

MAY 13, 2010 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers, held on Thursday evening May 13, 2010 at 7:15 PM at the Town House, 335 Route 202, Somers New York.

ROLL CALL:

PRESENT: Councilman Harold R. Bolton
 Councilman Richard G. Clinchy
 Councilman Frederick J. Morrissey
 Councilman Thomas A. Garrity, Jr.

ABSENT: Supervisor Mary Beth Murphy

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

Councilman Clinchy said that it was in order for the Board to enter into an executive session with regard to personnel.

Thereupon motion of Councilman Morrissey, seconded by Councilman Garrity, the meeting was adjourned to an executive session with regard to personnel at 7:15 PM to return that evening.

7:50 PM – meeting reconvened

Supervisor Murphy present at 7:50 PM

The Supervisor said that it was in order to open a public hearing with regard to the renewal of the Cablevision Franchise Agreement.

7:50 PM – hearing opened
8:30 PM – meeting reconvened

The Supervisor said that it was in order to open a public hearing with regard to proposed stop signs at the northwest and southeast corner of Hallocks Run and Theal Court and the northeast corner of Theal Court at Hallocks Run also at the northeast and southwest corner of Hallocks Run and Revere Court and the southeast corner of Revere Court at Hallocks Run.

8:30 PM – hearing opened
8:32 PM – meeting reconvened

The Supervisor said that it was in order for the Board to adopt a Local Law with regard to the proposed stop signs at the northwest and southeast corner of Hallocks Run and Theal Court and the northeast corner of Theal Court at Hallocks Run also at the northeast and southwest corner of Hallocks Run and Revere Court and the southeast corner of Revere Court at Hallocks Run.

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

RESOLVED, that the Town Board does hereby adopt a Local Law with regard to stop signs at the northwest and southeast corner of Hallocks Run and Theal Court and the northeast corner of Theal Court at Hallocks Run also at the northeast and southwest corner of Hallocks Run and Revere Court and the southeast corner of Revere Court at Hallocks Run 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:

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1. Article III entitled Traffic Control in Shopping Centers and On Certain Other Private Property is hereby amended to add the following:

Section 158-15 Stop Intersections.

A. Stop signs shall be located in Somers Chase at the following intersections:

- i. Northwest and southeast corner of Hallocks Run and Theal Court and northeast corner of Theal Court at Hallocks Run.
- ii. Northeast and southwest corner of Hallocks Run and Revere Court and southeast corner of Revere Court at Hallocks Run.

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 Garrity, public comment session was declared closed.

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 that Road House Tavern, Inc., 208 Tomahawk Street (Route 118) in the Town of Somers was applying for an on premises Liquor License and pursuant to Section 64, Subdivision 2a of the Alcoholic Beverage Control Law Pinnacle at Heritage Hills Country Club, 1000 West Hill Drive, Somers was renewing their liquor license.

Farmers Market at the Somers Town Shopping Center

The Supervisor that the next item on the agenda was a discussion with Miriam Hass with regard to the possibility of a Farmers Market at the Somers Town Shopping Center. She said that Ms. Hass sent the Board an e-mail that day and asked her if she had a chance to speak to the new owner of Di Nardo's Farm. Ms. Hass said that Helen Brady went to speak to them and she had a hard time communicating with them. She said that she spoke to Dana Boulanger, Head of the New Awakening Magazine and it was her opinion that the people of Heritage Hills would like and knew that a lot of people go to Muscote Park on Sunday. She said that she spoke to the Urstadt Biddle Properties representatives again and they were interested in having the market being at their location. Ms. Hass said with regard to the e-mail she sent she did not know if the Board was in favor of the market or the permits that were needed. She said that she brought a copy of a similar contract that they had with another location for the Board to consider. She asked the Board what the next step would be.

