

DECEMBER 13, 2012 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening December 13, 2012 at 7:40 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT: Supervisor Mary Beth Murphy
 Councilman Richard A. Benedict
 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 it was in order for the Board to open a public hearing with regard to a proposed Local Law to amend Chapter 96 entitled Filming, of the Code of the Town of Somers.

7:40 PM – hearing opened
7:41 PM – meeting reconvened

The Supervisor said that it was in order for the Board to adopt a Local Law to amend Chapter 96 entitled Filming, of the Code of the Town of Somers.

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

RESOLVED, that the Town Board does hereby adopt a Local Law to amend Chapter 96 entitled Filming, of the Code of the Town of Somers as follows:

A Local Law to amend the Code of the Town of Somers Chapter 96 FILMING.

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

1. Section 96.3. Application for license; review; bond is amended in its entirety to read as follows:

A. Applications may be submitted to the Town Clerk in person or by mail and must contain at least the following information:

- (1) The name of the applicant.
- (2) The location of the property where filming, videotaping, etc. is to take place.
- (3) Whether the applicant is the owner or tenant in possession of the property; the name of owner of property if the applicant is not the owner.
- (4) The name of the person or entity the applicant wishes to allow to film, videotape, etc.

B. The applicant shall submit a use plan showing the days and hours of proposed operation, parking plans and any mitigating measures proposed, and the name, local address and local telephone number of a person who will be available 24 hours a day during the activity and who shall have control of and responsibility for the direction of all participants in the permitted activity and for the property for which the activity is permitted.

C. The Town Clerk shall seek the advice of the Chief of Police and the Superintendent of Highways in reviewing such plans.

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D. The Town Clerk, in consultation with the Town Board, if necessary, shall attach conditions and safeguards ensuring the orderly conduct of the activity and the minimization of impact of such use and shall specify the duration and hours of operation of such activity.

E. The Town Clerk, in consultation with the Town Board, if necessary, may require the applicant to post reasonable bond to assure adherence to the permit conditions set forth. The Town Clerk may further require an applicant to furnish the town with a hold-harmless and indemnification agreement, together with a certificate of insurance relieving the town from any potential liability by virtue of the applicant's activities.

F. The Chief of Police shall have the power to cause the conditions set by any special permit granted under this section to be enforced.

G. Site plan approval by the Planning Board is not required for permits issued under this section.

2. Section 96.6. Penalties for offenses.

A. Any person, persons, corporation, company, group, or other entity of any kind who fails to obtain the permit required herein, or otherwise violates any provision of this chapter, shall be subject to a fine of up to \$1,000.

B. The imposition of such fine shall not be the town's exclusive remedy in the event of a violation of this chapter. The town may pursue any and all other legal remedies available to it in connection with any violation of this chapter.

C. Previous violations. Notwithstanding any of the foregoing, no applicant who has been previously convicted of a violation of this chapter shall be granted a permit hereunder for a period of 18 months from the date of such conviction.

2. Effective Date. This Local Law shall be effective upon filing of same with the Secretary of State of the State of New York.

The Supervisor said that it was in order for the Board to open a public hearing with regard to a proposed a Local Law to amend Chapter 26 Fire Prevention Bureau, Section 26-1E. Establishment; members; inspectors; meetings; promulgation of code; warning and appearance tickets, of the Code of the Town of Somers.

7:42 PM – hearing opened
7:42 PM – meeting reconvened

The Supervisor said that it was in order to adopt a Local Law to amend Chapter 26 Fire Prevention Bureau, Section 26-1E. Establishment; members; inspectors; meetings; promulgation of code; warning and appearance tickets, of the Code of the Town of Somers.

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

RESOLVED, that the Town Board does hereby adopt a Local Law to amend Chapter 26 Fire Prevention Bureau, Section 26-1E. Establishment; members; inspectors; meetings; promulgation of code; warning and appearance tickets, of the Code of the Town of Somers as follows:

A Local Law to amend the Code of the Town of Somers Chapter 26 Fire Prevention Bureau.

