

AUGUST 5, 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 August 5, 2010 at 7:35 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:       Supervisor       Mary Beth Murphy  
                  Councilman       Harold R. Bolton  
                  Councilman       Richard G. Clinchy  
                  Councilman       Thomas A. Garrity, Jr.

ABSENT:        Councilman       Frederick J. Morrissey

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

The Supervisor said that she wanted to start the meeting by honoring one of the Town's Lake Communities. She said that the Deans Pond Association was celebrating their 50<sup>th</sup> Anniversary this year. She said that she had the pleasure of being part of their Family Picnic Day and that was a wonderful experience. The Supervisor showed an old map of the Deans Pond Association when it was first formed and she had an opportunity to look through their minutes. She explained that it was an organization that was started by a group of neighbors that wanted to provide a sort of recreation for their families. She said that the original intent was still what the Deans Pond Association was. The Supervisor displayed a plaque that the Association had made up in honor of their 50<sup>th</sup> Anniversary which listed all of the individuals that served as president of the Association and she read them. She said that she felt that it was fitting that the Board recognize the Association; she prepared a proclamation that she presented to Bob and Jean Reidy which she read to them and declared August 6, 2010 Deans Pond Association Day in the Town of Somers.

Mr. Bob Reidy gave the history of how the Deans Ponds Association came about and how they acquired that land from Lawton Adams.

Mrs. Jean Reidy explained how hard they worked to get funding for the Association.

The Supervisor said that on August 31<sup>st</sup> there was going to be a Blood Drive at the Town House. She said that they had great success when the Blood Drive was held at the Town House so now they are always asking to use the Town House.

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

7:45 PM – hearing opened  
7:55 PM – meeting reconvened

Councilman Garrity said that he agreed with Ms. Codeanne that there will always be someone with problems with their cable service. He said that he wanted to ensure that the problems were being taken care of. He continued even after the Board signed the Franchise Agreement he was hoping they would continue to solve the issues that arise. Ms. Codeanne said that they had made commitments and have followed through with those commitments and listed what Comcast has done. She said that it clearly showed that they made a significant investment and improvements; this was something that they would not be walking away from. The Supervisor said barring anything unusual she expected that the Board would be prepared to vote next month.

The Supervisor said that it was in order for the Board to open a public hearing with regard to a proposed amendment to the Best Plumbing Special Exception Use Permit.

8:00 PM – hearing opened  
8:20 PM – meeting reconvened

AUGUST 5, 2010 – WORK SESSION/REGULAR MEETING

The Supervisor said that it was in order to open a public hearing with regard to a proposed stop sign at Pines Bridge Road and Laura Lane.

8:21 PM – hearing opened  
8:22 PM – meeting reconvened

The Supervisor said that it was in order to adopt a Local Law with regard to the placement of a stop sign at Pines Bridge Road and Laura Lane.

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

RESOLVED, that the Town Board does hereby adopt a Local Law to place a stop sign at Pines Bridge Road and Laura Lane as follows:

A Local Law to amend Chapter 158 entitled Vehicles and Traffic of the Town of Somers.

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

1. Article V entitled Stop and Yield Intersections Section 158-19 Stop Intersections Designated is hereby amended to add the following:

JJJ. Pursuant to Section 1660 Subdivision 1 of the Vehicle and Traffic Law, stop signs shall be installed at the following location:

Northwest intersection of Pines Bridge Road and Laura Lane

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. Mark Koppel, 41 Route 116, said that he had some thoughts for a new Somers that he wanted to share with the Board. He read a prepared list of ideas which he submitted to the Board with regard to buying open space, side walks, apartments above stores, the empty stores in the shopping center, outdoor dining, solar panels for the schools, Hybrid Town vehicles, a public bus route and a Community Center.

The Supervisor said that she spent the day in Albany with regard to Stuart's Farm and wanted to give to Board an update. She said that they were supporting a grant application that the County had made for the purchase of the development rights of Stuart's Farm. She said that a number of other farm advocates were there to speak with the Commissioner of Agricultural and Markets with regard to the funding of the program and the Town's hope to work with the County to get the contract signed.

