

SEPTEMBER 6, 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 September 6, 2012 at 6:40 PM at the Town House, 335 Route 202, Somers, New York 10589.

ROLL CALL:

PRESENT:       Supervisor       Mary Beth Murphy  
                  Councilman       Richard A. Benedict  
                  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, personnel and collective bargaining.

Thereupon motion of Supervisor Murphy, seconded by Councilman Benedict, the meeting was adjourned to executive session with regard to real estate, personnel and collective bargaining at 6:40 PM to return that evening.

7:40 PM – meeting reconvened

Councilman Garrity present at 7:40 PM

The Supervisor said that Senator Greg Ball had created a Veterans' Hall of Fame. She said that this was the second year of the Veterans' Hall of Fame. She said that this year they were proud to nominate two Somers Veterans. The Supervisor said the first nominee was Mr. Jack Lederman; he was a member of the Jewish War Veterans Post 46, Somers. She said that he was an active participant in all of the Town's events. She continued that he had enlisted himself into the Army at 18 years of age; Mr. Lederman was sent to action in the Philippines and received the Purple Heart for his service to our Country. The Supervisor said that they were very proud of Mr. Lederman and glad that they were able to honor him that evening. She said that Senator Ball would be presenting him with a proclamation and that would be the start of a season of festivities to honor his service to the Country.

The Supervisor said that second nominee was Mr. Richard Bertram; he was a member of the Veterans of Foreign War (VFW) Post 8216, Somers. She said that he was a Gunners Mate in the United States Navy and is extremely active in all of the Veterans' Affairs in the Town of Somers. She said that she had worked closely with Mr. Bertram over a number of Ceremonies that were held on Independence Day. The Supervisor said that he took a very active and passionate interest in making sure that Somers Veterans were honored and that our nation was honored. She said that he came into the Town House to ensure that everything was organized just so, so that the community was right fully honoring the Veterans.

The Supervisor thanked Senator Ball for setting up the Hall of Fame. She said that it was at Somers High School last year and it gave them an opportunity to see the small percentage of people for the greater freedoms that we did have. She invited Senator Ball to present the proclamations to the Veterans.

Senator Ball thanked the Supervisor and the Town Board and said that there was no Town that did a greater justice to the Veterans' Community. He said that it was always a privilege to come to the Somers Veterans' Event and the way that they incorporated the youth of the Town to honor the Veterans was above any other community. He explained that the Veterans' Hall of Fame going to the Schools and other public places and out of that one nominee was picked by the Veterans' Advisory Council for a Statewide Nomination. Senator Ball continued that they also had their Thanksgiving dinner which all Veterans were invited to and the honorees were honored there as well. He said that the Hall of Fame Ceremony was going to be held in Peekskill in a couple of weeks and it was a special event. He asked for the honorees to come forward and he presented them with proclamations and congratulations.

Two nominees to the NYS Veterans Hall of Fame

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

RESOLVED, that the Town Board does hereby recommend Richard Bertram – Somers VFW 8216 and Jack Lederman – Jewish War Veteran’s Post 46 to Senator Ball’s Veteran’s Hall of Fame.

The Supervisor said that it was in order for the Board to continue 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.

7:50 PM – hearing opened  
8:15 PM – meeting reconvened

The Town Board agreed that the 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 would be tabled at that time.

Presentation  
to A. Gemo  
for Anti-  
Litter Signs

The Supervisor said that this evening there was a presentation in acknowledgement of Anna Gemo for the Anti-Littering sign sponsored by Somers Sanitation. She said that there were representatives from Somers Sanitation present and invited them to the podium along with Anna Gemo. She explained that the Litter Task Force had taken on the responsibility in Town of trying to get the whole Town cleaned up. The Supervisor said that one of the things that were talked about was the need to have better signs in Town to alert people to the issue that Somers had with litter. She said that the Litter Task Force decided to put together a contest amongst the High School Students to design a sign for the Town. She said that Anna had worked very closely with the Litter Task Force over the last few months to design a great sign. The Supervisor said that they wanted to have a prize for the winner of the contest although being a Town Government they could not award monetary prizes to people. She said that she reached out to Somers Sanitation and they immediately responded that they wanted to be involved with this and volunteered to donate a cash prize. She said that she wanted to point out that since they had initiated the Clean-up of Litter Program; Somers Sanitation/Bria Carting had been actively involved with the process. The Supervisor thanked all that were involved in cleaning up Somers.