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

1. Section 26-1E. Establishment; members; inspectors; meetings; promulgation of code; warning and appearance tickets is hereby amended in its entirety to read as follows:

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Meetings of the Bureau of Fire Prevention shall be held on the second Wednesday of each month at 4:30 p.m. in the Town Hall. In the event of a holiday or other conflict, the Board may set an alternate time and date. Special meetings may be called at the request of the Chief or by any two (2) members of the Bureau. Two (2) members shall constitute a quorum for the transaction of business.

2. Effective Date. This Local Law shall be effective upon filing of same with the Secretary of State of the State of New York.

PUBLIC COMMENT:

Mr. Eugene Goldenberg, Heritage Hills, wished the Town Board a Merry Christmas and a Healthy and Happy New Year. He said that he was there that evening to be a Good Samaritan by urging his neighbors of the Town of Somers to look at their Con Edison and NYSEG bills for November and compare them to the month of October. He explained that he received a Con Edison bill that was a 200% increase to what he paid in October. Mr. Goldenberg said that he called Con Edison and told them he was going to the Public Service Commission and they told him that they would investigate the issue. He said that in talking to people in Heritage Hills he had realized that other people had that same issue. He continued that the day before he received a letter from Con Edison that they were wiping out his bill because it was an error. Mr. Goldenberg said that he felt that if this happened to him it would happen to others. He said that if anyone had any questions they could contact him. He said that NYSEG was better they only charged 30% more than October. Mr. Goldenberg said he did not understand how a bill could be more in a month that they were not using their services because of weather related issues in the area and being without power for seven days.

Ms. Josephine Bastone, Manor Lane, she said that she wanted to share with the Board the correspondence she had exchanged with the CEO of Iberdrola the parent company of NYSEG. She said that the area of Somers that she lived in had a disproportionate amount of blackouts compared to the rest of the Town. She said that they had seven blackouts since the end of June and in her letter she asked about underground wiring. Ms. Bastone said that it would appear that in the long run it would be more cost effective. She said that before she bought her house in Somers she had called NYSEG and asked about the possibility for gas lines in the future. She said that for the past 20 years she had been told that they were bringing them to our area. Ms. Bastone said that she copied her letter to NYSEG to a number of people including Supervisor Murphy although the Supervisor did not receive NYSEG's response letter. She said that their solution to her problem was that sometime next year NYSEG was going to send out trucks to trim the trees in the area. She said that she was very unhappy with that response and she was hoping that the Town could provide some pressure on NYSEG to get better service in our area. Ms. Bastone explained her desire to have gas lines for her home. She submitted copies of her letter to NYSEG and the letter she received in response.

Mr. Herb Oringel, Summit Circle, thanked the Town Board and the Supervisor for passing the first phase of the Complete Streets Plan. He said that he wanted to make clear that the Complete Streets Resolution and Plan and the wording of it was a great step forward but it was only one step. He said that he wanted them to keep in mind that there would be more to come.

Ms. Fedora De Lucia, Dunhill Drive, read a letter of public thanking the Supervisor and the Town Board for all of the information and preparedness in Hurricane Sandy. She related some of the difficulties that she had experienced during the storm.

Approval of
the minutes

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

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

RESOLVED, that the Town Board does hereby approve the minutes of the October 11, 2012 Public Hearing regarding Tree Removal Permit; the October 11, 2012 Regular Meeting; the October 24, 2012 Special Meeting and the November 1, 2012 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

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Bureau of Fire Prevention. She also reported that Jin Juan Corporation, d/b/a Imperial Wok, 13 Heritage Hills, 202 Center, Somers, New York 10589 was applying for a new Liquor License.

The Green at Somers

The Supervisor said that the next item on the agenda was to continue a discussion with regard to the Green at Somers. She asked Ms. Joanne Meder, of F. P. Clark, the Town's Planning Consulting Firm, to join the Town Board for this discussion.

