

SEPTEMBER 8, 2011 – REGULAR MEETING

The Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening September 8, 2011 at 7:05 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.

Thereupon motion of Supervisor Murphy, seconded by Councilman Garrity, the meeting was adjourned to an executive session at 7:05 PM with regard to personnel to return that evening.

7:35 PM – meeting reconvened

Police  
Awards

The Supervisor said that the first item on the agenda was Police Awards. She invited Police Chief Michael Driscoll to the podium to present his awards.

Chief Driscoll said that once a year the Police Department showed appreciation to people who during the year assisted them. He said that they also complimented Officers who have gone above and beyond the call of duty.

Chief Driscoll said that in January the Town received a grant from the Student Assistance Corporation to help them enforce the Underage Drinking Laws in the Town of Somers. He said that part of that grant was to do a compliance check in the Town. He explained that they did that along with the Westchester District Attorney's Office, Somers Police and the Somers Substance Abuse Council. Chief Driscoll said that the second part of the grant was for the people who had failed the compliance check were to attend a full day of training that was held at the Town House in lieu of a summons. He said that they did this check around the time of Proms because that was the appropriate time to make people aware of underage drinking. He said that they did 25 checks of licensed premises in the Town of Somers, not one of them failed. Chief Driscoll said that was very unusual and they needed to find a way to have people attend the training class. He said that he sent out letters inviting them to the awards ceremony because they were the people who came to an entire day of training. He said that showed him that people were interested in learning how to control underage drinking. Chief Driscoll said that the Proms came and went and to his knowledge there were no incidents. He listed the people who attended the training and presented awards to those who were present. The Supervisor said that those were business owners who cared enough to come to the training even though they had passed their compliance test and had no requirement to attend. Chief Driscoll said that was correct.

Chief Driscoll said that the next person of appreciation was someone that he could not say enough about; they had worked together for number of years, Mr. David Jacobson, Security Director of Heritage Hills. He said that this meeting was planned before Hurricane Irene came upon them. He asked Mr. Jacobson to come up. Chief Driscoll said that three months ago Westchester County had offered the Town a Shelter Trailer that had enough supplies for 300 people in case the Town needed to open a shelter they would have supplies. He said that at the time Mr. Jacobson was very helpful in getting it and it was placed near the Heritage Hills Activities Center which also housed a generator that the Town and Heritage Hills paid for. He said that at the time that the trailer was

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placed they did not think it would be needed. Chief Driscoll said that during Hurricane Irene the Shelter was opened for approximately a week and Mr. Jacobson was there day and night helping with the Shelter. He said that on a daily basis the Police Department and EMS interacts with Heritage Hills Security. He thanked Mr. Jacobson for all of his help.

Chief Driscoll invited Officers Thomas and Segal to the podium. He said that on April 14<sup>th</sup> the two Officers were leaving Court, finishing up their tours of duty when they received a call for help from an Officer in North Salem. He said that they could sense from the Officer's tone that the problem was serious; they were the first Officers on the scene to assist. Chief Driscoll continued that the North Salem Officer explained to Officers Thomas and Segal that he had a confrontation with an armed perpetrator who went back into a nearby house. He said that the two Officers took charge of the scene called for a trained Negotiator from the New York State Police. He said after a Negotiator arrived the perpetrator was placed under arrest with no one hurt. Chief Driscoll presented the Officers with Meritorious Police Duty in the 1<sup>st</sup> Degree.

Chief Driscoll said that was the conclusion of his awards for that evening and thanked the Board for their time.

The Supervisor said that in the wake of the recent emergency she wanted to take the opportunity to give some special commendations to some of the people who were actively engaged throughout the process of the hurricane emergency.

The Supervisor invited Ms. Theresa Sachs to come to the front. She said that Ms. Sachs was a Certified Emergency Relief Trained personnel and that she was the only one in the Town of Somers. She said the Ms. Sachs had contacted the Town in advance of the emergency, took it upon herself to play a leadership role in keeping people calm, informed and keeping things running very smoothly at the shelter during the time it was opened. The Supervisor said that they really could not have done this without her. She said that because of Ms. Sachs inspiration she has had telephone calls and e-mails from other people who were interested in becoming certified. She said that she was grateful and proud of what Ms. Sachs did and she presented her with a Certificate of Appreciation.

The Supervisor invited Chief Irwin Schriro of the Somers Volunteer Fire Department to the front. She said that the Somers Volunteer Fire Department was to go to organization in any emergency. She said that they handle whatever came down the pike and the night before the hurricane they had slept at the Fire House to be ready. The Supervisor presented Chief Schriro with a Certificate recognizing his own and the Departments great efforts in the Hurricane.