The Supervisor said that it was in order for the Board to open a public hearing with regard to a proposed Local Law to amend Chapter 158 entitled Vehicles and Traffic, Section 158-10 entitled No parking areas; fire lanes of the Code of the Town of Somers.

8:20 PM – hearing opened  
8:21 PM – meeting reconvened

The Supervisor said that it was in order for the Board to adopt a Local Law to amend Chapter 158 entitled Vehicles and Traffic, Section 158-10 entitled No parking areas; fire lanes of the Code of the Town of Somers.

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

RESOLVED, that the Town Board does hereby adopt a Local Law to amend Chapter 158 entitled Vehicles and Traffic, Section 158-10 entitled No parking areas; fire lanes 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 158-8 Shopping Centers designated sub-section F. is amended to read The Somers Common.
2. Section 158-10 No parking areas; fire lanes sub-section F. is amended to read as follows:

F. The Somers Common

- 1) Northerly side of Building 1 - Stop & Shop
- 2) Easterly side of Building 2 - strip mall
- 3) Southerly side of Building 4B - Chili's
- 4) Westerly and Northerly side of Building 5 - New York Sports Club and strip mall
- 5) Westerly side of Building 6 - HomeGoods and Goodwill
- 6) Easterly side of Building 7 - strip mall adjacent to Stop & Shop

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

PUBLIC COMMENT:

Mr. Richard Nash, Lake Road, Somers, said that he was a member of the Taconic Road Runners Board of Directors and they had a two year term for President and they changed their By-Laws to a four year term which worked out well for them. He said that everyone became more dedicated and they were able to deal with more issues and they were more efficient with the change. He said that he supported the four year term for the Supervisor's Office.

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

The Supervisor announced that at the last Blood Drive that was held at the Town House by the New York Blood Center 29 units of blood were collected. She said that they really appreciated the effort that was made in the Town of Somers in that regard.

Approval of  
the minutes

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

Thereupon motion of Supervisor Murphy, 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.

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.

Review of  
the 2011  
Audit

The next item on the agenda was a discussion with the Town Auditor, O'Connor Davies with regard to the 2011 Audit. Mr. Alan Kassay and Mr. Larry Feldman of O'Connor Davies reviewed the Auditors Report with the Board. Mr. Feldman highlighted some of the key points in the audit for the Board and explained the reasoning for some of the changes. Mr. Kassay explained that reasoning for the change in the terminology of the fund balance was the Governing Accounting Standards Board came out with a new Statement Number 54 which was effective for Towns that year. He said basically they felt that this was more simplified of a clearer way to present the Fund Balance. He said that the terminology had been changed and in the notes were the old Fund Balances that the Town was familiar with. Mr. Kassay asked if the Board had any questions.

Councilman Clinchy asked how many Towns and School Districts did their firm audit. Mr. Kassay said that they audited about forty-five School Districts and about twenty-five Towns. Councilman Clinchy asked in his experience if the Town of Somers was solid. Mr. Kassay said that the Town was very solid. He said that especially now with the property tax cap and the Town had a healthy Fund Balance and it was where it should be. He explained that the Board could override the tax cap if they decided they needed to. Councilman Clinchy asked how their Fund Balance compared to other Towns and if they had any advice for the Town. Mr. Kassay said that the Town was right where they should be with the Fund Balance.

Councilman Benedict said with the tax cap the Town's Fund Balance would be decreasing if they try to maintain the level of service. Mr. Kassay said that theoretically that was true; there

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were other factors such as sale taxes and mortgage taxes. He said that controlling the expenditures was the area that the Town had control and could maintain the Fund Balance. Councilman Benedict said that he thought that the public should be aware that it was very hard to maintain the Fund Balance at the present level given the parameters they were given.

The Supervisor said she had received O'Connor Davies' mailer with regard to the MTA Tax and they knew that the Supreme Court had declared the Tax unconstitutional. She said that they were hoping that the upper Courts would affirm that as well. She said that there was a process that was indicated for a refund for the taxes that were already paid. The Supervisor said that she was very interested in that and the mailer indicated that there was either a two or three year statute of limitations of that and she did not want to miss any deadlines coming up. Mr. Kassay said that the decision was still under appeal and he did not know if there was a final determination or if they could apply for the refund at that point of time. He said that they were going to be looking into that and a subsequent mailer would be sent out with regard to the procedures that needed to be followed. The Supervisor said that the statute of limitations was November. She said that she would work with the Finance Director so that they were prepared to be able to act when needed to.

