

OCTOBER 10, 2013 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening October 10, 2013 at 7:35 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Mary Beth Murphy
	Councilman	Richard G. Clinchy
	Councilman	Frederick J. Morrissey
	Councilman	Thomas A. Garrity, Jr.
	Councilman	Anthony J. Ciriaco

ABSENT:

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

Woman of Distinction Award presented to D. J. Smith

The Supervisor said that they had present a representative from Senator Greg Ball’s Office to present a well-deserved award to Ms. Doris Jane Smith, Town Historian and a woman of many talents. Ms. Suzie Donahue presented Ms. Smith with a proclamation and congratulated her on behalf of Senator Ball. The Supervisor presented Ms. Smith with a proclamation for the Town of Somers as well.

Ms. Smith said that this was a surprise to her when she received the letter. She said that she asked the Supervisor what it was and Supervisor Murphy explained it to her and gave the history of it. She said that her family, and her family from the Historical Society, and Town House were all present that evening. She said that she knew one of the reasons the award was given was because you see things that needed to be done and ask why not. Ms. Smith said that she wanted to request a sprinkler park for her young campers at Day Camp. She thanked everyone for honoring her and said that she was very overwhelmed and urged everyone to come and visit the Historical Society.

Councilman Garrity said that he had known Ms. Smith since he was a child and enjoys watching his children with Ms. Smith. He said that everyone in Town knows Ms. Smith, she was at camp all summers and there was no one who loved the children in Somers more. He said that she wanted to teach them the History of Somers and help in their general education. Councilman Garrity said that he could not think of anyone more deserving of this award.

Legislative update from Legislator Kaplowitz

The Supervisor said that they were honored that evening to have County Legislator Michael Kaplowitz present to update the Board on what was going on in the County. Legislator Kaplowitz, stated that Legislator Harckham was unable to be present that evening although he sent his regards. He said that they were before the Board a couple of months ago and gave a County report of some of the activities, particularly those of interest to the Town of Somers. Legislator Kaplowitz said that there were four issues that he wanted to touch base on that evening with the Town Board. He said that they were Housing Settlement, Local Development Corporation, Playland and the overall tax situation and what they expect.

Legislator Kaplowitz said that there was a lot of noise going on about the implementation of the settlement that the County reached in 2009. He said that it was his belief that they were actually much closer to full implementation of that Settlement and hopeful that it would come about. He pointed out the three major parts of the Settlement, the first being they needed to build in 31 communities in Westchester 750 Units of Affordable Housing. Legislator Kaplowitz said under County Executive Astorino’s leadership they were ahead of schedule and they were confident that they would meet that number. He said that the second part was that they needed to pass legislation dealing with Anti-discrimination against sources of income that had been passed and signed. He said that the third piece that they were spending a lot of time on was dealing with the Analysis Impedance Housing

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(AI) which was housing for the aging. He said that the Monitor had given them some help with it and had found seven communities not including Somers that needed some work with regard to that.

Legislator Kaplowitz said that the County Executive and the some of the Legislators were able to put into place a Local Development Corporation (LDC). He explained that this was for incenting non-profits such as Universities, Schools, Hospitals and Nursing Homes to expand their operations with tax free financing or refinance existing bonds to save money and expand their services. He said that the news with regard to this was that it was highlighted in the Westchester County Association's Blueprint to Economic Development in Westchester which stated that LDC's meant jobs, jobs, jobs. Legislator Kaplowitz said that there were four projects that the day after everything was put together that received \$139,000,000.00 of tax free funding. He stated that did not include White Plains Hospital which was \$105,000,000.00. Legislator Kaplowitz said that this was economic activity at a time when it was needed. Councilman Clinchy asked Legislator Kaplowitz if he could think of anything that could benefit Somers. Legislator Kaplowitz said that this was for any non-profit of any size that could benefit. He said that anyone could call his office and he would introduce them to who they needed to work with.

Legislator Kaplowitz said with regard to Playland, this was economically and historically important. He said that Playland was the only municipal owned Amusement Park in America. He said that the County Executive had asked that they turn it into a Public/Private partnership. Legislator Kaplowitz said that at that time they were engaged in the process of vetting the proposal that was being put forward by the Sustainable Playland Group. He said that some of his colleagues were also looking into a proposal that was backed by a hedge fund. He said that they were weighing their options and if anyone wanted more information with regard to that they should call his office. Legislator Kaplowitz said that he was leaning towards support of what the County Executive was trying to do. He said that Playland was worth \$27,000,000.00 a year in economic activity and they wanted to save it while reducing the direct County tax levy for it. He said that this was something that they needed to solve by January 1, 2014 otherwise the agreement begins to unravel.

