

AUGUST 11, 2011 – 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 11, 2011 at 6:45 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 Frederick J. Morrissey

ABSENT: Councilman Thomas A. Garrity, Jr.

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 real estate and personnel matters.

Thereupon motion of Supervisor Murphy, seconded by Councilman Clinchy, the meeting was adjourned at 6:45 PM to an executive session with regard to real estate and personnel matters to return that evening.

7:35 PM – meeting reconvened

Councilman Garrity present at 7:35 PM

The Supervisor said that it was in order for the Board to open a public hearing with regard to a proposed amendment to Chapter 90 entitled Entertainment, Places Of.

7:35 PM – hearing opened
8:20 PM – meeting reconvened

The Supervisor said that it was in order to adopt a Short Environmental Assessment Form with regard to the proposed amendment to Chapter 90 entitled Entertainment, Places Of.

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

RESOLVED, that the Town Board does hereby adopt a Short Environmental Assessment Form with regard to the proposed amendment to Chapter 90 entitled Entertainment, Places Of.

The Supervisor said that it was in order to adopt a Local Law with regard to the proposed amendment to Chapter 90 entitled Entertainment, Places Of.

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

RESOLVED, that the Town Board does hereby adopt a Local Law amending Chapter 90 entitled Entertainment, Places Of of the Code of the Town of Somers as follows:

A Local Law to amend Chapter 90 entitled Entertainment, Places Of of the Code of the Town of Somers.

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

1. Section 90-3 Regulations and Conditions is hereby amended to add the following:

G. Prohibited noise levels.

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- A. It shall be unlawful for the licensee, owner, proprietor, manager, or person in charge of any place of entertainment to permit on the premises any entertainment amplified by a mechanical device of such an intensity, character and duration as to disturb the peace, tranquility and good order of the people of the Town of Somers or which otherwise violates Chapter 123, Noise, of the Town of Somers.
- B. It shall be unlawful to operate a place of entertainment unless the premises is soundproofed or provision is made so that no amplification or excessive noise is audible beyond the property lines of the parcel upon which the place of entertainment is situated.

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.

Councilman Morrissey opposed

The Supervisor said that it was in order for the Board to open a public hearing with regard to a proposed amendment to Chapter 158-10 entitled Vehicles and Traffic No Parking.

7:35 PM – hearing opened
8:20 PM – meeting reconvened

The Supervisor said that it was in order to adopt a Local Law with regard to the proposed amendment to Chapter 158-10 entitled Vehicles and Traffic No Parking.

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

RESOLVED, that the Town Board of the Town of Somers does hereby adopt a Local Law amending Chapter 158-10 entitled Vehicles and Traffic No Parking of the Code of the Town of Somers as follows:

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

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

1. Section 158-10 entitled No parking areas; fire lanes is hereby amended to add the following:

O. Primrose Elementary School

- 1 - Westerly side of the building starting at the parking lot and extending past the main entrance, measurement of 350 feet.
- 2 - Entire perimeter of the island.

Somers Intermediate School

- 1 - The north corner from the loading dock area; the entire easterly side of the main entrance driveway to the south corner of the gym; measurement of 338 feet.
- 2 - The west side of the island facing the building parking lot to the south corner of the gym; measurement of 158 feet.

Somers Middle School

- 1 - The westerly side of the building extending 402 feet from Route 202 and going past the main entrance.
- 2 - The entire easterly side of the building extending from Route 202 to the south corner of the auditorium, measurement of 580 feet.

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- 3 - Ten foot area in front of the Fire Department connection at the rear of the auditorium.

Somers High School

- 1 - Entire westerly side of the building, including the main entrance, measurement of 532 feet.
- 2 - Access driveway for the gym, measurement of 82 feet.
- 3 - Rear alley, 55 feet on the north side and 62 feet on the south side.

2. Effective Date: This Local Law shall be effective upon filing of same with the Secretary of State of the State of New York.

PUBLIC COMMENT:

Mr. Robert Starkey, 2656 Route 35, said that where he lived the Angle Fly Brook goes under Route 35 and went through his property. He said that his property gets flooded from the Angle Fly property. He said that there needed to be at least two detention ponds on the Angle Fly property otherwise he was going to get wiped out. Mr. Starkey said that he needed help with the water that was running off onto his property. Councilman Clinchy asked if Mr. Starkey sent an e-mail with regard to his issue. He said that he would like to see what was happening on his property. Mr. Starkey said that he was welcome to come over at anytime.