The Supervisor said that she was concerned that the other business in the Shopping Center would welcome the idea of a Farmers Market. Councilman Bolton said his concern is with the traffic and parking, if they are going to take up a large portion of the parking lot. Councilman Garrity asked if the Supervisor hear back from the Chamber of Commerce. The Supervisor said that she did not. Councilman Garrity said that there were other farms in Town and another Farmers Market already established at Muscote Park. He said that they needed to hear from Di Nardo's and the Chamber of Commerce. The Supervisor asked the Town Clerk if she could help get an interpreter for the new owner of Di Nardo's Farm. The Town Clerk said that she would. Councilman Clinchy asked if Ms. Hass knew if Urstadt Biddle Properties discussed this with their tenants. Ms. Hass said that she did not know that. The Supervisor suggested that Ms. Hass provide a copy of the contract to the Town Attorney for his review and he could advise the Board if they could move forward with that. Councilman Morrissey asked Ms. Hass the number of Farmer Markets would be planned. Ms. Hass said that they would be from the middle of June to the middle of November. Councilman Clinchy asked the number of other Farmers Markets she ran. Ms. Hass listed them for the Board. She said that it sounded like to her that this was not going to work; there were too many obstacles here. Councilman Bolton said that he did not think there were necessarily obstacles; there was

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a concern on the part of the Board about upsetting the residents. Councilman Morrissey said that he recognized that Farmers Markets were desirable also the area of the parking lot was not going to affect a lot of businesses and he thinks that was what she was going to hear from the Chamber of Commerce. He said that he wanted to hear the feedback first. The Supervisor said that she was going to get answers; the Town Attorney was going to look at the contract and place this back on the agenda next month.

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)

Upcoming Vacancies:

Appoint E.
Gorian to
Substance
Abuse Council

The Supervisor said that it was in order to appoint Erica Gorian to the Substance Abuse Council for a 3 year term ending 2011.

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

RESOLVED, that the Town Board does hereby appoint Erika Gorian to the Substance Abuse Council to a three (3) year term ending December 31, 2012.

Appoint J.
Currie to
Planning
Board

The Supervisor said that it was in order to appoint John Currie to the Planning Board to replace Donald Knapp to a term ending December 31, 2012.

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

RESOLVED, that the Town Board does hereby appoint John Currie to the Somers Planning Board to replace Donald Knapp to a term ending December 31, 2012.

Appoint A.
Goyot to
Zoning Board
of Appeals

The Supervisor said that it was in order to appoint Arnold Guyot to the Zoning Board of Appeals for a 5 year term expiring December 31, 2014.

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

RESOLVED, that the Town Board does hereby appoint Arnold F. Guyot to the Somers Zoning Board of Appeals to a five (5) year term ending December 31, 2014.

Appoint J.
Alfonzetti to
Architectural
Review Board

The Supervisor said that it was in order to appoint John Alfonzetti to the Architecture Review Board to replace Rick Morrissey's unexpired term ending March 31, 2011.

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

RESOLVED, that the Town Board does hereby appoint John Alfonzetti to the Somers Architectural Review Board to replace Frederick J. Morrissey to a term ending March 31, 2011.

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Resign of M. Marx from the Somers Energy Advisory Panel

The Supervisor said that it was in order for the Board to acknowledge the resignation of Mr. Michael Marx from the Somers Energy Advisory Panel. The Supervisor thanked him for his service to the Somers Energy Advisory Panel. She said that he was from IBM and was a great asset to the Panel. She continued that his job was requiring him to do a lot of traveling and that was why he was resigning.

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

RESOLVED, that the Town Board does hereby acknowledge the resignation of Michael Marx from the Somers Energy Advisory Panel effective May 13, 2010.

The Supervisor said that on the web site and character generator there was information about the Somers Energy Advisory Panel. She said that if there was someone interested in joining the panel they should contact her office.