The Supervisor said that for the 2012 Budget they reduced the projection of the Mortgage Tax Revenue line significantly. She said therefore they should be a lot closer to the target. She said that the Sales Tax was coming in a bit higher as it did the previous year. The Supervisor said that they were trying to keep the budget balanced. Mr. Kassay said besides for the shortfall in the mortgage tax the budget was done very conservatively which is what they need to continue to do.

8:45 PM – 5 minute break

8:50 PM – meeting reconvened

Presentation  
by the  
Somers  
Energy  
Environment  
Committee

The Supervisor said that the next item on the agenda was a presentation by the Somers Energy Environment Committee. Mr. Herb Oringel, Chairman of the Somers Energy Environment Committee, thanked the Board for the opportunity to address them. He said that before the presentation began he wanted to thank Councilman Clinchy for introducing them to Mr. Michael Blum. He said that Mr. Blum had done a spectacular job on the Committee and the Board was going to see the results of some of the work that he had been working on. Mr. Oringel said that said that he was in favor of the four year term for Supervisor because continuity was very important for the success of their projects. Mr. Blum gave a PowerPoint presentation summarizing their Sustainability plan to the Board. He asked the Board if they had any questions or suggestions for the plan to please feel free to e-mail them to him, input was always helpful.

9:45 PM – 5 minute break

9:50 PM – meeting reconvened

Stormwater  
Mapping  
project

The next item was with regard to Stormwater Mapping project. The Supervisor said that the Town received a grant to do the Stormwater Mapping from CKWIC as part of the Regional effort to meet the various MS-4 heightened requirements. She said first they needed to create a budget so that financially they had the right documents in place. She explained that the grant expired at the end of September and they needed to have all of the work done and the payment made by then. The Supervisor said that they were on track to do that but they could not wait until the October Audit of Claims by the Town Board. She asked the Town Board to authorize the payment of the final invoice by September 28, 2012. She said in addition because Insite was doing the work on an expedited basis they brought in an additional subcontractor to help with the mapping. The Supervisor said that she wanted to add the authorization to execute an amended agreement to add the additional Subcontractor.

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

RESOLVED, that the Town Board does hereby authorize creation of budget for Stormwater Mapping Project and directs submission for reimbursement from NYS DEC Grant per memo dated August 30, 2012 from Robert Kehoe, Director of Finance:

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054-510	Estimated Revenues		\$220,000.00
054-2781	NYS DEC Grant	\$220,000.00	
054-960	Appropriations		\$220,000.00
054-5197-402	Contractual	\$220,000.00	

RESOLVED, that the Town Board does hereby authorize the Supervisor to pay the final invoice from Insite Engineering for Stormwater Mapping by September 28, 2012 in an amount not to exceed \$155,822.40 upon completion of work.

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute an amended agreement with Insite to add sub contractors.

Stormwater  
Retrofits  
project

The Supervisor said that the next item was with regard to Stormwater Retrofits project. She explained that this was similar to the Mapping project, this was being done through a grant that expired at the end of September. She said that they would like to have the final invoice paid by September 28, 2012 so that they were able to take full advantage of the grant.

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

RESOLVED, that the Town Board does hereby authorize creation of a budget for Stormwater Retrofit and directs submission for reimbursement from NYS DEC Grant per memo dated August 30, 2012 from Robert Kehoe, Director of Finance:

060-510	Estimated Revenues		\$250,000.00
060-3090	NYS DEC Grant	\$250,000.00	
060-960	Appropriations		\$250,000.00
060-5197-400	Contractual	\$250,000.00	

RESOLVED, that the Town Board does hereby authorize the Supervisor to pay the final invoice from Woodard & Curran for Stormwater Retrofits by September 28, 2012 an amount not to exceed \$155,420.00 upon completion of work.

Library  
elevator  
hydraulic  
fluid release

The next item on the agenda was with regard to the Library elevator hydraulic fluid release. The Supervisor said that she had been sending the Board multiple e-mails and updates with regard to this issue and they had been working with Woodard and Curran to assess, monitor and remediate the issue. She said that at this point they needed to adopt a Task Order with Woodard and Curran. She said that she had also contacted the Town's Insurance Company and was working with the Town Attorney and they put the elevator company on notice. The Supervisor said that they were pursuing all avenues. She said that the monitoring and remediation plan Woodard and Curran put into place was complete and she was asking the Board for authorization to execute it.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Task Order for the Library Elevator Hydraulic Fluid Release with Woodard & Curran dated August 27, 2012 for monitoring and remediation.

