

OCTOBER 14, 2010 – REGULAR MEETING

Minute of the regular meeting of the Town Board of the Town of Somers held on Thursday evening October 14, 2010 at 7:40 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT: Supervisor Mary Beth Murphy
 Councilman Harold R. Bolton
 Councilman Richard G. Clinchy
 Councilman Frederick J. Morrissey
 Councilman Thomas A. Garrity, Jr.

ABSENT:

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

The Supervisor said that she had announcements that she wanted to make before the Board started with the agenda. She said that the Community YMCA was having their 15th Annual Halloween Parade, Sunday October 24th and lineup will be at 1:45 PM at the Somers Post Office. She said that on Saturday, October 23rd the Angle Fly Preserve was having Make-A-Difference Day, from 9:00 AM to 4:00 PM, go over to the Angle Fly and make a difference. Councilman Clinchy said that there was also the tour at 1:00 PM. The Supervisor said that there was the Inaugural Hike to open the Blue Trail. She said that Hometown History Pros and Poetry was going to be on Saturday October 23rd, at 2:00 PM at the Elephant Hotel. She said that the Annual Bulk Refuse Drop-off would be from Saturday, October 16th to Saturday November 13th. Councilman Clinchy said that the County was having their Household Recycling Day on that Friday and Saturday at FDR Park in Yorktown.

The Supervisor said that it was in order for the Board to open a public hearing with regard to a proposed amendment to Section 170-13.2 Article IIA Conservation Zoning.

7:45 PM – hearing open
7:46 PM – meeting reconvened

PUBLIC COMMENT:

Ms. Carol Sturtz, Co-Chair of the Library Committee of the League of Women Voters, said that the League considered the Library an essential of the Town and formed the committee to build community support for the Library. She said that Somers did not have a Community Center and the Library was filling that need, offering a wide range of services. She continued that currently they had been forced to curtail their hours and other services as well as putting needed repairs on hold. Ms. Sturtz said that they believed that the Library was the heart of the Community therefore, they were urging the Town Board to consider the Library at budget time.

Approval
of the
minutes

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

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

RESOLVED, that the Town Board does hereby approve the minutes of the August 5, 2010 Public Hearing regarding Comcast Franchise Agreement; the August 5, 2010 Public Hearing regarding Best Plumbing Supply Special Exception Use Permit; the August 5, 2010 Public Hearing regarding Proposed Stop Sign at Pines Bridge Road and Laura Lane; the August 5, 2010 Work Session/Regular Meeting; the August 26, 2010 Special Meeting and the August 26, 2010 Public Hearing regarding NYS Retirement Incentive.

Monthly
reports

The Town Clerk presented monthly reports from the Town Clerk, Building Inspector, Parks and Recreation, Tax Receiver, Director of Finance, Planning and Engineering, Zoning, Plumbing and Bureau of Fire Prevention. She also announced that pursuant to

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Section 64, Subdivision 2a of the Alcoholic Beverage Control Law, Hana's Japanese Restaurant, Inc., Somers Town Centre was renewing their liquor license.

Grant extension for the Angle Fly Trails Project

The next item on the agenda was with regard to an extension with the New York State Office of Parks, Recreation and Historic Preservation for the Angle Fly Trails Project.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute a grant extension with the New York State Office of Parks, Recreation and Historic Preservation for the Angle Fly Trails Project, Contract No. RTP-07-TA-12 extending the project term to December 31, 2011 per memo dated October 4, 2010 from Steven Ralston, Superintendent of Parks and Recreation.

Donation of replacement patio at Angle Fly Preserve

The Supervisor said that the next item of the agenda was the removal of the old patio and replacement with a seating area at the Angle Fly Preserve. She thanked Mr. Carino for his donation.

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

RESOLVED, that the Town Board does hereby accept with gratitude for the removal of the old patio and construction of a new blue stone patio and seating area at the Angle Fly Preserve by Pasquale Carino, Con-Tech Construction Technologies, Inc. of Yorktown Heights, NY, per memo dated October 4, 2010 from Steven Ralston, Superintendent of Parks and Recreation.

