

AUGUST 9, 2012 – 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 9, 2012 at 7:35 Pm at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

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

ABSENT: Councilman Richard A. Benedict

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

The Supervisor said that Senator Greg Ball was present that evening to give a Legislative update. She said that he was there to share with them what had been going on in Albany for the last year.

Legislative
update by
Senator
Ball

Senator Ball thanked that Board for their time and said that he would like to update them on grant that they were able to achieve. He said that there was a \$10,000.00 grant going to Kennedy Catholic High School and a \$50,000.00 grant was for the Somers Library roof. He explained that it was a Bullet Aid Grant, it was a flexible grant. He said that they were working on a \$100,000.00 grant for the Baseball field. Senator Ball said that he was committed to making Somers a priority.

Senator Ball explained the upcoming events he had. He said that August 23rd was a P3 meeting where they will be discussing the Tappan Zee Bridge and other job creation opportunities in the State of New York. He said that they would like to have Supervisor Murphy, the Board members and anyone else who would like to attend. Senator Ball said that on September 10th there was going to be a Bully Forum and a Mock Student Session in Albany on October 16th. He said that October 26th he was having a Senior Health Fair, where he will be grilling. He said that there were also two big upcoming Veteran's events. Senator Ball explained that they were the Veteran's Hall of Fame, he would be expecting their nomination and that was being held on November 1st at Peekskill Middle School. He said that the second event was a Thanksgiving Dinner on November 4th, this was a big deal. He said that they served over 800 Veterans and it was being held at Putnam National and it was for any Veteran throughout the Region. Senator Ball said anyone looking to volunteer the help was appreciated.

Senator Ball said that they were making great progress in Albany and the State was moving in the right direction. He said that if they compared the success of that Government, they were working in a bi-partisan effective way with his majority in the Senate the State had moved in a decided fashion in the right direction. He said that the previous majority in less than two years had a ten billion dollar deficit and they worked to close that deficit with over 120 new taxes and fees. Senator Ball said that they have had two balanced budgets that had been in on time and they closed the deficit with no new taxes or fees. He said that this was a big deal and the credit goes to the Governor and the Legislator's working together in a bi-partisan way.

Senator Ball discussed Government spending, Tax Caps, Unfunded Mandate Relief, MTA Payroll Tax repeal, Pension Reform, job creation, Education funding, Environment and Fracking, Ethic Restoration, STAR Rebate, Health Expo, Veteran's Affairs, Hannah's Law, Women's Shelters and Animal Rights with regard to Puppy Mills with the Town Board.

Councilman Clinchy said that the money that Senator Ball brought to Somers was much needed and was greatly appreciated. He said that the 2% tax cap tied their hands and there was not much that they could do. He said that if there was a State program for projects that were "shovel ready" that could help to create jobs. Councilman Clinchy said that another idea that he had was to have a Schools Fee for any new construction as they have Rec Fees for Capital Costs. He said that he agreed with Senator Ball with regard to fracking and there were other ways to extract the gas that were more environmentally friendly. Senator Ball said that they were finding more sensible extracting purposes and technologies.

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Senator Ball said to follow-up on the Property Tax Cap that was if the Board had any ideas it was going to be a growing conversation and if there were certain flexibilities that the Board felt were needed he would be happy to follow-up on them.

Councilman Garrity said that one of the things that had been hurting Somers was that they have a lot of older buildings that needed to be repaired and the prevailing wage and the Tax Cap limited what they were able to do. He asked if this was even being discussed in Albany. Senator Ball said that he did not see that being rescinded. The Supervisor said that the prevailing wage requirement practically doubled the cost of any capital projects and it was a huge issue. Councilman Garrity said that they appreciated the grant that they were receiving although it did not cover the prevailing wages.

Councilman Morrissey thanked Senator Ball for the funding that they were receiving from his office. He said that Senator Ball was getting a sense of their frustration; they did their best to keep the quality of life intact. He said that they worked on their budgets and they did not want to increase taxes. Senator Ball said when it came to project in the Town they could use the State as a working partner.

Mr. Clifford Wolhberg said that it was unfair of Senator Ball to be singling out Insurance Companies the way that he did. He said that he lived in Heritage Hills and they were becoming frustrated with people who were not paying their bills and the Condos were being stuck with the bill. The Supervisor explained that what Mr. Wolhberg was referring to was people who were not paying their Association fees and common charges and they were looking for a way to address that. Senator Ball said that he would follow-up on that so that he would fully understand the issue. He said as far as the Insurance lobby, the Insurance Companies needed to be held accountable.