Assistant Court Clerk

The Supervisor said that the Board needed to discuss the position of Assistant Court Clerk and apologized for not placing it on the agenda. She said that she did send a memo with regard to the issue of canvassing for Assistant Court Clerk at a higher pay rate than what was already canvassed. She said that there were also the issues of residency and whether they should recommend that they advertise for a resident for the position as well. The Supervisor said that she wanted a sense of the Board as to what direction they should go in. Councilman Clinchy asked if being a resident was a legal requirement for the position of Assistant Court Clerk. The Town Attorney said that it was. Councilman Clinchy asked what the impact was. The Supervisor explained that they had 2 choices; they could hire a resident provisionally until they take the test or request a waiver for the State for a non-resident. She said that it may make sense to pursue both avenues at this point. She said they may be able to get someone at the salary they originally canvassed at. Councilman Clinchy said that what the Justices wanted seemed to make sense and in the long run it would be less money. Councilman Bolton said that the question was, were they willing to raise the bar to hire someone and he said that he was. Councilman Clinchy said that he was too. Councilman Morrissey said that he would be in favor of raising the salary to get a qualified individual and if that meant getting a waiver then they should pursue that as well. The Town Attorney said that it was more than a waiver, it was special legislation and the State Representatives had to be involved. Councilman Morrissey said that he knew that was the case for the Court Clerk position and asked if that was the same for the Assistant Court Clerk as well. Councilman Bolton asked what if there was no one qualified that lived within the boundaries of Somers; there was no recourse. The Supervisor said that there was, they would apply for the special legislation, which was done for the prior Court Clerk. Councilman Garrity asked how long would the legislation take. The Supervisor explained that it would take time but according to her conversations with Civil Service as long as they started the process they could hire the person provisionally. She said that it was her opinion that they should see if there was a resident that was interested and qualified and was willing to work for the set forth salary.

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

The Supervisor asked what the motion was. Councilman Bolton said that the motion was to canvass the Civil Service list at the rate that the Justices requested. The Supervisor asked if they knew what the rate was. Councilman Clinchy said that it was a little over \$43,000.00. The Supervisor suggested that she canvass at a range of the Grade 4 Step 1 salary which was a \$37,789.00 and the Grade 4 Step 6 salary which was \$43,807.00. She said that they were talking about bringing someone in at a 6 year rate; it took their employees 6 years to get to that rate. Councilman Morrissey said that this was the conditions for what the Judges gave them. The Supervisor said that there was no attempt to even ascertain whether or not there was a resident of the Town that would be qualified for the position or that would meet the Judges' needs willing to accept the Step 1 salary. She wanted the Board to be aware of that.

RESOLVED, that the Town Board does hereby authorize re-canvassing for Assistant Court Clerk at a range of Grade 4 Step 1 \$37,789.00 to Grade 4 Step 6 \$43,807.00.

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VOTE: Ayes – 3 Clinchy, Bolton, Morrissey
 Nays – 2 Garrity, Murphy

MOTION CARRIED

Consensus
Agenda

The next item was the consensus agenda. Councilman Clinchy asked with regard to item number 6 was that the emergency generator they had discussed about awhile ago. The Supervisor explained that it was and it was a grant that the Town had and the bid specs were drafted incorrectly and now they have to ensure it was going to work and they have to add the parts for it to work.

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

2010 Day
Camp Staff

- 1a. RESOLVED, that the Town Board does hereby authorize hiring of Day Camp, Tot Time Camp and Tusker (teen travel) Trax staff from June 28 – August 6, 2010 and continue to hire for these programs on an as-needed basis pursuant to County Health counselor-to-camper regulations per memo dated April 30, 2010 from Steven Ralston, Superintendent of Parks & Recreation. This list is as follows:

DAY CAMP STAFF

NAME	POSITION	HOURLY
ADELMAN, HAYLEE	COUNSELOR	\$ 7.34
AQUILINO, NICHOLAS	CIT	\$ 3.34
ARITA, MARCI	COUNSELOR	\$ 6.84
AUSIELLO, HEATHER	DIVISION HEAD	\$ 14.00
BERTE, JACKIE	COUNSELOR	\$ 7.67
BOSSE, ERIN	COUNSELOR	\$ 8.01
CARILE, MICHELLE	COUNSELOR	\$ 6.34
CARUSO, GARY	DIVISION HEAD	\$ 12.00
CARSON, ALEX	COUNSELOR	\$ 7.34
CASEY, JAMES	SPORTS SPECIALIST	\$ 10.00
CASEY, KELLY	COUNSELOR	\$ 7.67
CORD, KAYLA	COUNSELOR	\$ 7.17
DEANGELIS, NICHOLAS	COUNSELOR	\$ 6.67
FEARON, ERIN	ASSISTANT DIRECTOR	\$ 20.00
FRIEDMAN, ERIC	COUNSELOR	\$ 7.84
FRIEDMAN, PAUL	COUNSELOR	\$ 6.34
FUSCO, ALEX	COUNSELOR	\$ 6.34
GARDINEER, BRANDON	COUNSELOR	\$ 7.34
GRAFFITTI, LAURA	COUNSELOR	\$ 6.34
GUADALUPE, AMANDRIA	COUNSELOR	\$ 7.34

