

NOVEMBER 14, 2013 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening November 14, 2013 at 7:35 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Mary Beth Murphy
	Councilman	Richard G. Clinchy
	Councilman	Frederick J. Morrissey
	Councilman	Thomas A. Garrity, Jr.
	Councilman	Anthony J. Cirieco

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 it was in order for the Board to open a public hearing with regard to a proposed extension of the Amawalk Shenorock Water District to include property known as 26.20-1-23.

7:35 PM – hearing opened
7:36 PM – meeting reconvened

The Supervisor said that it was in order for the Board to adopt an order with regard to the extension of the Amawalk Shenorock Water District to include property known as 26.20-1-23.

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

RESOLUTION TO EXTEND THE AMAWALK SHENOROCK WATER DISTRICT

WHEREAS, a Petition, Map and Plan have been prepared by NORTH COUNTY HOMES, INC. dated July 30, 2013, for the extension of The Amawalk Shenorock Water District of the Town of Somers, New York, and duly presented to this Town Board; and

WHEREAS, an Order was duly adopted by the Town Board on October 10, 2013, reciting the filing of said petition, the improvements proposed, the boundaries of the proposed extension, and the estimated expenses thereof and specifying November 14, 2009, at 7:30 p.m. as the time and the Town Hall in said Town as the place where the said Board would meet to consider the petition and to hear all persons interested in the subject thereof, concerning the same; and

WHEREAS, such order was duly posted, published and served as required by law; and

WHEREAS, a hearing in the matter was duly held by the Board on the 14th day of November, 2013, commencing at 7:30 p.m. o'clock at the Town Hall in said Town and considerable discussion upon the matter having been had, and all persons desiring to be heard having been duly heard and thereupon the hearing being duly closed.

NOW, upon the evidence given at such hearing and on motion of Supervisor Murphy, seconded by Councilman Garrity, it is

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RESOLVED, in accordance with Article 8 of the State Environmental Quality Review Act and 6 NYCRR Part 617, the Town Board hereby makes the determination that based on the information and analysis provided, the proposed action will not result in any significant adverse environmental impact, and it is further

RESOLVED AND DETERMINED, that (a) the petition aforesaid is signed and acknowledged or proved as required by law, it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers with respect to the boundaries of the proposed district extension as herein approved and it is otherwise sufficient; b) all property and property owners within the proposed district extension are benefitted thereby; (c) all the property and property owners benefitted are included within the limits of the proposed district expansion; and (d) that it is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED, that the extension of the Amawalk Shenorock Water District as proposed in said petition be approved; that such extension be designated as the “North County Homes Extension”; that the improvements to be constructed by the applicants therein mentioned be constructed at the sole cost and expense of the applicants, and such extension be bounded and described as set forth in **Schedule A** attached hereto; and it is further

RESOLVED, that the Town Clerk shall file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control in Albany, New York and record same with the County Clerk, County of Westchester, Division of Land Records within ten (10) days hereof.

Roll Call:	Vote:
Hon. Mary Beth Murphy	AYE
Councilman Frederick Morrissey	AYE
Councilman Anthony Ciriaco	AYE
Councilman Richard Clinchy	AYE
Councilman Thomas Garrity	AYE

PUBLIC COMMENT:

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

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.

RFP for Electrical, Plumbing and Oil Burner/HVAC services

The first item on the agenda was to authorize the preparation of Request for Proposals for Electrical, Plumbing and Oil Burner/HVAC services. The Supervisor said that they needed to add the insulating of the ceiling in the Van Tassell Building and the replacement of the recessed lighting.

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

RESOLVED, that the Town Board does hereby authorize Request for Proposals (RFP) for the following: Electrical, Plumbing, and Oil Burner/HVAC for the Town properties.

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2014
Tentative
Budget

The Supervisor said that the next item on the agenda was with regard to the 2014 Tentative Budget. She explained that the Board had discussed the Budget at the last meeting and she asked the Director of Finance to make the requested changes. She said that there were a few minor changes that had come to her attention that needed to be made. The Supervisor pointed out an error in the Amawalk Shenorock Water District Salary Budget which will have no impact on the budget. Councilman Garrity asked with the additional employee in the Water Department did they still need the Summer Part-time Employee. The Supervisor said that she asked the Water Superintendent about that before the budget was adopted.

Councilman Morrissey proposed that the Board move the Deputy Tax Receiver’s Salary that was allocated to Shared Services to the Tax Receiver’s Budget. He said that should have no impact on the Budget it was a categorical change.