Mr. George Grochowski said that he did not think that the MTA was corrupt. He said that they had certain needs and they were running into problems with their infrastructure and they were trying to get every dime they could. Senator Ball asked why they had two sets of books. Mr. Grochowski said that he had worked for Authorities that had two sets of books because like the MTA they dealt with the Federal and State Government and there were different laws that they had to comply with on both levels. He said that he also supported Fracking and Senator Ball was going about it in a real combative way. He said the best way to go about this was to get the best regulator and safety policy that they could. Senator Ball explained his position on both of the issues.

Dr. Henry Olsen said that he did not think that it was right to have a Special Session to increase the salaries of the Senate. Senator Ball said that he did not support the increase in the salaries. He explained that he had also signed a term limit pledge.

Someone from the audience thanked Senator Ball for the Puppy Mill Bill. She said that they had been working to raise money for a Dog Park in Somers and the prevailing wage requirement had added \$8,000.00 to the money that they needed to raise.

The Supervisor thanked Senator Ball for his time and effort that he put in to come to Somers and share with them what was going on.

Presentation
by the
Historical
Society

The Supervisor said that next item was a short presentation from the Historical Society. She said that they wanted to share with them some of the good work that had been done by the interns. Ms. Doris Jane Smith, Town Historian introduced Gabriel Osorio, Madeline Zimmermann and Erika Panzarino and explained that Jasmine Alfonso was unable to be present that evening. She said that this was the first time that the Historical Society has had four interns. She said that they had given many hours investigating. Ms. Smith said that their work was exhibited in the cases at the Town House. She said that they wanted to wish them well in their academic pursuits and they were already talking about coming back during their breaks and next summer. She thanked the Board for their time to recognize the interns.

Discussion
w/ ORR reg.
Lincoln Hall

The Supervisor said that the next item on the agenda was a discussion with Maureen Dunne, Director of the Division of Children Services, Office of Refugee Resettlement (ORR) with regard to Lincoln Hall. Ms. Dunne explained that it was a Federal Funded Program and they give money to the State to help the Refugees for one year to get housing. She continued that

nine years ago there was legislation to protect migrant children because there were children that migrated across the border without a parent and in the past the local INS would place them in local County Jails or Juvenile Detention Centers and these were children with no criminal history. She said that a law was passed that these children needed to be housed humanly and temporary housing be provided until family could be located and notified or they were sent back to their Country. Ms. Dunne said that this was a small program in the Government and explained the process they went through before they went to the housing. She said that there were 25 children housed at Lincoln Hall in temporary custody. She explained that there were a lot of Social Workers and staff for the children. They were typically there for two to three months and they go to school on site. The Board and the audience asked Ms. Dunne questions about the program and the children that were housed at Lincoln Hall.

The Supervisor said that it was in order for the Board to open a public hearing with regard to a proposed Local Law to add Article III Canine Waste to Chapter 86 DOGS of the Code of the Town of Somers.

Local Law
to add
Article III
Canine
Waste to
Chapter 86
DOGS

9:05 PM – hearing opened
9:07 PM – meeting reconvened

The Supervisor sad that it was in order to adopt a Local Law to add Article III Canine Waste to Chapter 86 DOGS of the Code of the Town of Somers.

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

RESOLVED, that the Town Board does hereby adopt a Local Law to add Article III Canine Waste to Chapter 86 DOGS of the Code of the Town of Somers as follows:

A Local Law to add Article III Canine Waste to Chapter 86 DOGS of the Code of the Town of Somers.

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

ARTICLE III - Canine Waste

§86.15. Intent. The purpose of this article shall be to promote the health, safety, cleanliness and general welfare of the Town of Somers, including the protection, cleanliness and preservation of the property of the Town of Somers and its inhabitants by adopting and enforcing certain regulations and restrictions on the activities of dogs.

§86.16. Title. This article shall be known and can be cited as the “Town of Somers Canine Waste Law.”

§86.17. Definitions. As used in this article, the following terms shall have the meanings indicated:

DOG - A carnivorous domesticated mammal, known as “Canis familiaris,” and shall include male as well as female.

§86-18. Nuisances by dogs prohibited.

