

JULY 9, 2009 – COMBINED WORK SESSION/REGULAR MEETING

Minutes of a combined work session/regular meeting of the Town Board of the Town of Somers held on Thursday July 9, 2009 at 7:35 PM at the Town House 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT: Supervisor Mary Beth Murphy
 Councilman Paul Z. Meyer, Jr.
 Councilman George R. Dieter
 Councilman Richard G. Clinchy
 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 as many knew a very good friend to Somers was lost recently, Clayton Osborne better known to most as Ozzie. She said that he was a long time Highway Superintendent, served on the Town Board, School Board and the Building Inspector for a period of time. She said that Ozzie also served as her Deputy for about 5 years. The Supervisor said that Ozzie was a great friend to Somers, well loved by everyone who knew him. She said that he ran the Highway Department with a firm hand but also a gentle way about him and the men that worked for him loved him as well. She requested a moment of silence in his memory and to send condolences to his family.

The Supervisor said that it was in order to open a public hearing with regard to a proposed Local Law amending Chapter 158 entitled Vehicles and Traffic of the Town of Somers with regard to proposed stop sign for Tulip Road.

7:40 PM – hearing opened
7:42 PM – meeting reconvened

The Supervisor said that it was in order to adopt a Local Law to amend Chapter 158 entitled Vehicles and Traffic of the Town of Somers to include the proposed stop signs as well as the Parking Restriction at Van Tassell Park.

The Town Clerk explained that the public notice did not include the Parking Restriction at Van Tassell Park.

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

RESOLVED, that the Town Board does hereby adopt a Local Law to amend Chapter 158 entitled Vehicles and Traffic of the Town of Somers to include the proposed stop signs 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:

FFF. Pursuant to Section 1660, Subdivision 1, of the Vehicle and Traffic Law, the following is designated as stop intersections:

(1) The Northeast and Southwest corners of Acacia Drive at its intersection with Tulip Road.

(2) The Southwest corner of Boxwood Drive at its intersection with Tulip Road.

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

The Supervisor said that she amends her motion to exclude the Parking Restriction at Van Tassell Park and that it should be noticed for public hearing for next month. There were no objections.

The Supervisor said that it was in order to open a public hearing with regard to an amendment to the Code of the Town of Somers to amend Chapter 67 entitled Application Processing Restrictive Law to provide for a waiver in the event of an emergency situation and to amend the form of affidavit used in connection with the administration of said law.

7:43 PM – hearing opened
7:45 PM – meeting reconvened

Councilman Meyer said that he felt that the addition of the waiver for emergency situation was a good idea although he was not in favor of removing the notary signature for the affidavit. He said that the notary gave the form importance. The Supervisor said that the difficulty was that they have had people who were elderly and they get the form from their Plumber and then have to come to the Town House and get someone to notarize the affidavit. She explained that someone last week had to take a bus down to the Town House have the form notarize and then wait for the bus to take them back all because they were fixing the boiler in their condo. She said that she felt it was burdensome to have a resident to go through that process. The Supervisor said that there were a number of check mechanisms to ensure the purpose of the law was followed. The Town Clerk gave other instances where the notarization portion was an issue. Councilman Clinchy asked the Town Attorney what was the difference if the form was notarized. The Town Attorney said if the form was not notarized then it would not be an affidavit it would be a certification but it would not have a legal affect. It was agreed to remove the notary portion of the form.

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

RESOLVED, that the Town Board does hereby adopt a Local Law to amend Chapter 67 entitled Application Processing Restrictive Law to provide for a waiver in the event of an emergency situation and to amend the form of affidavit used in connection with the administration of said law as follows:

A Local Law to amend the Code of the Town of Somers to amend Chapter 67 entitled Application Processing Restrictive Law to provide for a waiver in the event of an emergency situation and to amend the form of certification used in connection with the administration of said law.

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

1. Section 4. entitled Submission of proof; processing and approval Para. A. is amended to read:

A. Simultaneously with the filing of an application to any board or official of the Town of Somers, an applicant must submit proof, using the certification attached hereto, that no fees are due to the Town of Somers and that no outstanding violations of any local law or ordinance of the Town of Somers exist on the property.

