

NOVEMBER 13, 2014 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening November 13, 2014 at 7:05 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

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| PRESENT: | Supervisor | Rick Morrissey |
| | Councilman | Richard G. Clinchy |
| | Councilman | Thomas A. Garrity, Jr. |
| | Councilman | Anthony J. Ciriaco |
| | Councilman | William G. Faulkner |

ABSENT:

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

The Supervisor invited all the Veterans in the audience to lead the Pledge of Allegiance that evening.

PUBLIC COMMENT:

The Supervisor read a memorandum dated November 13, 2014 from the Parks and Recreation Board before public comment with regard to possibility and procedure to once again revisit a Town Pool. He said with this memorandum in mind the Board would be scheduling discussion of this matter at a future meeting.

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

Approval of minutes

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

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

RESOLVED, that the Town Board does hereby approve the minutes of the August 21, 2014 Public Hearing regarding the proposed Expansion of the Amawalk Shenorock Water District; the August 21, 2014 Regular Meeting; the September 4, 2014 Work Session; the September 8, 2014 Special Meeting; the September 11, 2014 Public Hearings regarding the proposed Local Laws to Amend 1994 Comprehensive Master Plan and Proposed Amendment to chapter 170-13 Multifamily Residence – MFR District; the September 11, 2014 Regular Meeting and the October 2, 2014 Work Session.

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.

Shenorock Sewer Study

The Supervisor said that the next item on the agenda was a discussion with Woodard and Curran with regard to the Shenorock Sewer Study. Mr. Joseph Barbagallo of Woodard and Curran, the Town’s Engineering Consultant Firm introduced himself and Mr. Steven Robins. He asked if the Board members had receive a copy of the memorandum that was sent that evening. He said that they were present that evening to give an update on the progress that they had made since the last series of meetings with the public, Department of Environmental Protection (DEP), Westchester County and the Supervisor. Mr. Barbagallo gave the history of the funding and stated that the monies must be used for a project that was developed to address stormwater. He said that wastewater loading met the criteria that was set forth. He said that the way they started to gain access to the funding was by the development and the completion of a study, which a draft was completed in

NOVEMBER 13, 2014 – REGULAR MEETING

April of 2014. Mr. Barbagallo continued that draft had been discussed at a couple of meetings since then. He pointed out that in the report they recommended an initial phase of some basic housecleaning items and he listed them for the Board. He said that the study also laid out a couple of different options that included various sewerage options for the Lake Community as well as a Septic Maintenance District. Mr. Barbagallo went over the 4 different options that could be used and the 4 different boundary maps that coincided with each option.

The Supervisor suggested that the Board take a 5 minute break to get the residents present a moment to review the different boundary maps for the different options.

7:50 PM – 5 minute break
7:55 PM – meeting reconvened

A lengthy discussion ensued with Mr. Barbagallo, Mr. Robins, Town Residents and the Town Board with regard to the 4 different options that were available, the different costs that were associated with each option and the reasoning behind the different options and boundaries. Mr. Barbagallo answered as many questions from the residents as he could that evening.

The Supervisor said that the Board and the residents would continue to discuss this matter in the future. He thanked all of the residents that were present that evening for sharing their opinions with the Board. He said that the input was helpful. The Supervisor said that they were trying to reach out to all residents and they welcomed any and all ideas on what would be the best way for them to conduct a survey.

The Supervisor said that the Board would take a 5 minute break while Mr. Barbagallo broke down his display.

9:20 PM – 5 minute break
9:25 PM – meeting reconvened

Request
for stop
signs

The next item was a discussion with regard to a request for stop signs at Elmer Galloway Road and Young Road and a stop sign at the northwest corner of Primrose Drive and Lalli Drive. The Supervisor said that the Board had heard back from the Police Chief, Highway Superintendent and the Town's Principal Engineering Technician and it was suggested that Elmer Galloway Road and Young Road be made into a T intersection. He said that may address the issues that were occurring in that location. He said that there were no objections to the installation of a stop sign at stop sign at the northwest corner of Primrose Drive and Lalli Drive. The Supervisor said that they would schedule a public hearing with regard to that stop sign for December 11, 2014.

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

RESOLVED, that the Town Board does hereby schedule public hearing for the placement of a stop sign at the northwest corner of Primrose Drive and Lalli Drive for December 11, 2014.

2015
Tentative
Budget

The Supervisor said that the next item was with regard to the 2015 Tentative Budget.

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.