Donation of paving repair at Koegel Park

The next item was paving repairs at Koegel Park. The Supervisor thanked Mr. Koegel for his help and donation.

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

RESOLVED, that the Town Board does hereby accept with gratitude the paving repairs for the Koegel Park Drive, arranged by William Koegel and funded by the Koegel Foundation, per memo dated October 4, 2010 from Steven Ralston, Superintendent of Parks and Recreation.

Purchase of Clear Span Footbridge

The Supervisor said that the next item was a proposal from E.T. Technotics for the purchase of a Clear Span Footbridge.

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

RESOLVED, that the Town Board does hereby accept proposal from E.T. Techtonics for the purchase of a "Clear Span Footbridge" from E.T. Techtonics and for the Supervisor to execute said agreement in the amount of \$18,500.00 for which funding will be reimbursed by the Trails Grant, per memo dated October 4, 2010 from Steven Ralston, Superintendent of Parks and Recreation.

Award bid for Reis Park Subsurface Sewage Treatment System Replacement

The next item on the agenda was to award bid for Reis Park Subsurface Sewage Treatment System Replacement.

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

RESOLVED, that the Town Board does hereby award bid for the Reis Park Subsurface Sewage Treatment System Replacement and authorizes the Supervisor to execute contract with United Septic & Excavation Corp. in the amount of \$89,740.00, and consider the bid from Earth Alterations as non-responsive per memo dated October 8,

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2010 from Steven Ralston, Superintendent of Parks and Recreation. The bids received were as follows:

United Septic & Excavation Corp.	\$ 89,740.00
Landscape Unlimited, Inc.	\$137,000.00
Svoboda Bulldozing & Trucking	\$143,900.00
WD Excavation & Contracting, Inc.	\$155,000.00
Alfredo Site Development Corp.	\$155,400.00
Clearwater Excavating Corp.	\$192,271.87
Earth Alterations, LLC	\$202,510.00

Clayton
Boulevard

The Supervisor said that the next item on the agenda was with regard to executing the contract and adopt a budget for Clayton Boulevard. The Town Attorney said that subject to the Town's receipt of the additional deposit \$182,635.00, the wire transfer had not yet been received. The Supervisor said that it will be subject to both the Town Attorney and the Engineer's approval.

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

RESOLVED, that the Town Board does hereby award bid for the Clayton Blvd project. to Brennan Construction Co. in the amount of \$1,211,500.00 and,

DOES HEREBY, authorize the Supervisor to execute contract with Brennan Construction Co., and adopt the budget as set forth in a memo dated October 13, 2010 from Joseph C. Barbagallo, P. E., Consulting Engineer. The bids received were:

Brennan Construction Co.	\$1,211,500.00
Petrillo Contracting Inc.	\$1,287,000.00
Abbott & Price, Inc.	\$1,493,325.00
Landi Contracting, Inc.	\$1,863,300.00

Auditing
claims for
November

The Supervisor said in order to meet the scheduling of the Finance Department the Board would be auditing November's Claims at the Special Meeting at the end of the budget hearings.

NYSEG
relocation
of a pole to
the Angle
Fly
Preserve

The next item was with regard to NYSEG relocation of a pole to the Angle Fly Preserve. The Supervisor said that NYSEG explained to her that the pole had to be placed directly across from where it currently is. Councilman Bolton said that he had met Councilman Morrissey out there and they had issues with where it was placed. The Supervisor said that she had concerns with the Town Board deciding where the pole should go. Discussion ensued with regard to the issues of the proposed pole placement. The Supervisor said that she will contact NYSEG and explain the Board's issues to them and they did not wish to grant them the easement at this time.