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 Supervisor said that the first item on the agenda was the approval of the minutes.

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

RESOLVED, that the Town Board does hereby approve the minutes of the May 5, 2011 Work Session, the May 12, 2011 Public Hearing regarding Chapter 77 Unsafe Buildings, the May 12, 2011 Regular Meeting, the May 19, 2011 Special Meeting, the June 2, 2011 Work Session, the June 9, 2011 Public Hearing regarding Chapter 77 Unsafe Buildings, the June 9, 2011 Public Hearing regarding \$150-13M Expiration of Conditional Approval, the June 9, 2011 Regular Meeting, the June 27, 2011 Special Meeting, the July 7, 2011 Public Hearing regarding Chapter 77 Unsafe Buildings, the July 7, 2011 Public Hearing regarding \$170-40 A & B Required Number of Off-Street Parking and Loading Units and the July 7, 2011 Work Session/Regular Meeting.

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. She also announced that pursuant to Section 64, Subdivision 2a of the Alcoholic Beverage Control Law, JFF Enterprises, Inc. d/b/a Route 6 Wine and Liquor, 80 Route 6, Baldwin Place and JLJE, Inc. d/b/a Sunshine Restaurant 152, Route 202, Lincolndale, were renewing their liquor licenses.

Wrights Court

The next item on the agenda was Wrights Court. The Supervisor said that they received an Easement Document that was prepared by the Applicant of Wrights Court Project. Mr. Adam Wekstein of Hocherman, Tortorella and Wekstein, the Attorney for the applicant, explained that the Planning Board's approval of the project proposed a number of Easements which have been reviewed by the Town Attorney and by the Planning Department Staff and have been found to be acceptable in form and substance. He said that one of the easements called for cross access between the Wrights Court property and the Town House property. He said that what was technically required was for them to give access from the Town House property across their parking lot to Scott Drive. Mr. Wekstein said that it also provided the Town with the right to build that connection on their property and in turn it allowed them to have a non-exclusive easement across the Town House property to the existing exit. The Supervisor said that she had two concerns with the document, the first was the easement that they were giving to the Town required that the road through was to be constructed within one year of the date of the Certificate

of Occupancy of the building. She said that she felt that should be in perpetuity and not limited to that one year time frame. She said that her second concern was that there was a provision that provided that the Easement that the Town would be receiving would terminate in the event something different was done with the site. The Supervisor said that she felt that should be permanent. Mr. Wekstein said with regard to the first concern the duration of the Easement there was flexibility as to when the connection could be built. He said that they would not want it to be in perpetuity, they did not want to tie the property up forever. He said that he thought that the Town had been thinking about this conceptually for quite a while. Mr. Wekstein agreed that one year may be too short although forever was too long. He said that there could be some happy medium that could be reached. The Supervisor said that perpetuity was something that was very common in Easements. Mr. Wekstein said that this was technically an Easement although it had different implications to do construction on their property forever. He said that the second concern that the Supervisor had was more of a problem. He explained that the whole interconnection came about as result of the Planning Board. Mr. Wekstein said at some point in the future if someone wanted to change the layout or if a building was destroyed by casualty they would have to deal with an Easement that was running through the middle of the property and it would create a problem for what could be done in the future.

Councilman Bolton asked if this was a reciprocal Easement and if that was typically done. The Town Attorney said it was between adjacent property owners.

The Supervisor said that she did not think that they were doing construction of their property, on the abutting dividing line there was a temporary grading. She said that the Town was only doing work up to their property line and the applicant would be doing work to their property line. Mr. Wekstein said that it was his understanding that they never had been obligated to go into the buffer that was required by Zoning. The Supervisor said that the Town would actually be doing construction on the applicant's property. Mr. Wekstein said that it was a 15 foot strip. The Supervisor said that she thought that the perpetuity aspect was important because the whole purpose of doing this was to have a connection off of the main road. She said should at some future point in time someone else wants to do something else with the property it was important for the Town to have that Easement. She continued that in the future if that needed to be changed then they could come to that conclusion. The Supervisor said at this point in time she did not see any reason why the Town would want to build a road that could be changed.

