

MARCH 11, 2010 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening March 11, 2010 at 7:10 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT: Supervisor Mary Beth Murphy
 Councilman Harold R. Bolton
 Councilman Richard G. Clinchy
 Councilman Frederick J. Morrissey

ABSENT: Councilman Thomas A. Garrity, Jr.

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.

Thereupon motion of Supervisor Murphy, seconded by Councilman Clinchy, the meeting was adjourned to an executive session with regard to personnel at 7:10 PM to return that evening.

7:40 PM – meeting reconvened

The Supervisor said that it was in order for the Board to continue a public hearing with regard to the ComCast Franchise Agreement.

7:41 PM – hearing opened
9:41 PM – meeting reconvened

9:41 PM – 5 minute break
9:55 PM – meeting reconvened

The Supervisor said that it was in order to open a public hearing with regard to proposed placement of stop signs at the Southwest intersection of Granite Brook Drive and Richard Somers Road.

9:55 PM – hearing opened
9:56 PM – meeting reconvened

The Supervisor said that it was in order for the Board to adopt a Local Law with regard to the placement of stop signs at the Southwest intersection of Granite Brook Drive and Richard Somers Road.

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

RESOLVED, that the Town Board does hereby adopt a Local Law with regard to the placement of stop signs at the Southwest intersection of Granite Brook Drive and Richard Somers Road as follows:

A Local Law to amend Chapter 158 entitled Vehicles and Traffic of the Town of Somers.

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

1. Article V entitled Stop and Yield Intersections Section 158-19 Stop Intersections Designated is hereby amended to add the following:

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III. Pursuant to Section 1660 Subdivision 1 of the Vehicle and Traffic Law, stop signs shall be installed at the following location:

Southwest intersection of Granite Brook Drive and Richard Somers Road

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 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, Parks and Recreation, Planning and Engineering, Tax Receiver, Director of Finance Zoning and Bureau of Fire Prevention.

Public hearing for the consideration of a letter from the Housing Action Council requesting a waiver for a 50% reduction of Recreation Fees

The next item on the agenda was for the Board to schedule a public hearing for the consideration of a letter from the Housing Action Council requesting a waiver for a 50% reduction of Recreation Fees.

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

RESOLVED, that the Town Board does hereby authorize the scheduling of a public hearing for April 15, 2010 to consider a partial waiver pursuant to Chapter 55 of the Town of Somers Code reducing the otherwise applicable recreation fee for the senior affordable development known as The Mews at Baldwin Place per letter from Rosemarie Noonan, Executive Director of the Housing Action Council.

Road name for the loop road in the Mews at Baldwin Place

The Supervisor said that the next item on the agenda was to authorize a proposed road name for the loop road in the Mews at Baldwin Place, Planned Hamlet. She said that Clayton Boulevard was suggested and she received notice from the applicants Attorney Mr. Seth Mandelbaum of McCullough, Goldberger & Staudt, LLP that they contacted all interested parties and there were no objections to the road name. She explained that Clayton Boulevard was in honor of Clayton Osborne former Highway Superintendent, Deputy Supervisor, Councilman, School Board member and many other hats along the way.

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

RESOLVED, that the Town Board does hereby authorize naming the loop road located in the Planned Hamlet Clayton Blvd.

Intersection of Route 202 and Croton Falls Road

The next item was to update the Board with regard to discussions with the New York State Department of Transportation about the intersection of Route 202 and Croton Falls Road. The Supervisor said that there had been a couple of meetings she attended as well as the Town Planner. She explained that North Salem contacted NYS DOT about doing something with regard to that intersection because the traffic backup into Croton Falls. She said that the NYS DOT was looking at 3 different alternatives and explained what they were. The Supervisor said that she just wanted to make the Board aware of what was going on and they will be hearing more about this in the future.

Westchester County Joint Legislative Package

The Supervisor said that the next item was with to discuss the Westchester County Joint Legislative Package. She explained that she had received a letter from County Legislator Michael Kaplowitz, he was putting together his legislative package to send to the State and he asked if we had anything to add. She said that she wanted to bring this to the Board's attention and asked if they had anything to add. The Board did not want to add anything.

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Dog Park

The next item on the agenda was a discussion with regard to a Dog Park. The Supervisor explained that Councilman Bolton had been working with some residents that were interested in having a Dog Park in Somers and he had done some preliminary work with regard to that. She said that Councilman Bolton was asking at this point to set up a committee. Councilman Bolton said that he would like to put a notification on the website and if anyone was interested in getting involved with the Dog Park they can contact him.