Mr. Rick Van Benschoten, property owner, said before he began; this was Councilman Benedict's last session, as a business owner in the community; he wanted to publically acknowledge Councilman Benedict's commitment to the Town. He thanked Councilman Benedict for what he had done for the Town. He said that the last meeting of the Town Board that they attended they left very encouraged. Mr. Van Benschoten said that he wanted to go over the bullet points with the Board again and then go over what the Board asked them address. A lengthy discussion was had with the Town Board, Ms. Meder, the Town Attorney Mr. Van Benschoten and Ms. Linda Whitehead of McCullough, Goldberger & Staudt, LLP, representing the applicant with regard to Recreation fees the Planning Board's review of the DEIS and the proposed Zoning text amendment.

The Board agreed that they would schedule the public hearing with regard the proposed Zoning text amendment for February 14, 2013.

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

RESOLVED, that the Town Board does hereby authorize the scheduling of a Public Hearing with regard to the proposed Zoning text amendment for February 14, 2013.

9:30 PM – 5 minute break

9:35 PM – meeting reconvened

Request to convey property at 7 Tomahawk Street

The next item was a request to convey property at 7 Tomahawk Street (Route 118). The Supervisor said that they discussed this matter last week with regard to conveying half of the paper road. She said that she received the price from the Town Assessor and the residents had agreed to the price. The Town Attorney said that once he received the survey which he understood that the resident's Attorney had ordered, he will prepare a Notice of Resolution and a Notice of Permissive Referendum. The Supervisor asked if they should authorize those items at this point. The Town Attorney said that they should authorize him to prepare the documents. The Supervisor said that they should authorize the Town Attorney to prepare the Resolution for Permissive Referendum in anticipation of adoption at the next Town Board Meeting.

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

RESOLVED, that the Town Board does hereby authorize the Town Attorney to prepare a Resolution for Permissive Referendum in anticipation of adoption of the conveying of property located at 7 Tomahawk Street (Route 118.)

2013 Budget

The Supervisor said that the next item was to adopt the 2013 Budget. She said that they had the public hearing at last week's meeting and the adjustments that were discussed were made with regard to the Sergeant's Salary. She said that based on some discussion that was had in executive session with regard to the Deputy Superintendent of Highways she moved \$7,000.00 from the Highway Line to General Fund. The Supervisor said that this change had no impact on the bottom line of the budget; it provided them with the necessary resources when the Board decided what to do in that situation. She said that the budget was filed that evening with the State Comptroller therefore they were free to adopt that budget at that point. Councilman Garrity said that he thought that this was a very good budget and that starting the process earlier had worked out well for the Town.

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

RESOLVED,

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Refer draft of Complete Streets

The next item on the agenda was to refer the draft of Complete Street Policy to Planning, Highway, Somers Energy Environment Committee and the Open Space Committee for review and comment. The Supervisor said that she had circulated a copy of Lewisboro's and Dobbs Ferry's and she wanted to take one of them and make the changes to fit Somers. She said that she had not received any comments from anyone and she thought that they were very similar. She suggested that they circulate the Lewisboro version. Councilman Morrissey said that Mr. Oringel had mentioned that the State had come up with a better template. Councilman Clinchy said that Westchester County did a sample of Complete Streets. The Supervisor asked if she should circulate the County's version for comment. Councilman Morrissey said that they should circulate the document that Mr. Oringel thought was best. It was agreed that they would circulate the Lewisboro's version and the County's Guidance document for comment to the Energy Environment Committee, the Open Space Committee, Planning and Highway.

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

RESOLVED, that the Town Board does hereby refer Draft of Complete Street Policy to Planning Board, Highway Superintendent, Somers Energy Environment Committee and the Open Space Committee for review and comment.

Heritage Hills Water and Sewer

The Supervisor said that the next item on the agenda was a request for additional information with regard to Heritage Hills Water and Sewer. She said that she had arranged for a meeting for next Wednesday, December 19, 2012. She said that at that meeting Bond Counsel, professional Accountants, the Town Attorney and she had invited Councilman Benedict and Councilman Elect Cirieco. The Supervisor said that she had hoped that Councilman Benedict would continue to assist the Town with regard to this matter. She said that he had insight into this issue and she would like him to continue with the process. She said that after the meeting on Wednesday she was hoping to have some better information.

