

SEPTEMBER 1, 2011 – WORK SESSION

Minutes of a work session of the Town Board of the Town of Somers held on Thursday evening September 1, 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
	Councilman	Thomas A. Garrity, Jr.

ABSENT:

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

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

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

7:30 PM – meeting reconvened

This being a work session the following action was taken:

The Supervisor said that there were four Resolutions listed on the agenda with regard to Stormwater Compliance. She said that they were hopefully joining the East of Hudson Watershed Corporation. She explained that they Corporation was being formed to take responsibility for the implication of the unfunded Stormwater Mandate Phosphorus Reduction program that they had been mandated to do by the Department of Environmental Conservation. The Supervisor said that the reason all of the Towns were joining together was for several reasons. She said that they would be able to do this in an efficient manor, they would spend less money doing this together and they were able to collectively negotiate for \$20,000,000.00 additional funding from the Department of Environmental Protection to implement the project. She said that they were able to also get additional money from Westchester and Putnam Counties. The Supervisor said they would have \$38,500,000.00 to begin the implementation of this project. She said that they all recognized that was not nearly enough money to do what the DEC had mandated to be done, however it was a good start for the first 5 years of the project. She said that she was sure that they were aware that she was elected Chair of the East of Hudson Coalition which was the advocacy arm of this entity. The Supervisor said that she had been working closely with the negotiations with the DEP as well as with the Counties. She said that she would like for the Board to adopt these Resolutions that evening to show the other Towns that they were on board with this. Councilman Clinchy asked what Towns were included. The Supervisor listed the Towns that were part of the Coalition.

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

FORMATION OF EAST OF HUDSON WATERSHED CORPORATION

RESOLVED, that the Town Board does hereby authorize formation of and consent to be a member of the EOH Watershed Corporation, with articles of incorporation and bylaws substantially the same in form and substance as the draft of August 12, 2011.

WHEREAS, the Town of Somers is a member of the East of Hudson Coalition (“EOH Coalition”), an association of municipalities located in the New York City watershed east of the Hudson River (“EOH Watershed”); and

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WHEREAS, the Town of Somers and the other members of the EOH Coalition are individually subject to General Permit GP-0-10-002 for Municipal Separate Storm Sewer Systems (“MS4 Permit”), pursuant to which municipalities are required to implement stormwater retrofits and encouraged to participate in a regional stormwater retrofit plan; and

WHEREAS, the EOH Coalition was successful in negotiating on behalf of its members Special Condition 34 of the Water Supply Permit issued by the Department of Environmental Conservation (“NYSDEC”) on December 24, 2010 (“2010 WSP”), which requires New York City (the “City”) to provide \$15.5 million to the EOH communities to help fund implementation of their regional stormwater retrofit plans; and

WHEREAS, the EOH Coalition has negotiated an agreement with the City (the “Funding Agreement”) which will enable the City to transfer the \$15.5 million provided for in the 2010 WSP and the \$4.5 million provided for in the 2007 Filtration Avoidance Determination (“2007 FAD”) to the EOH communities; and

WHEREAS, the 2010 WSP encouraged the formation of a regional stormwater entity (“RSE”) to organize, administer and implement the stormwater retrofit projects, by providing that up to \$50,000 of the \$15.5 million could be used by the EOH communities for the formation of the RSE; and

WHEREAS, the EOH Coalition has drafted articles of incorporation and bylaws for an RSE, which have been favorably reviewed by NYSDEC and the City, to be known as the East of Hudson Watershed Corporation (“EOH Watershed Corporation”), the members of which would be the municipalities located in the EOH Watershed and the Board of Directors of which would be the chief elected officials of the members; and

WHEREAS, the execution of the Funding Agreement and the payment of the \$15.5 million by the City under the Funding Agreement cannot occur until the EOH Watershed Corporation is formed; and

WHEREAS, it is in the best interest of the Town of Somers to authorize the formation of and become a member of the EOH Watershed Corporation for the purpose of jointly organizing, administering and implementing the regional stormwater plans under the MS4 Permit;

NOW THEREFORE BE IT RESOLVED, that the Town of Somers authorizes the formation of and consents to be a member of the EOH Watershed Corporation, with articles of incorporation and bylaws substantially the same in form and substance as the draft of August 12, 2011; and

BE IT FURTHER RESOLVED, that Mary Beth Murphy, the Supervisor of the Town of Somers is hereby designated to serve as the initial member of the Board of Directors of the EOH Watershed Corporation as provided in said articles of incorporation and bylaws.

VOTE:	AYES	5	Murphy, Garrity, Clinchy, Bolton, Morrissey
	NAYES	0	

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

RESOLVED, that the Town Board does hereby designate Supervisor Mary Beth Murphy to serve as the initial member of the Board of Director of the EOH Watershed Corporation as provided in said articles of incorporation and bylaws.

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

APPROVAL AND RECOMMENDATION OF FUNDING AGREEMENT

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RESOLVED, that the Town Board does hereby approve the Funding Agreement with NYCDEP for \$20 million and recommends to the Board of Director of the East of Hudson Watershed Corporation, when formed, that the Corporation enter into the Funding Agreement substantially the same in form and substance as the July 12, 2011 draft.

WHEREAS, the Town of Somers is a member of the East of Hudson Coalition (“EOH Coalition”), an association of municipalities located in the New York City watershed east of the Hudson River (“EOH Watershed”); and

WHEREAS, the Town of Somers and the other members of the EOH Coalition are individually subject to General Permit GP-0-10-002 for Municipal Separate Storm Sewer Systems, pursuant to which municipalities are required to implement stormwater retrofits and encouraged to participate in a regional stormwater retrofit plan; and

WHEREAS, the EOH Coalition was successful in negotiating on behalf of its members Special Condition 34 of the Water Supply Permit issued by the Department of Environmental Conservation on December 24, 2010 (“2010 WSP”), which requires New York City (the “City”) to provide \$15.5 million to the EOH communities to help fund implementation of their regional stormwater retrofit plans; and

WHEREAS, the EOH Coalition has negotiated a draft agreement with the City (the “Funding Agreement”) which will enable the City to transfer the \$15.5 million provided for in the 2010 WSP and the \$4.5 million provided for in the 2007 Filtration Avoidance Determination to the East of Hudson Watershed Corporation, when formed; and

WHEREAS, upon formation of the East of Hudson Watershed Corporation, the Board of Directors thereof will have the responsibility of reviewing and approving the final draft of the Funding Agreement; and

WHEREAS, it is in the best interest of the Town of Somers to have the East of Hudson Watershed Corporation enter into the final draft of the Funding Agreement on behalf of the EOH Watershed communities;

NOW THEREFORE BE IT RESOLVED, that the Town of Somers approves the Funding Agreement and recommends to the Board of Directors of the East of Hudson Watershed Corporation, when formed, that the Corporation enter into the Funding Agreement substantially the same in form and substance as the July 12, 2011 draft.

VOTE:	AYES	5	Murphy, Garrity, Clinchy, Bolton, Morrissey
	NAYES	0	

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

RESOLVED, that the Town Board does hereby authorize the execution of the Intermunicipal Agreement with Westchester County for \$10 million dollars in EOH WQIP funds.

This being a work session no further actions were taken.

Thereupon motion of Supervisor Murphy, seconded by Councilman Garrity, the meeting was adjourned at 8:25 PM.

Town Clerk