2. Section 5. entitled Waivers is hereby amended to add the following:

The Building Inspector, in an emergency situation (eg. water pipe leak, electrical malfunction, etc.) may also waive specific provisions of this chapter where necessary to prevent undue hardship or an inequitable result. The Building Inspector shall simultaneously provide notice of all waivers to the Town Board.

3. The form of certification used in connection with the administration of said law is amended in its entirety to read as follows:

TOWN OF SOMERS
WESTCHESTER COUNTY, NEW YORK
Chapter 67 “Application Processing Restrictive Law”

CERTIFICATION

I hereby certify that to the best of my knowledge no outstanding fees are due and owing to the Town of Somers for the following property:

Section _____ Block _____ Lot _____

Property Address _____

Permit Applying For _____

Furthermore, I hereby certify that to the best of my knowledge no outstanding violation (as that term is defined for the purposes of the Application Processing Restrictive Law, Paragraph 4D) of local laws or ordinances of the Town of Somers exists with respect to the above cited property or any structure or use existing thereon.

Signed _____

Signed _____

(Owner of Record)

(Applicant for Permit)

(Applicant for Permit)

(Print Name)

(Print Name)

Date _____

Date _____

CONFIRMATIONS:

Zoning Enforcement Officer

Date

Director of Finance for Fees

Date

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

JULY 9, 2009 – COMBINED WORK SESSION/REGULAR MEETING

The Supervisor asked the Town Attorney if the next 2 public hearings could be heard together or separately. The Town Attorney explained that the public hearing had to be open separately and but they could take comments for both of them at the same time.

The Supervisor said that it was in order to open a public hearing with regard to a petition to extend the Somers Sewer District to include the Planned Hamlet Subdivision.

7:50 PM – hearing open
9:00 PM – meeting reconvened

The Supervisor said that it was in order to open a public hearing with regard to a petition to extend the Amawalk Shenorock Water District to include the Planned Hamlet Subdivision.

7:50 PM – hearing open
9:00 PM – meeting reconvened

The Supervisor said that they needed to authorize any additional notice if necessary with regard to the petition to extend the Somers Sewer District to include the Planned Hamlet Subdivision and the petition to extend the Amawalk Shenorock Water District to include the Planned Hamlet Subdivision.

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

RESOLVED, that the Town Board does hereby authorize any additional notice if necessary with regard to the petition to extend the Somers Sewer District to include the Planned Hamlet Subdivision and the petition to extend the Amawalk Shenorock Water District to include the Planned Hamlet Subdivision.

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 Board of Appeals, Plumbing and Bureau of Fire Prevention. She announced that JLJE, Inc. d/b/a Sunshine Restaurant, 153 Route 202, Lincolndale had reapplied for their Liquor License. She said that they noticed this in December and it had to be applied for again.

The Supervisor said that she wanted to announce that there would be a band in Bailey Park on Sunday July 12th from 7 to 9 PM. She said that in was Norm Hathaway's Big Band. She said that they were very good and suggested everyone come out for that.

The Supervisor said that the Board wanted to thank Steve Ralston, Superintendent of Parks and Recreation for all of his hard work on the Independence Day Celebration. She said that it was a fabulous Community Day; it was a wonderful turnout and a real fitting tribute to Lynn Adams and all that she meant to the Town. Councilman Meyer said that Steve was there all day working and he always says that it was part of his job but it was well appreciated.

Councilman Clinchy said that the Lion's Club also did a fabulous job and the conditions after all of the rain was terrible.

The Supervisor said that it was truly a community effort and there were a lot of Community Organizations involved. She said that it was wonderful to see and be a part of. She said that the fireworks were great, they had a new provider. The Supervisor said that they raised over \$6,000.00 in contributions towards the payment of the fireworks.

Hiring seasonal Employees for P&R

The next item on the agenda was some proposed hirings for Parks and Recreation.

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

RESOLVED, that the Town Board does hereby authorize the hiring of James O’Hare, Ryan Boniello and Kevin Mathews as Seasonal Maintenance Workers at an hourly rate of \$9.00 (replacing Stephen Nicolais and Jason Friedman) and

DOES HEREBY, authorize hiring Joseph Kucera as Skate Park Attendant at an hourly rate of \$8.00 (replacing Daniel Sheehan) per memo dated July 6, 2009 from Steven Ralston, Superintendent of Parks and Recreation.