Ms. Wilhelmina Pesce, 20 Rogers Lane, said that she was there to discuss the Shenorock Lake project; the majority of the residents did not want the beach project. She said that there was a small group of people who wanted the beach and they were lying to the residents to get what they wanted.

Ms. Anita Krusko, 32 Ross Drive, said that she was there to discuss the Shenorock Park district. She asked what the status of the petition was, there was a petition going around and it was her understanding that they needed 51% of the property owners. She asked if the Board had any number or if they knew where the petition was. Ms. Krusko asked what the next step was, will there be a referendum. The Town Attorney explained that when the petition was received by the Town Board it will be reviewed for accuracy, the Town Board will have a public hearing. He continued that there will be no referendum vote, the signatures on the petition was the vote of the people.

AUGUST 5, 2010 – WORK SESSION/REGULAR MEETING

Ms. Cathy Pugliese, 21 Rogers Lane, said that the United Owners Association of Shenorock (UOA) was putting up signs that look horrible and asked if they could be instructed to remove them. She said that she was a member of the UOA off and on for years and she felt that the way they were going about this was bullying. She said that she would volunteer to go through the names on the petition to verify them.

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

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.

Review of the 2009 Audit with the Town Auditor

The Supervisor said that the next item on the agenda was a discussion with the Town Auditors. Mr. Dominick Cassole of O'Connor, Davis, Munns & Dobbins, the Town Auditing Firm, explained that the audit was complete and the Town had a lot of finances with a lot of separate funds. He said that the largest was the General Fund and he went through the operations of that with the Board. He said that the Town was in good financial condition.

Discussion with the Fire District Commissioners

The next item on the agenda was a discussion with the Fire District Commissioners. The Supervisor said that Councilman Garrity and herself had a meeting with the Fire Commissioner to discuss changes that they were making and issues that had arisen. Commissioner Paul Green introduced himself and Commissioner Pilla and said that they were there to discuss changes that were coming to the Fire District because of growth and call volume. Commissioner Pilla explained the increase in the call volume and that the Fire District was incorporating a paid entity to the EMT and explained what benefit that would have to the Department and the Town. Discussion ensued with regard to the logistics of the paid EMT, the reduction of the response time, if they could bill for ambulance calls, and their dispatching service, the information that was available to them and house numbers being displayed. The Supervisor said that she will place something on the Town website and character generator.

Energy Manager - NYSERDA

The Supervisor said that the next item on the agenda was to discuss an Energy Manager with regard to NYSERDA. Mr. Herb Oringel stated that the reason he was there was to ask for the Board's agreement and approval to allow the Supervisor to sign 2 contracts that finally came in. He explained that they were a result of a grant that they have. He continued that the NYSERDA contract had to be executed and sent back to them and then the work will start. Mr. Oringel explained the 2 grants that were received and said that the second contract was a grant to the Town of Somers for an Energy Manager. He said that they had 2 very strong candidates each with unique characteristics and they found a way to acquire both of them under the grant.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Energy Efficiency and Conservation Block Grant Agreement in the amount of \$80,000.00.

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Energy Efficiency and Conservation Block Grant Agreement in the amount of \$352,260.00.

PACE financial incentive

The next item was with regard to PACE. Mr. Herb Oringel explained that the PACE financial incentive was a fundamental part of their energy efficiency program. The Federal Housing Financial Administration which oversaw Fanny Mae and Freddy Mac decided that it was too risky for lenders and borrowers. He said that there was pending legislation to overturn the regulatory agency decision.

BigBelly3 Recycler Contract

The Supervisor said that the next item was with regard to authorizing the Supervisor to execute a contract with Direct Environmental Corporation for a 2 week trial of the

AUGUST 5, 2010 – WORK SESSION/REGULAR MEETING

BigBelly3 Recycler. Mr. Frank Lapentina explained that this was a pilot for a solar trash compactor recycler system. He said that the trial was at no cost to the Town and all they need was a sign contract and an insurance certificate. He explained how it worked to the Board.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute contract with Direct Environmental Corp. for two week trial of the BigBelly3Recycler.

Thereupon motion of Supervisor Murphy, seconded by Councilman Garrity, the meeting was adjourned to an executive session with regard to personnel at 9:30 PM to return that evening.