Authorize ratification and execution of Local 456 I.B.T Collective Bargaining Agreement

The next item was to authorize ratification and execution of Local 456 I.B.T Collective Bargaining Agreement dated January 2, 2011 to December 31, 2015. The Supervisor said that she wanted to thank Councilman Clinchy for all of his hard work and help in negotiating the agreement. She said that they had worked together on this for almost a year and he had a lot of expertise in the area of collective bargaining and he was a great asset to the process. She said that they thought it was a fair agreement, it covered from 2011 to 2015 and it was a well negotiated agreement on both sides. Councilman Clinchy said that it was done by all parties with a spirit of cooperation and that was how good agreements were met.

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

RESOLVED, that the Town Board does hereby authorize ratification of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (I.B.T.), Local 456, Collective Bargaining Agreement effective January 1, 2011 to December 31, 2015 and,

DOES HEREBY, authorize the Supervisor to execute same.

Reimbursement to the Library Contractual Budget Line

The Supervisor said that the next item was to authorize a reimbursement to the Library Contractual Budget Line from Insurance Reserve fund for costs associated with the professional service rendered by Woodard and Curran. She explained that this was in connection with the hydraulic fuel spill at the Library. She said that she received the draft closure report on the issue so they think that the matter had been resolved although they were still dealing with some of the costs associated with that.

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

RESOLVED, that the Town Board does hereby authorize reimbursement to the Library Contractual budget line from Insurance Reserve Fund in the amount of \$15,760.39 for costs associated with the professional services rendered by "Woodard & Curran" per memo dated December 3, 2012 from Patricia Miller, Library Director.

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Memo from the Open Space Committee with regard to 2652 Route 35

The next item on the agenda was to discuss the November 30, 2012 memo from the Open Space Committee with regard to 2652 Route 35. The Supervisor explained that the Open Space Committee became aware that the property was on the market. She said that she went to see the property and there was a very small house on the property and she explained where the property was located. She said that she did not think that the property had much potential for development even though it was 38 acres. The Supervisor said that there were a lot of steep slopes and wetlands on the property. She said that the Open Space Committee was requesting permission to talk to the property owner. She said that there may be some donation or easement opportunities that could be looked at, she was not sure if they would want it out right. The Supervisor said that they should have a conversation with regard to that. Councilman Morrissey said that he agreed with what the Open Space Committee was requesting. The Supervisor suggested that they have the conversation and see what the property owner was willing to do and she will get back to the Board.

The Supervisor said that the next item on the agenda was with regard to Highway. She said that the first item was to award a bid. She said that the second item was to authorize the hiring of two employees. She said that the second request to hire was being removed from the agenda.

Award bid for Retrofits for sanders and hydraulic package

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

RESOLVED, that the Town Board does hereby award bid for retrofits for sanders and hydraulic package on (2) two military surplus chassis in the amount of \$37,595.00 to Zwack, Inc., Stephentown, NY who was the only bidder.

Hire M. Pfaffenbach Road Maintainer

RESOLVED, that the Town Board does hereby authorize the hiring of Matthew Pfaffenbach as Road Maintainer effective December 10, 2012 at an annual salary of \$45,000.00 which he will receive (90% rate as per CBA) of it for the first six months at an hourly rate of \$19.4711. Then after the 26th week 95%; upon completion of one year of service the employee shall receive the full salary rate of pay per memo dated December 12, 2012 from Thomas E. Chiaverini, Superintendent of Highways.

