prescription drop off located at the Somers Police Station. He said that this was a great thing to have in Somers. He said that he had dropped off flyers at some of the Pharmacies and he would be dropping them off to all of the Pharmacies in our area. Councilman Clinchy continued that the Pharmacies had people always asking where to drop off old prescriptions. Councilman Morrissey said that he thought that Chief Driscoll should be commended, he jumped right on the idea and got the lockbox. The Supervisor said that all involved in making this happen should be commended.

Councilman Clinchy said that the Mobile Station reopened that day and it was looking good.

Councilman Clinchy wished Carol Cirienco a very Happy Birthday.

Claims for the payment of all Town Bills in the amount of \$908,761.07 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 Councilman Cirienco, seconded by Councilman Garrity the meeting was adjourned at 10:15 PM.

Town Clerk