Supervisor's
2015 Salary

The Supervisor said that first it was in order to set the salary for the Supervisor. Councilman Garrity said that Supervisor Morrissey did not give himself the 1.5% increase

NOVEMBER 13, 2014 – REGULAR MEETING

that others were getting and he suggested that the Supervisor be given that as well. The Supervisor said that he was recusing himself from voting on his salary.

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

RESOLVED, that pursuant to Section 108 of Town Law, the Town Board does hereby specify the proposed salary for the Supervisor to be included in the Notice of Public Hearing on the Preliminary Budget for the year 2015 and does give an increase of 1.5%.

Supervisor \$100,485.00

Supervisor Morrissey – Recused

Elected
Official's
2015
Salaries

The Supervisor said that next they needed to set the salary for the Town Board. He said that he was recommending a salary increase of 1.5%, which will bring that amount to \$12,365.00 for the Town Board members. The Councilman did not agree with that increase and the salary remained at \$12,182.00. The Supervisor said that the Town Clerk's salary should be increased by 1.5% bringing that salary to \$71,723.00. He said that the Highway Superintendent should also be increased by 1.5% bring that salary to \$101,536.00.

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

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 2015:

Town Board \$12,182.00
Town Clerk \$71,723.00
Superintendent of Highways \$101,536.00

Adoption
of the 2015
Preliminary
Budget

The Supervisor said that it was in order for the Board to adopt the Tentative Budget with the proposed changes as discussed as the Preliminary Budget.

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

RESOLVED, that the Town Board after review of the Tentative Budget, made changes, alterations and revisions as the Board deemed advisable, including modifications to personal services line, which result in changes to Social Security Tax and Medicare Tax, adopted the Tentative Budget with changes therein to date as the Preliminary Budget of the Town of Somers for the year commencing 2015.

Schedule
Public
Hearing for
the 2015
Preliminary
Budget

The Supervisor said that it was in order for the Board to schedule a public hearing with regard to the Preliminary Budget for December 4, 2014.

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

RESOLVED, that the Town Board does hereby schedule a public hearing to be held at the Town House, 335 Route 202, Somers, New York, on Thursday, December 4, 2014 at 7:00 P.M., to consider the year 2015 Preliminary Budget for the Town of Somers.

Wooded
Acres

The next item on the agenda was to discuss Wooded Acres with regard to Lafayette Drive, Mayflower Lane and Laura Lane Extension. The Supervisor said that in was in order for the Board to accept Lafayette Drive, Mayflower Lane and Laura Lane Extension into the Town's road system and release a Performance Bond and accept a Maintenance Bond.

NOVEMBER 13, 2014 – REGULAR MEETING

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

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| IN THE MATTER OF THE DEDICATION TO THE TOWN OF SOMERS FOR HIGHWAY PURPOSES WOODED ACRES SUBDIVISION | CONSENT OF THE TOWN BOARD |
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WHEREAS, upon consideration of dedications and releases including, but not limited to the offer of dedication set forth in the Windsor Farms Subdivision (Map #27774, dated 02/04/05), dedicating and releasing the necessary lands for highway purposes, it is

RESOLVED, that in accordance with the provisions of Section 171 of the Highway Law, consent be and the same hereby is given that the Superintendent of Highways of the Town of Somers make an ORDER accepting certain parcels for highway purposes, said parcels being described as follows:

Laura Lane Extension

Located and beginning approximately 800 feet easterly from the intersection with Lois Place and continuing approximately 270 feet in an easterly direction and terminating in a cul-de-sac, as shown on Filed Map # 27482.

***Lafayette Drive**

Beginning at the intersection with Moseman Avenue and located approximately 490 feet east from the intersection of Pines Bridge Road and Moseman Avenue and extending approximately 800 feet in a southerly direction and terminating at the intersection with Mayflower Lane, as shown on Filed Map #27482.

****Mayflower Lane**

Beginning at the intersection with Lafayette Drive and extending approximately 975 feet in an easterly direction and terminating in a cul-de-sac and also extending approximately in a westerly direction 940 feet from said intersection and terminating in a cul-de-sac to a combined distance of 1915 feet, as shown on Filed Map #27482.

*Lafayette Drive- formerly known as Ferdinand Drive North

**Mayflower Lane- formerly known as Ferdinand Drive East (portion)

RESOLVED, that the Town Board does hereby authorize release of the Performance Bond for the Wooded Acres subdivision and,

DOES HEREBY, accept \$63,272.00 Maintenance Bond for a period of one (1) year.

