

NOVEMBER 10, 2010 – SPECIAL MEETING

Minutes of a Special Meeting of the Town of Somers held on Wednesday evening, November 10, 2010 at 7:30 PM at the Somers Library, Route 139, 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 was Kathleen R. Pacella, Town Clerk

The Supervisor said that it was in order for the Board to enter into an executive session with regard to personnel matters.

Thereupon motion of Supervisor Murphy, seconded by Councilman Garrity the meeting was adjourned to an executive session with regard to personnel matters at 7:40 PM to return that evening.

8:35 PM – meeting reconvened

The Supervisor said the Board was not prepared to adopt a Preliminary Budget that night but the Board will be having another meeting next Thursday and they should be prepared at that time to adopt the budget. She said that there were two items to be acted on this evening.

The Supervisor said it was in order to adopt a resolution regarding execution of a contract for the Town House Annex Air Conditioning.

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 contract with C. F. Air Conditioning & Heating, Inc. for the Town House Annex Air Conditioning in the amount of \$19,800.00, as authorized by Town Board resolution dated July 8, 2010, which is being funded by a NYS Grant.

The Supervisor said the second item was with regard to authorize expenditure in legal fees to challenge the New York City Department of Environmental Protection's Water Supply Permit in order to obtain additional funding for MS4 heightened storm water permit compliance.

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

RESOLVED, that the Town Board does hereby authorize expenditure for legal fees to challenge New York City Department of Environmental Protection's Water Supply Permit to obtain additional funding for MS4 heightened storm water permit compliance,

WHEREAS, the Town of Somers is located in the Croton Watershed and as such is subject to heightened phosphorous removal requirements in its MS4 permit, and

WHEREAS, the purpose of the heightened MS4 permit requirements places a severe financial burden on the taxpayers of the Town of Somers, and

WHEREAS, the Town of Somers has joined with other municipalities in the Croton Watershed to form the Croton Kensico Watershed Inter-Municipal Coalition (CKWIC) to work for more rationale and cost effective MS4 requirements and/or additional outside

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funding from New York City, New York State and other sources to fund the retrofit measures required to comply with the MS4 permit, and

WHEREAS, the CKWIC communities have decided that it is in their collective best interest to join in a regional Legal Defense Fund with similarly affected municipalities in Westchester County, as well as Putnam County, to retain legal counsel to prepare and submit comments during the public hearing process on New York City DEP's request to renew its water supply permit and to negotiate with the DEP and the DEC on various aspects of the MS4 permit,

NOW THEREFORE, be it resolved that the Town Board authorizes the payment of up to \$5,000.00 for the aforementioned regional Legal Defense Fund.

Supervisor Murphy asked the Board if they had reviewed the Audit of Claims. She said that this was a difficult budget year and thanked the Board and staff for their cooperation and she does expect to adopt a Preliminary Budget at next week's meeting.

Claims for the payment of all Town Bills in the amount of \$990,027.01 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 8:55 PM.

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Town Clerk