

NOVEMBER 12, 2015 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening November 12, 2015 at 6:30 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT: Supervisor Rick Morrissey
 Councilman Thomas A. Garrity, Jr.
 Councilman Anthony J. Cirieco
 Councilman William G. Faulkner

ABSENT: Councilman Richard G. Clinchy

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

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

Thereupon motion of Supervisor Morrissey, seconded by Councilman Faulkner, the meeting was adjourned to an executive session at 6:30 PM with regard to personnel and real estate to return that evening.

7:05 PM – meeting reconvened

Councilman Clinchy present at 7:05 PM.

The Supervisor said that it was in order for the Board to open a public hearing with regard to the proposed 2016 Water Rate Charges for the Amawalk Shenorock Water District, Windsor Farms Water District and the Amawalk Heights Water District.

7:05 PM – hearing open
7:06 PM – meeting reconvened

The Supervisor said that it was in order to adopt the proposed 2016 Water Rate Charges for the Amawalk Shenorock Water District, Windsor Farms Water District and the Amawalk Heights Water District.

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

RESOLVED, that the Town Board does hereby adopt the increase of the 2016 Water Rate Charges for the Amawalk Shenorock Water District, Windsor Farms Water District and the Amawalk Heights Water District per memo dated September 24, 2015 from Adam Smith, Superintendent of Water and Sewer.

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 Section 170-70.L. entitled Accessory Apartments of the Code of the Town of Somers.

7:07 PM – hearing open
7:08 PM – meeting reconvened

The Supervisor said that it was in order for the Board to adopt a Local Law to amend Section 170-70.L. entitled Accessory Apartments of the Code of the Town of Somers.

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

NOVEMBER 12, 2015 – REGULAR MEETING

RESOLVED, that the Town Board does hereby adopt a Local Law to amend Section 170-70.L. entitled Accessory Apartments of the Code of the Town of Somers as follows:

A Local Law to amend Chapter 170 entitled ZONING of the Code of the Town of Somers.

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

1. Section 170-70 L. is hereby amended to read as follows:

L. A copy of the original special exception use permit and of each renewal permit, signed by the owner of the subject property, shall be filed in the office of the Building Inspector within 30 days of approval of the permit. The permit shall list all applicable conditions and the term of the permit and, in addition, state that the permit shall become null and void if any conditions are not complied with and if the owner of the property ceases to occupy one of the dwelling units on the premises as his legal residence.

2. 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:

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

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

The Supervisor said that the first item of the agenda was with regard to the 2016 Budget.

Set the salaries for the Elected Officials

The Supervisor said that the first order of business was to set the salaries for the Elected Officials. He said that the salaries that they were setting were for the Supervisor, Town Board, Town Clerk and Superintendent of Highways. He said that the Tentative Budget had increases to the Highway Superintendent and Councilmen’s Salaries and the current CSEA’s 1.75% increase. Discussion ensued with regard to salary increases for the Town Board members.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Garrity,

RESOLVED, that pursuant to Section 108 of Town Law, the Town Board does hereby specify the proposed salaries to be included in the Notice of Public Hearing on the Preliminary Budget for the year 2016 and does give an increase of 1.75%:

Town Board \$12,395.00

VOTE: AYES: Supervisor Morrissey, Councilman Ciriaco, Councilman Garrity
NAYS: Councilman Faulkner and Councilman Clinchy

The Supervisor said that it was in order to set the salary for the Superintendent of Highways.

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

NOVEMBER 12, 2015 – REGULAR MEETING

The Supervisor said that it was in order for the Board to declare their intent to be Lead Agency for this action.

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

RESOLVED, that the Town Board does hereby declare their intent to be Lead Agency for the Minor text amendment to the MFR-BP District, Section 170-13, Multi-family Residence MFR District needed due to change for Hidden Meadow.

The Supervisor said that they also needed to authorize distribution of Lead Agency and Environmental Assessment Form.

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

RESOLVED, that the Town Board does hereby authorize distribution of Lead Agency and Environmental Assessment Form for the Minor text amendment to MFR-BP District, Section 170-13, Multifamily Resident MFR District needed due to change for Hidden Meadow.

The Supervisor said that it was in order to schedule Public Hearing for December 10, 2015.