Except as provided and regulated by §86.19 hereof, no person owning, harboring, keeping, walking or having the custody or control of a dog shall cause, permit, suffer or allow such dog to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any other public property. These restrictions shall likewise apply to any private property unless such person shall have the express written permission of the owner of said property.

§86-19. Exceptions; removal of feces.

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The prohibition set forth in §86.18 above shall not apply to the Somers Koegel Park or to those portions of a street lying between curb lines, which areas may be utilized to curb a dog, subject, however, to the following conditions:

A. Any person who so curbs a dog shall immediately remove all feces deposited by such dog in the following manner: feces shall be picked up with scoop, shovel, broom, tong or other similar implement and be deposited immediately thereafter in a container, plastic or otherwise, and then subsequently deposited in a container used for the disposal of refuse.

B. In no event shall any feces be deposited in sewers or drains, whether storm or sanitary.

§86-20. Penalties for offenses. Any person violating this article shall be guilty of a violation and shall be subject to a fine not to exceed the sum of \$100.

§86-21. Enforcement officers. The Dog Control Officer and the Police Department of the Town of Somers shall be the enforcement officers of the provisions of this article.

§86-22. Severability.

Should any paragraph or section, or portion thereof, of this article be declared by a court of competent jurisdiction to be invalid or unlawful, the same shall not affect the remainder of this article as a whole or any part thereof other than the part so declared to be invalid.

§86-23. Effective Date. This Local Law shall be effective upon filing of same with the Secretary of State of the State of New York.

Public
Hearing
proposed
Local Law
increasing
the term of
office of the
Supervisor

The Supervisor said that it was in order for the Board to open a public hearing with regard to a proposed Local Law increasing the term of office of the Supervisor of the Town of Somers from two (2) to four (4) years effective January 1, 2014.

9:08 PM – hearing opened
9:30PM – meeting reconvened

PUBLIC COMMENT:

Ms. Susan Hirsch, Heritage Hills, said that she knew that the Town had a great reputation and that the quality of life was terrific although she feared that it was going downhill. She said that the Library has many issues and the Board should revisit the idea of having a competent Architectural Firm come up with a plan. She said that it would give them an idea of where their money was going and what needed to be done. Ms. Hirsch asked if there was currently a plan to have money in a capital repair line in the budget. The Supervisor said that they did set money aside in the current budget.

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

Approval
of the
minutes

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

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

RESOLVED, that the Town Board does hereby approve the minutes of the July 5, 2012 Work Session and the July 12, 2012 Regular Meeting.

The Supervisor announced that there was going to be a Blood Drive at the Town House on August 28th. She encouraged all that could donate blood to please do so because supplies were extremely low.

The Supervisor said that on August 25th and 26th the Somers Community Center was going to be having an Open House. She said that the Community Center was the former Shenorock Club House.

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The Supervisor said that on August 12th the Somers Historical Society was having a Book Signing at the House. She explained that Ms. Jo Pitkin was going to be present to sign her book “Cradle of the American Circus”. She said that that the book was sponsored by the Somers Historical Society.

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.

Authorize going to bid for the Pony League Field Drainage Project

The Supervisor said that the next item on the agenda was to authorize going to bid for the Pony League Field Drainage Project. She said that this was pending grant funding approval and this was funding that Senator Ball had spoken about earlier that evening. Councilman Clinchy said that this was a great thing and it was much needed. He said that it will help everyone who used that field.

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

RESOLVED, that the Town Board does hereby authorize going to bid for the Pony League Field Drainage project pending grant funding approval per memo dated July 30, 2012 from Steven Ralston, Superintendent of Parks & Recreation.

Parks Concession Stand Proposal

The next item was with regard to the Parks Concession Stand Proposal. The Supervisor said that the Board received a memo from the Chairman of the Parks and Recreation Board and that they had discovered that the cost of the Concession Stand was higher than what was originally anticipated. She said that the range was between \$135,000.00 and \$150,000.00 and in part the Parks and Recreation Chairman attributes that to the moving of the Concession Stand from the Pavilion area over to the area near the Playground. She said that she spoke with their Engineer to see if indeed that was accurate because they could move it back to the other location to save money. The Supervisor said that he told her that they had not accessed the issue of taking the sewage and putting it into the existing septic system that the Town had opposed to creating a new one. She proposed that the Town Board authorize the Parks and Recreation Board to do the various things that they wished to do with the caveat that they explore the issue of moving the Concession Stand to the area of the Pavilion if it would save substantial dollars. She if that if there was not a substantial savings they would prefer the Concession Stand at the Playground area. Councilman Morrissey said that his objection to moving the Concession Stand to the Pavilion was that was an area that was well used by residents and Community events. He said that if it could be placed by the Basketball Courts or the Rec Building and still use the same septic tank that should be explored.