The Supervisor asked the Town Attorney to modify the Easement to address the Board's changes and concerns and send it to Mr. Wekstein for his consideration. The Town Attorney said that they would have to look at what the Planning Board approved. He said that he did not know if this was specifically laid out in the Resolution of Approval that these conditions be met. Mr. Wekstein said that they were not, the Planning Board did not address it one way or the other. The Town Attorney said that if the Board simply took the stand that they want it in perpetuity then it was up to the applicant to decide whether or not that suited them to move forward. Councilman Clinchy asked if this had been done at other times; he understood the Supervisor's position. The Town Attorney said that he understood that if the Town built something they would not want it to be subject to change. Discussion ensued with regard to the changes to the proposed Easement.

Mr. Wekstein suggested that the Easement be written to be in perpetuity however subject to be repositioned as long as it provided a reasonable equivalent access. The Supervisor said that she would agree with that. She said that with regard to the time span for construction, she did not feel that the Town should not be put in a position where they were required to do something that they were not ready to do. Councilman Clinchy asked Mr. Wekstein what their position was with regard to that. Mr. Wekstein explained that they wanted to have the construction to be done at the same time for the completion of the site.

Mr. Wekstein said that he would ask, if the Board's inclination was to remove the time limit that they would authorize the Town Attorney to approve the changes that they

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talked about, so that they would not have to come back to the Board. The Town Attorney went over the changes with the Board. He said that this was subject to permissive referendum; therefore the Board would have to authorize the Supervisor to sign the document with the changes.

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

RESOLVED, that the Town Board does hereby grant a non-exclusive access easement in favor of Hallic Place Development LLC (Wright's Court) over the parking lot on the Town Hall property to obtain access to and from property identified on the Tax Map of the Town of Somers as Sheet 17.11, Block 1, Lot 18 and Route 202, subject to a permissive referendum.

9:05 PM – 5 minute break
9:10 PM – meeting reconvened

Buildings
Condition
Report

The Supervisor said that the next item was the Buildings Conditions Report. She said that they spoke about this at the last meeting. She said that Councilman Morrissey and Councilman Clinchy had gone around and toured all of the Buildings and Facilities and recommended that the Town Board prepare a Conditions Report Assessment. She said that she had drafted a Request For Proposal for that document to be prepared. The Supervisor said that this would be sent out to local Architects and/or Engineers. She asked if the Board had any suggestions or changes they wanted to add to the draft. Councilman Bolton said that he felt that the draft was a good first stab, he thinks it needs work. He said that when the Architect that was at the meeting discussing this, one of the things the Architect said was key, was to do an inventory of the buildings. He said that was necessary to do before they did a Conditions Report. Discussion ensued with regard to when the inventory was done in the process.

The Supervisor suggested that the Board give her their proposed revisions and she will incorporate them into the document. There was a discussion as to when the Board could get the revisions to the Supervisor. The Supervisor suggested that the Board look at the Conditions Report of the Elephant Hotel. She said that it was worth looking at and said it was something that the Town used and followed. Further discussion ensued with regard to what should be added to the Request For Proposal. The Supervisor suggested that the Board get their comments to her before the next meeting and she will try to incorporate them into the draft for their consideration.

Traffic Light
at Butlerville
Road

The next item was to refer out a request for a through road or a possible traffic light on Butlerville Road. The Supervisor said that it was not too long ago when the Board stopped this road from being a through road. She said that they should refer it out for review and comment.

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

RESOLVED, that the Town Board does hereby refer request dated July 2, 2011 to consider making Butlerville Road a through road all the way to Croton Falls Road or seek permission from the DOT to place a traffic light at the intersection of Butlerville Road and Route 202 to Police Chief, Highway Superintendent and Principal Engineering Technician.

