

OCTOBER 11, 2012 – REGULAR MEETING

Minutes of the Regular Meeting of the Town Board of the Town of Somers held on Thursday evening October 11, 2012 at 7:05 PM at the Town House, 335 Route 202, Somers, New York.

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 to discuss real estate, personnel and collective bargaining.

Thereupon motion of Supervisor Murphy, seconded by Councilman Morrissey, the meeting was adjourned to an executive session to discuss real estate, personnel and collective bargaining at 7:05 PM to return that evening.

7:35 PM – meeting reconvened

Councilman Garrity present at 7:35 PM.

Annual
Police
Awards

The Supervisor said that first item on the agenda was Police Awards. She said that this was something that they did every year. She invited Chief Driscoll to the podium to make his presentations.

Chief Driscoll said that annually they honored the Somers Police Officers who do outstanding work throughout the year and the Somers State Police and civilians who help the Police do their jobs.

Chief Driscoll said that when a citizen calls the Police the call was answered by the New York State Police Civilian Dispatchers, commonly known as TMC, located in Hawthorne, New York. He said the one Dispatcher that handled most of the calls for Somers was Mr. John Bosley. He invited Mr. Bosley to join him at the podium. Chief Driscoll explained that the Dispatchers did their jobs behind the scenes and it was a tough, strenuous job and it could be the difference between an Officer getting hurt and a safe call. He said that it was Mr. Bosley job to very quickly obtain all the particulars that he could while the Officer was on their way to the call. He said that Mr. Bosley had always been calm and he had a very soothing voice which helps very much in these types of situations. Chief Driscoll said that Sergeant Donacheck was present that evening, he was Mr. Bosley's Supervisor. He asked him to tell all of the other Dispatchers at TMC that he appreciated what they did. Mr. Bosley thanked Chief Driscoll for the honor. Chief Driscoll awarded him with a Certificate of Appreciation and thanked Mrs. Bosley for attending that evening.

Chief Driscoll invited Mr. Michael DeMilto, Mr. Karl Anderson, Mr. Andrew Johnson, Councilman Garrity, Lieutenant Stanton and Investigator Timothy Gleason, New York State Police up to the podium. He explained an incident that happened on May 26, 2012 at Reis Park and how the Park's Staff, a Councilman and Police were able to apprehend the suspect. He said that the civilians did not have to help the Police in this situation, they never hesitated and they jumped right in and assisted the Police. Chief Driscoll said without their help they would have never caught the perpetrator. He awarded the Park's Staff and Councilman Garrity a certificate of appreciation and he pointed out that Mr. DeMilto and Mr. Anderson were the staff members that went to get the dry ice from NYSEG during blackouts and things on that nature. He thanked them for their assistance with that as well. Chief Driscoll awarded Lieutenant Stanton with Exceptional Police Duty. He explained that Investigator Gleason was a New York State Trooper at the time the arrest was made. He said that unfortunately for Somers he was promoted and transferred, they were very sorry to see him leave Somers. Chief Driscoll said that Investigator was one of the best Troopers he had ever worked with. Investigator Gleason thanked the Chief

OCTOBER 11, 2012 – REGULAR MEETING

for the award; he also thanked that Town Board and the residents of Somers. He said that the transfer was bittersweet for him. He said that the residents were very lucky to have the best of both worlds with a Local Department and the State Police working together. Chief Driscoll introduced Sergeant Henigan, the station Commander for the Somers State Trooper Barracks. He said that they worked very closely together which made things a lot easier.

Chief Driscoll invited Lieutenant Linkletter and Officer Gobo to the podium. He explained an incident that occurred on July 28, 2012 with regard to a burglary on Route 139. He said the good thing about having a Local Police Department was that the Officers knew the area very well. Chief Driscoll said that because of the Police Officers knowledge of the area they were able to get to the abandoned house and detain one of the two perpetrators; the second was caught by the State Police later. He said that their rapid response led to a great arrest in his opinion. He presented each officer with Meritorious Police Duty in the First Degree.

Chief Driscoll thanked that Board for their time that evening and he thanked all that came to the meeting to share in the special evening.

The Supervisor said that they appreciated all that Chief Driscoll did for the Town and they appreciated all of what everyone did for the Town. She said that Chief Driscoll mentioned the dry ice and she wanted to add her thanks to members of the Board and the Park Staff who had assisted that Town with that.

Councilman Benedict said that the residents did not know how lucky they were that the Local Police and the State Police got along so well. He said that was not the case all over the State of New York. He said that there was a fine bunch of Troopers in the Somers Barracks and the Town was lucky to have them, they respond when needed and backup the Somers Police.

7:55 PM – 5 minute break
8:00 PM – meeting reconvened

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 156 entitled Tree Preservation, Section 156-4 entitled Tree Removal Permit required 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 to adopt a Negative Declaration and a Local Law to amend Chapter 156 entitled Tree Preservation, Section 156-4 entitled Tree Removal Permit required of the Code of the Town of Somers.