Extension
of the
ASWD

The Supervisor said that the next item on the agenda was a petition to extend the Amawalk-Shenorock Water District by Martin and Perez. She suggested that this be referred out to the Town Engineer and Water Superintendent.

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

RESOLVED, that the Town Board does hereby refer petition to extend the Amawalk-Shenorock Water District for properties 36.07-1-22 33 Mahopac Avenue and 36.07-1-17 35 Mahopac Avenue to The Town Engineer and Water Superintendent for review and comment.

The Town Attorney stated for the record that the Martin’s were his Sister and Brother-in-Law.

Mr. Michael Martin addressed the Board as to why they were requesting to be included into the Amawalk-Shenorock Water District.

Smart Grid
Grant App.

The next item was with regard to the Smart Grid Grant Application. Mr. Herb Oringel said that they were there to discuss with the Board the Smart Grid. He said that they were asking for the Board’s support. He explained that they were asking for the Utilities to provide information on how the Somers grid fit so that they could position meters at appropriate junctions. Mr. Mike Gordon addressed the Board with regard to the Smart Grid, how it worked and how the Town could benefit. Discussion ensued with regard to the Smart Grid. The Supervisor said that all the resolution committed the Town to at this point was gathering of information and it seemed worthy of exploration.

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

WHEREAS: The **Town of Somers** is committed to the concept of environmental sustainability and recognizes the importance of being involved in efforts to sustainable energy solutions and,

WHEREAS: **Town of Somers** has demonstrated its commitment through its participation in the **Northern Westchester Energy Action Coalition** and,

WHEREAS: One avenue of contributing toward the development of sustainable energy is through the development and implementation of the so called “Smart Grid” for the distribution of electric power and,

WHEREAS: Federal grant funding opportunities have become available as a result of the American Recovery and Reinvestment Act of 2009 provided that appropriate applications are submitted on or before August 6th, 2009 and,

WHEREAS: In order for the Town to have an opportunity to participate in benefiting by grant funding from this source certain actions must be taken immediately to obtain information from **Con Edison and New York State Electric & Gas (NYSEG)** and from The membership organization that governs the electric grid: The New York Independent System Operator, (“NYISO”) and

WHEREAS: Obtaining the necessary information involved in this project does not obligate the **Town of Somers** to any expenditure of funds or further commitment to participate in the project but merely makes such further participation possible,

NOW THEREFORE: IT IS RESOLVED:

- 1) That Supervisor is hereby authorized to act on behalf of the **Somers Town Board** and shall make a formal request to Con Edison and to New York State Electric and Gas Company for the following information;
 - a) a line drawing or such other map as may currently be available detailing the power transmission and distribution system within the geographic borders of the municipality and,
 - b) a map of currently available load measurement devices together with a description of the current measurement capabilities of the existing equipment (i.e. psyncrophaser technology, power quality measurement, sampling rate etc.) within the same geographic area and,
 - c) an estimated budget and methodology for an optimal (i.e. most cost effective) plan to upgrade the current technology to power quality and use measurement devices that have the capability to measure and report on the quality and quantity of total electric consumption within the same geographic area in four second increments and,
 - d) an independent or integrated, proposal from Power Transmission and Distribution Owner to upgrade to the appropriate power quality and use measurement devices with a plan to offer the town as close to real-time consumption data as is possible, as soon as is possible, and as long-term reliably, as is possible. And
 - e) A letter, outlining the terms of a cooperative engagement with the Municipality coupled with a description of the process seeking funding for the above, through a bundling of federal dollars, state agency dollars, utility fund contributions and/or private investment.
- 2) That the municipality immediately and formally asks the New York State Independent System Operator, (“NYISO”) to approve the community’s proposed measurement criteria for “electric responsiveness.” (e.g. through formal “Small Customer Aggregation” processes) with conservative assumptions, while we seek stricter data reporting and higher credits, over time, and
- 3) Conditioned on, a fair, open, and ongoing stake-holder process, to determine how Energy Reduction Assets will be measured and registered, and how they will evolve, over time, and
- 4) That, along with its measurement requests, the municipality will request a Point Identification number (“PTID”) from NYISO, so that it will be able to gain status as a “demand-side generator of power” should it decide to proceed with involvement in the plan to reduce electric energy consumption which is expected to result from grant program discussed in these resolutions, and
- 5) That the said Supervisor shall pursue obtaining the requested information as expeditiously as possible and communicate the urgency of the municipality’s request to the Power Transmission and Distribution Owner, and to the Independent System Operator, together with the reasons for the request and regularly report his/her progress back to the municipality; and
- 6) That the said Supervisor shall obtain appropriate contact information for the Power Transmission and Distribution Owner liaison to continue any necessary interactions between the municipality and the power supplier if further action is taken with respect to the municipality’s involvement in the grant funding opportunity, and
- 7) That the said Supervisor shall obtain appropriate contact information for the NYISO liaison to continue any necessary interactions between the municipality and the NYISO, as the municipality’s involvement in the grant funding opportunity matures, and
- 8) That obtaining the necessary information involved in this project does not obligate the **Town of Somers** to any expenditure of funds and