Placement of
stop signs on
Entrance Way

The Supervisor said that the next item on the agenda was to discuss a request for stop signs on Entrance Way. She said that at the last meeting she had not seen the memo from the Principal Engineering Technician and the Highway Superintendent about the stop signs. She said that she took the opportunity to go out and drive the road to ascertain what was being requested. The Supervisor said that if the Board members have not taken a look at it, it would be worthwhile for them to do that exercise as well. Councilman Bolton said that he was out there although he was not clear as to where they wanted the stop signs. The Supervisor said that the Principal Engineering Technician had attached to his memo a map of where the signs were being proposed. She said that if the Board did

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not have it she would send it to them and asked them to look at the location. She said that she would place this back on the agenda.

Donation of property in Hanover Estates

The next item on the agenda was to refer out an offer of a donation of property in Hanover East Estates. The Supervisor explained that it was a somewhat landlocked parcel. She said that she had looked at the parcel years ago with Michael Barnhardt and they had just now gotten a formal letter from the property owner. She said that the Board needed to refer this out to Town Planner, Open Space Committee, Conservation Board, Parks and Recreation Board and Highway for review and comment.

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

RESOLVED, that the Town Board does hereby refer offer of donation of property known as Section: 47.16 Block: 1 Lot: 21 owned by Hanover Estates to Town Planner, Open Space Committee, Conservation Board, Parks & Recreation Board and Highway Superintendent per letter dated July 15, 2011 from Ronald C. Childs.

Town's Insurance for 2011-2012

The Supervisor said that the next item was a discussion with regard to the Town's Insurance for 2011-2012. She said that they had adopted their Insurance coverage at a non-televised meeting; therefore she thought it would be appropriate to address it in public. She said that the background of this was that at the May 5th Work Session the Board decided to do a Request For Proposal for Brokers. The Supervisor continued that the Request For Proposal went out around May 12th to six Firms as well as the Town's existing Broker. She said that on May 20th they received proposals from Spain and Morris Banister, two Broker Firms. She said that on June 2nd the Town invited in addition to the Town's current Broker, Morris Banister to quote US Casualty and PERMA and Spain to quote NYMIR. The Supervisor said that that the Fairfield, their current Broker was quoting Travelers as well as several other Firms. She said that on June 20th Morris Banister declined to put in a further bid and on June 27th they did receive bids from Fairfield and Spain. She said that Spain was an exclusive agent for NYMIR. The Supervisor said that the NYMIR bid came in at \$308,535.00 with the addition of the necessary buy-in to the Company of \$2,821.00 for five years, which amounted to \$14,105.00 for a total cost of \$322,640.00. She said that Travelers came in at \$341,804.00 minus the dividend of about \$37,000.00 and that amounted to a cost of \$305,056.00. She said that the Board did go with Travelers and the New York State Insurance Fund for their Workman's Compensation. Councilman Bolton said that the figures that the Supervisor was quoting were different than what he had. The Supervisor said that was what she had and asked Councilman Bolton what numbers he had. Councilman Bolton said that he had \$341,804 as the total. The Supervisor said that was right \$341,804 minus the dividend which made it about \$306,000.00. Councilman Bolton said that the dividend was up for discussion because it was not applied for one and a half years and it is not a guaranteed item. The Supervisor said that the dividend had been paid she believed for the last 25 years. Councilman Bolton said that it still was not a guarantee. The Supervisor said that she respected what he was saying although in her opinion the total cost of the Insurance was \$305,000.00 because the dividend had been paid historically over the last 25 years without any question. She asked if there was any other discussion with regard to this matter. Councilman Clinchy asked if that was a yearly contract agreement. The Supervisor said that it was. Councilman Bolton said that they were applying dividends that were different from year to year. Councilman Clinchy said that he understood that. The Supervisor said with NYMIR they were committing themselves for five years. She said that they would have to pay for five years, it was a purchase price and they would be kind of a co-owner.