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KRUEGER, KRISTINA	DIVISION HEAD	\$ 12.00
LEE, BRITTANY	COUNSELOR	\$ 7.84
LIBERATORE, JESSICA	COUNSELOR	\$ 6.34
MARCHIONNO, RACHEL	COUNSELOR	\$ 6.84
MARIANI, MICHAEL	COUNSELOR	\$ 7.17
McGUIRE, DYLAN	COUNSELOR	\$ 6.34
McGUIRE, MARIA	DIRECTOR	\$ 26.29
McGUIRE, TOM	SPORTS SPECIALIST	\$ 10.00
McISSAC, CASSANDRA	COUNSELOR	\$ 7.84
MENDES, RICHARD	COUNSELOR	\$ 7.67
MINIACI, ANTHONY	COUNSELOR	\$ 6.67
NATHAN, MAXWELL	COUNSELOR	\$ 7.34
NATHAN, ZOE	COUNSELOR	\$ 6.34
OLSEN, EILEEN	A & C SPECIALIST	\$ 15.00
ORENSTEIN, PATRICIA	DIVISION HEAD	\$ 15.00
ORITI, JOSEPH	COUNSELOR	\$ 6.84
ORR, PAULINA	COUNSELOR	\$ 6.84
PERSIC, MICHAEL	COUNSELOR	\$ 6.84
PERSIC, SAMANTHA	COUNSELOR	\$ 6.84
PIEROTTI, ANTHONY	COUNSELOR	\$ 7.17
REIMANN, GABRIELLE	COUNSELOR	\$ 6.34
REIMANN, VICTORIA	COUNSELOR	\$ 7.34
ROBATEL, JAKE	COUNSELOR	\$ 7.34
RUSSO, ELIZABETH	COUNSELOR	\$ 8.17
SCHADE, ANNE	COUNSELOR	\$ 6.84
SIBRIZZI, ADRIANA	COUNSELOR	\$ 7.84
SIBRIZZI, ALYSSA	COUNSELOR	\$ 7.34
SMITH, DORIS JANE	DIVISION HEAD K	\$ 32.00
SNETZKO, KARA	COUNSELOR	\$ 7.34
TENEFRANCIA, MELISSA	COUNSELOR	\$ 8.01
TIGHE, ERYN	COUNSELOR	\$ 7.34
TILLMAN, CROSBY	COUNSELOR	\$ 6.84

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TROISI, JOSEPH	COUNSELOR	\$ 6.34
TURCHIK, KYLE	COUNSELOR	\$ 6.34
WATSON, KEVIN	COUNSELOR	\$ 7.34
ZATTOLA, THOMAS	CIT	\$ 3.34
ZIMMERMAN, HANNAH	NURSE	\$ 12.00

TOT TIME CAMP STAFF

NAME	POSITION	HOURLY
AEBIG, RACHEL	COUNSELOR	\$ 6.65
ARMATO, JILLIAN	MUSIC SPECIALIST	\$ 17.95
BELMONT, TARA	COUNSELOR	\$ 7.05
BILY, MARGARET	DIRECTOR	\$ 44.60
CHRYSSIKOS, KATHRYN	COUNSELOR	\$ 7.05
CUCHINELLI, DOREEN	ASSISTANT DIRECTOR	\$ 27.95
FRIEDMAN, ALEX	COUNSELOR	\$ 7.05
LANGAN, JOSEPH	COUNSELOR	\$ 6.25
MELITO, ALEXANDRA	COUNSELOR	\$ 6.65
MEY, DEBORAH	ASSISTANT DIRECTOR	\$ 27.95
PINSLEY, LAUREN	COUNSELOR	\$ 8.15
TATERA, LINDSAY	COUNSELOR	\$ 6.65