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

RESOLVED, that the Town Board does hereby adopt a Negative Declaration with regard to the amendment of Chapter 156 entitled Tree Preservation, Section 156-4 entitled Tree Removal Permit required of the Code of the Town of Somers

RESOLVED, that the Town Board does hereby adopt a Local Law to amend Chapter 156 entitled Tree Preservation, Section 156-4 entitled Tree Removal Permit required of the Code of the Town of Somers as follows:

A Local Law to amend the Code of the
Town of Somers Chapter 156 Tree
Preservation as follows:

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

1. Section 156-4. Tree removal permit required is amended to add the following:

OCTOBER 11, 2012 – REGULAR MEETING

(8) Any tree identified for preservation as part of a resolution of site plan or subdivision approval, and/or identified for preservation on the final approved site plan or subdivision plat.

2. Section 156-6E. Conditions on tree removal permit is amended to read as follows:

E. In case of removal of more than the number of trees specified above in Section 156-4A(7), a performance bond to assure compliance with this chapter and the conditions imposed, with such bond, if one of its purposes is to assure replanting, to have a minimum term of two years.

3. Effective Date. This local law shall be effective upon filing of same with the Secretary of State of the State of New York.

PUBLIC COMMENT:

Ms. Fran McLaughlin, President of the League of Women Voters, said that the League of Women were concerned about the proposal for Affordable Housing at the golf range on Route 6. She said that this fits the condition for affordable housing that was required for the Angle Fly Preserve acquisition made by the Town Board. She continued that Somers committed to a good faith effort to build 224 units of affordable housing. Ms. McLaughlin said that Somers had built 74 units for seniors and now they were wondering why, as reported in the Somers Record the Supervisor said that affordable housing was a drain on the citizens of the Town.

The Supervisor said that was not what she said, that may have been what was in the newspaper. She suggested that if Ms. McLaughlin wanted to know what she said she should watch the video.

Ms. McLaughlin said that they should have known that affordable housing was not a drain six years ago when they received the money to buy the Angle Fly and the Town did not have any affordable housing at that time. She said that if services are being called a drain they were wondering what the drain was.

The Supervisor said that she did discuss that fact that affordable housing did not produce the same revenue as was received from other types of housing. She said that the same tax revenue was not produced as it was from other parcels. She said that was just the facts, it was not saying that the Town had not done plenty for affordable housing in the Town. The Supervisor said that they had changed their regulations to allow for affordable housing. She pointed out the affordable housing that was currently in Town and another 74 units were being built in the Mews as well as 15% of everything that was built in the Planned Hamlet. She said that 15% was required in any multi-family district. The Supervisor said that they were mischaracterizing what the Supervisor's position was with regard to affordable housing. She said that they had made an extremely good faith effort in the Town with regard to affordable housing over the past six years since the Angle Fly Preserve.

Ms. McLaughlin said that she did not deny that the good faith effort had been made and was continuing to be made. She said that this had to do with what was being circumvented in the newspaper article with regard to a new affordable housing development being a drain. She said that their question was still what would be the drain.

The Supervisor explained that with most affordable housing projects they either wind up with a pilot project or a reduced real property tax levy on the parcel than what they would otherwise have from market rate housing. She said that they were getting less tax revenue from a parcel that was still getting all of the services that were otherwise offered and there were costs associated with those services.

Ms. McLaughlin said that she understood what the Supervisor was saying, although affordable housing brought people to Somers to work, shop and live and they in turn pay taxes, volunteer and who knew whatever else they do/or give back to the Town and that was a plus to affordable housing. She said that they knew that the Planning Board had worked hard putting the affordable housing into a good plan which they support. She said that the League of Women Voters supported the plan as well and they encouraged the Town to expedite the plan at the golf range.

OCTOBER 11, 2012 – REGULAR MEETING

The Supervisor said that they had a conversation with regard to the impact of affordable housing, as she said earlier that evening, in terms of tax revenue they received a lot less from an affordable unit than they would get from a market rate unit. She said that was just a fact, no one said that they were not building any more affordable housing because of it.

Ms. Harriet Leib, member of the League of Women Voters, said that there was a project before the Board that had been accepted by the Planning Board. She said that at that time the property was bringing in minimum revenue. The Supervisor said that it was currently a taxable parcel. Ms. Leib said that there was that factor of having people live some place in the Town. She said that there were 74 units in the Mews with 70 more to be built. She said that although that was a very good faith effort they did agree when they received the Angle Fly property to 224 units of affordable housing. Ms. Leib said that there was no such thing as market rate housing at that time; no one had money to build it. She asked if the Planning Board agreed to the project that was before the Board why they were against going ahead with it. The Supervisor said that she did not think that the Town Board had made a decision with regard to this one way or the other. She said that they entertained the project a couple of days ago. Ms. Leib said that that property had been before the Board many times. The Supervisor that what private property owners did with their property was not in the Town Board purview. She said that the Town Board had neither granted nor denied any application with regard to the property.