The Supervisor said that she had a certificate for Tom Chiaverini, Highway Superintendent who was unable to be present that evening. She said that she thought that everyone knew the huge efforts that the Highway Department put forward. She said that they were out all night during the storm and deserved a huge amount of credit for all that they did.

The Supervisor invited Chief Driscoll to the front. She said that Chief Driscoll was the emergency leader in the Town; she spent many hours together during that week. She said that she looked to him for guidance always in how to address situations, what to do and how to make it happen. The Supervisor said that he had the expertise and the experience to really be effective in emergency situations. She said that she wanted to personally thank him because of what he and his men did it made the Board look good. She said that she appreciated that because they were out there on the front lines everyday making it happen. The Supervisor said that the Chief was very instrumental in making sure dry ice got to all of the neighborhoods. She said that he was the one who thought of bringing it out to the communities and people were so appreciative of that, she received many e-mails of thanks for that. She said that the Chief was on top of the emergency shelter making sure there was food, everyone was comfortable and everyone had what they needed. The Supervisor said that the Police Officers and himself were stupendous and

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she thanked them for all that they did. She presented Chief Driscoll with a Certificate of Appreciation.

The Supervisor said that there was another person who needed to be commended, a lot of people did not realize all of the things that Steve Ralston, Parks and Recreation Superintendent did. She invited Mr. Ralston to the front. She said that Mr. Ralston and his staff answered to call when it came to dry ice and water. She explained that in the past NYSEG had always done the dry ice drop offs and deliveries to the Town; they always organized it, manned the distribution and took care of the whole process. The Supervisor said that NYSEG told the Town this time that they were not doing the dry ice. She said that she called Mr. Ralston and his staff was doing dry ice runs a couple of times a day and distributed it to the residents. She said that Mr. Ralston and his staff were so helpful and they did whatever was needed to be done to keep the Town safe and secure. The Supervisor said that she appreciated all the efforts that Mr. Ralston and his staff had made and presented them with a Certificate of Appreciation.

The Supervisor said that this was just a small token of her and the Board's appreciation for all that everyone had done; they wanted them to know that they truly appreciated everything everyone had done. She thanked Mr. Jacobson for all that was done at Heritage Hills, they were fabulous in putting it all together, making it happen and keeping it running as smoothly as possible.

Chief Driscoll said that he kept his Police Department as far away from politics as he could and in no way was the statement he was going to make had to do with politics. He said that Supervisor Murphy was out during Hurricane Irene the whole time, it was a tough week, and they lost their power and a lot of sleep as well. He continued that at one time they lost communications and he was making decision and he was comfortable making them because he knew his boss would back him up. Chief Driscoll said that the same thing happened during Hurricane Floyd. He said that in Supervisor Murphy the Town had a real leader when it came to that type of emergency and he appreciated working for her.

7:55 PM – 5 minute break  
8:05 PM meeting reconvened

Dis. w/ D.  
Consolo of  
Bennett  
Kielson,  
Town  
Auditing  
Firm

The Supervisor said that she would like to move the discussion of the Town Financials for 2010 by Dominick Consolo of Bennett Kielson, the Town's Auditing Consultant to the next item on the agenda. Mr. Consolo said that he was there to report on the financial condition of the Town as of December 31, 2010. He said that the audit had been completed and they had prepared a Financial Report which they all should have been given a copy of. He stated that it was a large document and the two primary operating funds of the Town were the General Fund and the Highway Fund. Mr. Consolo went through the General Fund and the Highway Fund with the Board and explained the different lines to the Board. He closed by stating at the close of 2010 the Town of Somers was in excellent financial condition. Councilman Clinchy asked if there were any changes in State Law or by the Comptroller's Office that would affect the Town that they were not aware of. Mr. Consolo said that said that there were no changes that would affect the Town's financial. He said that the Governmental Accounting Standards had changed the way the fund balance look and the first time the Board would see that was 2011.

The Supervisor said it was in order for the Board to open a public hearing with regard to a proposed amendment to Chapter 109 entitled Garbage, Rubbish and Refuse of the Code of the Town of Somers.

8:15 PM – hearing opened  
8:16 PM – meeting reconvened

The Supervisor said that it was in order for the Board to adopt a Local Law to amend Chapter 109 entitled Garbage, Rubbish and Refuse of the Code of the Town of Somers.