License Agreement between Town and NYC DEP

The next item was to authorize the Town Attorney to discuss with New York City Department of Environmental Protection a License Agreement between the Town of Somers and the New York City Department of Environmental Protection for the installation of a single pole antenna and weatherproof enclosure on the ground near the Amawalk-Shenorock Water District Tower. The Supervisor said that she wanted to discuss a fee they wanted to ask for. The Town Attorney said that if the Board recalled some time ago the Water Superintendent sent them an agreement that the DEP had drafted. He said that the Supervisor, the Board and himself all had comments to add. He

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said that he took all of the comments and sent them back to the DEP. The Town Attorney continued that it took a long time but the DEP sent back a new draft which collectively gave them all of the comments that they asked for. He said that however one of the items that was in the original draft was with regard to a nominal rent of the site. He said that the DEP had offered \$50.00 a month in the new draft. The Supervisor said that the Supervisor of North Salem was paying \$1,800.00 rent for a water treatment system that they have on DEP property. The Town Attorney said that if this was a Cell Tower it would be anywhere between \$3,000.00 to \$4,000.00 a month. He said that this would have to be at least \$500.00 a month to have this system on top of the Town's Water Tower. Councilman Morrissey asked if this was a two-way radio. The Town Attorney said that this was called a Skata System; it allowed the DEP to gather information remotely. Councilman Morrissey asked if the antennas were installed anywhere else that they could look at. The Town Attorney said that this was going to be for the region. Councilman Bolton said that he would like the removal time limit to be shorter. He suggested that it be a two week termination. Discussion ensued with regard to the monthly rate they should request. It was agreed that the Town Attorney would look into the rate that the Water Department was paying to the DEP and submit a proposal back to the DEP.

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

RESOLVED, that the Town Board does hereby authorize the Town Attorney to discuss with NYC DEP License Agreement between the Town of Somers and NYC DEP for the installation of a single pole antenna and weatherproof enclosure on the ground near the ASWD tower.

PERSONNEL:

Current Vacancies:

Substance Abuse Council (1 – 3 year term to December 31, 2012)
Substance Abuse Council (2 – 3 year term to December 31, 2013)
Somers Energy Environmental Committee

Upcoming Vacancies:

Affordable Housing Board (5 – 2 year terms to July 11, 2013)

Hire T. Eaker
- Part-time
Bookkeeper

The Supervisor said that it was in order to authorize the temporary hiring of a Part-time Bookkeeper.

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

RESOLVED, that the Town Board does hereby authorize the temporary hiring of Theresa Eaker as part-time Bookkeeper to assist in the Finance Office to work no more than 17 hours per week at \$30.00 per hour effective July 21, 2011.

Resignation of
R. Sabol –
Chauffeur

The Supervisor said that it was in order to acknowledge the resignation of Richard Sabol as a Chauffeur for Nutrition. She thanked Mr. Sabol for chauffeuring the Seniors around for the last several years and wished him the best in his future endeavors.

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

RESOLVED, that the Town Board does hereby acknowledge with regret the resignation of Richard P. Sabol, Chauffeur for the Nutrition Department effective September 2, 2011 per email dated August 3, 2011 from Barbara Taberer, Director of Nutrition.

Appoint R.
Warren and
M. Blum to
SEEC

The Supervisor said that it was in order to appoint Richard Warren and Michael Blum to the Somers Energy Environmental Committee.

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

RESOLVED, that the Town Board does hereby appoint Richard E. Warren to the Somers Energy Environment Committee to serve at the pleasure of the Board.

RESOLVED, that the Town Board does hereby appoint Michael Blum to the Somers Energy Environment Committee to serve at the pleasure of the Board.

Retention of
Houlihan
Lawrence

The Supervisor said that it was in order for the Board to authorize the Supervisor to retain of Houlihan Lawrence in connection with the marketing and sale of 74 Warren Street.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute all documents necessary to retain Houlihan Lawrence for the marketing and sale of property located at 74 Warren Street, tax map ID # 6.18-1-3.5.

The Green at
Somers

The Supervisor said that the next item on the agenda was a review and comment of the Green at Somers Site Plan. She said that this was at the very preliminary stages of the Planning Board. She said that she did want to bring to their attention that it was a significant change for the presentation that the Board was given by the applicant. The Supervisor said that the question at this point was could the property sustain the proposal. She said that she felt that at this point it was premature to comment before the Planning Board did their due diligence and an analysis of the property. She said that they should just keep their eye on this and watch it as it progressed. Councilman Clinchy said that this was interesting because when the applicant was before them one of the things he mentioned was that they reduced the plan from the original. The Supervisor said that they did reduce the amount of service areas and smaller buildings. She said that she was sure the Planning Board would address this. It was agreed that there was no comment at this point and they would continue to watch the project.