TUSKER TRAX CAMP STAFF

NAME	POSITION	HOURLY
CIANFAGLIONE, SCOTT	DIRECTOR	\$ 27.50
DISANTO, RONNIE	COUNSELOR	\$ 8.00
DRAKE-KOO, MAGGIE	COUNSELOR	\$ 8.25
LINE, REBECCA	COUNSELOR	\$ 8.25
ORITI, DANA	COUNSELOR	\$ 9.00
MACARI, STEPHEN	COUNSELOR	\$ 8.25
THOMAS, CHRISTOPHER	COUNSELOR	\$ 8.75

Donation from Women's Club for Day Camp

- 1b. RESOLVED, that the Town Board does hereby gratefully accept a donation of \$1,000.00 from the Somers Women's Club to provide for Day Camp participants per memo dated April 30, 2010 from Steven Ralston, Superintendent of Parks & Recreation.

Hiring J. O'Hare and E. Friedman for weekend seasonal maintenance work

- 1c. RESOLVED, that the Town Board does hereby authorize the hiring of James O'Hare and Eric Friedman for weekend seasonal maintenance work

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at an hourly rate of \$9.00 beginning May 22, 2010 per memo dated April 30, 2010 from Steven Ralston, Superintendent of Parks & Recreation.

- | | | | | | | | | |
|---|-------------|---|----------------|-------------|----------------------------|-------------|---|-------------|
| Adopt Angle Fly Management Plan | 2. | RESOLVED, that the Town Board does hereby adopt the revised version dated May 12, 2010 of the Angle Fly Management Plan | | | | | | |
| Award bid for Air Conditioning for the Town House third floor | 3. | RESOLVED, that the Town Board does hereby award bid for Air Conditioning for the Town House third floor to MFB Air Conditioning, Heating & Refrigeration in the amount of \$11, 483.00 pending approval of grant modification per memo dated May 5, 2010 from Emil Antonaccio, Jr., President, Somers Historical Society. The proposals received were as follows:

<table><tr><td>Dwight Getting</td><td>\$17,450.00</td></tr><tr><td>R&R Heating & Cooling Inc.</td><td>\$14,100.00</td></tr><tr><td>MFB Air Conditioning, Heating & Refrigeration</td><td>\$11,483.00</td></tr></table> | Dwight Getting | \$17,450.00 | R&R Heating & Cooling Inc. | \$14,100.00 | MFB Air Conditioning, Heating & Refrigeration | \$11,483.00 |
| Dwight Getting | \$17,450.00 | | | | | | | |
| R&R Heating & Cooling Inc. | \$14,100.00 | | | | | | | |
| MFB Air Conditioning, Heating & Refrigeration | \$11,483.00 | | | | | | | |
| Place temporary speed bumps on Lake Shore Drive North | 4. | RESOLVED, that the Town Board does hereby authorize the placement of two (2) temporary speed bumps on Lake Shore Drive North by the Lincolndale Clubhouse in the vicinity of the crosswalk and park area. | | | | | | |
| Purchase 2007 Black Toyota Highlander Hybrid SUV | 5. | RESOLVED, that the Town Board does hereby authorize the purchase of a 2007 Black Toyota Highlander Hybrid SUV in the amount of \$18,640.00 to be paid from Contingency. | | | | | | |
| Share cost of Generator project with Heritage Hills Society | 6. | RESOLVED, that the Town Board does hereby authorize cost sharing for the increased amount of the Generator project for emergency shelter at Heritage Hills with the Heritage Hills Society to be taken from Contingency. | | | | | | |
| Refer donation of Iris Road property | 7. | RESOLVED, that the Town Board does hereby refer donation of Iris Road property located in Lincolndale known as Section 5.15 Block 3 Lot 11 60 x 100 in area to the Parks & Recreation Board, Highway Superintendent, Principal Engineering Technician and Conservation Board for review and comment. | | | | | | |
| Refer Eastern Way to Town Attorney | 8. | RESOLVED, that the Town Board does hereby refer to the Town Attorney 13 & 15 Eastern Way, Purdys – Tax ID’s 18.13-1-7 & 18.13-1-6. | | | | | | |
| Appoint B. Lloyd Court Clerk | 9. | RESOLVED, that the Town Board does hereby appoint Barbara Lloyd as Court Clerk probationary at an annual salary of \$48,143, Grade 5 Step 1 of the CSEA Agreement effective May 3, 2010. | | | | | | |
| Terminate probationary employment and hire permanent of Highway Employees | 10. | RESOLVED, that the Town Board does hereby terminate probationary employment and hire permanent effective April 14, 2010 the following:
<ul style="list-style-type: none">a. Michael Walsh, Skilled Road Maintainer at an hourly salary of \$23.3173.b. Paul Westhoff, Motor Equipment Operator at an hourly salary of \$29.3269. | | | | | | |
| Proclaim May 2010 as National Preservation Month | 11. | RESOLVED, that the Town Board does hereby proclaim May 2010 as National Preservation Month, with a theme of “Old is the New Green.”

