

AUGUST 20, 2015 – COMBINED WORK SESSION/REGULAR MEETING

Minutes of a combined work session/regular meeting of the Town Board of the Town of Somers held on Thursday evening August 20, 2015 at 6:30 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Rick Morrissey
	Councilman	Richard G. Clinchy
	Councilman	Thomas A. Garrity, Jr.
	Councilman	Anthony J. Ciriaco
	Councilman	William G. Faulkner

ABSENT:

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

The Supervisor said that it was in order for the Board to enter into an executive session with regard to contracts, personnel, real estate and litigation matters.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Faulkner, the meeting was adjourned to executive session with regard to contracts, personnel, real estate and litigation matters at 6:30 PM to return that evening.

7:05 PM – meeting reconvened

PUBLIC COMMENT:

Ms. Josephine Bastone, 1 Manor Lane, said that she had spoken to the Board several times with regard to the high numbers of power outages in her area. She said that in 2013 NYSEG had done some tree trimming in her area and the issue improved. She said that in 2015 her area of Town had experienced 3 blackouts to date. Ms. Bastone continued that there was a power outage in March and two in July, when it was very hot. She said that she looked through her documentation of the power outages and noted that all of the outages had occurred because of trees. She said that she had several conversations with Kathleen Ables, NYSEG Representative and Ms. Ables spoke to the NYSEG Arborist about pruning in the area. Ms. Bastone said that Ms. Ables explained to her that the tree pruning was done on a cycle and Somers was set for tree pruning every five years. She said that the trees in Somers were pruned in 2013 therefore they will not be done until 2018. She asked the Town Board to contact NYSEG to request that they address the trouble trees in the area. The Supervisor said that he would have a conversation with Ms. Ables and request a survey of the area be done.

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

Approval
of
minutes

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

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

RESOLVED, that the Town Board does hereby approve the minutes of the April 9, 2015 Public Hearing regarding the DEIS and proposed Local Law to amend Chapter 170 entitled Zoning, Section 170-13C Multifamily residence MFR District of the Code of the Town of Somers for Somers Crossing; the April 9, 2015 Public Hearings regarding the Petition for the Extension of the Expansion of the Windsor Farm water District and the Petition to Extend Somers Sewer District #1; the April 9, 2015 Regular Meeting; the May 7, 2015 Work Session; the May 14, 2015 Public Hearing regarding a proposed Local Law to

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consider adding Chapter 135 entitled Property Maintenance to the Code of the Town of Somers; the May 14, 2015 Regular Meeting; the June 4, 2015 Work Session; the June 11, 2015 Public Hearing regarding a Conservation Easement for Deans Bridge Associates, LLC, the June 11, 2015 Regular Meeting; the July 9, 2015 Public Hearing regarding the granting of a preliminary development concept plan approval and the reclassification of the site located at 16 Route 6 (Lot 15.07-1-6) for the proposed Hidden Meadow Development to the Multifamily Residence Baldwin Place District (MFR-BP) Floating Zone from an existing R80 Residence District pursuant to Section 170-13 Multifamily Residence MFR District, the July 9, 2015 Public Hearing regarding a proposed Local Law to add Chapter 83 entitled Community Choice Aggregation (Energy) Program to the Code of the Town of Somers and adopt a Resolution with regard to the Town's participation in the Community Choice Aggregation Program and the July 9, 2015 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.

Execute a Consent of Judgement

The next item on the agenda was to authorize the Town Attorney to execute a Consent of Judgement in the matter of Rex Realty of Connecticut Inc. v Town of Somers, Index #23200/10 et al. Councilman Cirieco asked the Supervisor to explain what this matter was and the amount of the settlement. The Supervisor stated that this was a Tax Certiorari whereas Rex Realty felt that they were being over accessed. He said that the Town Assessor and the Town Attorney negotiated a settlement with them. The Town Attorney said that the issue was from 2010 to 2014. He explained that they were two pieces of property at the intersection of Route 35 and Route 100. He said that they were able to settle each of the years in line with the appraisal that they secured from Valuation Plus, Town Appraiser. The Town Attorney said that the settlement was in the reserve that the School District had, therefore it was appropriate for the Town to proceed.

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

RESOLVED, that the Town Board does hereby authorize the Town's Attorney to execute a Consent Judgement in the matter of Rex Realty of Connecticut, Inc. v. Town of Somers – Index #23200/10 et al for properties known as Section: 16.16 . Block: 1 Lot: 19.5 and Section: 38.17 Block: 1 Lot: 3.