Councilman Benedict said that they heard what they supported and no one had said no to affordable housing. He explained that the Planning Board was brought to them and the best they could come up with was what the final project was at that time. He said that did not mean that was the only use of that property. Councilman Benedict said that the question for them was not about affordable housing it was if the Town Board wanted to change the Zoning Code for that property.

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 Teresa Stegner, Town Assessor had been awarded by the IAO, Institute of Assessing Officers, the highest Professional Assessor achievement that one could obtain through the New York State Educational System. She said that this was something that Ms. Stegner did on her own and went and gotten herself this recognition in an effort to personally better her own ability to do her job in the Town. She said that the Town Board thanked her for her initiative in that regard and they were very proud of her efforts. The Supervisor said that there were currently 235 IAO members in the State of New York.

The Supervisor congratulated the Town Clerk and her staff, the Town was very proud to be the recipient of 2012 Cheryl Steinbeck Annual Archives Award for excellence in Local Government Records Management. She said that the Town Clerk and her Deputy would be going to Albany to accept the award and that Town was very proud of the hard work that they had done for the Town.

The Supervisor announced that on Saturday, October 20, 2012 there was going to be a Nature Hunt at the Angle Fly Preserve. She said that it was from 11:00 AM – 2:00 PM and there was a small tax deductible donation per family of \$10.00. She said that there would be a lot of fun things to do. The Supervisor said that there was a rain date which was scheduled for Sunday, October 21, 2012.

The Supervisor said that there was still an ongoing clothing drive at the Town House for Veterans, both women and men; they were in need of warm winter clothing. She said that they received a lot of donations already and they had sent off what was received. She asked all to feel free to donate their gently used winter clothing.

The Supervisor said that they had received a thank you letter from the New York Blood Center. She said that Barbara Sherry had taken charge of the Blood Drives in Somers. She said that they just scheduled the next drive as soon as the current one was completed. She said that the next drive would be Tuesday January 8, 2013 and they sent a very nice Thank You Letter, thanking the residents of Somers for their contributions of blood on August 28, 2012.

OCTOBER 11, 2012 – REGULAR MEETING

Approval of the minutes

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

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

RESOLVED, that the Town Board does hereby adopt the minutes of the August 9, 2012 Public Hearing regarding Chapter 86 Dogs, add Article III Canine Waste; the August 9, 2012 Public Hearing regarding the Increasing term of office of the Supervisor from 2 years to 4 years effective 2014; the August 9, 2012 Combined Work Session/Regular Meeting and the August 17, 2012 Special 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.

Various projects at Reis Park

The Supervisor said that the next item was with regard to the various projects that were going to be done at Reis Park. She said that Mr. Joe Barbagallo, of Woodard and Curran, the Town Engineering Consultant, was present at the last meeting to explain the projects that were going to be done. She continued that some of the projects the Town would be paying for and others would be paid for by the East of Hudson Watershed Corporation as Phosphorous Removal Retrofit Projects.

Award bid and execute contract to R. Pugni & Sons Town's portion of Improvements at Reis Park & Somers Town House

The Supervisor said that it was incumbent upon the Board authorize R. Pugni & Sons to do the Town's portion of the improvement work.

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

RESOLVED, that the Town Board does hereby award bid and authorizes the Supervisor to execute contract to R. Pugni & Sons, Inc. for the Town's portion of Improvements at Reis Park & Somers Town House per memo dated October 4, 2012 from Woodard & Curran as follows:

- i. S-MU-09C (Lower Parking Porous Pavement) – Lighting LS Lump Sum 1 \$150,000.00.
- ii. A S-MU-09D (Middle Parking Bioretention) – Access Drive, Milling Resurfacing LS lump 1 \$152,000.00.
- iii. Concession Stand Utilities/Site Preparation LS Lump Sum \$20,000.00.
- iv. MAW Miscellaneous Additional Work - \$20,000.00.

Town's portion of Improvements at Reis Park & Somers Town House

The Supervisor said in addition they had to execute an agreement with Woodard and Curran for engineering oversight for both the Retrofit Construction work as well as the Town portion of the work. She explained that the oversight on the Retrofit Construction will be reimbursed by the East of Hudson Watershed Corporation which they would be approving next. Councilman Clinchy asked if Woodard and Curran was the Construction Management Firm. The Supervisor explained the Woodard and Curran was managing the project.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute agreement Task Order 2-4.14 with Woodard and Curran for engineering oversight of the retrofit construction work at Reis Park and Somers Town Hall.

East of Hudson Watershed Corporation for reimbursement of costs of the engineering oversight

The Supervisor said that there was an authorization to execute an agreement with East of Hudson Watershed Corporation for the reimbursement of costs of the engineering oversight. She said that she wanted to point out to the Board that the agreement had been circulated although the attachment A should be the agreement that they just authorized above. She said they would be reimbursing the Town for the cost of the oversight.

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

OCTOBER 11, 2012 – REGULAR MEETING

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute agreement with East of Hudson Watershed Corporation (EOHWC) for reimbursement of costs of engineering oversight of the retrofit construction at Reis Park & Somers Town Hall.