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

RESOLVED, that the Town Board does hereby schedule Public Hearing for December 10, 2015 for minor text amendment to MFR-BP District, Section 170-13, Multifamily Residence MFR District needed due to change for Hidden Meadow.

The Supervisor said that the next item with regard to the adoption of amended Town of Somers Zoning Map.

The Supervisor said that it was in order for the Board to declare their intent to be Lead Agency for this action.

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

RESOLVED, that the Town Board does hereby declare their intent to be Lead Agency for the adoption of the Amended Town of Somers Zoning Map.

The Supervisor said that they also needed to authorize distribution of Lead Agency and Environmental Assessment Form.

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

RESOLVED, that the Town Board does hereby authorize distribution of Lead Agency and Environmental Assessment Form for the adoption of the Amended Town of Somers Zoning Map.

The Supervisor said that it was in order to schedule Public Hearing for December 10, 2015.

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

RESOLVED, that the Town Board does hereby schedule Public Hearing for December 10, 2015 for the adoption of the Amended Town of Somers Zoning Map.

Series of items -
adoption of
amended Town
of Somers
Zoning Map

NOVEMBER 12, 2015 – REGULAR MEETING

Series of items -
Draft
Comprehensive
Plan update
2015

The next item was with regard to the Draft Comprehensive Plan update 2015.

The Supervisor said that it was in order for the Board to declare their intent to be Lead Agency for this action.

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

RESOLVED, that the Town Board does hereby declare their intent to be Lead Agency for the Comprehensive Draft Comprehensive Plan Update 2015.

The Supervisor said that they also needed to authorize distribution of Lead Agency and Environmental Assessment Form.

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

RESOLVED, that the Town Board does hereby authorize distribution of Lead Agency and Environmental Assessment Form for the Comprehensive Draft Comprehensive Plan Update 2015.

The Supervisor said that it was in order to schedule Public Hearing for December 10, 2015.

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

RESOLVED, that the Town Board does hereby schedule Public Hearing for December 10, 2015 for the Comprehensive Draft Comprehensive Plan Update 2015.

Grant
application
for Solar
Panels

The Supervisor said that they needed to add an item under Town Board. He explained that there was a grant application they needed to authorize the Supervisor to execute for Solar Panels for the Highway Garage and the Library from Senator Murphy’s Office.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the grant application for solar panels for the Highway garage and Library from Senator Murphy.

PERSONNEL:

Current Vacancies:

- Somers Energy Environmental Committee
- Affordable Housing Board (5 – unexpired 2 year terms ending July 11, 2015)

Upcoming Vacancies:

- Assessment Board of Review (1 – 5 year term ending September 30, 2020)
- Zoning Board of Appeals (1 – unexpired term ending December 31, 2020)

Appoint .M.
Zywotchenko
to SEEC

The Supervisor said that it was in order for the Board to authorize the appoint Ms. Marialisa Zywotchenko to the Somers Energy and Environment Committee.

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

RESOLVED, that the Town Board does hereby appoint Marialisa Zywotchenko to the Somers Energy & Environment Committee to serve at the pleasure of the Board.

NOVEMBER 12, 2015 – REGULAR MEETING

Councilman Clinchy pointed out the on Wednesday, November 18th at 7:00 PM at the Somers Library these was going to be a Solarize Informational Session and signup.

Reappoint E. Morrissey to the Assessment Board of Review

The Supervisor said that it was in order for the Board to authorize re-appointment of Mr. Eric Morrissey to the Assessment Board of Review for a 5 year term ending September 30, 2020. The Supervisor said that he would be recusing himself from this motion.

Thereupon motion of Councilman Garrity, seconded by Councilman Cirioco, it was,

RESOLVED, that the Town Board does hereby reappoint Eric Morrissey to the Assessment Board of Review to a five (5) year term ending September 30, 2020.

VOTE: AYES 4 Councilmen Clinchy, Cirioco, Faulkner & Garrity
 RECUSED 1 Supervisor Morrissey

Consensus agenda

The next item on the agenda was with regard to the consensus agenda. The Supervisor said with regard to item number 2, they received a notification from the DEC that they issued a notice of incompleteness and a permit will not be issued until the Notice of Incompliance was addressed.