Request for stop sign

The Supervisor said that the next item was a request for a stop sign at Buena and Eastern Way, Purdys. He said that this request was on the Town Board agenda in April. He explained that the intersection was heavily traveled to avoid other stop signs in the area. The Supervisor said that the Board in April asked that the Highway Superintendent and the Police Chief to evaluate the intersection. He said that the recommendation at that time was to cut back the vegetation in the area to improve the sight lines. He said that they were still receiving complaints from the Community with regard to the intersection. The Supervisor said that there was also opposition to a stop sign as well. He said that the Board should set a public hearing for October 8th to receive comments from the residents of Purdys although at this point the Police Chief was recommending a stop sign be installed since cutting back the vegetation was not an improvement. Councilman Cirieco asked about Law Enforcement in that area. That Supervisor said that enforcement had been stepped up in that area.

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

RESOLVED, that the Town Board does hereby schedule public hearing for the placement of stop signs at the Southwest corner of Eastern Way and Buena Way and the Southeast corner of Eastern Way and Buena Way for October 8, 2015.

Discussion
with Michael
Blum,
Chairman of
the Somers
Energy
Environment
Committee

The next item on the agenda was a discussion with Michael Blum, Chairman of the Somers Energy Environment Committee. Mr. Blum stated that he had five items that he would like to discuss with the Board that evening. He said that the first was with regard to Solarize NY along with New Castle won the right to bid on and the help to execute Solarize Westchester and Solarize Somers. He explained that this was a program that had been around for about six to seven years and it was based on the number of residents that could meet the requirements of solar panels. Mr. Blum said that the volume of participants would define the price of installation and equipment. He explained that there was an outreach program that went on for three months and this was inclusive of Commercial Properties as well. Discussion ensued with how the program was going to work and the pricing of putting solar panels on your house and businesses was determined.

Mr. Blum said that the next item he wanted to discuss with the Board was Complete Streets. He said that he was hoping that the Board was going to be approving a MOU that evening for the grant that they received. He explained that \$5,000.00 was going back to the Town for the monies that the Town expended for the first phase of work. Mr. Blum said that the grant worked liked most grants, the payments were not made until invoices and in kind hours were submitted.

The Supervisor said that he wanted to stress to the Board that this was a \$10,000.00 matching in kind grant. He said that meant that it was accountable for all volunteer time and other in kind providers. He explained that it may not be a \$10,000.00 cash match from the Town.

Mr. Blum said that as they started phase two with the Engineering Company, which was the Town Board's decision, was going to be more of a feasibility study. He said that what they have was a conceptual study. He said that the MOU was also going to be supplying them with different ways to finance similar as to what they were doing with NYSERDA. Mr. Blum stated that their current anticipation was that 80% of the funding would be covered by the New York State Department of Transportation (DOT). He said that the Town would then have to come up with the other 20% and that could come from grants or other funding sources.

The Supervisor explained that the Complete Streets Project was three parts. He said that the first was the Town Board authorizing payment of \$5,000.00 to do a study and that qualified the Town to apply for Complete Streets. He said that they received the \$10,000.00 match grant where they were going to do further Engineering Studies with more detail. The Supervisor said that at the end of the grant the Town should have something where the Town could start developing sidewalks.

Mr. Blum said that the sidewalks were going to be done in a priority order. He said that first it would be connecting all of the Schools, then to Reis Park and the third phase may be the trails and things of that nature. He said that with the trails they may not need outside financing, a lot was done in Angle Fly with volunteers.

Mr. Blum said that the next item he wanted to discuss with the Board was Micro-grid. He said that they had a kickoff meeting with NYSEG, NYSERDA and a Consultant from Booz-Allen. He said that Supervisor Morrissey, Councilman Clinchy, the Police Department and Fire Department representatives were also present. Mr. Blum said that it was a meeting to understand the entire process going forward. He said like Complete Streets this was just another phase, this phase was focused on requirements for the Micro-grid. He explained how the process would work and the benefits to the Town and he explained where they were in the project.

Mr. Blum said that the next item he wanted to discuss with the Board was with regard to Waste Management and Recycling. He said that they were asked to look at the issue of single use plastic bags. He said that there were about seven Towns in Westchester that had

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put together an Ordinance around single use plastic bags and in addition to that Westchester County was looking at a Bill for all of Westchester County. Mr. Blum said that he was going to be sending the Town Board a template for a Resolution, a Question and Answer Sheet and some other things for the Board's consideration. He said that it was a movement that was upcoming and New York City was going to be coming out with their Resolution. The Supervisor asked Mr. Blum to get the information together for the Town Board to look into at their work session next month.

