

APRIL 15, 2010 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening April 15, 2010 at 6:45 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  
                  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 that it was in order for the Board to enter into an executive session with regard to contractual and personnel matters.

Thereupon motion of Supervisor Murphy, seconded by Councilman Garrity, the meeting was adjourned to an executive session with regard to contractual and personnel matters at 6:45 PM to return that evening.

7:30 PM – meeting reconvened

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

7:32 PM – hearing opened  
8:40 PM – meeting reconvened

8:40 PM – 5 minute break  
8:50 PM – meeting reconvened

The Supervisor said that it was in order to open a public hearing to consider a partial waiver of Recreation Fees for the Senior Affordable development known as the Mews at Baldwin Place.

8:50 PM – hearing opened  
8:51 PM – meeting reconvened

The Supervisor said that it was in order to adopt a 50% waiver in Recreation Fees for Senior Affordable development known as the Mews at Baldwin Place and a Negative Declaration.

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

RESOLVED, that the Town Board does hereby authorize a partial waiver pursuant to Chapter 55 of the Town of Somers Code reducing the otherwise applicable recreation fee to the extent of 50% and further adopts a Negative Declaration for the senior affordable development known as The Mews at Baldwin Place.

ROLL CALL:       Councilman Harold R. Bolton       NAY  
                  Councilman Richard G. Clinchy     AYE  
                  Councilman Frederick J. Morrissey   AYE  
                  Councilman Thomas A. Garrity, Jr.   AYE  
                  Supervisor Mary Beth Murphy       AYE

PUBLIC COMMENT:

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

The Supervisor said with regard to the fireworks she did reach out to everyone that had contributed to the fireworks last year as well as to a few others. She said that the response had been wonderful. She continued that some organizations had doubled and even quadrupled their donations. The Supervisor said that donations large or small it made a difference. She said that it was great to have the entire community involved and taking ownership of it. She said that there was a thermometer at Bailey Park to track the progress of donations and they were about 20% to the goal of \$10,000.00.

The Supervisor said that last week at public comment a resident came in to discuss speeding on the through roads such as Bick Hill Road, Mahopac Avenue and other roads of that nature. She said that she spoke to the Police Chief with regard to that and the Town already had a plan in place. She said that the Police Chief gave to her cards that were given out with regard to high enforcement areas. The Supervisor said that the Police Chief had numerous areas where there will be increased enforcement and she wanted everyone to be aware and slow down to make the streets safer.

Approval  
of the  
minutes

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

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

RESOLVED, that the Town Board does hereby approve the February 4, 2010 Work Session, the February 11, 2010 Public Hearing regarding Comcast Cable Franchise, the February 11, 2010 Public Hearing regarding Purchasing, the February 11, 2010 Regular Meeting, the March 4, 2010 Work Session, the March 11, 2010 Public Hearing regarding Comcast Cable Franchise, the March 11, 2010 Public Hearing regarding Stop Signs the March 11, 2010 Regular Meeting and the March 25, 2010 Special Meeting.

Monthly  
reports

The Town Clerk presented monthly reports from the Town Clerk, Building Inspector, Parks and Recreation, Tax Receiver, Director of Finance, Planning and Engineering, Zoning and Plumbing. She also announced in compliance with Section 64, Subdivision 2a of the Alcoholic Beverage Control Law that Brinker, Inc., d/b/a Chili's and New Bon Buffet were renewing their liquor licenses.

Temporary  
speed  
bumps

The Supervisor said that the next item on the agenda was a request for 2 temporary speed bumps in Lake Lincolndale at the Beach area. Ms. Lisa Healy, Vice President of the LOPLA, said that they were a family community and it was a great place for their children to grow up although there was one issue and that was the speeding on Lake Shore Drive North where the Club House and Lake were located. She said that she was requesting that 2 temporary speed bumps be placed there for the summer season. Discussion ensued with regard to the speed bumps. The Supervisor said that this was the perfect location for a trial of the speed bumps and they should refer it out to the Highway, Police and Engineering Departments. She said that they should also ask the departments to respond by the next work session.

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

RESOLVED, that the Town Board does hereby refer a request for two (2) temporary speed bumps in the vicinity of the Lincolndale Clubhouse to Police Chief, Highway Superintendent and Engineering Department for review and comment.