WHEREAS, historic preservation is an effective tool for managing growth and sustainable development revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability, and;

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walk of life and all ethnic backgrounds and; | | | | | | |

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WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people and;

WHEREAS, “Old is the New Green” is the theme for National Preservation Month 2010, cosponsored by the Somers Historical Society and the National Trust for Historic Preservation.

NOW, THEREFORE, I, Mary Beth Murphy, Supervisor of the Town of Somers, do proclaim May 2010 as National Preservation Month, and call upon the people of the Town of Somers to join their fellow citizens across the United States in recognizing and participating in this special observance.

Release Street
Opening
Bonds

12. RESOLVED, that the Town Board does hereby authorize release of the following Street Opening Bonds per memo dated April 15, 2010 from Thomas E. Chiaverini, Superintendent of Highways:

- a. \$100.00 Underhill Contracting – 33 Mahopac Ave. – 36.07-1-22.
- b. \$100.00 Underhill Contracting – 35 Mahopac Ave. – 36.07-1-17.

Reimbursement
from Insurance
Reserve Fund

13. RESOLVED, that the Town Board does hereby authorize \$440.00 reimbursement from Insurance Reserve Fund for the replacement of two front windows on Truck numbers 19 & 40 per memo dated April 27, 2010 from Thomas E. Chiaverini, Superintendent of Highways.

Accept
Erosion
Control
Bonds

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

- a. \$100.00 Goldstein – Tree Preservation Permit – 16.14-1-19
- b. \$300.00 Crecco – Wetland, Stormwater Mgmt. & Erosion Control – 28.18-1-21
- c. \$200.00 DeSanto – Stormwater Mgmt., Erosion & Sediment Control – 6.15-2-52
- d. \$100.00 Fleury – Wetland Permit – 16.05-3-32
- e. \$100.00 Samaj Investors Corp. & Zubatkin – Tree Preservation Permit – 28.10-1-12.1

Return
Erosion
Control Bonds

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

- a. \$100.00 Weinberger – Erosion & Sediment Control – 5.17-2-88
- b. \$500.00 Schwartz – Wetland Permit – 15.19-1-1
- c. \$ 25.00 Changebridge Construction – Tree Preservation Permit – 5.14-1-41
- d. \$300.00 Changebridge Construction – Wetland & Tree Preservation Permit – 5.18-1-44
- e. \$500.00 Bonie Wood Realty Corp. – Wetland Permit – 17.09-2-54
- f. \$500.00 BW Equipment Corp. – Wetland Permit – 17.09-2-58
- g. \$500.00 Bonie Wood Realty Corp. – Steep Slope Permit – 28.09-1-24
- h. \$500.00 Bonie Wood Realty Corp. – Steep Slope Permit – 28.13-1-27
- i. \$200.00 Maffei – Wetland Permit – 6.10-1-4

Return
Erosion
Control
Bond

16. RESOLVED, that the Town Board does hereby authorize the return of \$15,950.00 – Erosion Control Bond to Heritage Hills Sewage Works Corp. – 17.10-10-18 per memo dated April 26, 2010 from Steven Woelfle, Principal Engineering Technician.