PERSONNEL:

Current Vacancies:

- Somers Energy Environmental Committee
- Assessment Board of Review (1 – 5 year term to December 31, 2016)
- Assessment Board of Review (3 – 5 year term to September 30, 2017)
- Substance Abuse Council (1 – unexpired 3 year term to December 31, 2014)

Upcoming Vacancies:

- Library Board of Trustees (1 – 5 year term to December 31, 2017)
- Planning Board (1 – 7 year term to December 31, 2019)
- Zoning Board of Appeals (2 – 5 year term to December 31, 2017)

Resignations of J. DeBisceglie and M. O'Shea for Assessment Board of Review

The Supervisor said that it was in order to acknowledge the resignation of Mr. John DeBisceglie and Ms. Maureen O'Shea from the Assessment Board of Review. She thanked them for their service to the Town. She said as an announcement the Town did need an Assessment Board of Review, they needed them to be constituted in June for Grievance Day when people grieve their Tax Assessments. The Supervisor said that if there was anyone interested in serving on that Board to please send an e-mail or a letter to the Supervisor. She said that she would also ask the Assessor to make up a brief description of the position and they could get that out to the local newspapers. The Town Attorney said that there was also mandatory training for the Board members.

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

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RESOLVED, that the Town Board does hereby accept the resignation of John De Bisceglie from the Somers Assessment Board of Review effective December 31, 2012 per e-mail dated November 19, 2012 from Mr. DeBisceglie.

RESOLVED, that the Town Board does hereby accept the resignation of Maureen O’Shea from the Somers Assessment Board of Review effective December 31, 2012 per e-mail dated November 19, 2012 from Ms. O’ Shea.

Resignation of H. Brady from SEEC

The Supervisor said that it was in order to acknowledge the resignation of Helen Brady from the Somers Energy Environment Committee. She said that Ms. Brady was a member for a number of years and she had been a great asset to that Board.

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

RESOLVED, that the Town Board does hereby accept the resignation of Helen Brady from the Somers Energy Environment Committee effective immediately per e-mail dated November 13, 2012 from Ms. Brady.

Consensus agenda

The next item was the consensus agenda. The Supervisor said that with regard to item number 2 the date should read December 13th, item number 5 should read December 10th and item number 6 should read December 11th. She said that they were also adding item numbers 9, 10 and 11.

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

Schedule Public Hearing for stop sign

- 1. RESOLVED, that the Town Board does hereby schedule a public hearing for January 10, 2013 for a Stop Sign at the southeast corner of Wood Street and Moseman Avenue.

Budget modifications

- 2. RESOLVED, that the Town Board does hereby authorize approval of the following Budget Modifications per memo dated December 4, 2012 revised December 7, 2012 and revised again December 13, 2012 from Mary Beth Murphy, Supervisor:

RESOLVED, that the Town Board does hereby authorize a budget modification to increase 2012 budget for transfers to Capital Fund needed to close the Shenorock Park District project funded by revenues from Tax Acquired Property and Engineering Fees per memo dated November 26, 2012 from Robert Kehoe, Director of Finance:

INCREASE:
From: 001-9950-0900 – Transfer to Capital Fund \$121,486.90

INCREASE:
To: 001-1051 – Revenue – Tax Acquired Property - \$63,602.00
001-1561 – Engineering Fees - \$57,884.90

RESOLVED, that the Town Board does hereby authorize a budget modification for reimbursement from Town General Fund Insurance Reserve of elevator remediation costs to date at Library per memo dated November 28, 2012 from Patricia Miller, Library Director:

INCREASE LIBRARY FUND:
From: 005-7410.0400 – Library Contractual - \$48,195.94

INCREASE LIBRARY FUND:
To: 005-5031- Transfer from Town General Fund - \$48,195.94

RESOLVED, that the town Board does hereby authorize a budget modification for reimbursement from General Fund Reserve of elevator remediation costs to date at Library per memo dated November 26, 2012 from Robert Kehoe, Director of Finance:

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From: 001-911- Insurance Reserve Property Damage - \$48,195.94

To: 001-9901-0900 – Transfer to Library Fund \$48,195.94

RESOLVED, that the Town Board does hereby authorize a budget modification for Repairs and Maintenance on vehicles outsourced per memo dated November 20, 2012 from Barbara Taberer, Nutrition Director:

From: 6772-401 – Subcontractor Food - \$500.00
6772-402 – Telephone - \$300.00
6773-404 – Paper Trays – Utensils - \$1,000.00
6772-406 – Miscellaneous - \$500.00