Cablevision  
Systems  
Westchester  
Corporation  
Franchise  
Agreement

The next item was to discuss the Cablevision Systems Westchester Corporation Franchise Agreement. The Supervisor said that the Town Attorney had one comment to add and asked Mr. Robert Hoch if he would like to address the Board with regard to that. Mr. Robert Hoch, Director of Government Affairs for Cablevision Systems of Westchester, said that Cablevision's existing Franchise Agreement expired as of October 2009 and they were currently operating in Town under a Temporary Operating agreement issued by the New York State Public Service Commission. He said that it was their intention in

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renewing their Franchise Agreement. He explained the documents and the agreement that they had submitted to the Board.

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

RESOLVED, that the Town Board does hereby authorize the scheduling of a Public Hearing for Cablevision Systems Westchester Corporation Franchise Agreement for Thursday, May 13, 2010 at 7:30 PM.

Councilman Bolton recused

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

Upcoming Vacancies:

The Supervisor said that it was in order for the Board to reappoint James Papa and Gary Friedman to the Parks and Recreation Board.

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

Re-appoint  
J. Papa to  
P&R Board

RESOLVED, that the Town Board does hereby re-appoint James Papa to the Parks and Recreation Board to a three (3) year term ending March 9, 2013.

Re-appoint  
G.  
Friedman  
to P&R  
Board

RESOLVED, that the Town Board does hereby re-appoint Gary Friedman to the Parks and Recreation Board to a three (3) year term ending March 9, 2013.

Review and  
comment  
for North  
End at  
Somers

The Supervisor said that the next item was a review and comment for the North End at Somers Site Plan. She said that this was a very large submission and that they received an extensive letter from the County with their comments and it was before the Planning Board at this time. She asked if there were any comments from the Board. Councilman Morrissey asked if there was a commitment from the developer on Affordable Units. The Supervisor said that she thought that the plan was designed at the increased FAR which required 50% affordable housing. There were no other comments from the Board.

Consensus  
agenda

The next item on the agenda was the consensus agenda. The Supervisor said item number 12 was being removed. She said with regard to item number 16 the date needed to be changed to April 9, 2010. Councilman Morrissey said that with regard to item number 1 he would be recuing himself from voting.

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

Waiver wetland  
permit  
application fees  
for the Merritt  
Park Subd

1. RESOLVED, that the Town Board does hereby authorize waiver of the wetland permit application fees for the Merritt Park Subdivision per memo dated March 25, 2010 from Sabrina D. Charney Hull.

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VOTE: Ayes – 4 Murphy, Garrity, Clinchy, Bolton  
Recused – 1 Morrissey

Add M&T Bank to list of designated depositories

2. RESOLVED, that the Town Board does hereby authorize addition of M & T Bank to the list of designated depositories – General Fund per e-mail dated April 8, 2010 from Joan E. Kachmarik, Director of Finance.

Resignations

3. RESOLVED, that the Town Board does hereby acknowledge the following resignations:
- a. Mr. Frank Lapetina – Conservation Board effective March 15, 2010.
  - b. Mr. Charles Friedberg – Conservation Board effective March 15, 2010.
  - c. Dr. Marie Grace Mutino – Library Bd. of Trustees effective March 10, 2010.

Resignation of S. Salvi – Court Clerk

4. RESOLVED, that the Town Board does hereby acknowledge the resignation of Sperandina Salvi, as Court Clerk effective April 29, 2010.

Appoint J. Ross to Board of Ethics

5. RESOLVED, that the Town Board does hereby appoint Jonathan Ross to the Somers Board of Ethics to serve at the pleasure of the Town Board.

Execute agree. w/ Garden State Fireworks

- 6a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the agreement with Garden State Fireworks, Inc. in the amount of \$10,000.00 for the Independence Day Celebration to be held on Saturday, June 26, 2010 at Reis Park.

Execute the Stipulation of Settlement with the Teamsters

- 6b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Stipulation of Settlement with the Teamsters Local 456 for Drain Pipe – Subcontracting Unit Work Arbitration per letter dated March 16, 2010 from Ernest R. Stolzer, Esq.

Execute the Adopt –A – Road – Agreement with Opengate, Inc

- 6c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Adopt –A – Road – Agreement with Opengate, Inc., 28 Warren Street, Somers, NY 10589 for a two (2) year period commencing on April 15, 2010 through April 15, 2012.

Termination of Open Space Committee members

7. RESOLVED, that the Town Board does hereby authorize termination of Open Space Committee members as designated in a memo dated March 19, 2010 from Barbara J. Sherry, Confidential Secretary to the Supervisor. They are as follows:

Mark Stoneman, Myron Semon, Linda Saturn and Anita Krusko.