JULY 9, 2009 – COMBINED WORK SESSION/REGULAR MEETING

9) That the Town Clerk of the **Town of Somers** shall forthwith provide the Supervisor and the members of the Town Board with a certified copy of this resolution to evidence her authority to the Power Transmission and Distribution Owner and

10) That the Town Clerk of the **Town of Somers** shall forthwith provide the Supervisor and the members of the Town Board with a certified copy of this resolution to evidence her authority to the Independent Systems Operator.

Energy Star
Legislation

The Supervisor said that the next item was with regard to Energy Star Legislation. The Supervisor said that the question was asked if this could be applied to renovations. She said that it cannot be applied to renovations because it applied to the whole structure. She explained how the application process would work and the legislation was enforced. It was agreed to have the Town Attorney redraft legislation and schedule a public hearing with regard to the proposed legislation.

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

RESOLVED, that the Town Board does hereby schedule a public hearing on August 6, 2009 for a Local Law to amend Chapter 74 entitled Building Construction of the Town of Somers to add Article V entitled Energy Star Regulations

The Supervisor said that it was in order for the Board to enter into an executive session with regard to real estate and personnel issues.

Thereupon motion of Supervisor Murphy, seconded by Councilman Clinchy, the meeting was adjourned to an executive session to discuss real estate and personnel issues at 9:40 PM to return that evening.

11:20 PM – meeting reconvened

Cell Tower
Legislation

The next item on the agenda was with regard to Cell Tower Legislation. The Supervisor said that they discussed this some time ago with regard to the issue of cell towers, if the Town needed an overall plan, the legislation itself, how approvals were obtained and the interaction between the Zoning Board of Appeals and the Planning Board in terms of approvals of the applications. She said that she obtained from the Zoning Office a list of all of the locations that cell towers were as well as the heights of the towers and providers. She said that she was trying to obtain a map that exists for each of the applications that showed the public area for the provider as it was presented to the Zoning Board of Appeals, to see if the Town could draft a composite map which would give a sense of where towers were already located. The Supervisor continued that she had spoken with companies that look at the issues of cell towers particularly from the view point of placement of municipal property. She said that there were a few items that they needed to think about and they were; if they should retain someone that would provide an overall analysis of the Town or if applicants could do more of that than they already do. She said that they needed to look at the legislation itself to address issues of the Planning Board's involvement in the review process. Discussion ensued with regard to the Planning Board's involvement, the issues that were occurring for the Planning Board with the current legislation and the Board providing expert guidance. Councilman Meyer suggested that they put this over to next month to review the materials and have the Town Attorney be prepared to advise the Board at that time. The Supervisor said that she did contact 2 Engineering Firms and asked them to submit to the Board information on what they can do with regard to overall Planning issues. She said that she did not think that there was a current application pending although there had been an informal application made and this was something that needed to be addressed expeditiously. Councilman Clinchy said that he would like to get the Zoning Board of Appeals opinion with regard to this matter. Councilman Meyer asked if they should consider a 6 month moratorium for all cell tower applications to address the issues. The Town Attorney suggested that he find out from the applicant what their time frame was.

JULY 9, 2009 – COMBINED WORK SESSION/REGULAR MEETING

Town Website

The Supervisor said that the next item on the agenda was with regard to the Town Website. She explained that the Website Committee had been working diligently to update the website and have come to the conclusion that they needed professional help. She said that they had reached out to a number of different entities to provide professional assistance and made a recommendation. Discussion ensued with regard to the Company that was being recommended and services that were provided. Councilman Meyer said that he would like to look at other websites that this Company supports.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute agreement with Virtual Town Hall in the amount of \$5,395.00 for One Time Implementation Costs which includes standard design and development fees, requirements analysis, user training, web hosting, surveying/polling module, calendars, software, statistical tools and customer support, and \$3,995.00 for Annual Application Services and Hosting per memo dated June 30, 2009 from Tammi Savva, Senior Office Assistant.