PERSONNEL:

Current Vacancies:

- Affordable Housing Board (3 – 2 year terms to July 11, 2011)
- Architectural Review Advisory Board (1 – unexpired 3 year term to March 31, 2011)
- Board of Ethics – to serve at the pleasure of the Town Board
- SARAC (1 - 2 year terms to July 12, 2010)
- SARAC (4 - 2 year terms to July 12, 2011)
- Substance Abuse Council (1 – 3 year term to December 31, 2009)
- Substance Abuse Council (1 – 3 year term to December 31, 2010)
- Substance Abuse Council (1 – 3 year term to December 31, 2011)
- Planning Board (1 – unexpired 7 year term to December 31, 2016)
- Zoning Board of Appeals (1 – 5 year term to December 31, 2014)

Upcoming Vacancies:

- Conservation Board (4 – 2 year terms to March 15, 2012)
- Parks and Recreation Board (2 – 3 year term to March 9, 2013)

Appoint R. Max Gregor to Open Space

The Supervisor said that it was in order to appoint Robert G. Mac Gregor, Jr to the Open Space Committee.

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

RESOLVED, that the Town Board does hereby appoint Robert G. Mac Gregor, Jr. to the Open Space Committee to replace Frederick J. Morrissey to serve at the pleasure of the Board.

Consensus agenda

The Supervisor said that the next item on the agenda was the consensus agenda. She said with regard to item number 5 the memo was from Steven Woelfle and dated February 4, 2010. Councilman Clinchy asked with regard to item number 8 was there a date for the opening. The Supervisor said it was March 19, 2010.

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

Authorize Waiver of §74-22 A (1)(b) paved access road requirements for The Mews at Baldwin Place

1a. RESOLVED, that the Town Board does hereby authorize Waiver of §74-22 A (1)(b) paved access road requirements for The Mews at Baldwin Place – Planned Hamlet per letter of request from Housing Action Council letter dated February 24, 2010 from Rosemarie Noonan, Executive Director

Authorize a PILOT Agreement for Real Property Taxes for the Mews at Baldwin Place

1b. RESOLVED, that the Town Board does hereby authorize a PILOT Agreement for Real Property Taxes for the Mews at Baldwin Place – Planned Hamlet per letter of request from Housing Action Council letter dated February 24, 2010 from Rosemarie Noonan, Executive Director.

Execute support for consortium energy efficiency application through the Village of Croton-on-Hudson

2a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute support for consortium energy efficiency application through the Village of Croton-on-Hudson.

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2010 Town Tax Warrant

2b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2010 Town Tax Warrant.

Appreciate The Silver Star Families of America

3. RESOLVED, that the Town Board does hereby appreciate The Silver Star Families of America,

WHEREAS, the Town of Somers has always honored the sacrifice of the men and women in the Armed Forces and,

WHEREAS, The Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded and ill by designing and manufacturing a Silver Star (Service) Banner and Flag and,

WHEREAS, to date The Silver Star Families of America has freely given thousands of Silver Star (Service) Banners to the wounded and their families, and

WHEREAS, the members of The Silver Star Families of America have worked tirelessly to provide the wounded of this Town and Country with Silver Star (Service) Banners, Flags and care packages, and,

WHEREAS, The Silver Star Families of America’s sole mission is that every time someone sees a Silver Star (Service) Banner in a window or a Silver Star (Service) Flag flying, that people remember the (sacrificed) for this Town, State and Nation and,

WHEREAS, the people and Supervisor of the Town of Somers wish that the sacrifice of so many in our Armed Forces never be forgotten,

NOW THEREFORE, I, Mary Beth Murphy, SUPERVISOR OF THE TOWN OF SOMERS do hereby proclaim,

My appreciation of The Silver Star Families of America and honor their commitment to our wounded Armed Forces members, I hereby declare May 1st ‘SILVER STAR BANNER DAY’ the permanent and official day to honor the wounded and ill Soldiers of the Town of Somers,

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the Town of Somers, in the State of New York this March 11th in the year of 2010.

Budget modification

4a. RESOLVED, that the Town Board does hereby authorize a budget modification for increase in shared service costs from Parks Department **2010 BUDGET**, per memo dated February 17, 2010 from Adam Smith, Water Superintendent.

From: 051-8310.1 – ASWD – Salaries
To: 051-8304.4 – ASWD – Contractual \$14,000.00

4b. RESOLVED, that the Town Board does hereby authorize a budget modification reimbursement for windshield replacement on the 2001 Dodge Truck per memo dated March 1, 2010 from Steven Ralston, Superintendent of Parks and Recreation.

From: General –A-911 – Insurance Reserve
To: General A7110.4 – Parks Contractual \$200.00

4c. RESOLVED, that the Town Board does hereby authorize a budget modification for year end adjustment to provide additional funding for claims. **2009 BUDGET**, PER MEMO DATED March 11, 2010 from Joan E. Kachmarik, Director of Finance.

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From: General Fund 1910.4 – Unallocated Insurance \$212,179.33
 General Fund 9010.8 – Retirement – NYS, ERS \$15,448.42
 To: General Fund 9060.8 – Health Insurance \$227,627.75

4d. RESOLVED, that the Town Board does hereby authorize a budget modification for year end adjustment to provide additional funding for claims. **2009 BUDGET**, per memo dated March 11, 2010 from Joan E. Kachmarik, Director of Finance.