Councilman Clinchy said that there were other substances in the water that they were trying to find the source of and it was a suspicion that it was used in the elevator as part of the cleaning. He asked if they were able to trace that back. The Supervisor said that was the hypothesis that they were working on. Councilman Morrissey said that thanks were in order to the Town staff that was assisting with the monitoring of the tanks.

Stormwater  
Retrofit  
Phosphorus  
reduction  
projects

The Supervisor said that the next item was to authorize East of Hudson Watershed Corporation to preform Stormwater Retrofit Phosphorus reduction projects on the Town property pursuant to designs prepared by Woodard and Curran. She explained that they would be starting to install some of the Retrofits that they were designing. She said that some would be installed that fall and some may have to wait until the spring. The Supervisor said that they were trying to get as

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much done as they could. She said that the East of Hudson Watershed Corporation would be the Company that would bid jobs out and pay the contractor who does the work. She said that she put this on the agenda that the Board was authorizing the work to occur on the property.

Thereupon motion by Councilman Benedict, seconded by Councilman Morrissey, it was unanimously,

RESOLVED, that the Town Board does hereby authorize East of Hudson Watershed Corporation to perform Stormwater Retrofit Phosphorus reduction projects on Town property pursuant to designs prepared by Woodard & Curran.

Roof project  
at the  
Library,  
Police and  
Storage  
Barn

The next item was with regard to the Roof project at the Library, Police and Storage Barn. The Supervisor said that she was still waiting for a Performance Bond and Insurance documents from the low bidder. She said that the Resolution that was adopted in August needed to be amended, there were some errors in the numbers and the amount should read \$315,019.00. She said that she still had not signed the contract because she was waiting for all documentation. Councilman Clinchy said that they wanted their payments in two halves. The Supervisor said that they had asked for progress payments which the Town typically made all the time. She explained that they had asked that the work that was completed by September 28, 2012, assuming the Assistant Building Inspector approved the work and vouchers, payment be released at that time. She said that was if the work began by that week. The Supervisor said that they were not paying them until the work was complete and done to the satisfaction of the Town.

Thereupon motion Councilman Benedict, seconded Councilman Clinchy, it was unanimously,

RESOLVED, that the Town Board does hereby amend resolution dated August 9, 2012 to reduce bid amount from \$318,571.00 to \$315,019.00 and,

DOES HEREBY, authorize the Supervisor to pay L. Mark Construction, Inc. progress payments for work completed by September 28, 2012 in an amount not to exceed \$170,500.00.

Crosswalk  
at Warren  
Street

The Supervisor said that the next item was to discuss the crosswalk at Warren Street. She said as they knew she was recusing herself from this issue, she served on the Board of Directors at Opengate. She explained that this was a request from Opengate for the Board to consider installing a crosswalk at their campus. The Supervisor said that there was a recommendation from the Engineering Department, Police and Highway that an analysis be done of pedestrian volume, traffic volume, speed signage and sign distance. She said that she wanted to know if the Board wanted to make a recommendation to Opengate with regard to that study or how they wanted to proceed. Councilman Clinchy asked what their options were. He said that the three Department Heads believed that the study was a matter of safety. He said that he did not know how the study would get done and who this would fall upon. The Supervisor said that either the Town would do the study or Opengate. She explained that if the Town thought that this was necessary they would hire a Traffic Engineer to do a study or if there was an applicant they would be responsible for the study. The Town Attorney said that the Board could conclude that since this was Opengates's request that they should be the party that completed the evidence that warrants their request.

Councilman Benedict said that a crosswalk was to protect people and if Opengate was requesting a crosswalk what was the downside of the Town allowing it. He said that he did not understand the logic of making an applicant pay for a study when they were just trying to protect people walking across the street. The Town Attorney said that he believed that they were setting a bar so that there was a standard of when the crosswalks should be installed otherwise they could end up with hundreds of requests. Councilman Benedict said that this was a facility that dealt with Developmentally Disabled Adults and if they or the Support Staff were walking across the street it was logical to have a crosswalk installed.