Mr. James Papa, Parks and Recreation Board Chairman, said that the reason they were there trying to get a determination on this was because of the facelift that the Park was going to receive. He said that they could be possibly do this in the time frame that they wanted to and at the same time meet the criteria to get the parking lot done. He explained that they had to accelerate everything. Mr. Papa continued that once the impervious surface was done they did not want to do anything to damage it. He said the Parks and Recreation Board felt that it was important to move the utilities out of the middle of the parking lot and to where they thought was a good spot. He said that they believed that the Playground area was centrally located and when the Concession Stand was done it was going to be a nice building with an awning and lights. Mr. Papa said that the extra cost would be worth placing the Concession Stand at the Playground area because it would be centrally located in that area. The Supervisor said that she thought it was important for them to know what the difference in cost was going to be between the two locations.

Councilman Garrity said that that he was not a fan of placing the Concession Stand near the Pavilion although he would like to see the cost difference. Mr. Papa said that if they were going to do this in the time frame that would bring them to the end of November that was a discussion that was going to have to happen sooner rather than later so that the work that needed to be done would coincide at the same time as the parking lot.

The Supervisor proposed that they authorize this to move forward with the caveat that they ask them to look at the issue and report back to the Board what their findings and conclusions were

in terms of the cost and placement. Councilman Morrissey said that he saw this as a three prong approach, first see what additional waste the existing septic system could accept, second if the Concession Stand was placed at the Playground area could it be pumped from that location to the existing septic. The Supervisor said that was already looked at and it was decided that it was less expensive to create a new septic system. Councilman Morrissey said the prevailing wage had also added to the cost. Mr. Papa thanked Councilman Morrissey for mentioning that, it had added a significant amount. He said that it was discouraging because the costs tripled because of it.

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

RESOLVED, that the Town Board does hereby authorize moving forward with the Park Board proposal for a permanent concession stand in Reis Park and get back to them with cost and placement per memo dated August 7, 2012 from Steven Ralston, Superintendent of Parks & Recreation.

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute contract with Woodard & Curran for Reis Park Concession Stand Professional Services in the amount of \$7,000.00 per memo dated August 9, 2012 from Steven Ralston, Superintendent of Parks & Recreation.

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute letter of authorization to Westchester County Department of Health for Woodard & Curran, PA PC to apply for a Construction Permit/Construction Compliance for a separate sewage treatment system; private water supply; to serve the property located at Reis Park, 82 Primrose Street, Tax ID # 27.16-2-2 in accordance with the standard, rules or regulations as promulgated by the Commissioner of the Westchester County Department of Health, and to prepare application and plans on behalf of the Town of Somers in connection with the matter and to supervise the construction of said system or systems in conformity with the provisions of Article 145 or 147 of the State Education Law, the Public Health Law, and the Westchester County Sanitary Code.

RESOLVED, that the Town Board does hereby authorize expansion of the budget for the Reis Park Concession Stand from \$5,500.00 to \$150,000.00 per memo dated August 7, 2012 from Steven Ralston, Superintendent of Parks & Recreation.

Councilman Clinchy mentioned that this project was being paid from Rec Fees not by taxes. Mr. Papa said that the amounts that were being proposed were at the top of what they could be. He said that they took the high amounts so that they would not have to come back to the Board for additional money.

The Supervisor said that the next item was with regard to the roof replacement at the Somers Library, Police Building and Storage Barn at Van Tassel. She said that they were fortunate to have Ian Carnow a member of the Library Board who was an Architect assisting them with this project as well as Tom Tooma, Assistant Building Inspector. She said that both men had been actively engaged with this and working very hard. The Supervisor continued that she had asked them to clarify the bid was prepared by the submitters was not clear as to what the dollar amounts were. She said that the low bidder was L. Mark Construction, Inc. with a total base bid of \$318,571.00 to fully replace all three roofs with an alternative of \$246,394.00. She said that they were looking at a total for the full replacement.