VOTE: Ayes – 2 Councilman Garrity, Supervisor Murphy
Nays – 3 Councilmen Clinchy, Dieter & Meyer

MOTION DID NOT CARRY Moved to the August 6, 2009 Meeting

Audit of Cablevision gross revenue

The next item was with regard to an audit of Cablevision gross revenue in conjunction with other Towns. The Supervisor said that they discussed that PSC would do an audit and it was discovered that their audit was not nearly as thorough. She said at that point 7 Towns signed up and the Town of Somers would be the 8th and that would bring the cost down to about \$6,000.00 per Town.

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

RESOLVED, that the Town Board does hereby authorize audit of Cablevision gross revenue in conjunction with other Towns not to exceed \$6,000.00.

Resolution opposing the change to Real Property Tax Law

The Supervisor said that the next item was with regard to a Resolution opposing the change to Real Property Tax Law. She said that there was pending legislation that would change the way condominiums were taxed just in Westchester County the way the legislation was drafted. Councilman Garrity said that it was withdrawn. Councilman Clinchy said that the proposed legislation sat on the floor technically for a year. He said that they should adopt the Resolution anyway.

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

RESOLVED, that the Town Board does hereby adopt resolution opposing change to the Real Property Law.

WHEREAS, in recognition of the current economic conditions, which are the worst since the Great Depression of the early 20th Century, the Somers Town Board opposes any attempt to alter the current property tax structure in any way which might cause the property taxes of the Town’s citizens and businesses to increase;

WHEREAS New York State Bills A5037/S4558 and A4588/S1706 would amend Article 17 of the Real Property Tax Law, and could mandate that all business properties be taxed on a pure sales or fair market value approach rather than the current rental income approach causing the assessments, and thereby the property taxes, on these properties to increase;

WHEREAS under the current property tax structure, condominiums in Westchester County are also taxed as income producing business properties, ascribing a rental value to the properties and, therefore, the amendment to Article 17 of the Real Property Tax Law

JULY 9, 2009 – COMBINED WORK SESSION/REGULAR MEETING

proposed by New York State Bills A05037 and S4558 would cause the assessments, and thereby property taxes, on these properties to increase;

WHEREAS the Somers Town Board believes that the proposed change in the property tax structure could have an untimely adverse and unfair impact on the property tax burden and marketability of the affected condominium properties, many of which are owned by senior citizens and young families;

WHEREAS the Somers Town Board believes that the proposed change in the property tax structure could have an untimely adverse and unfair impact on the property tax burden and marketability of the affected commercial properties and, thus, strangle the already struggling businesses that are the key to our economic recovery;

BE IT RESOLVED, therefore, that the Somers Town Board hereby expresses its clear and unwavering opposition to New York State Bills A05037 and S4558, due to the Board's belief that the proposed law could radically and detrimentally change the property tax structure as applied to businesses and condominiums in Westchester County;

BE IT FURTHER RESOLVED that in light of the extreme burdens of the current economic condition, the Somers Town Board categorically opposes any change to the Real Property Tax Law that might increase property tax assessments for businesses and condominiums; and

BE IT FURTHER RESOLVED that the Town of Somers urges its representatives in the New York State Assembly and the New York State Senate to join with the Town in demanding that Bills A05037 and S4558 be withdrawn from consideration.

IMA with Westchester County for loan from East of Hudson fund for CKWIC Regional Retrofit plan

The next item was with regard to an IMA with Westchester County for loan from East of Hudson funds to cover cost of preparation of CKWIC Regional Retrofit plan to be paid back when the funds from the NYS grant are received by the Town.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor permission to execute the IMA with Westchester County for loan from East of Hudson Funds to cover cost of preparation of CKWIC Regional Retrofit plan to be paid back when the funds from the NYS Grant are received by the Town.