Legislator Kaplowitz said the last issue he wanted to address with the Board was the Budget. He said that the economy was rebounding although it was still shaky, if they looked at the statistics on employment in the Westchester area it was higher than it had been. He said that on the Town and County level they needed to deal with pensions and healthcare and the overall delivery of services at the lowest cost. Legislator Kaplowitz continued that the County Executive put out what he was going to be asking the Legislators to come up with a County zero tax increase again that year without tapping into the Fund Balance. He said that he was very interested in working with the County Executive to try and achieve that goal. He said that he knew that the Town Board was going to be work very hard to achieve the same in Somers. Legislator Kaplowitz said that he would like to come back at the end of the year to recap for the Town Board how those budget discussions went.

Councilman Morrissey asked Legislator Kaplowitz if they had a projection as to when Playland would have a management company. Legislator Kaplowitz explained that the County Executive had signed the Asset Management Agreement for 10 years that was being challenged in Court by Ken Jenkins, Chairman of the Board. He said that many Legislators were hopeful that the Asset Management Agreement that the County Executive signed stood. He continued that they were being asked as a Board of Legislators to approve asset improvements. Legislator Kaplowitz explained that Sustainable Playland was a non-profit group of well placed, concerned Westchester Residents and they had put in place silos of profit for the improvements. He said that everything they had asked them they had an answer. He said that the one issue they had not figured out was the parking although they were working on that.

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The Supervisor said that it was in order for the Board to open a public hearing with regard to a proposed amendment to Chapter 72 entitled Brush, Grass and Weeds of the Code of the Town of Somers.

8:00 PM – hearing opened  
8:01 PM – meeting reconvened

The Supervisor said that it was in order for the Board to adopt a Local Law amending Chapter 72 entitled Brush, Grass and Weeds of the Code of the Town of Somers.

Thereupon motion of Councilman Clinchy, seconded Councilman Morrissey, it was unanimously,

RESOLVED, that the Town Board does hereby adopt a Local Law amending Chapter 72 entitled Brush, Grass and Weeds of the Code of the Town of Somers as follows:

A Local Law to amend Chapter 72 entitled Brush, Grass and Weeds of the Code of the Town of Somers.

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

1. Section 72-1 is amended to read as follows:

**§72-1. Removal of cut brush, grass or rubbish.**

The Town Board on recommendation of the Building Inspector may require owners of land to remove from such land cut brush, overgrown grass or rubbish, whenever it is deemed necessary to do so in order to prevent or remove a fire or health hazard.

2. Section 72-2 is amended to read as follows:

**§72-2. Notice to remove.**

Notice to remove such cut brush, overgrown grass or rubbish shall be given in writing and served personally upon the owner or by leaving the same at his residence or place of business within the Town of Somers. In the event that such owner is a nonresident, such notice may be mailed to such owner addressed to him at his last known address.

3. Section 72-3 is amended to read as follows:

**§72-3. Noncompliance; removal by town.**

Upon default of an owner to comply with said notice within the time specified therein for the removal of the cut brush, overgrown grass or rubbish, such cut brush, overgrown grass or rubbish may be removed by the town, and the total expense of such removal shall thereupon be assessed by the Town Board on the real property on which such cut brush, overgrown grass or rubbish was found, and the expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other town charges.

4. 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:

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Ms. Carol Sturtz, League of Women Voters, read a prepared statement with regard to the proposed Somers Crossing Development. She said that the Board should question the zoning change and the study of that should involve long range planning. She continued that currently they were being guided by a Master Plan that was developed almost 20 years ago and does not address the vast changes that had taken place in the community. Ms. Sturtz's statement urged the Board to take a step back and focus on planning for the future of Somers. She said that the Board should not approve the Scoping Outline without having prepared a comprehensive plan for the future of Somers.