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Thank Cortina
Family for
donation of
Score Board

17. RESOLVED, that the Town Board does hereby thank the Cortina Family for donation of the Score Board for the Pony League Field.

Budget
Modifications

18. RESOLVED, that the Town Board does hereby authorize budget modifications per revised memo dated May 13, 2010 from Mary Beth Murphy, Supervisor as follows:

RESOLVED, that the Town Board does hereby approve a budget modification of \$5,770.00 Increase General Fund – A2709 – Gift and Donations to Increase General Fund A7110.4 – Parks Contractual to provide reimbursement for the purchase of Pony League Field scoreboard per memo dated April 30, 2010 from Steven Ralston, Superintendent of Parks & Recreation.

RESOLVED, that the Town Board does hereby approve budget modification of \$19,112.72 from 01-3120.2 – Police Equipment to 01-3120.4 – Police Contractual to provide funding for 2010 lease payment for two (2) new police vehicles per memo dated May 10, 2010 from Joan E. Kachmarik, Director of Finance.

RESOLVED, that the Town Board does hereby authorize a budget modification of \$23,640.00 from 001-1990.4 – Contingency to 001-1640.2 – Shared Services, Equipment (\$18,640.00) and 001-1640.4 – Shared Services, Contractual (\$5,000.00) to provide funding for purchase of Toyota Highlander Hybrid and estimated annual expenses for gasoline and maintenance per memo dated May 12, 2010 from Joan E. Kachmarik, Director of Finance.

Sustainable
Energy
Financing
Programs

19. RESOLVED, that the Town Board does hereby give support of pending legislation to strengthen and correct technical deficiencies within the current enabling laws authorizing Sustainable Energy Financing Programs,

WHEREAS, the Town of Somers shares the goal of increasing energy efficiency throughout its community, reducing energy costs for residents, reducing carbon emissions to help mitigate climate disruption, and reducing the negative health effects of fossil fuel emissions, while increasing availability of jobs in our area;

WHEREAS Governor Paterson has called for New Yorkers to meet 45% of New York State's electricity needs through improved energy efficiency and clean renewable energy by 2015;

WHEREAS the Town of Somers is uniquely positioned because of its clear mandate to protect and enhance the local community while sharing an interest in:

- a. Informing and inspiring the public of energy saving opportunities;
- b. Making energy efficiency and renewable energy the options of first choice;
- c. Creating and retaining local jobs;
- d. Reducing fossil fuel emissions and total energy use in a manner that is environmentally sustainable and, to the maximum extent practicable, maximizes additional benefits for local and regional communities;

WHEREAS the Town of Somers is uniquely positioned to run good programs because of its clear mandate to protect and enhance the local community while sharing the objectives of establishing mechanisms and strategies for:

- a. Achieving broader community participation and greater energy efficiency savings from building retrofits;
- b. Achieving broad community acceptance of renewable energy sources;
- c. Creating programs that demonstrate the benefits of gaining economies of scale and designing available strategy for program sustainability;

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- d. Delivering verified energy savings from a variety of projects locally, with a particular emphasis on efficiency improvements in buildings; and
- e. Achieving inter-municipal cooperation in other efficient ways.

WHEREAS the Town of Somers wishes to explore mutually beneficial ways of:

- a. Leveraging private sources of capital with other public and private sources to accomplish these objectives; and
- b. Coordinating efforts with Federal, State, and other agencies and authorities to assure that activities are compatible with the plans and programs of the cooperating municipalities;

WHEREAS, by Chapter 497 of the Laws of 2009, the State of New York authorized an amendment of the General Municipal Law by creating Article 5-L to allow municipalities to create Sustainable Energy Financing Programs to promote the deployment of renewable energy systems and energy efficiency improvement measures at residential and commercial properties and,

WHEREAS, the establishment of a Sustainable Energy Financing Program in the Town of Somers would serve to assist in achieving statewide energy efficiency and renewable energy goals, reducing greenhouse emissions to mitigate the effect of global climate disruption, and creating a clean energy economy and,