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

RESOLVED, that the Town Board does hereby award bid for the Roof Replacement at Somers Library, Police Building & Barn at Van Tassel to LMark Construction, Inc. in the amount of \$318,571.00 and,

DOES HEREBY, give the Supervisor permission to execute the documents. The bids received were as follows:

Marfi Contracting Corp.:

Roof replacement at the Somers Library, Police Building and Storage Barn at Van Tassel

Base Bid \$510,200.00
 Alternative #1 \$132,300.00

Precision Roofing, Inc.:

Bids: \$66,000.00 (Barn at Van Tassel)
 \$98,000.00 (Police Station)
 \$234,000.00 (Library)
 Alternative #1 on Library add \$118,000.00

L. Mark Construction, Inc.:

Total \$318,571.00
 \$26,411.00 (Barn at Van Tassel)
 \$36,943.00 (Police Station)
 \$255,217.00 (Library)

CNA Enterprises, Inc.:

Total \$388,000.00
 \$27,157.00 (Barn at Van Tassel)
 \$40,530.00 (Police Station)
 \$320,313.00 (Library)

Update w/
 reg. to 133
 Mahopac
 Ave.

The next item on the agenda was with an update with regard to 133 Mahopac Avenue. The Supervisor said that she did not at that point have bid specifications from the Building Department. She said that a certified letter that was sent from the Building Department to the property owner was not signed for and she directed to Building Department to personally serve the letter.

Request to
 purchase a
 portion of
 Railroad
 Ave

The Supervisor said that the next item on the agenda was a request to purchase a portion of Railroad Avenue from Mr. Stephen Perry and Mary Broderick. She said that this matter was reviewed in 2004 and the comments from the then Town Planner and Assessor were not to make the sale because the property could be useful at a future date. She said that the request was being made again and it could be referred out for comment again or make a decision. The Board decided to refer the request out again to the Superintendent of Highways, Planning and Engineering, Open Space Committee, Assessor and Parks and Recreation.

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

RESOLVED, that the Town Board does hereby refer letter of request from Stephen Perry & Mary Broderick dated July 12, 2012 for request to purchase a portion of Railroad Avenue to the Highway Superintendent, Planning & Engineering, Open Space Committee, Assessor and Parks & Recreation Board.

Hanover
 Estates

The next item was with regard to Hanover Estates. The Supervisor gave the history of the property that the owner wanted the Town to take it over and that they looked at it and decided that they would not be inclined to do so. The Town Attorney responded to the property that this was not in the interest of the Town and this was something he needed to address with the adjacent property owners. The Supervisor asked the Town Attorney to send the property owner something in writing.

Standardize
 all Body Salt
 Spreaders to
 Zwack
 Brand

The Supervisor said that the next item was a request from Highway to standardize all Body Salt Spreaders to Zwack Brand.

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

RESOLVED, that the Town Board does hereby adopt Resolution to standardize all V-Body Salt Spreaders to Zwack brand per memo dated July 27, 2012 from Thomas E. Chiaverini, Superintendent of Highways.

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)
- 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)

Advertising for Deputy Receiver of Taxes as part of the Section 211 Waiver

The Supervisor said that it was in order to authorize the advertising for Deputy Receiver of Taxes as part of the Section 211 Waiver of the New York State Retirement and Social Security Law.

Thereupon motion of Supervisor Murphy, seconded by Councilman Garrity, it was unanimously, RESOLVED, that the Town Board does hereby authorize advertising for Deputy Receiver of Taxes as part of the Section 211 Waiver of the NYS Retirement and Social Security Law.

Appoint A. Westerman to the Library Board of Trustees

The Supervisor said that it was in order to appoint Ms. Ann Westerman to the Library Board of Trustees.

Thereupon motion of Supervisor Murphy, seconded by Councilman Garrity, it was unanimously, RESOLVED, that the Town Board does hereby authorize the appointment of Ann Westerman to the Library Board of Trustees to fill the unexpired term of Claire Damon to end December 31, 2016.

Authorize the hiring of F. Jackson as Senior Account Clerk Part-time in the Finance

The Supervisor said that it was in order to authorize the hiring of Mr. Franz Jackson as Senior Account Clerk Part-time in the Finance Office.