Ms. Josephine Bastone, Manor Lane, stated that since she moved to Somers she was aware that there was an abnormal numbers of blackouts. She said that when she was before the Board in December she shared with the Board the information that she received from NYSEG that in six months there were eight blackouts. She said since last December there were another ten blackouts. Ms. Bastone said that there was something wrong and she had hoped the Town would start to keep statistics of that nature and use them to have NYSEG improve things in Somers. She said that the last time she was before the Board she asked if the Town could look into having ConEd run gas lines through Somers and asked if anything had been does in that regard. The Supervisor explained that ConEd did not serve Somers, she knew that there were some gas lines in the Northern part of Somers. She said that as far as she knew there was no intention of expanding. Ms. Basone asked if NYSEG had told the Town to improve the service. The Supervisor said that they had met with them multiple times and NYSEG had done a significant amount of tree trimming. She said that she was going to ask NYSEG specifically about Ms. Basone's issue. She said that area may be at the very end of what was known as the teakettle line. The Supervisor said that there must be something with the system that was causing that to happen. Councilman Cirienco asked Ms. Bastone what NYSEG's response was to her. Ms. Bastone explained that she received a letter from NYSEG that they may get around to trimming trees in her area and if she had questions to contact Customer Service. The Supervisor said that there had been significant tree trimming in Somers and she was going to follow up with NYSEG to see if they anticipate that the trimming would help solve some of Ms. Bastone's issues. Councilman Clinchy asked the Town Attorney he they had an alternative that they could use or was this up to the State and Public Service Commission. The Town Attorney said that there was nothing that the Town do could legally. He said that it often took a large development to attract NYSEG's interest and then they think about running gas lines to get that revenue. He explained how that was being done in North Salem. The Supervisor said that she would follow up with Ms. Bastone after she spoke to NYSEG.

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

Approval of the minutes

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 adopt the minutes of the August 1, 2013 Combined Work Session/Regular Meeting, the August 26, 2013 Special Meeting, the September 12, 2013 Public Hearing regarding Chapter 74 Building Construction and the September 12, 2013 Combined 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.

Approval of the Scoping Document

The Supervisor said that the next item on the agenda was the review and approval of the Scoping Document with regard to Somers Crossing. She said that the document had gone through a series of revisions over the last several months. She said that there was a comment during public comment related to the project. The Supervisor said that one of

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the purposes of the Scoping Document was to review many of the issues raised. She said that she wanted everyone to understand that this was not to approve the Zoning change. She explained that this was to go through the Environmental Review with regard to the proposed Zoning change and investigate all of the various issues. The Supervisor said that they received another revised version that day and was told that there were just a few minor changes that the Planning Board picked up the night before. She said that she read the October 8, 2013 version and she was going to be working off that document. Discussion ensued with the Town Board, Mr. Joseph Barbagallo, Engineering Consultant for the Town of Somers, Ms. Syrette Dym, Town Director of Planner, the applicants and their representatives with regard to the Scoping Document how issues and impacts were going to be addressed in the document and suggested language changes.

Councilman Garrity left the meeting at 8:35 PM.

The Supervisor said that this was last day for comment to be submitted with regard to the Scoping document. She said that they had made some minor changes that evening and asked if the Board was comfortable approving the Scoping document that evening. The Board agreed that they were comfortable adopting the Scoping document as it was amended.

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

RESOLVED, that the Town Board does hereby adopt the Draft Environmental Impact Statement (DEIS) Final Scoping Outline dated October 10, 2013 regarding the Somers Crossing as filed with the Town Clerk with discussed modifications.

Wastewater  
Study  
Report

The next item was to discuss the Wastewater Study Report with regard to Lake Shenorock. The Supervisor asked Mr. Joseph Barbagallo, Engineering Consultant for the Town of Somers, to give the Board a brief overview with regard to the report. Mr. Barbagallo stated that the project started from funding that came out of New York City Department of Environmental Protection (DEP) to study the viability or the best way to sewer Shenorock and whether it was necessary to protect the lake and water quality. He said that they wrote a Scope of Work that was approved by the DEP, they therefore went ahead and completed that Scope of Work. He said that included a series of evaluations of different ways that they could be protecting the water quality. Mr. Barbagallo introduced his Associate Mr. Steve Robbins to discuss the alternatives that were considered and he could walk the Board through what was studied and give them the results of the study.

Mr. Robbins explained that the study and evaluation included review of background information, prior studies in the area and other environment documentation of the Lake Shenorock area. He said that they did research with the Westchester County Department of Health of Septic Repair Records and there was a program of water sampling of both the streams coming into the lake, leaving the lake and the water quality in the lake itself. He said that they also studied the sediment at the bottom of the lake. Mr. Robbins continued that they took all the data and compiled it in different ways to understand what it was telling them about sources of nitrates and chloroform bacteria in the lake. He said that they looked at what that meant for possible remedial options and ways to address the concerns. Discussion ensued with regard to the function of the lake and the possibility of dredging the lake.