From: ASWD 8320.4 – Water Supply Contractual
 To: ASWD 9060.8 – Health Insurance \$15,343.00

4e. RESOLVED, that the Town Board does hereby authorize a budget modification for year end adjustment to provide additional funding for the payment of 2009 health insurance claims **2009 BUDGET**, per memo dated March 11, 2010 from Joan E. Kachmarik, Director of Finance.

From: Highway Fund – 5112.1 – Improvements, P. S. \$53,884.34
 5130.2 – Machinery – Equipment \$11,504.00
 5140.1 – Misc. Brush/Weeds, P. S. \$2,990.26
 9010.8 – Retirement- NYS, ERS \$5,672.65
 9089.8 – Dental Insurance \$2,301.05
 909 – Undesignated Fund Balance \$22,062.50
 To: Highway Fund – 9060.8 – Health Insurance \$98,414.80

Refund
 Erosion
 Control
 Bond

5. RESOLVED, that the Town Board does hereby authorize refund of erosion control bond in the amount of \$5,562.00 for tax map 38.06-1-1, to Santaroni Construction Corp. per memo dated February 4, 2010 from Steven Woelfle, Principal Engineering Technician.

Return
 Erosion
 Control
 Bond

6. RESOLVED, that the Town Board does hereby authorize return of erosion control bond in the amount of \$25.00 for Moravick Tree Preservation Permit, Tax Map 27.08-2-3 per memo dated February 19, 2010 from Steven Woelfle, Principal Engineering Technician.

Accept
 Erosion
 Control
 Bond

7. RESOLVED, that the Town Board does hereby authorize accepting erosion control bond in the amount of \$200.00 for Riccobono Stormwater Management and Erosion and Sediment Control permit for Tax Map 26.08-1-4 per memo dated March 2, 2010 from Steven Woelfle, Principal Engineering Technician.

Rebid
 Elephant
 Hotel Window
 Project

8. RESOLVED, that the Town Board does hereby authorize rebid of the Elephant Hotel Window project.

Execute Task Order 2-4.2
 Reis Park Water System
 Chlorination Upgrade
 with Woodard & Curran

9. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Task Order 2-4.2 Reis Park Water System Chlorination Upgrade with Woodard & Curran.

Authorize Suburban
 Propane to fill gas
 tank at Van Tassell

10. RESOLVED, that the Town Board does hereby authorize Suburban Propane to fill gas tank at Van Tassell per memo dated February 19, 2010 from Steven Ralston Superintendent of Parks and Recreation.

Authorize
 tree work

11. RESOLVED, that the Town Board does hereby authorize tree work as outlined in an e-mail dated February 12, 2010 from Steven Ralston, Superintendent of Parks and Recreation.

Awarding of bid for
 the Purchase of
 Agricultural Materials
 to PJC & Company
 Ecological Land Care,
 Inc.

12. RESOLVED, that the Town Board does hereby authorize awarding of bid for the Purchase of Agricultural Materials to PJC & Company Ecological Land Care, Inc. in the amount of \$15,730.20 per memo dated March 8, 2010 from Steven Ralston, Superintendent of Parks and Recreation. The bids received were as follows:

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PJC & Company Ecological Land Care, Inc. \$15,730.20
Pollack Paint Industries, Inc. \$18,231.60

Accept
Erosion
Control
Bond

13. RESOLVED, that the Town Board does hereby authorize acceptance of \$3,152.00 Erosion Control Bond posted by Zap Properties in payment of an Erosion Control Bond – 28.09-1-8 Rosemary Zappi Subdivision per memo dated March 9, 2010 from Wendy Getting, Senior Office Assistant.

Accept
Performance
Bond

14. RESOLVED, that the Town Board does hereby authorize acceptance of \$115,555.00 Performance Bond from Meadow Ridge Homes for 28.09-1-8 Rosemary Zappi Subdivision per memo dated March 10, 2010 from Wendy Getting, Senior Office Assistant.

Acknowledge
resignation of
Open Space
Committee
members

15. RESOLVED, that the Town Board does hereby acknowledge the following letters of resignation from the Open Space Committee effective March 11, 2010:

- a. Ms. Barbara Ughetta
- b. Mr. Stephen Kalayjian
- c. Ms. Anne Bishop

The Supervisor said that she wanted to remind everyone to fill out their Census forms and send them back. She explained that it was very important; it made a difference in the amount of Sales Tax Revenue the County gave the Town among other Aids.

The Town Clerk said that from March 19th to April 19th from 10 AM to 2 PM someone from the Census Bureau would be at the Town House and Van Tassell to answer questions that anyone may have.

Councilman Clinchy said that the recent Sectional Basket Ball Tournament was led by Somers. He explained that Harvey Green of Heritage Hills was the lead Official, Rich Leaf of Heritage Hills was the Announcer and it was headed by Roman Catalino, the Athletic Director of Somers Schools.

Claims for the payment of all Town Bills in the amount of \$792,967.33 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 Clinchy the meeting was adjourned at 10:10 PM.

Town Clerk