Dedication of Country Hollow Drive and Corral Court & accept Road Maint. Bond

8. RESOLVED, that the Town Board does hereby authorize dedication of Country Hollow Drive and Corral Court and;

DOES HEREBY, accept a road maintenance bond in the amount of \$65,967.00 per memos from Steven Woelfle, Principal Engineer Technician, contingent upon the Town's receipt of bond documents and Town Attorney approval.

Sign the Northern Westchester Energy Action Coalition agreement

9. On motion of Supervisor Murphy, seconded by Councilman Garrity, the following resolution was adopted by the Town Board of the Town of Somers, New York:

WHEREAS, on June 1, 2009, the Supervisor was authorized to sign the Northern Westchester Energy Action Coalition agreement; and

WHEREAS, the cooperating municipalities wish to consolidate and formalize their prior collaborations, some of which consist of agreements

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know as the Northern Westchester Energy Action Coalition and to form the Northern Westchester Energy Action Consortium; and

WHEREAS, this Intermunicipal agreement supersedes any prior agreements with the Consortium;

NOW THEREFORE BE IT RESOLVED: that the Town Board hereby authorizes the Town Supervisor to sign the Northern Westchester Energy Action Consortium agreement dated March 4, 2010 and pay membership fees of \$1,000.00.

Accept  
Erosion  
Control  
Bonds

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

- a. \$100.00 Mazzella Stormwater Management & Erosion & Sediment Control Permit – 36.12-3-9
- b. \$100.00 Chiazzese Tree Preservation Permit – 26.16-1-17
- c. \$100.00 Wintje Tree Preservation Permit – 18.09-1-63

Return  
Erosion  
Control  
Bonds

11. 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 Nash Tree Preservation Permit – 27.10-1-20.3
- b. \$ 25.00 Amato Tree Preservation Permit – 16.09-2-28
- c. \$ 25.00 Sabanosh Tree Preservation Permit – 16.10-3-9
- d. \$100.00 Changebridge Const. c/o Beaver Brook Somers Assoc. Wetland Permit – 5.17-2-74
- e. \$100.00 Mendelson Wetland Permit – 16.05-2-31
- f. \$500.00 Corrado Steep Slope Permit – 17.16-1-48 & 49
- g. \$ 25.00 Jones Tree Preservation Permit – 17.10-1-24
- h. \$100.00 Vogel Wetland Permit – 5.18-1-18
- i. \$ 25.00 Changebridge Const. c/o Beaver Brook Somers Assoc. Tree Preservation Permit – 5.18-1-18
- j. \$100.00 Changebridge Const. c/o Beaver Brook Somers Assoc. Tree Preservation Permit – 5.18-1-18
- k. \$100.00 Beaver Brook Somers Assoc. Wetland Permit – 16.06-4-1
- l. \$100.00 Cardillo Pools & Spas Stormwater Management – 26.07-1-2
- m. \$500.00 Stonewall Real Estate Builders Steep Slope Permit – 26.07-1-2
- n. \$ 25.00 Herzegovitch Tree Preservation Permit – 5.15-2-66
- o. \$ 25.00 Sullivan Tree Preservation Permit – 16.07-1-8
- p. \$ 25.00 Lambert Tree Preservation Permit – 16.05-3-25
- q. \$ 25.00 Cochran Tree Preservation Permit – 5.15-1-41
- r. \$200.00 Rossing Steep Slope Permit – 16.10-3-11
- s. \$ 25.00 Kesavarapu Tree Preservation Permit – 16.06-1-68

12. REMOVED

Accept Road  
Maint. Bond  
for Manor  
Ridge Subd.

13. RESOLVED, that the Town Board does hereby authorize acceptance of \$20,396.00 road maintenance bond in the form of a CD; for the Manor Ridge Subdivision per memo dated March 23, 2010 from Steven Woelfle, Principal Engineering Technician pending Town Attorney approval.

2010 -  
Internationa  
l Noise  
Awareness  
Day

14. RESOLVED, that the Town Board does hereby adopt resolution of support for International Noise Awareness Day on Wednesday, April 28, 2010.