East of Hudson Watershed Corporation to install the Stormwater Retrofit Projects on municipal property

The Supervisor said that the Board needed to authorize an agreement to allow East of Hudson Watershed Corporation to install the Stormwater Retrofit Projects on municipal property. She said that the actual retrofit work was going to be paid for directly by the East of Hudson Watershed Corporation; it was not going to be passed through the Town. She said that it was better for the East of Hudson Watershed Corporation to pay for that directly. The Supervisor said for certain reasons because of the other agreements they could not do this with the oversight work. She said that agreement for installation of the Stormwater Retrofit Project has the R. Pagni & Sons proposal attached to it. She explained that the agreement authorized the East of Hudson Watershed Corporation to have R. Pagni & Sons come onto Town property to do the retrofit work on the Town Property.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute agreement for Installation of Stormwater Retrofit project on Municipal Property with East of Hudson Watershed Corporation (EOHWC.)

Agreement with NYS DOT

The Supervisor said lastly they needed to enter into an agreement with the New York State Department of Transportation (DOT) with regard to the work that was going on at the Town House. She said that this was because of the easement at the entryway of the Town House parking lot. She explained that the DOT required an undertaking for the benefit of the DOT in connection with work affecting the State Highway.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Undertaking Agreement with NYSDOT in connection with work affecting State Highway(s) and,

DOES HEREBY RESOLVE, that “the work to be completed within the NYSDOT easement is the connection of the drainage piping installed in the Town House parking lot to stormwater manhole that exists within the NYSDOT easement along with other work that may be required to satisfy NYSDOT permit requirements. The NYSDOT easement referenced is as described in the attached easement, and the Work is generally as presented on Sheets TH-100, TH-200, Th-300, TH-400 and TH-500 of the Contract Drawings entitled Somers Stormwater Retrofit, Reis Park and Town Hall and dated September 14, 2012 as prepared by Woodard & Curran.”

Awarding a series of bids and/or proposals

The next item was with regard to awarding a series of bids and/or proposals. The Supervisor said that this was for work in the Town of Somers.

Drainage work at the Somers Police Station

The Supervisor said that the first proposal was for drainage work at the Somers Police Station. She said that the low proposal received was from Baker Digging, Inc. She asked the Board authorize the execution of an agreement with Baker Digging Inc. for the drainage work at the Somers Police Station and also authorize the removal of the underground tank to the lowest proposer. She explained that at that point they had not received three proposals for the removal of the tank; she was still waiting for those to come in. The Supervisor said that at the time that the drainage work was being done it made sense to pull the tank out of the ground and put the tank inside of the basement of the building.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Agreement for drainage work at the Somers Police Station to Baker Digging, Inc. in the amount of \$20,955.00.

OCTOBER 11, 2012 – REGULAR MEETING

RESOLVED, that the Town Board does hereby authorize the Supervisor to reward the contract and execute the contracts with the lowest Requests for Proposal (RFP) for removal of the underground oil tank and installation of an oil tank in the basement of the Somers Police Station to the lowest proposal after the proposals are received.

Create Capital Project Budget

The Supervisor said that they also needed to authorize the Finance Director to create a Capital Projects budget and to pay for this project from the Fund Balance designated Capital Projects.

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

RESOLVED, that the Town Board does hereby authorize the Finance Director to create a capital project budget and pay the cost of these two (2) contracts from the Fund Balance designated for Capital Projects.

Pony League Drainage Project

The Supervisor said that the next bid was with regard to the Pony League Drainage Project. She said that this was thanks to Senator Ball who was able to get a \$100,000.00 grant for the Town. She said that they were going to do the drainage on the Pony League Baseball Field similar to what was done on the Van Tassell Fields. She said that those drainage efforts seemed to work effectively, this would provide more playing time on the field. The Supervisor said that she was asking that the bid be awarded to the low bidder, R. Pagni & Son pending the approval of the Town Engineer per memo of Steven Ralston, Parks and Recreation Superintendent.

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

RESOLVED, that the Town Board does hereby award the bid for the “Somers Baseball Field Drainage Project” to R. Pagni & Sons, Inc. in the amount of \$89,000.00 pending review of the bid documents and certification from Consulting Engineer, Joseph Barbagallo per memo dated October 11, 2012 from Steven Ralston, Superintendent of Parks & Recreation. The following bids received were the following:

R. Pagni & Sons, Inc.
25 Bedell Road
Katonah, NY 210536
Bid Amount: \$89,000.00

Lank Tek
235 County Line Road
Amityville, NY 11701
Bid Amount: \$93,930.00

Tri Turf, Inc.
26 Garden Road
Rocky Point, NY 11718
Bid Amount: \$95,000.00

Create Capital Project Budget

The Supervisor said that they also needed to authorize the Finance Director to create a Capital Projects budget and to pay for this project from Rec Fees before being reimbursed by the grant.

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

RESOLVED, that the Town Board does hereby authorize the Finance Director to create a Capital Projects budget for the “Somers Baseball Field Drainage Project,” and to pay for this project from Recreation Fees before being reimbursed by the grant from Senator Ball.