Mr. Blum said that the last thing he wanted to discuss with the Board was with regard to air quality. He said that there was software that was used five years ago to determine the air quality of the Town. He said that at that time they established a benchmark and there was a report that compared Somers with other Towns. Mr. Blum stated that what they recognized was that traffic caused most of the pollution. He said that they were asked to do another study and the Town was being supplied with the software again. He said that the problem was with data collection, they needed actual people to do the collection. Mr. Blum said that the first time this was done they had two interns do the collecting. He said that this tied together with Solarize as well. He explained that if they had another benchmark and then start putting solar panels on commercial buildings and then do another study hopefully they will see some really good results.

The Supervisor said that it was in order for the Board to authorize the execution of the MOU with Hudson River Greenway for the Complete Streets Project.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Memorandum of Understanding (MOU) with the Hudson River Greenway for the Complete Streets Project PL 15-0603-W in the amount of \$10,000.00 per letter dated July 16, 2015 from Mark Castiglione, Acting Executive Director.

The Supervisor said that the next item on the agenda was a proposed change to the Accessory Apartment Code. He said that it was brought to their attention that in the Zoning Code that there was a section that talked about the County's participation in reviewing the Town's Accessory Apartments. He said that he believed that the purpose for that was for the Town to get credit for Accessory Apartments being a provision of Affordable Housing. The Supervisor said that the Accessory Apartments being counted as Affordable Housing never came to fruition and this piece of the Town Code still remained. He said after discussing this with the Town Attorney this portion of the Code should be removed because it was not being done.

The Town Attorney explained that because this was an amendment to the Zoning and something was being deleted the Town Board needed a recommendation from the Town Planning Board, a referral to Westchester County Planning Board and the Town Planner needed to prepare a Short Form Environment Assessment Form. He said that at the next meeting hopefully the Board would be able to schedule a public hearing. Discussion with the Town Board ensued with regard to the reasoning for the deletion.

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

RESOLVED, that the Town Board does hereby refer a proposed Accessory Apartment Code change to Chapter 170 Zoning Article XII Special Exception Uses in Residence District §170-70 Accessory Apartments Letter L to Westchester County Planning and the Planning Board and to have the Town Planner prepare a Short Form EAF per memo dated July 14, 2015 from the Zoning Board of Appeals

PERSONNEL:

Execution of the MOU with Hudson River Greenway for the Complete Streets Project

Proposed change to the Accessory Apartment Code

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Current Vacancies:

- Somers Energy Environmental Committee
- Affordable Housing Board (5 – unexpired 2 year terms ending July 11, 2015)
- Zoning Board of Appeals (1 – unexpired term ending December 31, 2017)
- Architectural Review Board (3 – 3 year terms ending March 9, 2018)

Upcoming Vacancies:

- Assessment Board of Review (1 – 5 year term ending September 30, 2020)

Hire	R.
Persaud	
Senior Acct.	
Clerk	–
Finance	

The Supervisor said that it was in order to announce the hiring of Mr. Robert Persaud as Senior Account Clerk in the Finance Office.

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

RESOLVED, that the Town Board does hereby announce the hiring of Robert Persaud as Senior Account Clerk, at an annual salary of \$42,760.00, Group IV Step 3 of the CSEA Agreement, in the Finance Office effective July 20, 2015 per memo dated July 21, 2015 from Barbara J. Sherry, Secretary to the Supervisor.

Appoint	C.
Hanley	to
Risk	
Management	
Committee	

The Supervisor said that it was in order to appoint Mr. Christopher Hanley to the Risk Management Committee.

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

RESOLVED, that the Town Board does hereby appoint Christopher S. Hanley to the Risk Management Committee to serve at the pleasure of the Town Board.

Retirement	
of PO J.	
FitzGerald	

The Supervisor said that it was in order to acknowledge the retirement of Police Office John R. FitzGerald. Councilman Clinchy said that he was a great Police Officer and wished him well in his retirement.

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

RESOLVED, that the Town Board does hereby acknowledge with regret the retirement of Police Officer John R. FitzGerald after 30 years of service to the Town effective August 31, 2015 per letter dated July 23, 2015 from Officer FitzGerald.

Out of title	
pay for two	
of the	
Library	
Employees	

The Supervisor said that he wanted to add an item number 6 to Personnel on the agenda. He said that the Board received a request from the President of the Library Board of Trustees with regard to out of title pay for two of the Library Employees in the absence of a Library Director. He said that the Library had operated seamlessly with the transition because of the Employees help.

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

RESOLVED, that the Town Board does hereby authorize Out of Title Pay in the amount of \$1,000.00 for both Vicki DiSanto and Valerie Herman for out of title work in the absence of a Library Director from March 9, 2015 through June 1, 2015, per memo dated August 20, 2015 from Barbara Sherry, Secretary to the Supervisor.