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

Health Care Resolution

1. RESOLVED, that all Town of Somers employees not within a collective bargaining unit represented by a union shall be entitled to health care coverage during active employment and in retirement as provided for by the terms of the CSEA contract then in effect. Any employee, who retires after the expiration date of a CSEA contract, and before the ratification of a successor contract, will be subject to the terms and conditions of the successor contract. This resolution supersedes all prior resolutions granting health coverage to employees not covered under any union collective bargaining agreement.

Review & Comment of the Greenbriar Somers Corp. – Wetland Activity Permit and Steep Slope Permit

2. RESOLVED, that the Town Board reviewed the Greenbriar Somers Corp. – Wetland Activity Permit and Steep Slope Permit for 6.11 -1-77 & 78 submitted by the Engineering Department and had not comment. However it was referenced that a Notice of Incomplete Application was received from the New York State Department of Environmental Conservation (DEP.)

Termination of probationary status of Annamaria Gizzo, Senior Office Assistant (Office Manager)

3. RESOLVED, that the Town Board does hereby authorize termination of probationary status of Annamaria Gizzo, Senior Office Assistant (Office Manager) and,

DOES HEREBY appoint her to the permanent status of Senior Assistant (Office Manager) effective October 1, 2015 per memo dated October 16, 2015 from Efrem Citarella, Building Inspector.

Resignation of M. Henning from the Substance Abuse Council

4. RESOLVED, that the Town Board does hereby acknowledge the resignation of Michele Henning from the Substance Abuse Council/Somers Partners in Prevention effective October 1, 2015 per email dated October 18, 2015 from Michele Henning.

Resignation of Jean Reidy from the Library Board of Trustees

5. RESOLVED, that the Town Board does hereby acknowledge the resignation of Jean Reidy from the Library Board of Trustees effective September 9, 2015 after 50 years of dedicated service.

NOVEMBER 12, 2015 – REGULAR MEETING

Return Erosion Control Bond

6. RESOLVED, that the Town Board does hereby authorize the return of \$47,050.00 Erosion Control Bond to Somers Realty Corp. for Somers Realty Planned Hamlet Phase 2 per memo dated November 9, 2015 from Steven Woelfle, Principal Engineering Technician.

Accept Erosion Control Bond

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

a. \$500.00 Caracciolo and North County Homes - Erosion Control Bond: Wetland, Steep Slopes, Tree Preservation and Stormwater Management and Erosion and Sediment Control Permit – 36.20-1-59

b. \$1,000.00 Caracciolo and North County Homes - Wetland Mitigation Bond:Wetland, Steep Slopes, Tree Preservation and Stormwater Management and Erosion and Sediment Control Permit - 36.20-1-59

c. \$500.00 MJD Contracting Corp for the Christie Court, LLC/Ben Cozzi Stormwater Management and Erosion and Sediment Control Permit – 6.16-2-40.

Release Erosion Control Bond

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

a. \$200.00 Christiansen Stormwater Management and Erosion and Sediment Control Permit # ASMEC 2013-22 – Erosion Control Bond – 47.12-1-21

b. \$500.00 Barr Wetland Permit # AW2015-20 Erosion Control Bond – 48.05-1-14.

Announce new Liquor License

9. RESOLVED, that the Town Clerk announces that Nicholas Durante the new owner of Patsy’s Pizza in Lincolndale is applying for a new liquor license for beer and wine only.

Authorize a temporary Town House Green Permit to the Somers Lions Club for the lighting of the Tree

10a. RESOLVED, that the Town Board does hereby authorize a temporary Town House Green Permit to the Somers Lions Club for the lighting of the Tree to be displayed on the front lawn of the Town House beginning December 5, 2015 ending January 16, 2016.

Authorize a temporary Town House Green Permit to the Knights of Columbus for an illuminated Creche

10b. RESOLVED, that the Town Board does hereby authorize a temporary Town House Green Permit to the Knights of Columbus for an illuminated Creche to be displayed on the front lawn of the Town House beginning December 13, 2015 ending January 11, 2016.

Authorize a temporary Town House Green Permit to Mitch Kaufman for the Menorah

10c. RESOLVED, that the Town Board does hereby authorize a temporary Town House Green Permit to Mitch Kaufman for the Menorah to be displayed on the front lawn of the Town House beginning December 6, 2015 ending January 9, 2016.

2015/2016 Community Services for the Elderly Act Contract for Transportation Services

10d. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2015/2016 Community Services for the Elderly Act Contract for Transportation Services in the amount of \$7,036.00 per email dated October 20, 2015 from Barbara Taberer, Nutrition Director.