PERSONNEL:

Current Vacancies:

- Substance Abuse Council (1 – 3 year term to December 31, 2012)
- Substance Abuse Council (1 – 3 year term to December 31, 2013)

Upcoming Vacancies:

- Library Board of Trustees (1 – 5 year term to December 31, 2015)
- Planning Board (1 – 7 year term to December 31, 2017)
- Substance Abuse Council (2 - 3 year terms to December 31, 2013)
- Zoning Board of Appeals (1 – 5 year term to December 31, 2015)

Retirement
of D.
O'Connor
and Kevin
O'Connor

The Supervisor said that it was in order to announce that Donna O'Connor and Kevin O'Connor had both submitted their letters of intent to retire from the Parks and Recreation Department under the Retirement Incentive. She said that they both had

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worked for the Town for many years and had been wonderful employees to the Town. She continued that they both will be sorely missed.

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

RESOLVED, that the Town Board does hereby accept the resignation of Donna O'Connor and Kevin O'Connor who both submitted their letters of intent to retire from the Parks and Recreation Department after many years of service under the Retirement Incentive effective December 28, 2010, and thanks them for their many years of service to the Town

Consensus agenda

The Supervisor said that the next item was the consensus agenda. She said with regard to item number 7 it was being removed. Councilman Clinchy asked with regard to item number 10 there was a budget transfer for fireworks, how much did the Town actually collect. The Supervisor said that they collected \$9,985.00, afterwards they received a donation of \$1,000.00 in connection with a Triathlon and took an additional \$15.00 from that. She said that there were very generous donor and the participation was broad and she was hopeful they will be able to do that again.

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

Shenorock Park District Proposal

1. RESOLVED, that the Town Board does hereby acknowledge the following relating to the Shenorock Park District Proposal:
 - a. Acknowledge submission to the Town Clerk of Petition to create a Shenorock Park District.
 - b. Announce the Town Board Special Informational Meeting for Thursday, October 21, 2010, 7:00 P.M. at the Somers Middle "School to discuss the proposed Shenorock Park District.

Find and Assist Veterans of Record (FAVOR) Program

2. RESOLVED, that the Town Board does hereby encourage local business participation in the "Find and Assist Veterans of Record (FAVOR) Program, as described in the September 9, 2010 letter from County Executive Robert P. Astorino.

Authorize Refunds and Credit of Real Property

3. RESOLVED, that the Town Board does hereby authorize the Refunds and Credit of Real Property as stated in September 21, 2010 memo from Glenn Droese, Assessor and a waiving of penalty and interest as stated in October 5, 2010 memo from Supervisor Mary Beth Murphy.

Bid - NYSERDA Grant Lighting Efficiency Project

4. RESOLVED, that the Town Board does hereby authorize going to bid for NYSERDA Grant Lighting Efficiency Project and,

DOES HEREBY, authorize the Supervisor to execute Amendment No. 1 to Agreement No. 19544.

Energy Manager Contracts

- 5a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Energy Manager Contracts with Frank Maricic and Jerry Robork in the amount of \$80,000.00.

Annual contract with Spring Hill Kennels

- 5b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute annual contract with Spring Hill Kennels in the amount of \$65.00 per month plus \$29.00 per dog per 24 hour boarding period for the year 2011.

Application to NYCDEP for the use of city owned land for trails at the Angle Fly Preserve

- 5c. RESOLVED that the Town Board does hereby authorize the Supervisor to execute application to NYCDEP for the use of city owned land for trails at the Angle Fly Preserve and authorizes a payment of a \$25.00 permit fee.

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Payroll Account for employee funded AFLAC deductions

5d. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute a Payroll Account for employee funded AFLAC deductions.

Archives Month

6a. RESOLVED, that the Town Board does hereby authorize resolution of support declaring October 2010 as “Archives Month” in the Town of Somers

WHEREAS, the historical records of the Town of Somers are crucial to the way we understand our past and plan for our future; and,

WHEREAS, these records have been professionally administered and made accessible by dedicated, yet often unheralded, archivists; and,

WHEREAS, the work of these archivists and the importance of these records programs seldom receive the recognition they deserve;

NOW THEREFORE, the Town Board declares the period of October 1, 2010 through October 31, 2010 to be “Archives Month” throughout the Town of Somers and urges the fellow citizens of the Town to participate in the special activities and learn more about the importance of archives and historical records in our community.