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| Order and Judgment for Doherty Farms, Inc. Tax Certiorari Settlement |
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The Supervisor said that the next item was to authorize the Town Attorney to execute an Order and Judgment in the matter of Doherty Farms, Inc. Tax Certiorari Settlement.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute an Order of Judgment in the matter of Doherty Farms, Inc. vs. Town of Somers – Index # 26479/10 et al. per memo dated November 10, 2014 from Roland A. Baroni, Jr., Town Attorney.

PERSONNEL:

NOVEMBER 13, 2014 – REGULAR MEETING

Current Vacancies:

- Somers Energy Environmental Committee
- Substance Abuse Council (2 – unexpired 3 year terms to December 31, 2016)
- Affordable Housing Board (1 – unexpired 2 year term ending July 11, 2015)
- Affordable Housing Board (4 – 2 year terms ending July 11, 2015)
- Assessment Board of Review (1 – unexpired 5 year term ending September 30, 2015)
- Assessment Board of Review (1 – unexpired 5 year term ending September 30, 2016)
- Library Board of Trustees (1 – 5 year terms ending December 31, 2014)

Upcoming Vacancies:

- Library Board of Trustees (2 – 5 year terms ending December 31, 2014)
- Planning Board (1 - 7 year term ending December 31, 2014)
- Substance Abuse Council (5 – 3 year terms ending December 31, 2014)
- Zoning Board of Appeals (2 – 5 year terms ending December 31, 2014)

Appoint R. DeMelis to Assessment Board of Review

The Supervisor said that it was in order to appoint Mr. Richard DeMelis to the Assessment Board of Review to the unexpired term ending September 30, 2016.

Thereupon Supervisor Morrissey, seconded by Councilman Faulkner, it was unanimously, RESOLVED, that the Town Board does hereby appoint Richard DeMelis to the Assessment Board of Review for the unexpired term of Kevin M. Schick to end September 30, 2016.

Terminate F. Jackson, Senior Account Clerk

The Supervisor said that it was in order to authorize the termination of Mr. Franz Jackson, Senior Account Clerk effective September 25, 2014.

Thereupon Supervisor Morrissey, seconded by Councilman Faulkner, it was unanimously, RESOLVED, that the Town Board does hereby authorize the termination of Franz Jackson, Senior Account Clerk in the Finance Office effective September 25, 2014.

Resignation M. Kennedy Part-time Chauffeur, Nutrition

The Supervisor said that it was in order to acknowledge the resignation of Mr. Martin F. Kennedy Part-time Chauffeur, in the Nutrition Department effective October 16, 2014.

Thereupon Supervisor Morrissey, seconded by Councilman Faulkner, it was unanimously, RESOLVED, that the Town Board does hereby acknowledge the resignation of Martin F. Kennedy- Part-time Chauffeur in the Nutrition Department effective October 16, 2014 per email dated October 16, 2014 from Martin F. Kennedy.

Consensus agenda

The next item on the agenda was the consensus agenda.

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

1a.

Rosemary Zappu Subdivision Road Dedication

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| IN THE MATTER OF THE DEDICATION TO THE TOWN OF SOMERS FOR HIGHWAY PURPOSES ROSEMARY ZAPPI SUBDIVISION | CONSENT OF THE TOWN BOARD |
|---|---------------------------|

WHEREAS, upon consideration of dedications and releases including, but not limited to the offer of dedication set forth in the Windsor Farms

NOVEMBER 13, 2014 – REGULAR MEETING

Subdivision (Map #28330, dated 03/03/10), dedicating and releasing the necessary lands for highway purposes, it is

RESOLVED, that in accordance with the provisions of Section 171 of the Highway Law, consent be and the same hereby is given that the Superintendent of Highways of the Town of Somers make an ORDER accepting certain parcels for highway purposes, said parcels being described as follows:

Kniffen Road (extension)

Starting at the end of the existing cul-de-sac of Kniffen Road, approximately 1550 feet north from the intersection with Sunderland Lane and extending approximately 240 feet and terminating in a new cul de- sac, as shown on Filed Map #28330.

Release
Performance
Bond

- 1b. RESOLVED, that the Town Board does hereby authorize the release of a Performance Bond in the amount of \$17,005.00 for the Rosemary Zappi Subdivision – Tax ID # 28.09-1-8.2.