Execute the Multi-year contract with O’Connor Davies for auditing services

10e. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Multi-year contract with O’Connor Davies for auditing services with the Town of Somers for 2016-2018.

NOVEMBER 12, 2015 – REGULAR MEETING

Execute the MS4 Signatory Authorization

- 10f. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the MS4 Signatory Authorization, to allow Consulting Engineer Joseph Barbagallo to execute the MS4 completed Pollution Prevention Plans (SWPPP's.)

Refund of SEQA Professional Services Fee

11. RESOLVED, that the Town Board does hereby authorize the refund of SEQA Professional Services Fee in the amount of \$3,793.80 to Bechtel Infrastructure and Power Corp for the New Cingular Wireless submission per memo dated October 6, 2015 from Syrette Dym, AICP, Director of Planning.

Return of Bond

12. RESOLVED, that the Town Board does hereby authorize the return of \$3,000.00 Bond for Incomplete items for the Issuance of a Certificate of Occupancy to North County Homes per memo dated October 26, 2015 from Steven Woelfle, Principal Engineering Technician.

Request for a stop sign

13. RESOLVED, that the Town Board does hereby refer a request for stop sign to be installed on the corner of Juniper and Daisy in Lincolnale to the Superintendent of Highways, Principal Engineering Technician and Police Chief per e-mail dated September 11, 2015 from Kristie Evers.

Budget Modifications

14. RESOLVED, that the Town Board does hereby authorize the following Budget Modifications per November 6, 2015, Revised November 10, 2015 memo from Supervisor Rick Morrissey:

RESOLVED, that the Town Board does hereby authorize a budget modification for repairs of older vehicles per memo dated November 8, 2015 from Barbara Taberer, Nutrition Director:

From: 6775.406 – Adult Transportation – Fuel
 To: 6775.405 – Adult Transportation – Repairs \$5,000.00

RESOLVED, that the Town Board does hereby authorize a budget modification to cover extreme winter recovery per memo dated November 9, 2015 from Thomas E. Chiaverini, Superintendent of Highways:

From: 5130.2 – Highway Equipment
 To: 5142.4 – Highway Snow Contractual \$95,000.00

RESOLVED, that the Town Board does hereby authorize a budget modification to cover overage per memo dated November 10, 2015 from Thomas E. Chiaverini, Superintendent of Highways:

From: 3501- Highway – Equipment
 To: 511.0 – Highway CHIPS Program \$31,694.07

Return of Bonds

15. RESOLVED, that the Town Board does hereby authorize the return of the following Bonds to Somers Realty per memo dated November 5, 2015 from Steven Woelfle, Principal Engineering Technician:

- a. \$3,390.00 – Erosion Control Bond
- b. \$3,813.00 – Construction Bond

Execute the Stipulations and Consent Judgment

16. RESOLVED, that the Town Board does hereby authorize the Town Attorney to execute the Stipulations and Consent Judgment in the matter of Heritage Hills of Westchester, LP, Heritage Hills Water Works Corp. and

NOVEMBER 12, 2015 – REGULAR MEETING

Heritage Hills Sewage Works Corp. vs. Assessor of the Town of Somers, et al. Index No. 55956-11 et al.

The Supervisor said that the Town was amidst in the Annual Bulk Refuse Drop-off, Saturday November 14th was the last day from 7:00 AM to 12:00 PM.

The Supervisor said that November 18th at 7:00 PM at the Somers Library there was going to be a Solarize Informational Session and signup

The Supervisor said that November 20th was the second Annual Cookie Swap for a Cause. He said that was from 7:00 PM to 10:00 PM at the Somers Community Center.

The Supervisor said that the Saint Luke's Food Pantry was open on Fridays from 2:30 PM to 4:00 PM and food donations can be brought to the church and left in the donation box at other times.

The Supervisor said that the Annual Tree Lighting was being held on December 5th, the Menorah Lighting was December 6th and the Crèche was being lit on December 13th.

Councilman Garrity and the rest of the Town Board wished everyone a Happy and Healthy Thanksgiving.

Claims for the payment of all Town Bills in the amount of \$1,620,899.98 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 Morrissey, seconded by Councilman Faulkner, the meeting was adjourned at 7:45 PM.

Town Clerk