To: 6775-405 – Repairs \$2,300.00

RESOLVED, that the Town Board does hereby authorize a budget modification to cover Town costs for Heritage Hills shelter during Hurricane Sandy per memo dated November 30, 2012 from Robert Kehoe, Director of Finance:

From: 001-1950-0400 – Property Taxes Town owned Property - \$2,680.00
001-5182-0400 – NYSEG Street Lighting - \$100.00

To: 001-4322-0410 – Shelter \$2,780.00

RESOLVED, that the Town Board does hereby authorize a budget modification to cover year end budget overage per memo dated December 6, 2012 from Robert Kehoe, Director of Finance:

From: 001-1990-0400 – Contingency - \$30,000.00

To: 001-1310-0100 – Finance Personal Services \$19,000.00
001-1310-0400 – Finance Contractual - \$11,000.00 \$30,000.00

RESOLVED, that the Town Board does hereby authorize a budget modification to increase budget for Judgments & Claims due to payments of tax settlements during 2012 using designated Fund Balance for Tax Certiorari per memo dated December 6, 2012 from Robert Kehoe, Director of Finance:

From: 001-885 – Designated Fund Balance for Tax Certiorari \$27,808.00

To: 001-1930-0400 – Judgment & Claims \$27,808.00

RESOLVED, that the Town Board does hereby authorize a budget modification for payment for unused vacation days per memo dated December 12, 2012 from Kathleen R. Pacella, Town Clerk:

From: 1410.4 – Town Clerk Contractual \$820.00

To: 1410.1 – Town Clerk Personal Services \$820.00

RESOLVED, that the Town Board does hereby authorize a budget modification for payment of unused vacation days per memo dated December 13, 2012 from Barbara Sherry, Confidential Secretary to the Supervisor:

From: 1620-0450 – Buildings – Town House Repairs - \$2,100.35

To: 1220.0100 – Supervisor – Personal Services \$2,100.35

Refund
bonds

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

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- a. \$100.00 – Stuarts Century Farm – Wetland Permit – 26.11-1-1
- b. \$200.00 – Riccobono Stormwater Management & Erosion & Sediment Control Permit – 26.08-1-4.

Execute Task Order 2-4.15 Phase 1

4a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Task Order 2-4.15 for Phase 1 – Parking lot lighting design; Phase 2 – Parking lot landscape design and Phase 3 – Concession stand utility design, Miscellaneous Reis Park Improvement per submission from Joseph Barbagallo of Woodard and Curran.

2012-2013 AAA Transportation Agreement

4b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute 2012-2013 AAA Transportation Agreement with Westchester County Department of Senior Programs and Services in the amount of \$4,762.00 per memo dated December 7, 2012 from Barbara Taberer, Nutrition Director.

Hire J. Schiavone PT Chauffer

5. RESOLVED, that the Town Board does hereby authorize the hiring of Joseph Schiavone as part time chauffeur for the Nutrition Program at an hourly rate of \$16.00 effective December 10, 2012 per memo dated December 12, 2012 from Barbara Taberer, Nutrition Director.

Payment for overtime

6. RESOLVED, that the Town Board does hereby authorize payment for overtime per memo dated December 11, 2012 from Mary Beth Murphy, Supervisor.

Settlement of Certiorari proceeding with Lincolndale Plaza

7. **RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT**

WHEREAS, petitions having been filed by the property owner, below challenging real property tax assessments on the Town’s assessment roll with respect to the following parcels:

<u>Property Owner</u>	<u>Address Description</u>	<u>Year(s)</u>
LINCOLNDALE PLAZA CORP.	Section 16.12, Block 1, Lots 6, 8 (Route 202 and Lovell Street)	2011-2012

WHEREAS, petitioner’s tax certiorari proceedings are now pending in Supreme Court, Westchester County; and

WHEREAS, the Town and the property owner have reached a resolution with regard to the assessments at issue in the tax certiorari proceedings; and

WHEREAS, the Town has reviewed the settlement and has found that the terms of the settlement are reasonable; and

WHEREAS, the settlement of these proceedings are in the best interests of the Town;