The Supervisor requested that the Board consider a transfer of \$3,000.00 to the Confidential Secretary’s Salary from the Print Mail Line. She said that this proposal would have no financial impact on the Budget. She said in reviewing various salaries and length of service this increase was appropriate. The Board agreed with that adjustment.

The Supervisor said that the first order of business was to set the salaries.

2014
Town
Officials
Salary

The Supervisor said that first it was in order to set the salary for the Supervisor.

Thereupon motion of Supervisor Murphy, seconded by Councilman Clinchy, 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 2014.

Supervisor \$99,000.00

Councilman Morrissey – Recused

Councilman Garrity – opposed

Councilman Garrity stated that he felt that the Supervisor’s salary should be higher.

The Supervisor said that next they needed to set the salary for the Town Board at \$12,182.00, the Town Clerk at \$70,663.00 and Highway Superintendent at \$100,035.00.

Thereupon motion of Supervisor Murphy seconded by Councilman Morrissey, 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 2013:

Town Board \$12,182.00
Town Clerk \$70,663.00
Superintendent of Highways \$100,035.00

Adoption of
the 2014
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 seconded by Councilman Morrissey, 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,

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adopted the Tentative Budget with changes therein to date as the Preliminary Budget of the Town of Somers for the year commencing 2014.

Public Hearing for the 2014 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 5, 2013.

Thereupon motion of Supervisor seconded by Councilman Clinchy, 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 5, 2013 at 7:30 P.M., to consider the year 2014 Preliminary Budget for the Town of Somers.

Request for a stop sign on Eastern Way and Buena Way

The next item was a request for a stop sign on Eastern Way and Buena Way. The Supervisor said that they did receive comments from the Engineering Department, and the Police Chief and the Highway Superintendent had been consulted and they all agree that the hedges should be lower and/or removed to improve the visibility in that area. She said that the owner of the property had been contacted and they had no objection to the hedges being removed. She said that they could take another look at this in a few months to see if this was working. The Supervisor said that she would direct the Highway Superintendent to improve the visibility at the intersection and ask the Police Chief to increase their presence in that area with regard to speeding.

Chimney Caps to Fireglow

The Supervisor said that the next item was an add-on to authorize payment for Chimney Caps in the amount of \$1,003.82 to Fireglow.

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

RESOLVED, that the Town Board does hereby authorize payment in the amount of \$1,003.82 to Fire Glow Distributors upon receipt of a properly executed voucher and receipt of three (3) – chimney caps and one (1) – multi flue chimney cover.

Award Bids for Highway Department

The next item on the agenda was to award a series of Bids for the Highway Department.

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

RESOLVED, that the Town Board does hereby award a bid in the amount of \$58,995.00 for two (2) Retrofit Military Surplus Chassis to Zwack, Inc., Route 22, Stephentown, NY 12168 who was the only bidder per memo dated November 6, 2013 from Thomas E. Chiaverini, Superintendent of Highways.

RESOLVED, that the Town Board does hereby award a bid in the amount of \$109,499.00 for one (1) new Tractor with Over the Rail Side Mount Flail Mower to Westchester Tractor, Inc., 60 International Blvd., Brewster, NY 10509 who was the only bidder per memo from Thomas A. Chiaverini, Superintendent of Highways.

Tractor/Boom Arm: \$86,999.00
60” Rotary Head: \$11,200.00
60” Flail Head: \$11,300.00

Total Delivered: \$109,499.00

PERSONNEL:

Current Vacancies:

Somers Energy Environmental Committee

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Substance Abuse Council (2 – unexpired 3 year terms to December 31, 2016)
Affordable Housing Board (1 – unexpired 2 year term ending July 11, 2013)
Affordable Housing Board (4 – 2 year terms ending July 11, 2013)

Upcoming Vacancies:

Library Board of Trustees (2 – 5 year terms ending December 31, 2018)
Planning Board (1 – 7 year term ending December 31, 2020)
Zoning Board of Appeals (1 – 5 years term to December 31, 2018)

Appoint C.
Zaberto to
SEEC

The Supervisor said that it was in order to appoint Mr. Christopher Zaberto to the Energy Environment Committee.

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

RESOLVED, that the Town Board does hereby appoint Christopher Zaberto to the Somers Energy Environment Committee to serve at the pleasure of the Board.

Acknowledge
resignation of
W. Kehoe
from Library
Board of
Trustees

The Supervisor said that in was in order to acknowledge the resignation of Mr. William F. Kehoe from the Library Board of Trustees after 23 years of service. She said that Mr. Kehoe had been a dear friend over her 16 years as Supervisor. She stated that he was extremely dedicated to the Town and Library and he was always generous with his time to the Town. The Supervisor said that Mr. Kehoe was a great friend and colleague over the years and always pushed for support of the Library and the betterment of the Library and they were better because of him. Councilman Clinchy said that Mr. Kehoe was very knowledgeable and helpful. He said that Mr. Kehoe's advice was always how to make things better and that was why he was an exemplary public servant.