Mr. Robbins said that based on their findings they had proposed a three step process towards maintaining the quality of Lake Shenorock within the New City Watershed and effectively the environment there as well. He continued to point out what was recommended for Lake Shenorock and options that were available to the Town.

The Supervisor said that the reason the study was embarked upon to begin with was the Northern Westchester Watershed Coalition and the County in 1997 or 1998 engaged a firm

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to review the issue of septic in the Watershed. She said that as part of that study certain hotspots were identified, Shenorock being one of them. She said as part of that the NWWC then recommended to the County that funds be allocated to address the concerns. The Supervisor said that there was \$10,000,000.00 that had been designated to the area. She said that Peach Lake was also a designated area and they had moved forward and installed a sewage treatment plant there. She said that it was a combination effort between Putnam and Westchester Counties. The Supervisor said that the reason they did the study was to look at what opportunities were available to the Town. She said that the study gave them a number of different ideas and opportunities for the Board to consider. She said that she thought that the first thing that the Board should do now that they had the study in the final form, is that it should be placed on the Town website and give the public a chance to process the information. The Supervisor suggested that in a few months the Board reach out to the residents of Shenorock and have a discussion and get a feel of the direction that they should go in.

Councilman Ciriaco asked if there was a sunset on the \$10,000,000.00. The Supervisor said that there was no direct sunset although now that they had the study done they should move forward. She said that there were five different areas that were designated for \$10,000,000.00 each and she listed them. Councilman Ciriaco asked if the Town needed to layout the money first or match the amount. The Supervisor said that there was no match dollars necessarily but the Town needed to go in with a solid plan as to what they were going to do and how the money was going to be spent. Councilman Ciriaco said that there was going to be a cost to the residents if they sewer Shenorock. He said that they may not go as far as that there were other benefits of doing this such as stormwater purposes. Mr. Barbagallo said that there were benefits of doing this. He stated that there were a number of residents that wanted to expand their homes and there were septic limitations. He said that those limitations go away when there were sewers. Mr. Barbagallo said that this would allow for greater opportunities that were going to make that connection. Councilman Ciriaco asked if the resident would have to make the connection. Mr. Barbagallo said that became part of the district discussion. He said that \$10,000,000.00 would go a long way but it is not going to get them to completion. He said that one of the ways to look at this was that the actual cost was going to be fractions of what it would otherwise be and the benefits would remain. The Supervisor said that another option was to create a septic district and the funds could be used to repair septic systems. She said that sewerage was not the only answer and the discussion needed to take place with the community before decisions were made. Discussion ensued with regard to the next steps, the funding that was available and the benefits to the water quality in that area. The Supervisor said that she would have the study placed on the Town website for the residents to review.

Hidden  
Meadows

The Supervisor said that the next item was a discussion with regard to Hidden Meadows at Somers. Mr. Ken Kearney said that he was with his partner Ms. Rose Noonan and they had done work in the Town on the Mews Phase I and they would be breaking ground on Mew Phase II in a couple of weeks. He said that they were before the Board that evening to discuss and introduce a new project. He explained that the project was located on 16.7 acres located on Route 6 adjacent to the Town Owned parcel that was earmarked for recreation. Mr. Kearney said that the property was located in the Baldwin Place section of the Town and it was a home ownership development. He said that they were proposing 45 Townhomes, 37 market rate units, 8 Townhomes for sale, homeownership opportunity, but affordable. He continued that those 8 affordable Townhomes would include a one bedroom rental apartment, in essence there were 53 units with 16 affordable units. Mr. Kearney said that those 16 affordable units would count towards the settlement and other affordable housing goals.