WHEREAS, A Sustainable Energy Financing Program would also bolster the economy of the Town of Somers by saving residents monies which they would otherwise spend on energy costs and by creating jobs for residents, and reduce the negative health effects of burning fossil fuels;

WHEREAS, Sustainable Energy Financing Programs are designed to be self supporting and are designed to have no adverse budgetary impact to the Town and will be an “opt-in” benefit affecting only those residents who choose to participate by undertaking renewable energy or energy efficiency projects on properties they own, and

WHEREAS, A Sustainable Energy Financing Program may create an opportunity for the Town of Somers to obtain American Recovery and Reinvestment Act of 2009 ("ARRA") funding to support the program,

WHEREAS, the Sustainable Energy Financing Program enabled by Article 5-L should be amended to allow broader sources of funding while securing and facilitating such programs. Such legislation is now pending in the New York State Senate and Assembly,

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Somers supports pending legislation in the NYS Senate (S.7683) and NYS Assembly to amend, strengthen and correct technical deficiencies within the current enabling laws authorizing Sustainable Energy Financing Programs.

IMA with Westchester County for GIS Shared Services

- 20. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the IMA with Westchester County for GIS Shared Services.

Special Meeting

- 21. RESOLVED, that the Town Board does hereby announce a Special Meeting to be held Friday, May 21, 2010 at 5:00 PM for the purpose of awarding the bid for the Reis Park Water Improvement Project.

Refund SEQRA Fees

- 22. RESOLVED, that the Town Board does hereby authorize the refund of \$3,000.00 SEQRA Professional Services Fee to Summer Trails Day Camp, Inc., per memo dated May 10, 2010 from Sabrina D. Charney Hull, AICP, Town Planner.

MAY 13, 2010 – REGULAR MEETING

North Westchester
Energy Action
Coalition to remove
the Town of Yorktown
as a member

23. RESOLVED, that the Town Board does hereby amend the April 16, 2010 resolution authorizing the Supervisor to execute the North Westchester Energy Action Coalition to remove the Town of Yorktown as a member.

The Farm
(Country
Hollow) Subd

24. RESOLVED, that the Town Board does hereby authorize the following for The Farm (Country Hollow) Subdivision per memo dated May 12, 2010 from Steven Woelfle, Professional Engineering Technician:

- a. Release Erosion Control Bond submitted in the form of a CD in the amount of \$19,790.00, Account #8330225348, issued to Gus & Julia Boniello by the Fleet Bank, dated March 19, 2003.
- b. Release remaining Performance Bonds #8330058156 in the amount of \$100,000.00 issued to Gus & Julia Boniello by the Fleet Bank dated September 17, 2001, #8059445166 in the amount of \$100,000.00 issued to Gus & Julia Boniello by the Fleet Bank dated July 3, 2000 and #8059445158 in the amount of \$100,000.00 issued to Gus & Julia Boniello by the Fleet Bank dated July 3, 2000, upon receipt of a Maintenance Bond in the amount of \$65,967.00.

Execute the amended
Indexed Lump Sum
Contracts, Payment
Factor Adjustment –
Amendment B, for the
winter of: 2009 –
2010

25. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the amended Indexed Lump Sum Contracts, Payment Factor Adjustment – Amendment B, for the winter of: 2009 – 2010 per letter dated May 12, 2010 from Chuck A. Walter, Permit Field Engineer Residency 8-2.

Councilman Clinchy said that the Somers Energy Advisory Panel was giving out books. It was a program that will enable people to cut the energy usage in their homes. He said that it would save them money while helping out the environment. He said that they were also offering training. Councilman Clinchy said that if anyone was interested to contact the Somers Energy Advisory Panel.

Councilman Morrissey said that there was a Work Day at the Angle Fly Preserve that weekend; if anyone was interested please join them.

Claims for the payment of all Town Bills in the amount of \$961,470.67 were presented and allowed for payment as shown on the Abstract of Audited Claims on file in the office of the Town Clerk.

Thereupon motion of Councilman Garrity, seconded by Councilman Clinchy the meeting was adjourned at 8:50 PM.

Town Clerk