Accept
Maintenance
Bond

- 1c. RESOLVED, that the Town Board does hereby authorize the acceptance of \$11,555.00 posted by Zappico Construction in payment of a Maintenance Bond for the Rosemary Zappi Subdivision – Road Dedication for a period of one year, per memo dated November 3, 2014 from Wendy Getting, Senior Office Assistant.

Execute the
Justice Court
Assistance
Grant
Application

- 2a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Justice Court Assistance Grant Application in the amount of \$4,400.00 per memo dated October 27, 2014 from Barbara Lloyd, Court Clerk.

Temporary
Town House
Green Permit

- 2b. 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 7, 2014.

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 7, 2014.

RESOLVED, that the Town Board does hereby authorize a temporary Town House Green Permit for the Menorah to be displayed on the front lawn of the Town House beginning December 16, 2014.

Execute agreement
with Tim Miller
Associates, Inc.

- 2c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute agreement with Tim Miller Associates, Inc. in the amount of \$60,500.00 for SEQRA Review Services: Boniello Land and Realty, LTD – Somers Crossing Application per letter dated July 21, 2014, updated August 15, 2014.

Execute the
Employee
Assistance
Program
with ESI

- 2d. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Employee Assistance Program with ESI beginning January 1, 2015 at an annual amount of \$3,488.00.

Accept
Erosion
Control
Bonds

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

NOVEMBER 13, 2014 – REGULAR MEETING

- a. \$100.00 - Spallina Steep Slope & Stormwater Management & Erosion & Sediment Control Permit – 37.13- 3-3.1.
- b. \$300.00 – Villani – Stormwater Management & Erosion & Sediment Control Permit – 37.11-1-3.
- c. \$500.00 – Fabry Wetland Permit – 47.20-1-12.
- d. \$1,000.00 – 82 Moseman Avenue, LLC Stormwater Management & Erosion & Sediment Control Permit – 48.18-1-1.

Return
Erosion
Control
Bonds

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

- a. \$100.00 – O’Connell (Panek) Wetland Permit – 6.19-1-39
- b. \$500.00 – Bockhaus – Wetland Tree Removal – 16.06-2-46

Highway Fund
Balance to Retrofit
(3) three Military
Chassis with Snow
& Ice Equipment

- 5a. RESOLVED, that the Town Board does hereby authorize the Superintendent of Highways to spend up to \$90,000.00 from the Highway Fund Balance to Retrofit (3) three Military Chassis with Snow & Ice Equipment per memo dated October 17, 2014 from Thomas E. Chiaverini, Superintendent of Highways.

Purchase a Front
Plow, Wing Plow and
Hydraulic System
with controls installed
in Military truck

- 5b. RESOLVED, that the Town Board does hereby authorize the Superintendent of Highways to purchase a Front Plow, Wing Plow and Hydraulic System with controls installed in Military truck from Zwack, Inc. off the Oneida County Bid for the sum of \$38,950.00, per memo dated November 6, 2014 from Thomas E. Chiaverini, Superintendent of Highways.

Bid to retrofit
Vehicles 2 & 3 with
snow and ice
equipment

- 5c. RESOLVED, that the Town Board does hereby authorize the Superintendent of Highways to go to bid to retrofit Vehicles 2 & 3 with snow and ice equipment.

The Supervisor said that Saturday was the end of the Bulk Drop Off Days at Somers Sanitation.

The Supervisor said that the Somers Historical Society invited all to join the 12th Annual Holiday Tradition of creating Gingerbread Houses by participating in the Holidays at the Homestead Gingerbread Festival. He said that there was information available on the Town of Somers website.

The Supervisor said that Holiday Happiness was being held at Primrose Elementary School on December 6, 2014 from 10:00 AM to 4:00 PM.

The Supervisor said that Saint Luke’s Food Pantry was in need of donations. All donations could be dropped off at the Church.

Councilman Garrity wished everyone a happy and healthy Thanksgiving and congratulated the Somers 5th Grade Football Team for winning the Championship at West Point.

Councilman Clinchy said that the Veteran’s Day Parade was a great event and he wanted to thank all that helped organize that.

Councilman Garrity said in the Somers Record was a great article with regard to the Somers Girls’ Varsity Soccer Team for their win at the Regionals. He said that they were going on to compete in the State Championship. He wished them a lot of luck.

NOVEMBER 13, 2014 – REGULAR MEETING

Claims for the payment of all Town Bills in the amount of \$853,168.60 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 Councilman Faulkner seconded by Councilman Clinchy, the meeting was adjourned at 9:55 PM.

Town Clerk