Councilman Clinchy said that his concern was if the Town installed a crosswalk at that location would the Town be saying that it was a safe location to place a crosswalk. He said that he was in favor but placing the crosswalk at the location but would it be assumed that the Town was saying it was a safe location. The Town Attorney said that the Town Staff would have to prove that and they needed a professional over and above Town Staff to prove it was a safe location and that was something that needed to be included.

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Councilman Benedict said that traffic had to give way to the pedestrian whether there was a crosswalk or not. Councilman Garrity said that with a crosswalk people who were crossing the street may not be looking as closely because of the crosswalk. The Supervisor said generally speaking pedestrians have the right-of-way. Councilman Morrissey said that it was the Law; some crosswalks had small stop signs next to them. Councilman Benedict said that he was questioning if they were requiring a Non-Profit Organization that dealt with the Developmentally Disabled Adults go through bureaucratic things. He said that if it was for the liability of the Town then that was fine.

Councilman Clinchy asked if it was hard to conduct the study, was it difficult, expensive, could the Town Employees do it or do they need to hire someone. The Supervisor said that they would need to get a Traffic Engineer. She said for historical information the Town had put in crosswalks in Lincolndale and Purdys at the requests of the residents. She said that they were placed at un-signalized locations. The Town Attorney said that it may be possible for the Town’s Engineering Consultant to do the study. He said that he was his thought that this was more of a site line concern more than anything else and the Consulting Engineer could render that conclusion. Councilman Benedict said that it was not sure where it was going to be placed. The Supervisor said that the request was for between the two driveways. Councilman Benedict said that he did not think that they should made an issue of this but if the Board wished to have the Town’s Engineer or Consultant Engineer look into it he would agree. He continued that they should not hire someone to say that a crosswalk could be installed.

Councilman Morrissey said to summarize, they did not need a full blown traffic study although that he would like a professional opinion. He said that they should have their own Engineer discuss this with the Highway Superintendent and Police Department to get some opinion. The Town Attorney said that he did not know what the reluctance was.

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

RESOLVED, that the Town Board does hereby refer the request from Opengate, Inc. for a crosswalk on Warren Street at the location of their campus to the Police Chief, Principal Engineering Technician, Highway Superintendent and the Town’s Engineering Consultant and asks that we have a reply by the next Town Board meeting which will be held on October 4, 2012.

VOTE:	Ayes	4	Benedict, Clinchy, Morrissey, Garrity
	Nays	0	
	Abstained	1	Murphy

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)

The Supervisor said that it was in order to reappoint Ms. Marion Levine, Mr. John Papalia and Mr. James Boniello to the Parks and Recreation Board for terms ending March 9, 2015.

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

RESOLVED, that the Town Board does hereby reappoint Marion Levine to the Somers Parks & Recreation Board to a three (3) year term ending March 9, 2015.

Reappoint M. Levine to P&R Board
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Reappoint J. Papalia to P&R Board

RESOLVED, that the Town Board does hereby reappoint John Papalia to the Somers Parks & Recreation Board to a three (3) year term ending March 9, 2015.

Reappoint J. Boniello to P&R Board

RESOLVED, that the Town Board does hereby reappoint James Boniello to the Somers Parks & Recreation Board to a three (3) year term ending March 9, 2015.

The Supervisor said that it was in order to appoint Mr. Daniel Gadigian to the Energy Environment Committee.

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

Appoint D. Gadigian to SEEC

RESOLVED, that the Town Board does hereby appoint Daniel R. Gadigian to the Somers Energy Environment Committee to serve at the pleasure of the Board.

Consensus agenda

The next item on the agenda was the consensus agenda. The Supervisor said with regard to item number 2, they were going to ask that bids be submitted by October 5, 2012 and they would be available on September 10, 2012 with a mandatory site walk September 19, 2012. She said that there was an additional item number 10 which was to amend the resolution adopted February 9, 2012 authorizing the settlement of the NYSEG Tax Certiorari Claim to include payment for Special Districts in the amount of \$13,072.15 per memo from the Finance Director and authorize the Supervisor to execute all documents and make any payments necessary. She said with regard to item number 9 she wanted to add to execute lease documents and make any payments necessary. Councilman Benedict asked how long the Town leased the vehicles for. The Supervisor explained that they leased the vehicles for three years and then they own them. Councilman Clinchy asked with regard to item number 4 were they sell the equipment on the website like they did with the Highway Department or was this list on their own. The Supervisor said that this was done by the Town.