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

RESOLVED, that the Town Board has reviewed The Green at Somers Site Plan dated July 26, 2011 at their August 11, 2011 combined Work Session/Regular Meeting and reserves comment at this time.

Consensus
agenda

The next item on the agenda was the consensus agenda. The Supervisor said that item number 2b should be removed, she had not heard from the Library with regard to that. She said with regard to item number 2c the word amended needed to be added to the language. Councilman Clinchy said with regard to item number 2b there was upfront money that was a problem for everyone. He said that he thinks it was wise to wait on that unless there was alternative funding. He said that they may be able to accomplish this in a less expensive form with another plan. Councilman Bolton said with regard to item number 2a he felt that they were unsightly and asked where they were going to be placed. The Supervisor said she understood his concern because those bins have been issues in the past. She said that if the Board was uncomfortable with them she would not move forward with them. Councilman Bolton said that he felt that they were going to be unsightly. It was agreed to remove this from the consensus agenda. The Supervisor said with regard to item number 11b the amount should read \$200.00. She said with regard to item number 12b the amount should read \$25.00, 12k and 12l should read \$100.00. She said that there was an addition of 16 and 17 to the consensus agenda as well. Councilman Bolton said with regard to item number 4, he did not see a proposal with regard to that. The Supervisor said that the Town Attorney reviewed that. The Town Attorney said that he made three suggestions and the Town Planner made them although he never saw the draft. He said that he believed that the Town Planner was waiting for the insurance plan from the Town's Carrier. The Supervisor said that she did not recall seeing that. She said that this was not so urgent; they were keeping up with the current applications. She

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said that they could remove this item and she would place it back on the agenda next month. Councilman Bolton asked with regard to item number 8 were the funds coming from the monies that they bonded for the roads. The Supervisor said that it was not and explained that they put \$15,000.00 in the budget for this. Councilman Bolton asked with regard to item number 5 why they had to do that. The Supervisor said that they did not have to do it she just felt it was a good idea to do it. She said that they were adopting the same Endangered Species List that Westchester County does. Discussion ensued with regard to the list. It was agreed to remove item number 5 from the consensus agenda and vote on it independently.

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

Adopt
Westchester
County's
Endangered
Species List

RESOLVED, that the Town Board does hereby authorize adoption of the Westchester County's Endangered Species List as per recommendation of Michael Klemens in his 2007 Croton to Highlands Biodiversity Plan: Somers Addendum per memo dated July 25, 2011 from the Open Space Committee.

VOTE: Aye 4 Murphy, Clinchy, Morrissey, Garrity
 Nay 1 Bolton

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

Schedule
public hearing
– proposed
amendment to
Chapter 109

1. RESOLVED, that the Town Board does hereby authorize the scheduling of a Public Hearing for September 8, 2011 regarding a Proposed Amendment to Chapter 109 – Garbage, Rubbish and Refuse.

2a. REMOVED

2b. REMOVED

Amend agreement
with Somers,
Lewisboro and North
Salem for the Senior
Nutrition Program

2c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the amended 2010 Memorandum of Agreement and corresponding vouchers with Somers, Lewisboro and North Salem for the Senior Nutrition Program.

Execute SCA
agreement for
Add-On for PAS
in the Assessor's
office

2d. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute SCA Software Consulting Associates Grievance Add-On for PAS in the Assessor's office in the amount of \$5,300.00 which includes installation, training and annual service per email dated July 29, 2011 from Glenn A. Droese, Assessor.

Execute 2011-
2012 School
Tax Levy

2e. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2011-2012 School Tax Levy.

RFP for
Annual
Service/Cleani
ng of all Town
Oil Burners

3. RESOLVED, that the Town Board does hereby authorize request for proposals for Annual Service/Cleaning of all Town Oil Burners.

4. REMOVED

5. REMOVED from consensus agenda and voted on separately

Refund for
Small Claims
Assessment
Reviews

6. RESOLVED, that the Town Board does hereby authorize four (4) refunds in the amount of \$30.00 each for Small Claims Assessment Reviews for the following parcels known as 6.15-1-49; 17.16-1-48.5; 27.13-1-25.1 and 27.13-1-1, per memo dated August 2, 2011 from Glenn A. Droese, Assessor.