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

RESOLVED, that the Town Board does hereby adopt a Local Law to amend Chapter 109 entitled Garbage, Rubbish and Refuse of the Code of the Town of Somers as follows:

A Local Law to amend Chapter 109 entitled Garbage, Rubbish and Refuse of the Code of the Town of Somers.

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

1. Section 109-6 Standards of Compliance Paragraph B.(3) shall be amended to read as follows:

(3) Once-per-week collection at the curbside or on premises of mixed recyclables (nos. 1 through 7), newspaper, cardboard, and magazines.

2. Effective Date: This Local Law shall be effective January 1, 2012, prior to which this local law shall be filed with the Secretary of State of the State of New York.

PUBLIC COMMENT:

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

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, P J Petrillo Enterprise, Inc. d/b/a P. J. Restaurant, 85 Route 6, Baldwin Place, was renewing their liquor license.

2010 Justice Court Auditor's Report

The Supervisor said that the next item was to announce, as required by law, the Town Board had received a copy of the Justice Court Auditor's Report for the year ending December 31, 2010.

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

RESOLVED, that the Town Board does hereby acknowledge receipt of the Town Justice Court Auditor's Report for the year ending December 31, 2010.

Buildings Condition Report

The next item was a Request for Proposal for the Building Conditions Report. The Supervisor said that this item was not complete and needed to be put over to the next meeting.

Execution of an agreement with Grant & Lyons, LLP and George M. Janes, Associates

The Supervisor said that the next item on the agenda was to authorize the execution of an agreement with Grant & Lyons, LLP and George M. Janes, Associates for the provision of professional services in association with the review of the Town's Wireless Facilities Applications. She said that they all should have received the documents from the Town Planner late last night. She said that she had a few comments and pointed out the areas that she would like changed. Councilman Bolton said that he did not agree with the pricing schedule that they included, it was not defined clearly enough. He said that he did not get a chance to read the documents and objected to receiving the documents so late. It was decided that this item would be put over to the next meeting and the Board should send their comments to her to be incorporated into the document before then. Councilman Clinchy asked who paid for the fees. The Supervisor said that all of the fees were paid by the applicant.

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Accept Somers Lions Club donation for Fireworks

The next item on the agenda was to accept with gratitude an additional donation from the Somers Lions Club to achieve the Town's \$10,000.00 goal for the Fireworks Fund. The Supervisor said that the Somers International Lions Club which was currently led by Councilman Morrissey made a decision to cap off the Town's Fireworks Fund. She said that they were a couple of thousand dollars short and they very generously gave a donation. She said that they were much appreciative about this and they needed to give credit to Pepsi with regard to this. The Supervisor explained that Pepsi was very involved in funding a lot of things and free up some of the money that the Lions would have spent. She thanked the Lions and Pepsi for their contributions. Councilman Garrity said that the Lions always stepped up; they were going to be helping that weekend at Library Day with the parking. He said that whenever the Town called they showed up.

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

RESOLVED, that the Town Board does hereby accept with gratitude a donation from the Somers International Lions Club to achieve our \$10,000.00 goal for the Fireworks fund.

The Supervisor said that she wanted to note that Library Day was Saturday at Reis Park and it was from 10:00 AM to 3:00 PM. She said that there were going to be a lot of fun things going on.

Sign Collective Bargaining Agreement for CSEA

The Supervisor said that the next item was to authorize the Supervisor to sign the Collective Bargaining Agreement with the CSEA consistent with the Stipulation signed by the Negotiating Team. Councilman Clinchy said that he wanted to convey his appreciation to the CSEA for their very responsible, respectful and considerate part in the negotiating the agreement that was fair on both parts.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign Collective Bargaining agreement with CSEA consistent with the Stipulation signed by the negotiating team.

Change in position of the Court Clerk

The next item was to authorize the change in position of the Court Clerk from Group V to Group VIII on the CSEA Collective Bargaining Salary Schedule to increase the salary.

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

RESOLVED, that the Town Board does hereby authorize the change in position of Court Clerk from Group V to Group VIII on the CSEA Collective Bargaining salary schedule to increase salary of Court Clerk Barbara Lloyd to \$61,772.00, Group VIII Step 1 effective Monday, September 12, 2011.

PERSONNEL:

Current Vacancies:

- Conservation Board (unexpired term to March 15, 2012)
- 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)

Consensus Agenda

The Supervisor said that the next item on the agenda was the consensus agenda. Councilman Garrity said with regard to item number 4 he wanted to thank Gilbert Beaver Farm for their generous donation, it was really appreciated.