Award bid and execute contract for the “Somers Porch Restoration Project” at the Recreation Center at Van Tassell

The next bid was the removal and disposal of the existing and installation of new front porch footings, joists, decking, railings and support pillars on the Recreation Center at Van Tassell Park. The Supervisor said that this should be awarded to the low bidder, Fourman Construction, Inc. and to authorize a change order to allow for synthetic columns and railings. She explained that the way the project was bid was with Trex on the decking and pressure treated lumber for the

OCTOBER 11, 2012 – REGULAR MEETING

columns and railings. She said that the Parks and Recreation Board was interested in pursuing the cost of synthetic products for the columns and railings to minimize the maintenance. Councilman Clinchy asked if the columns were weight bearing. The Parks and Recreation Superintendent said that they were. Councilman Clinchy asked if they were sure that they could hold the weight. The Parks and Recreation Superintendent said that the Building Inspector did all of the specifications for the package. The Supervisor said that they were exploring whether or not they could use a synthetic product. She said that they did not know if they could although if they could they would like the Board to authorize that change order.

The Supervisor said that they should award bid A and authorize the Supervisor to execute a contract in the amount of \$64,000.00 to Fourman Construction, Inc., the lowest responsible bidder per specifications and to reject bids B and C from the same company. Councilman Clinchy asked the Parks and Recreation Superintendent if they were specific in the type of Trex to be used. The Parks and Recreation Superintendent said the Building Inspector did all of the specifications with regard to the product, width and diameter in the proposal. Councilman Clinchy said that he would speak to the Building Inspector with regard to this. The Supervisor asked Councilman Clinchy if he wanted to move forward with this. Councilman Clinchy said that he did. The Supervisor said that if there are any issues or changes to let her know and they could address any concerns.

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

RESOLVED, that the Town Board does hereby award bid and authorizes the Supervisor to execute contract for the “Somers Porch Restoration Project” at the Recreation Center at Van Tassell for removal and disposal of existing porch and installation of new front porch footings, joists, decking, railings and support pillars to Fourmen Construction, Inc. Bid A in the amount of \$64,000.00 and,

DOES HEREBY, reject Bids B & C per memos dated October 11, 2012 from Steven Ralston, Superintendent of Parks & Recreation. The following bids were received:

Fourmen Construction, Inc.
1008 Main Street
Peekskill, NY 10566

BID Amounts
A \$64,000.00
B \$59,000.00
C \$64,000.00

Foremost Development, LLC
27 Old Post Road
Ossining, NY 10562

BID Amounts
A \$113,150.00
B \$ 90,500.00
C \$ 87,000.00

Abbot & Price
71 Sunset Drive
Ossining, NY 10562

BID Amounts
A \$85,970.00
B \$80,742.00
C \$84,895.00

Parrott Enterprises, Inc.
319 North Plank Road
Newburgh, NY 12550

BID Amounts
A \$119,000.00
B \$116,000.00
C \$125,000.00

Caladri Development Corp.
1223 Park Street
Peekskill, NY 10566

BID Amounts
A \$89,830.00
B \$84,830.00
C \$86,360.00

The Supervisor asked the Board for authorization to enter into a change order for synthetic columns and railings depending on if the change made economic sense and if it had the structural integrity necessary. She said that before entering into that change order she would circulate it to the Board.

Execute a change order with Fourmen Construction, Inc.

OCTOBER 11, 2012 – REGULAR MEETING

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute a change order with Fourmen Construction, Inc. not to exceed \$14,500.00 to install maintenance free railings and posts in place of pressure treated lumber as specified in the bid for the Somers Porch Restoration Project per memo dated October 11, 2012 from Steven Ralston, Superintendent of Parks & Recreation.

Create Capital Project Budget

The Supervisor said that they also needed to authorize the Finance Director to create a Capital Projects budget and to pay for this project from the designated funds.

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

RESOLVED, that the Town Board does hereby authorize the Finance Director to create a Capital Project budget and pay the cost of this contract from the Fund Balance designated for Capital Projects.

Exterior recoating of the Ross Drive Water Tank

The next bid was with regard to the exterior recoating of the Ross Drive Water Tank. The Supervisor said that they were asked to award the bid to the low bidder for that project, Alpine Painting and Sandblasting in the amount of \$123,100.00. Councilman Clinchy said that he was asked if the tank was rusting from the inside and if the inside was being recoated. He asked if he was correct in thinking that it was not. The Supervisor said that she thought that he was correct, they did have the entire tank inspected and they did receive a report. She said that she could provide a copy of the report if he wanted it. The Supervisor said that this bid was for the exterior although the interior was inspected.