Budget
modifications

7. RESOLVED, that the Town Board does hereby authorize the following budget modifications per memo dated August 11, 2011 from Mary Beth Murphy, Supervisor:

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RESOLVED, that the Town Board does hereby authorize a budget modification to increase revenue for funding received from the Federal Bulletproof Vest Program (50% of cost) and increase appropriations for 50% of the cost for an officer's vest per memo dated July 20, 2011 from Joan E. Kachmarik, Director of Finance:

Increase: General Fund 001-4090 – Revenue – Federal Aid Other
Increase: General Fund 001-3120.4 – Police Contractual \$329.32

RESOLVED, that the Town Board does hereby authorize a budget modification to provide contractual monies until the end of the year per memo dated August 11, 2011:

From: 3120.2 – Police Equipment
To: 3120.4 – Police Contractual \$7,000.00

RESOLVED, that the Town Board does hereby authorize a budget modification to provide contractual monies until the end of the year per memo dated August 11, 2011:

From: General Fund – Fund Balance
To: 3120.4 – Police Contractual \$20,000.00

RESOLVED, that the Town Board does hereby authorize a budget modification to provide additional funding for the payment of unemployment insurance benefits authorized by the NYS Department of Labor per memo dated August 2, 2011 from Joan E. Kachmarik, Director of Finance:

From: 001-1990.4 – General Fund
To: 001-9050.8 – Employee Benefits – Unemployment Insurance \$893.44

RESOLVED, that the Town Board does hereby authorize a budget modification to provide funding to replace two (2) highway truck windshields (\$225.00 each, no glass coverage.) To provide funding for the Town's share of \$32,000.00 for a settlement of \$42,000.00, this was authorized by Town Board on 5/12/11, per memo dated August 4, 2011 from Joan E. Kachmarik, Director of Finance:

From: 001-599 – Insurance Reserve
To: 001-1931.4 – Special Items – Insurance, Reserve Fund \$32,450.00

Bid for one new Foreman/Utility Truck

8. RESOLVED, that the Town Board does hereby authorize the Superintendent of Highways to go to bid for one new Foreman/Utility Truck per memo dated July 29, 2011 from Thomas E. Chiaverini, Superintendent of Highways.

Testing of Town House Fuel Tank

9. RESOLVED, that the Town Board does hereby authorize testing of the Town House Fuel Oil Tank by Luzon Environmental Services in the amount of \$425.00 per memo dated August 2, 2011 from Steven Woelfle, Principal Engineering Technician. The three (3) proposals received were as follows:

Luzon Environmental Services \$425.00
US Tank Tech \$475.00
Conklin Services & Construction, Inc. \$625.00

Temporary waiver of the Application Processing Restrictive Law

10. RESOLVED, that the Town Board does hereby authorize the granting of a temporary waiver of the Application Processing Restrictive Law pursuant to §67-5 of the Somers Town Code for environmental violation issued June 15, 2011 to Louis & Sandra Roberti for property know as Section:

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17.14 Block: 2 Lot: 8 per memo dated July 22, 2011 from Steven Woelfle, Principal Engineering Technician.

Accept
Erosion
Control Bonds

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

- a. \$100.00 – Grippo Erosion Control Bond – 47.20-1-14.
- b. \$200.00 – Nekos – Stormwater Mgmt. & Erosion & Sediment Control Permit 58.12-1-7.