Mr. Kearney said in order to accomplish the development they were seeking the application of the Baldwin Place Multi-Family Zone. He explained that the basic requirement of that zoning was that the property must be at least 10 acres, it must have access to Public Water and Sewer. He said that this section of Town had evolved in the 15 years and that was because of the installation of a Force Main and the expansion of the Amawalk-Shenorock

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Water District. Mr. Kearney said that in addition to requesting the application for the overlay they were seeking to have the Sewer District extend to the property as well as the Town owned parcel that was earmarked for recreation. He said that the Waterline ended at Mahopac Avenue and they would extend the Waterline to the property. He continued that one of the benefits to the Town was that they would create access to the Town owned parcel. Mr. Kearney states that it appeared the access had been a concern and they were going to work with the Department of Transportation. He said that they would gain access to their site and that would also provide access to the Town owned parcel. He said that they encourage further with the Parks and Recreation Board, the Town Board and the Planning Board to discuss what was envisioned for the Town owned parcel. Mr. Kearney said that they were not seeking a rezoning, they were seeking the application of an Overlay District, Floating Zone. He explained that the zone was created in 1981 and to date it had never been applied. He said that it was their belief that with the availability of Water and Sewer the application was appropriate.

Councilman Ciriaco asked if the Townhomes were rental or market rate units. Mr. Kearney explained that they were market rate units and the layout of the units. The Supervisor asked if they were going to be fee simple. Mr. Kearney said that they would be. Councilman Ciriaco asked about the management of the affordable rental units. Mr. Kearney explained that the management of the affordable rental units would be controlled by the people who owned the Townhouse. He explained that they would be educating the purchaser of the affordable Townhouse on how to be a landlord. He said that he would also be available and will assist the owners in the process. Discussion ensued with the Town Board, Mr. Kearney and Ms. Noonan with regard to the affordable units and how it was going to be managed and rented. The Supervisor pointed out that the cover letter of their stated that both the affordable Townhome units and the affordable rental units were one-bedroom each. She asked if that was an error and if so they would want to correct that before this was submitted to the County. Mr. Kearney said that he would resend the letter. Further discussion ensued with regard to where the property was located on Route 6.

The Supervisor said that they were asking to apply the Floating Zone on property along the Route 6 corridor. She asked the Town Attorney in terms of process what were they looking at there. The Town Attorney explained that he discussed this with the Town Director of Planning and the applicant and what they thought would be best was to do a coordinated review with the Planning Board. He said that they felt in this instance the Planning Board should be the Lead Agency. He explained that the Town Board would map the zoning after the Planning Board concluded the environmental process. The Town Attorney explained that the Town Board would be an involved agency and they would have access to the finds and discussions. He said that the important question for the Board to answer as they referred the application to the Planning Board was if they thought this Zoning District was appropriate for the property. He said that would give the Developers a comfort level as they go forward with the extensive studies that were going to be required by the Planning Board, that the Town Board was comfortable with the application of the zoning for the property. The Supervisor said what was being proposed was the Baldwin Hamlet Floating Zone. The Town Attorney asked what the current Zoning was. Mr. Kearney stated that it was an R-80 Zone. The Town Attorney said as they heard the Zoning had never been applied since conception. He said that as he understood it there were limited properties that this applied too. Ms. Dym read the purpose of the Zone from the Code Book to the Board. Discussion ensued with regard to the zoning in that area of Town.

The Supervisor asked the Town Attorney if they were to do a coordinated review, they should ask the Planning Board to be the Lead Agency that was the appropriate way to start the process. The Town Attorney said that the Town Board refer the application to the Planning Board with the recommendation that the requested Zone use was appropriate for the property and suggest that the Planning Board take on the role of Lead Agency for the project. He said that if they did that the Planning Board would declare their intent to be Lead Agency and the Town Board would not. The Supervisor asked if the Town Board

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agreed with allowing the Planning Board to be Lead Agency. It was agreed that the Planning Board should be Lead Agency for this project.

The Supervisor said that they needed to discuss an application fee and setting up an escrow account. Mr. Kearney stated that he did setup an escrow account early on when the Town’s Consultant came out to the property to flag the wetland. He said that there was still money in that account. The Supervisor said that the escrow account must stay ahead of the Consultants. She said that Ms. Dym had directed her toward the Planning and Engineering Fee Schedule regard to setting up an application fee. She said that the application fee would be \$18,300.00 and an additional escrow of \$5,000.00.

The Supervisor said that one of the reasons she believed that the zoning was applicable for this application was because the property was located along the Route 6 corridor. She said that if it was not along that corridor she did not think it would be appropriate at all.

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

RESOLVED, that the Town Board does hereby direct the Town Planner to prepare a memo on behalf of the Town Board indicating that the MFR-BP floating overlay zone **could** be applied for property known as Tax Map 15.07-1-6 located at 16 Route 6 “Hidden Meadows at Somers” and would like the Planning Board to take a look at it and consider taking on the role of Lead Agency and,

DOES HEREBY RESOLVE, that an application fee of \$18,300.00 be set and an additional escrow account of \$5,000.00 be posted.