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

RESOLVED, that the Town Board does hereby award bid for the Ross Drive Water Tank Exterior Recoating to Alpine Painting & Sandblasting in the amount of \$123,100.00 and included the alternate substitute item (Thermoset Solution Fluoropolymer for the Finish Coat) which will provide a superior finish per memo dated October 11, 2012 from Adam Smith, Superintendent of Water & Sewer. The bids received were as follows:

Nuco Painting Corp.	\$187,700.00	Base Bid
	\$202,700.00	Alternative
Rockwood Corp.	\$510,131.00	Base Bid
	\$530,131.00	Alternative
Alpine Painting & Sandblasting	\$82,500.00	Base Bid
	\$72,000.00	Alternative
Addendum	\$82,500.00	Base Bid
	\$123,100.00	Alternative

Amawalk Shenorock Water District budget

The Supervisor said that they also needed to authorize the Finance Director to create a Capital Projects budget and to pay for this project from the Amawalk Shenorock Water District budget.

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

RESOLVED, that the Town Board does hereby authorize the Finance Director to create a Capital Project budget and pay the cost of this contract from Amawalk Shenorock Water District Fund.

Roof work

The Supervisor said that next item was with regard to the roof work. She said that the roof on the Storage Barn had been finished and they were working on the Police Barn. She said in connection with the roof on the Police Barn some things had come up. The Supervisor explained that the cupola on top of that building was falling off the building. She said that they needed to

OCTOBER 11, 2012 – REGULAR MEETING

add the removal of the cupola in the amount of \$369.00. She said that there was a significant amount of wood rot and soffit and fascia repairs that was necessary and to add the work needed to be done for that was in the amount of \$4,760.00. The Supervisor said that this will help when they reside the building. She said that when they removed the roof there was some structural reinforcing of the building that was needed in the amount of \$2,097.00. She said that Nelson Gerero, a resident of the Town volunteered his professional services to design the structural reinforcements. The Supervisor said that all of the work had been done under Tom Tooma, Assistant Building Inspector's oversight and he was recommending the change orders be made to the project. She said that the total amount for the work was \$7,226.00. Councilman Clinchy asked if Mr. Tooma was signing off on the work. The Supervisor said that he was signing off on all of the work being done. She said that Mr. Tooma had been working diligently on this project as well as a few others. She said that he had provided the Town well.

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

RESOLVED, that the Town Board does hereby authorize additional expenditures for work on the Police Station roof in the amount of \$7,226.00 per recommendation from Thomas J. Tooma, Jr., Assistant Building Inspector as follows:

- a. Cupola removal - \$369.00
- b. Wood rot and soffit and fascia repair - \$4,760.00
- c. Structural reinforcing - \$2,097.00

Create
Capital
Project
Budget

The Supervisor said that the total Roof Project was in the amount of \$315,019.00. She said that they needed to authorize the Finance Director to create a Capital Projects budget for that project.

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

RESOLVED, that the Town Board does hereby authorize creation and adoption of a Capital budget for the Roof Replacements on the Police Station, Storage Barn and Somers Library building per memo dated October 2, 2012 from Robert Kehoe, Director of Finance:

63-960	Appropriations	\$315,019.00
63-1620-401	Contractual	\$315,019.00

The next item on the agenda was to authorize a waiver for any and all permit fee associated with the installation of renovating the bathrooms at the Amawalk Fire House by the Somers Fire District. The Supervisor said that the bathrooms were being renovated and arrangement had been made for the Seniors that met there on Wednesday.

Waiver for
any and all
permit fee
associated
with the
installation of
renovating the
bathrooms at
the Amawalk
Fire House

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

RESOLVED, that the Town Board does hereby authorize waiver of any and all permit fees associated with installation of renovated bathrooms at the Amawalk Fire House by the Somers Fire District.

PERSONNEL:

Current Vacancies:

- Somers Energy Environmental Committee
- Assessment Board of Review (1 – 5 year term to December 31, 2016)
- Assessment Board of Review (3 – 5 year term to September 30, 2017)
- Substance Abuse Council (1 – unexpired 3 year term to December 31, 2014)

Upcoming Vacancies:

- Library Board of Trustees (1 – 5 year term to December 31, 2017)
- Planning Board (1 – 7 year term to December 31, 2019)

OCTOBER 11, 2012 – REGULAR MEETING

Zoning Board of Appeals (2 – 5 year term to December 31, 2017)

Consensus agenda

The Supervisor said that the next item on the agenda was the consensus agenda. She pointed out the three additional items on the add-on agenda. Councilman Clinchy asked the Supervisor to explain item number 1. The Supervisor said that Law Firm represented the Town in Insurance matters and they needed the waiver because they had represented a client. The Town Attorney said with regard to item number 13, he learned that this was something that needed to be looked into. The Supervisor explained that this was only for commercial properties, it was not being offered to residential properties at that time. Discussion ensued with regard to the SEEC PACE Financing. The Supervisor suggested that anyone who had not had an energy audit to have one. Councilman Clinchy said that the information for that is on the Town website. Councilman Morrissey said that he had an energy audit and he was going to save money this year because of it. Councilman Garrity said with regard to item number 5, he wanted to thank the Lions Club for their donation to provide scholarships for Day Camp participants. He said that anytime someone donated money they did not want it to go unnoticed. He said that they give children the opportunity to go to the Town Camp, it was a well-run camp and the children enjoy it. The Town Clerk said that there was going to Voter Registration at the Town House on Saturday October 13, 2012 from 12:00 PM to 9:00 PM. She said that anyone had not registered to vote they could do so on that day.