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

RESOLVED, that the Town Board does hereby acknowledge with regret the resignation of William F. Kehoe from the Library Board of Trustees effective October 9, 2013 after 23 years of service.

Consensus
Agenda

The Supervisor said that the next item on the agenda was the consensus agenda. Councilman Clinchy said they received emails with regard to item number 3, the Knights of Columbus permit for a holiday display of a Crèche. He said that this was a subject that engendered some discussion and it was that once they had a holiday display then they could not pick and choose which to allow. He continued that he went through two decisions from the Second Appellate Division and one from the United States Supreme Court on this subject along with a wealth of material from Vanderbilt University that specialized in this matter. Councilman Clinchy said that this was not a clear cut issue but it was exactly as the Town Attorney advised, it was an open display and was not an advocacy for religion in general or any one religion. He said that he raised some concern with this in October and that Board was good enough to put it over to November for discussion, which he appreciated. He said that this allowed for them to think about it more and research it further. Councilman Clinchy said that he wanted to state this because some were saying that the decision was hurried and that was not so. He said that the Town was following the law and in general he believed in a separation of Religion and Government was the best way to protect Liberty but this was a celebration of the Holiday Season. He said that the new tree was installed and it was going to be a joyous Holiday Season for all. Councilman Garrity said that he wanted to clarify that they received emails from one person. The Town Attorney said that there was a clarification that had to be made. He explained that in the policy that the Town Board adopted in 2009 the work secular made its way in to the policy. He continued that if they were going to allow the Crèche they needed to amend the policy to delete the work secular. The Supervisor suggested that they add to the consensus agenda

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an amendment to the Holiday Display Policy to remove the work secular. She said with regard to item number 6 they needed to add the issuance of a Negative Declaration. She said with regard to item number 1 they needed to add to that item. The Town Attorney explained that they needed to authorize the extension of the comment period for both Open Space Committee and the Planning Board until May 14, 2014.

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

Referral of
Hidden
Meadows

1. RESOLVED, that the Town Board does hereby direct the Town Planner to refer the Hidden Meadows at Somers project to the Open Space Committee and,

DOES HEREBY, extend the comment period to May 14, 2014.

Execute
Positive Pay
with ADP

- 2a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Positive Pay with ADP to replace the “Total Pay” policy previously approved per email dated October 22, 2013 from Robert Kehoe, Director of Finance.

MOU with
Westchester County
to provide access to
Westchester Records
Online

- 2b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Memorandum of Understanding (MOU) with Westchester County to provide access to Westchester Records Online per letter dated October 30, 2013 from Timothy C. Idoni, Westchester County Clerk.

Execute
2013-2014
SNAP
Agreement

- 2c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2013-2014 SNAP Agreement in the amount of \$74,915.00 and the NSIP Agreement in the amount of \$44,118.00 with the Westchester County Department of Senior Programs and Services.

Authorize a
Town House
Green Permit
to the Knights
of Columbus

- 3a. RESOLVED, that the Town Board does hereby authorize a Town House Green Permit to the Knights of Columbus for an illuminated Crèche to be displayed on the front lawn of the Town House beginning December 8, 2013.

Authorize a
Town House
Green Permit
to the LIONS
of Somers

- 3b. RESOLVED, that the Town Board does hereby authorize a Town House Green Permit to the LIONS of Somers for a tree lighting to be displayed on the front lawn of the Town House beginning December 8, 2013.

- 4a. Voted on in the regular meeting

Schedule
Public
Hearing reg.
Water Rates

- 4b. RESOLVED, that the Town Board does hereby authorize the scheduling of a Public Hearing for the Amawalk-Shenorock Water District, Amawalk Heights Water District and Windsor Farms Water District Water rate changes for December 12, 2013.

Authorize an
increase in the
Sewer rates for
the Somers Sewer
District No. 1

5. RESOLVED, that the Town Board does hereby authorize an increase in the Sewer rates for the Somers Sewer District No. 1 per memo dated September 16, 2013 from Adam Smith, Water & Sewer Superintendent.

Declare Notice of
Intent to Act as
Lead Agency for
the Stormwater
Retrofit

6. RESOLVED, that the Town Board does hereby declare Notice of Intent to Act as Lead Agency for the Stormwater Retrofit of the Somers Highway Garage S-MU-16/17 and adopts a Negative Declaration and,

DOES HEREBY, authorize the Supervisor to execute the Short Environmental Assessment Form (SEQRA.)