Schedule  
Public  
Hearing reg.  
the proposed  
extension of  
the Amawalk  
Shenorock  
Water  
District

The next item on the agenda was to schedule a public hearing for a petition to extend/join the Amawalk-Shenorock Water District. Discussion ensued with regard to the cost of connection needed to be added to the notice. It was agreed that the amount would be added before the notice was published.

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

RESOLVED, that the Town Board does hereby authorize the scheduling of a Public Hearing to Extend/Join the Amawalk-Shenorock Water District for Thursday, November 14, 2013.

Town  
House  
Tree

The Supervisor said that the next item on the agenda was with regard to the Town House Tree. She asked if the Board had a chance to go out and look at the new tree. They said that they did and that it was a nice tree. Discussion ensued with regard to why the Lion’s Club was replacing the existing tree.

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

RESOLVED, that the Town Board does hereby authorize the removal of the existing Tree on the Town House Green and replace it with a new Tree donated by Lawton Adams, Jr. and the Somers Lions Club.

Town  
Bulk  
Drop  
Off

The next item was to announce the Town Bulk Drop Off. The Supervisor said that the Town Bulk Drop-off was going to be at Somers Sanitation/City Carting from Saturday October 19, 2013 to Saturday November 16, 2013. She continued that there was a reduced fee involved for Somers residents. She said that the fee was \$15.00 per car, \$20.00 per van and \$35.00 per pickup truck. The Supervisor said that the information will be placed on the Town website. She thanked Somers Sanitation/City Carting for all that they did for the Town.

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

RESOLVED, that the Town Board does hereby announce the Town Bulk Drop Off at Somers Sanitation/City Carting at Route 100 from Saturday October 19, 2013 to Saturday, November 16, 2013.

MOU with Metro North

The Supervisor said that the next item was with regard to a Memorandum of Understanding (MOU) with Metro-North Commuter Railroad for Station Access and Parking Improvements. She explained that the Town Board asked for Metro North to place conditions in the MOU and they said that they could not give the Town assigned parking spaces because the Town was not contributing to the improvements. She said that the Board needed to add something to the MOU with regard to sidewalks into Somers. The Supervisor said that she was going to send back the MOU and state that this was not what the Town of Somers wanted.

PERSONNEL:

Current Vacancies:

- Somers Energy Environmental Committee
- Substance Abuse Council (2 – unexpired 3 year terms to December 31, 2016)
- Affordable Housing Board (1 – unexpired 2 year term ending July 11, 2013)
- Affordable Housing Board (4 – 2 year terms ending July 11, 2013)

Upcoming Vacancies:

- Library Board of Trustees (2 – 5 year terms ending December 31, 2018)
- Planning Board (1 – 7 year term ending December 31, 2020)

Consensus Agenda

The next item on the agenda was the consensus agenda. The Supervisor said with regard to item number 3d, there was an application to place a Crèche on the lawn of the Town House. She asked the Town Attorney to explain how they should proceed. The Town Attorney said that there was a separation between Religious Symbols and Non-Religious Symbols. He said that the Crèche was a religious symbol whereas the menorah was not classified as such. Discussion ensued if a Crèche should be allowed on the Town House green. Councilman Clinchy asked to have this item taken off the consensus agenda if the Board was going to vote on it that evening. It was agreed to put this item over until the next meeting for further clarification with regard to the size of the structure and to the policy. The Supervisor with regard to item number 12 the quote for the work was too high and they should get three proposals. She said that they needed to direct the Assistant Building Inspector to prepare and distribute an RFP for the wiring and switch for the Town House Generator.