10:40 PM – meeting reconvened

NYS  
Retirement  
Incentive

The next item on the agenda was with regard to the New York State Retirement Incentive. The Supervisor said that it was in order to schedule a special meeting to hold a public hearing for August 26, 2010 at 7:30 PM. She explained that the public hearing was for a proposed Local Law allowing for a Retirement Incentive Part A that would contain an enrollment period of October 1, 2010 to December 29, 2010.

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

RESOLVED, that the Town Board does hereby authorize the scheduling of a public hearing on August 26, 2010 to adopt a Local Law allowing for a Retirement Incentive Program of Part A Chapter 105, Laws of 2010 that will contain an enrollment period from October 1, 2010 to December 29, 2010.

Donation of  
property on  
Iris Road

The Supervisor said that the next item on the agenda was with regard to a donation of property on Iris Road. She said that her thought was that they should contact the immediate neighbor to see if they were interested in purchasing the property from the owner. She said that this item was to be put over until they receive comments from the Parks and Recreation Board.

Kinsley  
Power  
Systems  
Service  
Agreement

The next item was the with regard to the Kinsley Power Systems Service Agreement.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Annual Service Agreement with Kinsley Power Systems per e-mail dated July 9, 2010 from Adam Smith, Water Superintendent.

PERSONNEL:

Current Vacancies:

Substance Abuse Council (1 – 3 year term to December 31, 2012)  
Substance Abuse Council (1 – 3 year term to December 31, 2013)

Upcoming Vacancies:

Consensus  
agenda

The next item was the consensus agenda. The Supervisor said with regard to item number 1, she would like to thank Emil Antonaccio for all of his work overseeing the project. She said that with regard to item number 14 it was being removed from the agenda.

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

AUGUST 5, 2010 – WORK SESSION/REGULAR MEETING

Execute Change Order #1 for the Elephant Hotel Window Project

- 1. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Change Order #1 dated July 15, 2010 for the Elephant Hotel Window Project.

Authorize temp. speed bumps

- 2. RESOLVED, that the Town Board does hereby authorize temporary speed bumps at the crest of hill on Ridge Way per memo dated July 15, 2010 from Thomas E. Chiaverini, Superintendent of Highways.

Release Performance Bonds

- 3. RESOLVED, that the Town Board does hereby authorize the release of the following Performance Bonds for the Preserve “Subdivision per memo dated July 9, 2010 from Steven Woelfle, Principle Engineer Technician:

- a. Bond No. 0337314 in the amount of \$154,982.00
- b. Bond No. 0310536 in the amount of \$121,493.00
- c. Bond No. 0310537 in the amount of \$32,786.00

Accept Erosion Control Bond

- 4. RESOLVED, that the Town Board does hereby authorize the acceptance of the following Erosion Control Bond per memo dated July 13, 2010 from Wendy Getting, Senior Office Assistant:

- a. \$75.00 – Slutsky Tree Preservation Permit – 18.05-2-1

Release Erosion Control Bonds

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

- a. \$500.00 – Foss Steep Slope & Tree Preservation Permit – 5.15-2-19
- b. \$ 25.00 – Legler Tree Preservation Permit – 6.14-1-2.3
- c. \$100.00 – Gentile Tree Preservation Permit – 16.12-1-24
- d. \$ 25.00 – Parsons Tree Preservation Permit – 16.12-1-40
- e. \$100.00 – Zorn Wetland Permit – 17.08-2-22
- f. \$100.00 – Ostrofsky Steep Slope Permit – 5.15-2-54
- g. \$200.00 – DeMarco Wetland Permit – 16.07-1-21
- h. \$100.00 – Reale Tree Preservation Permit – 15.07-1-4

Town Board meeting date change

- 6. RESOLVED, that the Town Board does hereby authorize change of the date of the following Town Board Meetings:

- a. September 2, 2010 combined Work Session & Regular Meeting
- b. November 11, 2010 change to November 18, 2010

Budget modifications

- 7. RESOLVED, that the Town Board does authorize the following budget modifications per memo dated July 28, 2010 and revised August 5, 2010 from Mary Beth Murphy, Supervisor:

RESOLVED, that the Town Board does hereby authorize a budget modification to increase 2010 budget to allow for payments to vendors for repairs funded by NYS Grant per memo dated July 26, 2010 from Joan E. Kachmarik, Director of Finance:

From: Increase Fund – 001-3090 – State Aid-Other, NYS Grant  
 To: Increase Fund – 001-1620.405 – Buildings, Contractual Maint.  
 \$33,045.89

RESOLVED, that the Town Board does hereby authorize a budget modification to provide monies for recent and future storms that occur at night and weekends per memo dated August 5, 2010 from Thomas E. Chiaverini, Superintendent of Highways:

From: Highway Fund – 5140.4 – Brush Contractual  
 To: Highway Fund – 5140.11 – Brush Overtime \$3,000.00

AUGUST 5, 2010 – WORK SESSION/REGULAR MEETING

Execute  
2010/2011  
School Tax  
Warrant

8. RESOLVED, that the Town Board does hereby give authorization to the Supervisor to execute the 2010/2011 School Tax Warrant.

Authorize loan  
from General  
Fund to  
Capital

9. RESOLVED, that the Town Board does hereby authorize a loan from the General Fund to Capital Projects – Shenorock Park District in the amount of \$67,211.16 to provide monies for claim vouchers per memo dated July 28, 2010 from Joan E. Kachmarik, Director of Finance.

Adoption  
of water  
restrictions

10. RESOLVED, that the Town Board does hereby authorize adoption of water restrictions for Amawalk-Shenorock, Amawalk Heights and Windsor Farms Water Districts per e-mail dated July 27, 2010 from Adam Smith, Water Superintendent. The following mandatory restrictions are in effect until further notice:

No washing of automobiles.

No washing of driveways, walkways or streets.

No washing of residential or commercial building exteriors.

No filling of pools.

The watering of lawns and gardens with a hose or sprinkler will be allowed on an odd-even day schedule. All residents with even number addresses will be allowed to water on even number dates – all residents with odd number addresses will be allowed to water on odd number dates.

Execute  
agreement  
with (IEC.)

11. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute agreement with Interstate Environmental Commission (IEC.)

Authorize  
payment  
for  
Heritage  
Hills  
Emergency  
Generator

12. RESOLVED, that the Town Board does hereby authorize payment of \$45,197.50 to Pat Kearns Electric, LTD., for the Heritage Hills Emergency Generator as approved by the Town Board on May 13, 2010. The Town was awarded a \$30,000.00 grant and the remaining \$15,197.50 was agreed to be shared by Heritage Hills Society and the Town per memo dated August 4, 2010 from Mary Beth Murphy, Supervisor

Execute Receipt  
and Release of  
the Estate of  
Ruth M.  
Pinckney

13. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Receipt and Release of the Estate of Ruth M. Pinckney for monies received per letter dated July 30, 2010 from Edward I. Sumber, P. C.

14. REMOVED

Accept  
Erosion and  
Sediment  
Control  
Bond

15. RESOLVED, that the Town Board does hereby accept Erosion and Sediment Control Bond No. 16SBFH6164 in the amount of \$57,439.00 from Bradhurst Site Construction for the Archdiocese of New York for the church site and building construction on the John F. Kennedy Catholic High School Campus associated with the approved site plan for the Church of Saint Joseph and the relocation of the athletic fields at the John F. Kennedy Catholic High School Campus approved by the Town of Somers Planning Board on 6/9/2010 Resolution 2010-04 pending Town Attorney approval.

Execute contract  
perform Phase 1  
Archeological survey  
for the Reis Park  
Septic Improvement  
project

16. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute contract with Tim Miller Associates in the amount of \$4,300.00 to perform Phase 1 Archeological survey for the Reis Park Septic Improvement project per memo dated August 5, 2010 from Steven Ralston, Superintendent of Parks and Recreation.

Councilman Garrity said that they were coming to the end of another year of camp and he wanted to thank Andrew Johnson, Marie Maguire, Steve Ralston and the whole camp crew for a great year.

AUGUST 5, 2010 – WORK SESSION/REGULAR MEETING

The Supervisor announced that on August 31, 2010 there was going to be a Blood Drive at the Town House.

Claims for the payment of all Town Bills in the amount of \$1,192,752.10 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 Clinchy, the meeting was adjourned at 10:45 PM.

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Town Clerk