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

Schedule  
Public  
Hearing for  
stop signs

1. RESOLVED, that the Town Board does hereby schedule a public hearing for October 13, 2011 regarding request for stop signs on Entrance Way West at Lake Way, Ridge Way and Side Way.

Hire Part-  
time van  
drivers

2. RESOLVED, that the Town Board does hereby authorize the hiring of Kenneth Landers and Dennis Acampora, part-time van drivers for the Nutrition Program at an hourly rate of \$16.00 effective August 29, 2011 to replace Richard Sabol per memo dated August 24, 2011 from Barbara Taberer, Nutrition Director.

Appoint S. Woelfle  
permanent Principal  
Engineering Tech

3. RESOLVED, that the Town Board does hereby authorize terminating probationary status of Steven Woelfle, Principal Engineering Technician and does hereby appoint him permanent effective August 29, 2011 as his current annual salary of \$69,525.00.

Accept  
donation from  
Gilbert Beaver  
Farm

4. RESOLVED, that the Town Board does hereby accept with deepest gratitude donation of \$48,750.00 from Gilbert Beaver Farm, Inc. for capital costs for a playground and other recreational equipment for children with disabilities.

Bid for  
2012  
Materials

5. RESOLVED, that the Town Board does hereby authorize Superintendent of Highways to go to bid for 2012 Materials, per memo dated August 19, 2011 from Thomas E. Chiaverini, Superintendent of Highways.

Return  
Erosion  
Control  
Bond

6. RESOLVED, that the Town Board does hereby authorize the return of the following Erosion Control Bonds per memo dated August 23, 2011 from Steven Woelfle, Principal Engineering Technician:
- a. \$200.00 Flynn – Erosion & Sediment Control Bond – 26.20-2-3.
  - b. \$100.00 Acocella Erosion & Sediment Control Bond – 28.05-1-21.
  - c. \$100.00 Carr Stormwater Mgmt. & Erosion & Sediment Control – 27.12-1-18

Energy and  
Environment  
Library Series as  
training credits

7. RESOLVED, that the Town Board does hereby authorize the Energy and Environment Library Series as training credits for the Planning Board and Zoning Board of Appeals members per e-mail from Sabrina Charney-Hull dated August 15, 2011.

Budget  
Modifications

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

RESOLVED, that the Town Board does hereby authorize a budget modification to increase the 2011 budget for the receipt of NYSERDA grant funds that will be used to pay the Energy Managers for completion of “Milestone 3,” per memo dated September 1, 2011 from Joan E. Kachmarik, Director of Finance.

INCREASE

From: 001-3090 – State Aid- Other General

To: 001-8160.42 – Energy & Environment – Contractual, Energy  
\$20,000.00

RESOLVED, that the Town Board does hereby authorize a budget modification to cover expenditure overage plus year end purchases per memo dated September 7, 2011 from Thomas F. Chiaverini, Superintendent of Highways.

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From: 001-3310.4 – Traffic Control  
To: 001-5132.405 – Maintenance \$2,000.00

Accept  
Erosion  
Control  
Bonds

9. RESOLVED, that the Town Board does hereby accept the following Erosion Control Bond per memo dated September 1, 2011 from Wendy Getting, Senior Office Assistant:

- a. \$200.00 Zubatkin – Stormwater Mgmt. & Erosion Control Bond  
– 28.06-1-21.

The Supervisor said that they were forming two committees; the first was an Emergency Operations Committee. She explained that it was for people who were interested in becoming involved in the Town's Emergency preparedness. She said that if anyone was interested to e-mail her or call her office. She said that the second committee was a Task Force to address some of the concerns that the Town had with regard to NYSEG's performance in the recent storm. The Supervisor said that she had already heard from a number of people who were interested in serving in those two capacities, if anyone else was interested to please contact her.

Councilman Clinchy said that the Energy Environment Committee will be at Library Day and they will be giving out information on a number of Sustainability issues and they would also be having a number of events at the Library.

Councilman Clinchy said that a tip that he had found out was the people who lost cable service during the storm must call Cablevision and request credit for the days that they were out of service. He said that they must call and request the credit, it was not automatically given. The Supervisor said that was worth some effort on the part of the Town to see it that credit could be made automatic.

The Supervisor said that she would like to close the meeting with a moment of silence. She said that two residents of the Town had lost parents this last week. She said that first being Jim Chisholm who lost his mother and the second was County Legislator Michael Kaplowitz, who had lost his father. The Supervisor said that the Board's condolences went out to their families.

Claims for the payment of all Town Bills in the amount of \$808,270.26 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 8:30 PM.

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Town Clerk