Vote: AYES Morrissey, Clinchy, Cirienco, Garrity
ABSTAIN Faulkner

Councilman Faulkner abstained

Consensus agenda

The next item was the consensus agenda. The Supervisor said with regard to item number 5a, that matter was going to be removed from the agenda at that time, pending further documentation. He explained that the Town did not have documentation with regard to ownership at that time.

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

Replacement of Bond

1. RESOLVED, that the Town Board does hereby authorize the replacement of the \$47,000.00 Bond #BLQA502244 issued by Hanover Insurance Company for Insite Towers LLC for New Cingular Wireless PCS, LLC for property located at 121 Route 100 (Amato) per memo dated August 5, 2015 from Steven Woelfle, Principal Engineering Technician.

Renewal of liquor license

2. RESOLVED, that the Town Board does hereby acknowledge the announcement of renewal of liquor license for PJ’s Restaurant located at 85 Route 6, Baldwin Place, NY 10505 per memo dated August 6, 2015 from Kathleen R. Pacella, Town Clerk.

Painting of Mt. Zion Church

3. RESOLVED, that the Town Board does hereby award the painting of Mt. Zion Church to Paul’s Painting Company in the amount of \$10,250.00 per memo dated July 28, 2015 from the Historic Properties Board.

Accept Erosion Control Bonds

4. RESOLVED, that the Town Board does hereby accept the following Erosion Control Bonds per memos from Wendy Getting, Senior Office Assistant:
 - a. \$500.00 – Barr Erosion Control Bond – 48.05-1-14.
 - b. \$500.00 – Weisenburger – Stormwater Management & Erosion & Sediment Control Permit – 16.10-1-44 & 45.

5a. REMOVED

Execute the NYSOFA Certification

- 5b. RESOLVED, that the Town of Somers does hereby authorize the Supervisor to execute the NYSOFA Certification attesting that funding will be used solely to support salary/benefits for Nutrition Staff per memo dated August 13, 2015 from Barbara Taberer, Program Director.

Execute the 2015/2016 School Tax Warrant

- 5c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2015/2016 School Tax Warrant.

Execute the Annual Service Agreement with Kinsley Power Systems

- 5d. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Annual Service Agreement with Kinsley Power Systems in the amount of \$2,668.00 for the three power generators and transfer switches at the Travis Road Primary and Secondary Pump Stations and the Windsor Road Sewer Pump Station per memo dated August 13, 2015 from Adam Smith, Superintendent of Water & Sewer.

Release Street Opening Bond

6. RESOLVED, that the Town Board does hereby authorize the release of the Street Opening Bond in the amount of \$320.00 to North County Development Corp. for property located at 53 Mahopac Avenue per memo dated July 14, 2015 from Thomas E. Chiaverini, Superintendent of Highways.

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Authorization to prepare new two (2) year service contracts for HVAC, Plumbing and Electrical services

7. RESOLVED, that the Town Board does hereby give authorization to prepare new two (2) year service contracts for HVAC services to CF Air Conditioning and Heating, Inc., Emergency and Non-Emergency electrical services to A-Amp Electric Corp., and Plumbing services to Bee and Jay Plumbing with no more than a 2% increase per year per memo dated August 12, 2015 from Efreem Citarella, Building Inspector.

Return Erosion Control Bond

8. RESOLVED, that the Town Board does hereby authorize the return of an Erosion Control Bond in the amount of \$200.00 to Kapur – Stormwater Management & Erosion & Sediment Control Permit – 26.20-2-24 per memo dated July 27, 2015 from Steven Woelfle, Principal Engineering Technician.

The Supervisor said that there was a public workshop with the New York State Department of Transportation to review preliminary plans to install a new traffic signal and left turn lane on Route 139 to be held at Somers High School, Tuesday, August 25th at 7:30 PM. He said that all were encouraged to attend that meeting.

The Supervisor said that on September 1st there was going to be a Blood Drive held at the Town House from 2:30 PM to 8:30 PM. He said that Somers had always been very generous with their donations of blood. He urged all that were able to come out a participate

Councilman Faulkner said that one of the exciting things that was going on in Somers was the Class of 2015 was headed off to College and he wished them all the best of luck.

Councilman Faulkner said that last Sunday on behalf of the Supervisor he had the privilege of delivering four Proclamations to four outstanding Eagle Scouts in Somers. He thanked the four Scouts for their outstanding dedication and service to the Community.

Claims for the payment of all Town Bills in the amount of \$727,048.85 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 Morrissey, seconded by Councilman Faulkner, the meeting was adjourned at 8:25 PM to an executive session for the purpose of personnel not to return that evening.

Town Clerk