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WHEREAS, Noise Awareness Day, sponsored by The League of the Hard of Hearing, is being observed in the Town of Somers and throughout the world on the twenty-eighth day of April 2010, and

WHEREAS, exposure to excessive noise can and does permanently damage hearing, and excessive noise is also detrimental to the quality of life, for New Yorkers. The League for the Hard of Hearing and the New York City Department of Environmental Protection (DEP) have developed a public/private partnership that is working with many city agencies to address noise related problems that impact on the quality of life in our city and towns; and

WHEREAS, New Yorkers and visitors are already noticing lower noise levels on the streets and in public places, we can all help by being good neighbors, by reporting excessive noise and by refusing to put ourselves, our neighbors and our children in danger of permanent hearing loss,

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Somers, in recognition of this important initiative, does hereby proclaim, Wednesday, April 28, 2010 in the Town of Somers as “NOISE AWARENESS DAY.”

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| Request for stop sign | 15. RESOLVED, that the Town Board does hereby refer request for Stop Sign at the intersection of Pines Bridge Road and Laura Lane to Police Chief, Highway Superintendent, and Principal Engineering Technician, for review and comment. |
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| Budget modifications | 16. RESOLVED, that the Town Board does hereby authorize budget modifications in a memo dated April 9, 2010 from Mary Beth Murphy, Supervisor. |
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From: 001-4090 – Federal Aid – CDBG Grant  
 To: 001-6775.2 – Nutrition – Transportation Equipment \$46,117.51

From: A2709 – Gifts & Donations  
 To: A7140.0 – Instructional/Special Programs \$1,000.00

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|---|--|
| Award for summer camp trip transportation | 17a. RESOLVED, that the Town Board does hereby award for summer camp trip transportation to Royal Coach Lines in the amount of \$13,760.00 per memo dated April 9, 2010 from Steven Ralston, Superintendent of Parks and Recreation. The following Bids were received: |
|---|--|

Royal Coach Lines	\$13,760.00
Baumann & Sons Buses, Inc.	\$14,130.00
County Coach Corporation	\$14,490.00

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| Approval to go to bid for the Reis Park Water Supply Project | 17b. RESOLVED, that the Town Board does hereby give approval to go to bid for the Reis Park Water Supply Project, pending review by the Town Attorney per e-mail dated April 15, 2010 from Steven Ralston, Superintendent of Parks and Recreation. |
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| Adopt budget for the Reis Park Water Supply Capital Project | 18. RESOLVED, that the Town Board does hereby adopt the following budget for the Reis Park Water Supply Capital Project per memo dated March 25, 2010 from Joan E. Kachmarik, Director of Finance: |
|---|--|

053-510	Estimated Revenues	\$60,000.00
	(5030 Transfers –Recreation Fees)	\$60,000.00
053-960	Appropriations	\$60,000.00
	(7020.0401 – Reis Park Water Supply)	\$60,000.00

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Refer out &  
public  
hearing for  
Somers  
Chase

19. RESOLVED, that the Town Board does hereby refer for review and comment and schedule a public hearing for May 13, 2010 the following:
- a. Installation of Street Light at the intersection of Voris Drive and Hallocks Run.
  - b. 3 way stop signs at the intersection of:
    1. Northwest and southeast corner of Hallocks Run and Theal Court and northeast corner of Theal Court at Hallocks Run.
    2. Northeast and southwest corner of Hallocks Run and Revere Court and southeast corner of Revere Court at Hallocks Run.
20. RESOLVED, that the Town Board does hereby authorize acceptance of a donation of \$2,000.00 from the Somers Lions Club to provide scholarships for Day Camp participants per memo dated April 8, 2010 from Steven Ralston, Superintendent of Parks and Recreation.

Councilman Garrity reminded everyone that the Lions' Carnival was Wednesday, April 28<sup>th</sup> to Sunday, May 2<sup>nd</sup> at Fireman's Field with a Battle of the Bands on Friday night.

Councilman Morrissey said that the Lions' Track Meet was Friday, April 30<sup>th</sup> to Saturday, May 1<sup>st</sup>. He said that it was one of the largest Track Events in the Lower Hudson Valley.

Councilman Clinchy asked if the fireworks company was the same as last year. The Supervisor said that it was. Councilman Clinchy said that they did a great job last year. The Supervisor said that she was happy to have them back. She said that the donations were pouring in already and she was happy for that and they appreciated it. She said that they would be grateful for all donations large and small. The Supervisor said that it was a whole day of activities on June 26<sup>th</sup> starting with the Lynn Adams Walk and ending with the fireworks.

Claims for the payment of all Town Bills in the amount of \$1,054,255.35 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 9:25 PM.

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Town Clerk