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Transfer of
Erosion
Control Bond

7. RESOLVED, that the Town Board does hereby authorize transfer of Erosion Control Bonds to the General Fund per memo dated October 22, 2013 from Steven Woelfle, Principal Engineering Technician.

Return
Erosion
Control Bond

8. RESOLVED, that the Town Board does hereby authorize the return of \$10,921.00 Erosion Control Bond to Bria Realty, LLC, per memo dated October 29, 2013 from Steven Woelfle, Principal Engineering Technician.

Return
Erosion
Control Bond

9. RESOLVED, that the Town Board does hereby authorize the return of \$29,051.84 Erosion Control Bond to Kearney Realty & Development Group per memo dated October 21, 2013 from Steven Woelfle, Principal Engineering Technician.

Reject bid and
authorize rebid for
the Getty Service
Station Drainage
Project

10. RESOLVED, that the Town board does hereby reject bid and authorize rebid for the Getty Service Station Drainage Project per memo dated October 18, 2013 from Steven Woelfle, Principal Engineering Technician.

Refund
SEQRA
Professional
Fee

11. RESOLVED, that the Town Board does hereby authorize refund of \$6,387.26 SEQRA Professional Fee to Silvio Management for the Wright's Court Site Plan "B" per memo dated October 10, 2013 from Syrette Dym, Director of Planning.

Refund to Con
Edison/Kilian/Jones/H
eritage Hills of
Westchester and
Heritage Hills Golf
Club of Westchester,
LLC Site Plan

12. RESOLVED, that the Town Board does hereby authorize refund of \$1,000.00 to Con Edison/Kilian/Jones/Heritage Hills of Westchester and Heritage Hills Golf Club of Westchester, LLC Site Plan per memo dated October 11, 2013 from Steven Woelfle, Principal Engineering Technician.

Refund to HPC
Development, LLC
(Somers Towne
Centre) for T-Mobile
Northeast Site Plan

13. RESOLVED, that the Town Board does hereby authorize refund of \$3,960.00 to HPC Development, LLC (Somers Towne Centre) for T-Mobile Northeast Site Plan per memo dated October 11, 2013 from Steven Woelfle, Principal Engineering Technician.

Return of
Bonds

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

- a) \$200.00 – Ruth – Erosion/Sediment Control Permit – 27.12-1-10.
- b) \$100.00 – Roublick – Wetland Permit – 16.06-2-49.
- c) \$100.00 – Roublick – Wetland Permit – 16.06-2-48, 49 & 50.
- d) \$500.00 – McLaughlin – Wetland/Steep Slope/Tree Permit – 17.16-1-61.
- e) \$100.00 – Rios – Erosion/Sediment Control Permit – 27.11-2-17.
- f) \$100.00 – Mladenovic – Wetland Permit – 36.11-1-6.
- g) \$200.00 – Pagliaro – Wetland Permit – 5.18-1-31.
- h) \$100.00 – Sammel- Wetland Permit – 17.10-1-33.
- i) \$200.00 – LoParrino – Wetland Permit – 5.18-1-29.
- j) \$100.00 – Bernardo – Wetland Permit – 16.16-1-1.
- k) \$2,000.00 – Central Hudson Gas & Electric Corp. – Wetland Permit – 15.07-25-16.
- l) \$2,000.00 – Central Hudson Gas & Electric Corp. – Wetland Permit – 15.07-25-16.
- m) \$200.00 – Kuan Jung Corp. (Urstadt Biddle Properties, Inc.) – Wetland Permit – 17.11-10-20.
- n) \$100.00 – Ensinger (Ensinger/Kuebler) – Stormwater Management & Erosion/Sediment Control Permit – 37.10-1-13.1.
- o) \$200.00 – Danko (Daly/Danko) Steep Slope Permit – 36.08-1-43.
- p) \$100.00 – Danko (Cassaboon/Danko) Steep Slope/Tree Preservation

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Permit – 36.08-1-49

The Supervisor said that the Board was going to go into an executive session to discuss contracts and Collective Bargaining not to return to open meeting.

The Supervisor wished everyone a Happy Hanukkah and a Happy Thanksgiving with Family and Friends.

Councilman Garrity said Go Somers Football tomorrow night! They will be playing in the State Quarter Finals against Cornwall.

Claims for the payment of all Town Bills in the amount of \$621,139.36 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 Councilman Garrity the meeting was adjourned to an executive session with regard to contracts and Collective Bargaining at 8:00 PM not to return.

Town Clerk