Thereupon motion of Supervisor Murphy, seconded by Councilman Garrity, it was unanimously, RESOLVED, that the Town Board does hereby authorize the hiring of Franz Jackson as Senior Account Clerk Part-Time in the Finance Office at an hourly rate of \$23.25 effective September 3, 2012 per email dated July 30, 2012 from Supervisor Mary Beth Murphy.

Consensus agenda

The next item on the agenda was the consensus agenda. The Supervisor said with regard to item 1a she wanted to acknowledge and thank Entergy for the grant funding. She said with regard to item number 6a. she wanted to add pending confirmation with the Town Clerk of the amounts that were on record.

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

Execute grant funding with Entergy for an emergency notification system

1a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute grant funding in the amount of \$10,000.00 with Entergy for an emergency notification system.

Execute agreement with INTERSCHOLA for the liquidation of the Skate Park equipment

1b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute agreement with INTERSCHOLA for the liquidation of the Skate Park equipment.

Execute agreement with Salem Fence Co., Inc. for replacement fencing at the water tower

1c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute agreement with Salem Fence Co., Inc. for replacement fencing at the water tower and at the dam/spillway and adding a gate in the amount \$6,850.00 per memo dated July 24, 2012 from Adam Smith, Superintendent of Water & Sewer. The quotes received were as follows:

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Salem Fence Co., Inc.	\$6,850.00
Garon Fence	\$7,095.00
Commercial Fence Corp.	\$7,365.00

Execute the 2012/2013 School Tax Warrant

1d. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2012/2013 School Tax Warrant.

Execute Stipulation Consenting to Electronic Filing for SCAR

1e. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Stipulation Consenting to Electronic Filing indicating that the Town will not object to the validity of commencement of any SCAR action commenced via the NYSCEF bulk filing system, which accepts all of the data associated with a petition in lieu of a physically signed petition per letter dated July 27, 2012 from Timothy C. Idoni, Westchester County Clerk.

Execute SNAP – Supplemental Nutrition Assistance Program

1f. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute SNAP – Supplemental Nutrition Assistance Program, New York State in the amount of \$87,442.00 per memo dated July 24, 2012 from Barbara Taberer, Program Director.

Execute TITLE IIC – of the Older Americans Act

1g. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute TITLE IIC – of the Older Americans Act, Federal in the amount of \$18,388.00 per memo dated July 24, 2012 from Barbara Taberer, Program Director.

Execute the Regional Kitchen Agreement for Nutrition Program

1h. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Regional Kitchen Agreement for Nutrition Program with the Town of Yorktown per memo dated July 24, 2012 from Barbara Taberer, Program Director.

Execute the Nutrition Services Incentive Programs

1i. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Nutrition Services Incentive Programs where applicable SNAP in the amount of SNAP – \$28,502.00, IIC - \$7,398.00 per memo dated July 24, 2012 from Barbara Taberer, Program Director.

Execute the annual service agreement with Kinsley Power Systems

1j. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the annual service agreement with Kinsley Power Systems in the amount of \$1,938.00 per memo dated July 23, 2012 from Adam Smith, Superintendent of Water & Sewer.

Schedule Public Hearing for proposed No Parking, No Standing Fire Lanes for the Somers Commons Shopping Center

2. RESOLVED, that the Town Board does hereby authorize the scheduling of a Public Hearing for proposed No Parking, No Standing Fire Lanes for the Somers Commons Shopping Center located at 80 Route 6.

- Northerly side of Building 1 – Stop & shop
- Easterly side of Building 2 – strip mall
- Southerly side of Building 4B – Chili’s
- Westerly and Northerly side of Building 5 – New York Sports Club and strip mall
- Westerly side of Building 6 – Home Goods and Goodwill
- Easterly side of Building 7 – strip mall adjacent to Stop & Shop

Accept Erosion Control Bonds

3. RESOLVED, that the Town Board does hereby accept the following Erosion Control Bonds per memos from Wendy Getting, Senior Office Assistant:

- \$100.00 – Cordes Wetland Permit – 16.13-1-42
- \$200.00 – Cardillo Pools (Annunziata) Erosion & Sediment Control Permit – 48.09-1-8.2
- \$200.00 – Fusco Landscape Architects (Rzyzyk) Erosion & Sediment Control Permit – 48.17-2-11
- \$100.00 – Walker Wetland Permit – 26.12-1-10

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Return Erosion Control Bond

4. 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 – Madison Energy Corp. (Tomasulo) Erosion & Sediment Control Permit – 5.17-2-20.
 - b. \$100.00 – Kaplan – Stormwater Management & Erosion & Sediment Control Permit – 5.18-1-27.
 - c. \$100.00 – Kaplan Wetland Permit – 5.18-1-27.
 - d. \$200.00 – Daly Wetland Permit – 27.12-1-15.
 - e. \$200.00 – Prestige Pool & Patio Corp. (Hirsch) Stormwater Management & Erosion & Sediment Control Permit – 59.05-2-9.