Annual Town Bulk Refuse Drop-Off

6b. RESOLVED, that the Supervisor announces the Annual Town Bulk Refuse Drop-Off from October 16, 2010 through Saturday, November 13, 2010.

7. REMOVED

Accept Erosion Control Bonds

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

- a. \$996.00 Opengate, Inc. Parking Lot Expansioin – 17.06-1-3.
- b. \$100.00 Kaplan Stormwater Management & Erosion & Sediment Control – 5.18-1-27.
- c. \$300.00 Kauffman Wetland & Stormwater Management & Erosion & Sediment Control – 17.12-2-2.11.
- d. \$100.00 Fischer – Wetland Permit – 48.13-1-11.
- e. \$200.00 Kuan Jung Corp. – Wetland Permit – 17.11-10-20.

Refund Bonds

9. RESOLVED, that the Town Board does hereby authorize the following refunds per memos from Steven Woelfle, Principal Engineering Technician:

- a. \$ 500.00 Stonewall Farm – Wetland Permit – 15.15-1-3, 15.16-2-10, 15.19-1-1, & 15.20-1-1.
- b. \$ 100.00 Hanrahan Wetland Permit – 16.16-2-36.
- c. \$3,000.00 Mazzola Site Plan – Bond for incomplete items – 17.15-1-5.
- d. \$ 890.25 Mazzola Site Plan – Erosion Control Bond – 17.15-1-5.
- e. \$ 25.00 Cawley Tree Preservation Permit – 26.20-2-35.
- f. \$ 25.00 Azimi Tree Preservation Permit – 26.08-1-14.
- g. \$ 248.00 North County Homes, Inc. Erosion Control Bond – 16.05-3-86 & 87.

Budget modifications

10. RESOLVED, that the Town Board does hereby authorize the following budget modifications per memo dated October 1, 2010 and revised October 14, 2010 from Mary Beth Murphy, Supervisor:

RESOLVED, that the Town Board does hereby authorize a budget modification to increase 2010 budget to allow payment for interim grand funds per memo from Joan E. Kachmarik, Director of Finance:

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From: Increase Fund – 001-3090 – State Aid – Other, General NYS Grant
To: Increase Fund – 001-1620.405 – Bldgs. Contractual Maintenance
\$61,597.11

RESOLVED, that the Town Board does hereby authorize a budget modification to provide monies for budget overage until the end of the year per memo dated September 13, 2010 from Barbara J. Sherry, Confidential Secretary to the Supervisor.

From: 1220.4 – Supervisor – Contractual
To: 1220.11 – Supervisor – Overtime \$850.00

RESOLVED, that the Town Board does hereby authorize a budget modification to increase the 210 budget for interim grant funds for a highway resurfacing project per memo dated September 27, 2010 from Joan E. Kachmarik, Director of Finance:

From: 002-4589 – Federal Aid Transportation Equity Act
To: 002-5110.402 – General Repairs Contractual Paving \$310,320.00

RESOLVED, that the Town Board does hereby authorize a budget modification to increase the budget for 80% of 2010 payments to vendors for Angle Fly expenditures funded by a NYS grant per memo dated September 16, 2010 from Steven Ralston, Superintendent of Parks and Recreation:

From: 001-390 – State Aid – Other General NYS Grant
To: 001-7110.4 – Parks – Contractual \$1,084.60

RESOLVED, that the Town Board does hereby authorize a budget modification to increase the General Fund budget for donations that provided funding for the fireworks expenditure per memo dated October 12, 2010 from Joan E. Kachmarik:

From: 001-2709 – Gifts & Donations – Misc.
To: 001-7550.44 – Special Events – Fireworks \$10,000.00