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

Filming Fees

1. RESOLVED, that the Town Board does hereby adopt Filming Fees as follows per memo dated September 30, 2013 from Kathleen R. Pacella, Town Clerk:

<u>Private Property</u>	<u>Public Property</u>	
\$0	\$0	Student
\$50.00	\$100.00	Public Service
		Teaching/Not for Profit

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\$1,250.00	\$2,250.00	Agency Advertising
\$2,500.00	\$5,000.00	Full Length Feature Film

Sustainability Plan

2. RESOLVED, that the Town Board does hereby adopt resolution regarding Sustainability Plan prepared by the Somers Energy & Environment Committee,

WHEREAS, the Somers Energy and Environment Committee (SEEC) has prepared a Sustainability Plan for the Town of Somers that addresses many aspects of growth, development, energy use, transportation, local food production and other issues that affect the quality of life in Somers, and

WHEREAS, the Town Board would like to recognize and acknowledge the many hours of time and effort put into this task by members of the SEEC, and

WHEREAS, it is the intention of the Town Board that the concepts, values and goals of the Sustainability Plan ultimately be incorporated into the Town Master Plan, and

WHEREAS, the SEEC seeks authorization to occasionally reach out to the Town employees for advice and guidance on matters in the Plan

NOW THEREFORE BE IT RESOLVED, that the Town thanks the members of the SEEC for all their efforts in developing the plan and authorizes them to discuss their ideas and goals with members of the Town's staff.

Town House Green Permit for the Menorah

- 3a. RESOLVED, that the Town Board does hereby authorize a Town House Green Permit for the Menorah to be displayed on the front lawn of the Town House beginning November 27, 2013 pending submission of an application.

Execute Justice Court Assistance Program Grant Application

- 3b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Justice Court Assistance Program Grant Application.

Execute 2013-2014 Agreement with O'Connor Davies LLP

- 3c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2013-2014 Agreement with O'Connor Davies LLP for auditing services.

- 3d. REMOVED

Execute credit application for the lease of one (1) 2014 Chevrolet Tahoe

- 3e. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the credit application for the lease of one (1) 2014 Chevrolet Tahoe for the Somers Police Department.

Execute the Agreement with Bond Schoeneck & King, PLLC

- 3f. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Agreement with Bond Schoeneck & King, PLLC for Labor Attorney services per letter dated October 9, 2013 from Ernest R. Stolzer.

Budget Modifications

4. RESOLVED, that the Town Board does hereby authorize approval of the following budget modifications per memo dated September 27, 2013 from Supervisor Mary Beth Murphy:

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RESOLVED, that the Town Board does hereby authorize accepting a \$575.00 donation from various donors in memory of Jack Rauh to be used for Park athletic amenities per memo dated September 18, 2013 from Steven Ralston, Superintendent of Parks and Recreation:

**Increase:**

From: A-2709 – Gifts & Donations \$575.00

**Increase:**

To: A7110.4 – Parks \$575.00

RESOLVED, that the Town Board does hereby authorize accepting a \$1,000.00 donation from the Somers LIONS Club to assist with funding for senior special event programs per memo dated September 18, 2013 from Steven Ralston, Superintendent of Parks and Recreation.

**Increase:**

From: A2709 – Gifts & Donations \$1,000.00

**Increase:**

To: A7140.4 – Instructional/Special Programs Contractual \$1,000.00

Return of  
Erosion  
Control  
Bonds

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

- a) \$100.00 – Sabatino – Tree Preservation Permit – 16.12-1-15.5.
- b) \$200.00 – Olert – Wetland/Steep Slopes & Erosion & Sediment Control Permits – 36.20-1-63.
- c) \$ 25.00 – DeWitt-Fonde – Tree Preservation Permit – 17.10-1-1.
- d) \$100.00 – Sheldon – Steep Slope Permit – 37.17-1-2.
- e) \$500.00 – Tavo Development, LLC – Tree Preservation, Stormwater Management & Erosion & Sediment Control Permit – 48.17-1-34.
- f) \$300.00 – Dr. Schimelman (Somers Animal Hospital) – Erosion Control Bond – 17.11-2-5.
- g) \$100.00 – Somers chase Water Works Corp. (Somers Chase HOA) – Wetland Permit – 17.17-1-3.1.
- h) \$398.00 – Fernandez – Lot Line Change Erosion Control Bond – 26.07-1-2 & 21.
- i) \$ 25.00 – A. DeVito & Son, Inc. – Tree Preservation Permit – 27.12-1-26.
- j) \$100.00 – R. Pugni & Sons, Inc. – Stormwater Management & Erosion & Sediment Control Permit – 37.13-1-1.
- k) \$200.00 – Nekos – Stormwater Management & Erosion & Sediment Control Permit – 58.12-1-7.

Release  
Windsor Farms  
Subdivision  
Maintenance  
Bond

6. RESOLVED, that the Town Board does hereby authorize the release of \$132,796.00 for the Windsor Farms Subdivision Maintenance Bond per memo dated September 27, 2013 from Steven Woelfle, Principal Engineering Technician.