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

Execute agreement with Pitney Bowes for new mail machine

1a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute agreement with Pitney Bowes for a new mail machine.

Execute agreement with Troy & Banks for electric consumption audit

1b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute agreement with Troy & Banks for electric consumption audit.

Bid for exterior of Ross Drive Water Tank

2. RESOLVED, that the Town Board does hereby authorize going to bid for the exterior recoating of the Ross Drive Water Tank per memo dated August 24, 2012 from Adam Smith, Water Superintendent.

Bid for repair and replacement of Van Tassell House Porch

3. RESOLVED, that the Town Board does hereby authorize going to bid for repair and replacement of the Van Tassell House Porch.

Bid for sale of old equipment

4. RESOLVED, that the Town Board does hereby authorize going to bid for the selling of old unused and broken equipment and subsequent disposal of unsold equipment per memo dated August 28, 2012 from Barbara Sherry Secretary to the Supervisor.

Bid for 2013 materials for the Highway Dept.

5. RESOLVED, that the Town Board does hereby authorize the Superintendent of Highways permission to go to bid for the 2013 materials for the Highway Department per memo dated August 20, 2012 from Thomas E. Chiaverini, Superintendent of Highways.

Accept Erosion Control Bond

6. RESOLVED, that the Town Board does hereby authorize the acceptance of the following Erosion Control Bond per memo dated August 13, 2012 from Wendy Getting, Senior Office Assistant:

a. \$100.00 – O’Connell (Panek) Wetland Permit – 6.19-1-39.

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Schedule Public  
Hearing –  
modify Tree  
Preservation  
Code

7. RESOLVED, that the Town Board does hereby authorize the scheduling of a Public Hearing for October 11, 2012 for modification of the Town Code Chapter 156 Tree Preservation per memo dated August 15, 2012 from Syrette Dym, Town Planner.

Budget  
modifications

8. RESOLVED, that the Town Board does hereby authorize approval of the following Budget Modification per memo dated August 29, 2012 from Mary Beth Murphy, Supervisor:

RESOLVED, that the Town Board does hereby authorize a budget modification for repairs and maintenance on vehicles outsourced per memo dated August 24, 2012 from Barbara Taberer, Nutrition Director.

From: A6772.406 – Nutrition -Miscellaneous - \$600.00.  
A6772.407 – Nutrition - Cold Food \$400.00  
A6773.402 – Nutrition - Telephone \$400.00

To: A6775.405 – Adult Transportation – Repairs \$1,400.00

Purchase of  
2 Police  
vehicles

9. RESOLVED, that the Town Board does hereby authorize amendment to the March 8, 2012 Board Resolution for the lease of two (2) new Police Vehicles from \$22,820.36 to \$23,843.87 and,

DOES HEREBY, authorize the Supervisor to execute the lease documentation with the Ford Motor Credit Company, LLC per memo dated August 28, 2012 from Michael W. Driscoll, Somers Police Chief.

Amend  
resolution of  
NYSEG tax  
certiorari  
settlement

10. RESOLVED, that the Town Board does hereby authorize making an amendment to resolution of NYSEG tax certiorari settlement passed on February 9, 2012 for an additional \$1,372.15 for the 2011 tax year from the special districts (Shenorock Lighting, Croton Falls Lighting and ASWD,) per email request dated September 6, 2012 from Robert Kehoe, Director of Finance.

The Supervisor wanted to remind everyone that they were not having a meeting next week because there was a Primary Election. She said that there would be voting for the Republican, Green and Conservative Parties.

Councilman Morrissey suggested that the Budget Hearing dates be added to the meeting calendar. The Supervisor said that she would do that. She said that the dates were October 23, 24 and 25, 2012.

Councilman Clinchy said that there was a joint meeting with the Planning Board on September 24, 2012. The Supervisor said that it was going to be held at Van Tassel to discuss The Green at Somers at 7:30 PM.

Councilman Clinchy said that September 15, 2012 that Angle Fly was having a dedication day for three excellent citizens of Somers who had passed.

Councilman Clinchy said that September 17<sup>th</sup> was Constitution Day.

Councilman Garrity reminded everyone School had started and to leave themselves some extra time in the morning and to drive safety there were children on the roads waiting for buses.

Claims for the payment of all Town Bills in the amount of \$660,978.24 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 Councilman Benedict seconded by Councilman Clinchy, the meeting was adjourned at 10:10 PM.

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Town Clerk