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| Return snow maintenance deposit | 11. RESOLVED, that the Town Board does hereby authorize return of \$4,450.00 Snow Maintenance Deposit to Katonah Crossing (the Farm, Country Hollow) per memo dated October 1, 2010 from Steven Woelfle, Principal Engineer Technician. |
| Reappoint J. Ceriale to Assessment Review Board | 12. RESOLVED, that the Town Board does hereby authorize reappointment of Joseph Ceriale to the Assessment Board of Review to a five (5) year term ending September 31, 2015. |
| Hire J. DeCrenza – Highway | 13. RESOLVED, that the Town Board does hereby announce the hiring of Jaycen DeCrenza as Full-Time Road Maintainer for the Somers Highway Department effective September 29, 2010 at an annual salary of \$45,000.00 (per Union Contract 90% of salary for the first 6 months-\$40,500.00, then 95% for the next 6 months-\$42,750.00) per memo dated September 30, 2010 from Thomas E. Chiaverini, Superintendent of Highways. |
| Refund SEQRA Fee | 14. RESOLVED, that the Town Board does hereby authorize a refund of \$565.13 SEQRA Fee for The Farm Subdivision (Country Hollow) per memo dated October 8, 2010 from Sabrina D. Charney-Hull, AICP, Town Planner. |
| Schedule Public Hearing | 15. RESOLVED, that the Town Board does hereby authorize the scheduling of a Public Hearing on November 18, 2010 for proposed Stop Signs: |

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- a. Three Way Stop Sign at the intersection of Country Hollow Road and Corral Court.
- b. Southwest corner of Country Hollow and Mahopac Avenue.

Accept of Pines Bridge
Road Extension and
Brook Hollow Court

16. RESOLVED, that the Town Board does hereby authorize acceptance of Pines Bridge Road Extension and Brook Hollow Court, upon receipt of Maintenance Bond as required by Section 150-16 of the Town Code pending Town Attorney approval per memo dated October 13, 2010 from Steven Woelfle, Principal Engineer Technician.

Reduce
Performance
Bond –
Windsor
Farms

17. RESOLVED, that the Town Board does hereby authorize reduction of the Performance Bond posted for the Windsor Farms Subdivision (AKA Meadow Ridge Homes) and that it be reduced from the original amount of \$1,327,961.00 which was reduced to the current bond amount of \$221,016.00 less the requested reduction amount of \$47,912.00 for work completed and that it be reduced to \$173,104.00 which was recommended by the Consulting Town Engineer and Principal Engineering Technician per memo dated October 14, 2010 from Marilyn Murphy, Planning Board Secretary.

Councilman Garrity wished everyone a safe Halloween.

The Supervisor said that there was a meeting before Veteran's Day although she will announce this now, there will be a parade to Ivandell Cemetery and a ceremony at the Veteran's Memorial on November 11th.

The Supervisor reminded everyone of the announcements that she had made at the beginning of the meeting.

The Supervisor said that the Board was having a Special Meeting to discuss the Shenorock Park District on October 21st at the Somers Middle School at 7:00 PM. She said that the consultants will be present and she encouraged everyone in Shenorock to be there. She said that there was a petition submitted to the Town to create the district and since then there had been people who had wanted to add or remove their names from the petition. The Supervisor continued that she had been asked if there was a cutoff for that. She said that the cutoff to add and remove names was when the public hearing was scheduled. She said that had not yet been done. The meeting scheduled for October 21st was not a public hearing it was just an informational meeting. Councilman Clinchy asked if the meeting was going to be taped and played on the television. The Supervisor said that it would be, it could not be done live because they would be at the Middle School but as fast as possible it will be put on-line and on television. She encouraged as many people as possible to be there to ask the questions that they may have.

Ms. Lola Margulies, 606 D Heritage Hills, said that she had public comment and asked if she could give it now. She said that political signs were not permitted in Somers. She asked when the issue was going to be addressed and enforced. The Supervisor explained the process and that it was being enforced, the signs were being picked up although they were being replaced as quickly as they were being picked up.

Claims for the payment of all Town Bills in the amount of \$1,395,072.17 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 8:15 PM.

Town Clerk

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