Accept  
Bonds

7. RESOLVED, that the Town Board does hereby accept the following Bonds per memos from Wendy Getting, Senior Office Assistant (Automated Systems):

- a. \$200.00 – Dellorusso – Stormwater Management & Erosion & Sediment

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Control Permit – 47.08-1-28

b. \$500.00 – Bernardi – Stormwater Management & Erosion & Sediment

Control Permit – 37.16-1-12

c. \$300.00 – G& D (Fiore) Wetland Permit – 47.08-1-16.

Accept Erosion  
Control Bond

8. RESOLVED, that the Town Board does hereby accept \$39,000.00 for The Mews Site Plan Phase 2 – Erosion Control Bond – 4.20-1-15 & 16.

Removal  
from Lien  
Collection  
System

9. RESOLVED, that the Town Board does hereby authorize removal of properties from the Lien Collection system that have been deeded to the Town of Somers per memo dated September 16, 2013 from Joan Ribaud, Receiver of Taxes:

5.15-3-37

5.15-3-40

5.19-1-59

Refer  
Requests to  
Purchase

10. RESOLVED, that the Town Board does hereby refer to Engineering & Planning, Highway Superintendent and Open Space Committee for review and comment:

a. Request to purchase Town Owned Property at 1 Birch Road –

5.19-3-41

b. Request to purchase Town Owned Property at 7 Juniper Drive –

5.19-2-78

Use of Fund  
Balance for  
retrofitting  
Surplus  
trucks

11a. RESOLVED, that the Town Board does hereby authorize request to use \$60,000.00 from Fund Balance for retrofitting Surplus trucks with computerized spreaders and hydraulic systems per memo dated October 3, 2013 from Thomas E. Chiaverini, Superintendent of Highways.

Bid for  
retrofitting  
Surplus  
trucks

11b. RESOLVED, that the Town Board does hereby authorize the Superintendent of Highways to go to bid for the retrofitting of the surplus trucks with sanders, computerized spreaders and Hydraulic systems per memo dated October 9, 2013 from Thomas E. Chiaverini, Superintendent of Highways.

RFP for the  
wiring and  
switch for the  
Town House  
Generator

12. RESOLVED, that the Town Board does hereby authorize preparation and distribution of a Request for Proposal (RFP) for the wiring and switch for the Town House Generator.

Execute Task  
Order 2-4.18  
Somers Garage  
Stormwater  
Retrofit Project

13. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Task Order 2-4.18 Somers Garage Stormwater Retrofit Project (multiple pond system.)

Acknowledge  
resignation of  
T. Commisso,  
Senior Office  
Assistant

14. RESOLVED, that the Town Board does hereby acknowledge with regret the resignation of Teresa Commisso, Senior Office Assistant (Automated Systems) effective October 4, 2013.

Rescind and appoint  
D. Schirmer Senior  
Office Assistant  
(Office Manager)

15a. RESOLVED, that the Town Board does hereby rescind resolution adopted September 26, 2013 appointing Denise Schirmer as Provisional Senior Office Assistant (Automated Systems) and,

DOES HEREBY, appoint Denise Schirmer as Provisional Senior Office Assistant (Office Manager) at an annual salary of \$44,285.00, Grade 4A, Step 1 of CSEA Collective Bargaining Agreement.

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Promotion M.  
Tierney Senior  
Office Assistant  
(Automated  
Systems)

- 15b. RESOLVED, that the Town Board does hereby authorize the promotion from Part-time Intermediate Clerk to Senior Office Assistant (Automated Systems) pending canvassing of the Resident Civil Service List at an annual salary of \$44,285.00, Grade 4A, Step 1 of the CSEA Collective Bargaining Agreement.

Authorize consent, for  
East of Hudson to act as  
Lead Agency on Behalf  
of the Town of Somers  
for all Retrofit Projects

16. RESOLVED, that the Town Board does hereby authorize consent, for East of Hudson to act as Lead Agency on Behalf of the Town of Somers for all Retrofit Projects undertaken by the East of Hudson Watershed Corporation.

Councilman Morrissey said that he wanted to thank all who attended the Lion's Club Trail of Terror. He said that this was a fun event and about 400 people were there over the weekend. He said that the Lion's would be doing this again next year.

Claims for the payment of all Town Bills in the amount of \$577,703.40 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 10:50 PM.

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Town Clerk