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

Execute waiver of conflict consent to representation by the Law Office of Thomas K. Moore

1. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute waiver of conflict consent to representation by the Law Office of Thomas K. Moore per letter dated September 11, 2012 from Eric D. Feldman.

Authorize repair and painting from water damage in the main hallway at the Wright Reis House by Paul's Painting

2. RESOLVED, that the Town Board does hereby authorize repair and painting from water damage in the main hallway at the Wright Reis House by Paul's Painting who was selected for his expertise in Historical Painting in the amount of \$2,750.00.

Authorize payment to Highway employees for shoe allowance

3. RESOLVED, that the Town Board does hereby authorize payment to Highway employees for shoe allowance per Union contract retroactive to September 28, 2012, per memo dated September 20, 2012 from Thomas E. Chiaverini, Superintendent of Highways.

Refer a Stop Sign request at the fork (southeast corner) of Wood Street

4. RESOLVED, that the Town Board does hereby refer a Stop Sign request at the fork (southeast corner) of Wood Street before it enters the main part of Wood Street to Somers Police and Engineering per memo dated September 19, 2012 from Thomas E. Chiaverini, Superintendent of Highways.

Donation from the Somers Lions Club to provide scholarships for Day Camp participants

5. RESOLVED, that the Town Board does hereby authorize acceptance with gratitude of \$3,375.00 donation from the Somers Lions Club to provide scholarships for Day Camp participants per memo dated September 25, 2012 from Steven Ralston, Superintendent of Parks and Recreation.

Accept Erosion Control Bond

6. RESOLVED, that the Town Board does hereby accept for following Erosion Control Bonds per memos from Wendy Getting, Senior Office Assistant:

- a. \$17,175.00 – Mancini Building Corp. for (Merritt Park Subdivision) – Erosion Control Bond – 5.20-1-1.
- b. \$ 955.00 – Naclerio Erosion Control Bond – 4.20-1-7.
- c. \$ 200.00 – Roma Pools (Jensen/Roma) – Stormwater Management & Erosion & Sediment Control Bonds – 37.09-1-29.
- d. \$3,778.00 – Sussman Mobil Station – Erosion Control Bond – 17.18-1-2.
- e. \$ 200.00 – Schmidberger Stormwater Management & Erosion & Sediment Control Bond – 16.17-2-5.

Return Erosion Control Bonds

7. RESOLVED, that the Town Board does hereby authorize the return of the following Erosion Control Bonds per memos dated September 7, 2012 from Steven Woelfle, Principal Engineering Technician:

OCTOBER 11, 2012 – REGULAR MEETING

- a. \$200.00 – RVB Mechanical Corp. (Barzelatto) – Stormwater Management & Erosion Sediment Control Permit – 16.11-1-15.5.
- b. \$500.00 – Nejame & Sons of Danbury, LLC (Jandrasits) – Wetland Permit 26.12-2-30.

Budget
Modifications

- 8. RESOLVED, that the Town Board does hereby authorize approval of the following Budget Modifications per memo dated October 5, 2012 from Mary Beth Murphy, Supervisor:

RESOLVED, that the Town Board does hereby authorize a budget modification for the purchase of Federal Surplus Vehicles/Equipment per memo dated September 25, 2012 from Thomas E. Chiaverini, Superintendent of Highways:

From: Highway – 5140.4 – Brush \$15,000.00

To: Highway – 5130.4 – Machinery \$15,000.00

RESOLVED, that the Town Board does hereby authorize a budget modification to accept donation from the Somers Lions Club funding of Senior Special Event Programs per memo dated September 25, 2012 from Steven Ralston, Superintendent of Parks & Recreation:

From: A-2709 – Gifts & Donations \$1,000.00

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

RESOLVED, that the Town Board does hereby authorize a budget modification to equip surplus vehicle with plows & salt spreaders per memo dated September 26, 2012 from Thomas E. Chiaverini, Superintendent of Highways:

From: Highway – 5142.4 – Snow Contractual \$40,000.00

To: Highway – 5130.2 – Machinery Equipment \$40,000.00

RESOLVED, that the Town Board does hereby authorize a budget modification to provide for shortfall on Zoning budget line per memo dated September 10, 2012 from Efreem Citarella, Building Inspector:

From: A3620.1 – Safety Inspections – Personal Services \$600.00

To: A8010.1 – Zoning Board of Appeals Transfer of Funds \$600.00

RESOLVED, that the Town Board does hereby authorize a budget modification for Tax office personnel not expected to work at Highway for the remainder of the year 2012 per memo dated September 28, 2012 from Robert Kehoe, Director of Finance:

From: 001-5010-01 – Supt. of Highways – Personal Services \$9,916.88

To: 001-1330-01 – Tax Collection – Personal Services \$9,916.88

RESOLVED, that the Town Board does hereby authorize a budget modification for the repair of Police vehicle 7K388 per memo dated October 5, 2012 from Michael W. Driscoll, Police Chief:

From: 001-3120-01 – Police – Personal Services \$1,500.00

To: 001-3120.04 – Police – Contractual \$1,500.00

Execute a four (4) year Agreement with Bria Carting for garbage and recycling pickup

- 9. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute a four (4) year Agreement with Bria Carting for garbage and recycling

OCTOBER 11, 2012 – REGULAR MEETING

pickup at the Parks two (2) locations, Town Hall and Highway for a total monthly charge of \$1,517.80 (to be billed separately beginning January 1, 2013 through December 31, 2016).