Refund
Erosion
Control Bonds

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

- a. \$300.00 – DeLeo Steep Slope Permit – 48.18-1-8.
- b. \$ 25.00 – DeLeo Tree Permit – 48.18-1-8.
- c. \$100.00 – Linda Whitehead, Esq., Steep Slope & Wetland Permit – 5.14-1-3 & 4; 5.17-2-11 & 12; 5.18-1-2, 19, 20 & 21; 5.18-2-1 thru 6; & 16.06-4-1.
- d. \$100.00 – Carey Erosion Control Permit – 5.19-3-51.
- e. \$100.00 – Bauckham Wetland Permit – 27.09-1-5.
- f. \$ 25.00 – Proia Tree Preservation Permit – 16.12-1-36.
- g. \$ 25.00 – Almstead Tree & Shrub Care Co. – 17.11-10-20.
- h. \$ 25.00 – Abdelnour Tree Preservation Permit – 17.12-2-16.
- i. \$ 25.00 – Breuer Tree Preservation Permit – 37.17-1-13.
- j. \$ 25.00 – Cambareri Tree Preservation Permit – 38.05-2-10 – #AT2004-10.
- k. \$100.00 – Cambareri Tree Preservation Permit – 38.05-2-10 – #AT2006-13.
- l. \$100.00 – Cambareri Tree Preservation Permit – 38.05-2-10 – #AT2009-17.
- m. \$100.00 – Fabry Wetland Permit – 47.20-1-12.
- n. \$ 25.00 – Bedford Poolsapes, Inc. Tree Preservation Permit – 58.16-1-4.
- o. \$200.00 – Meadow Ridge Homes, Inc. Stormwater Management & Erosion & Sediment Control Permit – 4.19-1-10.
- p. \$200.00 – Meadow Ridge Homes, Inc. Stormwater Management & Erosion & Sediment Control Permit – 4.19-1-16.
- q. \$100.00 – Cook Wetland Permit – 16.10-2-23.

Accept
Performance
Bond

13. RESOLVED, that the Town Board does hereby accept Performance Bond #105377512 by Travelers Casualty and Surety Company of America submitted by the applicant as required by Section 170-129.5 (K) of the Zoning Code of the Town of Somers in the sum of \$20,000.00 to ensure that the MetroPCS additional equipment/facility is removed if abandoned, as well as the required landscaping warranty pending Town Attorney approval per memo dated July 19, 2011 from Steven Woelfle, Principal Engineering Technician.

Authorize
funds transfer

14. RESOLVED, that the Town board does hereby authorize \$3,256.53 transfer from 1931.4 Insurance Reserve to 3120.4 Police Contractual for repair of Police Vehicle 7K386 per memo dated July 27, 2011 from Michael W. Driscoll, FOIC, Somers Police Department.

Correction of
Tax Lien List

15. RESOLVED, that the Town Board does hereby authorize the correction of Lien List by removing parcel identification known as 5.16-2-23 from list per memo dated August 4, 2011 from Joan Ribauda, Receiver of Taxes.

Awarding of
the Concrete
Culvert Bid

16. RESOLVED, that the Town Board does hereby acknowledge the awarding of the Concrete Culvert Bid by the Superintendent of Highways to

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Preconco Sales Corp. /dba as Precast Concrete Sales Company in the amount of \$15,831.00. The bids received were as follows:

L.H.V. Precast, Inc.	1.99' Earth Cover	\$22,985.00
L.H.V. Precast, Inc.	2'0" Earth Cover	\$21,890.00
Precast Concrete Sales Company		\$15,831.00
Chemung Supply Corp. (came in after bid deadline)		NOT OPENED

Setting up
T&A Account
for the
construction
of a Dog Park

17. RESOLVED, that the Town Board does hereby authorize the setting up of a Trust and Agency (T&A) Account for the purpose of accepting money for the construction of a Dog Park.

The Supervisor said she wanted to let everyone know that Police Chief Driscoll and herself had been working with the Veterans Organizations, Somers Italian American Club, Somers Volunteer Fire Department and some of the victims' families to put together a Ceremony on September 11th in memory of the tragedy of that day. She said that it was coming together very nicely and they were hoping that the community would come out in support of this as they did in the past. She said that it was going to be held at 5:30 PM on September 11th. There will be flyer and the information will be on the Town's website. The Supervisor said that they were going to be inviting every organization in Town to place a flower on the benches that were in the Community Garden. She said that she would be reaching out to all the organizations in the Town. She said that one of the themes of September 11th was service and she wanted to honor the Service Organizations and make it a service day.

Claims for the payment of all Town Bills in the amount of \$952,792.05 were presented and allowed for payment as shown on the Abstract of Audited Claims on file in the office of the Town Clerk.

Thereupon motion of Supervisor Murphy, seconded by Councilman Garrity, the meeting was adjourned at 9:55 PM.

Town Clerk