NOW THEREFORE BE IT RESOLVED, the Tax Certiorari Special Counsel to the Town is authorized to execute settlement documents on behalf of the Town for assessments for no less than the following:

Lot 6:

<u>Year</u>	<u>Current Assessment</u>	<u>Settlement Assessment</u>	<u>Assessment Reduction</u>
2011	200,000	155,200	44,800
2012	200,000	155,200	44,800

Lot 8:

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<u>Year</u>	<u>Current Assessment</u>	<u>Settlement Assessment</u>	<u>Assessment Reduction</u>
2011	11,600	11,600	0
2012	11,600	11,600	0

The Town of Somers' share of the refund is \$596.58±

Award Proposals

8. RESOLVED, that the Town Board does hereby award Request for Proposals (RFP) as follows:

- a. Electrical – North County Electric, LLC
- b. Plumbing – Wm. DeGasperi & Son Plumbing & Heating, Inc.
- c. Oil Burner/HVAC – Bell Heating & Air Conditioning

Payment to L. Mark Construction, Inc.

9. RESOLVED, that the Town Board does hereby authorize payment to L. Mark Construction, Inc. in the amount of \$6,290.00 for additional work to replace the rotted soffit and fascia on the Library Roof per memo dated December 10, 2012 from Thomas J. Tooma, Jr., Assistant Building Inspector.

Payment Westchester County Department of Health for Assessed Civil Penalty

10. RESOLVED, that the Town Board does hereby authorize payment of \$200.00 to Westchester County Department of Health for Assessed Civil Penalty re: Case Number OEHRC-1340-11-PBS.

Agreement with CIA Security for a radio transceiver alarm system

11. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Agreement with CIA Security for a radio transceiver alarm system at the Nutrition/Recreation Center at the Van Tassell Memorial Park per memo dated December 12, 2012 from Mary Beth Murphy, Supervisor.

The Supervisor said that before they close this evening's meeting she would like to say a few things about Councilman Benedict. She said that she prepared a Proclamation for him to thank him for his service to the Town by stepping in as Councilman from May 2012 to December 2012. She said that he jumped right in and had been a real asset to the Board. The Supervisor said that she hoped that he would stay in touch with various issues that were of concern to him. She read that last paragraph of the Proclamation and declared December 31, 2012 as Richard Benedict Day in the Town of Somers.

Councilman Garrity said that it had been a pleasure serving with Councilman Benedict and they did appreciate him stepping up to serve the Town.

Councilman Morrissey said that working with Councilman Benedict had been a pleasure and his take on a lot of issues was unique. He said that he learned a lot from him.

Councilman Clinchy said when they interviewed the 14 candidates Councilman Benedict made 3 promises. He continued that they were that he would be an independent vote, use common sense and that the only thing that mattered to him was to do what was in the best interest of the Town. He said that he not only kept those promises he exceeded them. Councilman Clinchy said that Councilman Benedict had been a good teammate and he was going to be missed.

Councilman Benedict said that he wanted to thank the Board and the residents of Somers for giving him the opportunity to serve them. He said that he received more from them than he had given to them. He said that he had found that they were the luckiest Town around because they had dedicated professionals that served on the Board that only cared about doing what was best for the Town of Somers. Councilman Benedict continued that they had wonderful employees that worked for the Town and they really cared about their jobs. He told Mr. Ciriaco that he was going to encounter wonderful people who would assist him in doing his job. He said that he was proud that they asked him to help them and he was forever grateful from what he had learned from them.

The Supervisor wished everyone a very Merry Christmas, a Happy Hanukkah, Happy Kwanza and a Happy New Year. She said that they had two very wonderful ceremonies, the Tree

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Lighting and a Menorah Lighting and both were well attended and a lot of fun. She hoped that everyone shared the joy that they had in their hearts with everyone they loved during the Holidays.

Councilman Clinchy said that the Salvation Army was such a help to the Town during the storm if anyone wanted to make a donation to them to please do so.

Claims for the payment of all Town Bills in the amount of \$1,338,918.51 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 Benedict, the meeting was adjourned at 10:05 PM.

Town Clerk