Approve the repair of the Ice House at Wright Reis

5. RESOLVED, that the Town Board does hereby authorize approval for the repair of the Ice House at the Wright Reis Homestead by Salem Preservation in the amount of \$10,500.00 per memo dated August 2, 2012 from the Historic Properties Board.

Authorize the dedication of roads in the Windsor Farm Subd.

- 6a. RESOLVED, that the Town Board does hereby authorize dedication of Brianna Lane, Fanny Circle and Rosemary Court in the Windsor Farms Subdivision to the Town of Somers per memo dated July 24, 2012 from Steven Woelfle, Principal Engineering Technician.

Accept Road Maintenance Bond for the Windsor Farm Subd.

- 6b. RESOLVED, that the Town Board does hereby authorize the acceptance of the \$132,796.00 Road Maintenance Bond for the Windsor Farms Subdivision pending Town Attorney Approval per memo dated July 24, 2012 from Steven Woelfle, Principal Engineering Technician.

Authorize the return of Performance Bond for the Windsor Farm Subd.

- 6c. RESOLVED, that the Town Board does hereby authorize the return of \$132,104.00 Performance Bond for the Windsor Farms Subdivision per memo from Steven Woelfle, Principal Engineering Technician pending Town Clerk confirmation of the amounts received.

Closing of the Capital Projects for the Senior Community Center and the Shenorock Park District

7. RESOLVED, that the Town Board does hereby authorize amendment to the June 14, 2012 Resolutions regarding the closing of the Capital Projects for the Senior Community Center and the Shenorock Park District to add authorize transfer in the amount of \$121,486.90 from the General Fund per memo from Robert Kehoe, Director of Finance.

Re-adopt the Standard Work Day Resolution

8. RESOLVED, that the Town Board does hereby re-adopt the Standard Workday Resolution per New York State Retirement System as follows:

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

Title	Name	Standard Work Day (Hrs/Day)	Term Begins/Ends	Participants in Employers' Time Keeping System (Y/N)	Days/Months (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
Elected Officials							
Supervisor	Mary Beth Killgannon-Murphy	6	1/1/12-12/31/13	N	28.58		
Town Clerk	Kathleen R. Pacella	6	1/1/12-12/31/15	N	24.81		
Town Board	Thomas A. Garrity, Jr	6	1/1/12-12/31/15	N	12.50		
Town Board	Harold R. Bolton	6	1/1/10-12/31/13	N	15.33		
Town Board	Frederick J. Morrissey	6	1/1/10-12/31/13	N	1.08	X	
Highway	Thomas E.	6	1/1/08-	N	30.92		

AUGUST 9, 2012 – WORK SESSION/REGUALR MEETING

Superintendent	Chiaverini		12/31/13				
Tax Receiver	Joan Ribaldo	6	1/1/10-12/31/13	N	30.46		
Judge	Michael J. McDermott	6	1/1/12-12/31/15	N	15.98		
Appointed Officials							
Assessor	Teresa Stegner	7	11/7/11-9/30/13	Y			
Parks & Rec Board Chair	James Papa	7	1/7/12-12/31/12	N	1.36		
Director of Finance	Robert Kehoe	7	1/1/12-12/31/13	Y			
Deputy Town Clerk	Patricia Kalba	7	1/1/12-12/31/12	Y			
Deputy Highway Superintendent	Louis Noto	7	1/1/12-12/31/12	Y			

On this 10th day of August, 2012

Signature: *Kathleen R. Pacella* Date enacted: August 9, 2012

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 9^h day of August, 2012, 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. (SEAL)

The Supervisor reminded everyone about the Blood Drive, the Book Signing and the Open House for the Community Center.

Councilman Clinchy said that there would be trail clearing at the Angle Fly Preserve on Sunday at 10:00 AM.

Claims for the payment of all Town Bills in the amount of \$464,922.60 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 declared closed at 10:00 PM.

Town Clerk