- | | |
|---|--|
| Request for Proposals | 10. RESOLVED, that the Town Board does hereby authorize Request for Proposals for the following: |
| | a. Bi-Annual Boiler/Central Air Conditioner Servicing. |
| | b. Emergency and Non-Emergency Electrical Work. |
| | c. Emergency and Non-Emergency Plumbing Work. |
| Amend resolution dated January 5, 2012 re: Holiday pay rate to omit Dog Control Officer | 11. RESOLVED, the Town Board does hereby amend resolution dated January 5, 2012 re: Holiday pay rate to omit Dog Control Officer from the resolution. |
| Authorize the Supervisor to pay L. Mark Construction, Inc. progress payments for work completed | 12. RESOLVED, that the Town Board does hereby authorize the Supervisor to pay L. Mark Construction, Inc. progress payments for work completed by October 26, 2012 in an amount not to exceed \$170,500.00. |
| Refer SEEC PACE Financing | 13. RESOLVED, that the Town Board does hereby refer SEEC PACE Financing to the Receiver of Taxes, Assessor and Town Attorney for review and comment. |
| Execute the IMA renewal with Westchester County for Cablevision Lightpath | 14a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the IMA renewal with Westchester County for Cablevision Lightpath, Inc. voice/data services per letter dated October 10, 2012 from Ana Hiraldo-Gomez, Manager of IT Services & Education. |
| Execute Letter of Authorization with Lightpath for transfer of Verizon numbers to Lightpath | 14b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Letter of Authorization with Lightpath for transfer of Verizon numbers to Lightpath |
| Execute application for Justice Court Assistance Program Grant | 14c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute application for Justice Court Assistance Program Grant in the amount of \$8,800.00 |
| Execute an Agreement with Brick Tavern Concrete Products | 14d. RESOLVED, that the Town Board does hereby accepts proposal and authorizes the Supervisor to execute an Agreement with Brick Tavern Concrete Products in the amount of \$25,920.00 for the purchase, delivery and installation of a 12 x 20 Concession Stand per memo dated October 8, 2012 from Steven Ralston, Superintendent of Parks & Recreation. |
| Announce "Annual Bulk Drop Off Days" | 15. RESOLVED, that the Town Board does hereby announce "Annual Bulk Drop Off Days" for Saturday October 20, 2012 through November 17, 2012. |
| Authorize Valuation Plus, Inc., to provide preliminary appraisal services | 16. RESOLVED, that the Town Board does hereby authorize Valuation Plus, Inc., to provide preliminary appraisal services per memo dated September 27, 2012 letter to Roland A. Baroni, Town Attorney. |
| Refer concerns regarding confusion between road name of Horton Drive and Horton Road | 17. RESOLVED, that the Town Board does hereby refer concerns regarding confusion between road name of Horton Drive and Horton Road to Engineering Department, Highway, Police Chief and Assessor for review and comment. |
| Authorize reimbursement of meal allowance | 18. RESOLVED, that the Town Board does hereby authorize reimbursement of meal allowance to Robert Kramer in the amount of \$90.00 per memo dated September 21, 2012 from Thomas E. Chiaverini, Superintendent of Highways. |
| Resignation of J. Gilbert from the Somers Energy Environment Committee | 19. RESOLVED, that the Town Board does hereby acknowledge the resignation of Mr. John Gilbert from the Somers Energy Environment Committee effective September 23, 2012. |
| Execute agreement for InterSchola to liquidate the Skate Park equipment | 20. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute agreement for InterSchola to liquidate the Skate Park equipment per |

OCTOBER 11, 2012 – REGULAR MEETING

memo dated October 10, 2012 from Steven Ralston, Superintendent of Parks and Recreation.

The Supervisor announced that the Town was partnering with Somers Sanitation for the Annual Bulk Drop Off Day. She said that the dates for that were October 20, 2012 to November 17, 2012 and the details with regard to that were available on the Town website. She said that they would also have flyers and send out an e-mail blast with regard to that.

The Supervisor said that they had gotten a number of residents that had signed up for the CODE Red System, the emergency phone system. She said that just because residents were getting a phone call from the Town in their home did not mean that they would get a phone call on their cell if the home phone was not working. She explained how to sign up for CODE Red and told them please to add their cell phone numbers and e-mail addresses then there would be multiple ways to get notifications in case of emergencies.

Claims for the payment of all Town Bills in the amount of \$842,953.70 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 8:50 PM.

Town Clerk