PERSONNEL:

Current Vacancies:

- Affordable Housing Board (1 – 2 year terms to July 11, 2009)
- Board of Ethics (1 – to serve at the pleasure of the Town Board)
- Parks and Recreation Board (1 – unexpired terms to March 9, 2011)
- SARAC (3 - 2 year terms to July 12, 2006)
- SARAC (4 - 2 year terms to July 12, 2007)
- 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)

Upcoming Vacancies:

- Affordable Housing Board (2 – 2 year terms to July 11, 2011)

The Supervisor said that it was in order to announce the new Library Board of Trustees appointments.

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

JULY 9, 2009 – COMBINED WORK SESSION/REGULAR MEETING

Appoint L. Parisi to Library Board of Trustees

RESOLVED, that the Town Board does hereby announce the appointment of Laura Parisi to the Library Board of Trustees to fill the unexpired term of Faye Bishop to a term ending December 31, 2013.

Appoint J. Hasl to Library Board of Trustees

RESOLVED, that the Town Board does hereby announce the appointment of James F. Hasl to the Library Board of Trustees to fill the unexpired term of Cheryl Jagow to a term ending December 31, 2009.

The Supervisor said that it was in order for the Board to appoint George Wahlers as Deputy Chief of the Bureau of Fire Prevention as well as to terminate Barbara Brandt as probationary Intermediate Typist effective July 10, 2009 and appoint her permanent Intermediate Typist effective July 13, 2009.

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

Appoint G. Wahlers as Deputy Chief to the Bureau of Fire Prevention

RESOLVED, that the Town Board does hereby appoint George H. Wahlers as Deputy Chief to the Bureau of Fire Prevention per recommendation of the Board of Fire Commissioners in a letter dated July 6, 2009 to replace the unexpired term of Edwin J. Byrnes, III to a term ending December 31, 2009.

Appoint B. Brandt as permanent Intermediate Typist Group II Step II

RESOLVED, that the Town Board does hereby terminate Barbara Brandt as probationary Intermediate Typist effective July 10, 2009 and does hereby appoint her as permanent Intermediate Typist Group II Step II at an annual salary of \$32,621.00 per memo dated July 8, 2009 from Mary Beth Murphy, Supervisor.

The Supervisor said that it was in order for the Board to authorize the Police Chief to contact the Police Academy, enroll Richard Lamb in the Academy at the Town's expense, at half salary of a regular Officer with pay after the Academy work is completed with satisfaction he becomes a full Officer of the Town, first 2 years pay at 80% and the next 2 years after 90% and then 100% thereafter.

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

Hire R. Lamb for Somers Police Dept.

RESOLVED, that the Town Board does hereby authorize the Police Chief to contact the Police Academy to enroll Richard Lamb in the Academy at the Town's expense, at half salary of a regular Officer with pay after the Academy work is completed with satisfaction he becomes a full Officer of the Town of Somers first 2 years pay at 80% and the next 2 years after at 90% then 100% thereafter.

VOTE: Ayes – 3 – Councilmen Clinchy & Garrity, Supervisor Murphy
Nays – 2 – Councilmen Dieter, Meyer

MOTION CARRIED

The Supervisor thanked Cheryl Jagow for her service on the Library Board of Trustees and wished her the very best.

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

Resign of C. Jagow from Library Board of Trustees

RESOLVED, that the Town Board does hereby acknowledge the resignation of Cheryl Jagow from the Library Board of Trustees effective June 9, 2009 per e-mail received in my office June 12, 2009.

Consensus agenda

The Supervisor said that the next item was the consensus agenda. Councilman Meyer said with regard to item 12b if the idea behind buying the 6 fixtures was to test out the technology. The Supervisor it was accomplishing what they wanted to accomplish. Councilman Meyer said with regard to item number 8. The Supervisor said that the value of the van was \$350.00 and the Fire Department was going to use it for training purposes. Councilman Meyer said that he would like to know what they did with the environmentally hazardous items in the vehicle. The Supervisor suggested Councilman

JULY 9, 2009 – COMBINED WORK SESSION/REGULAR MEETING

Meyer contact the Fire Department and report back to the board. It was agreed to remove item number 8 until next month.

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

Donation from the Somers Lion's Club for day camp scholarships

1. RESOLVED, that the Town Board does hereby accept with gratitude \$2,000.00 donation from the Somers Lion's Club for day camp scholarships per memo dated June 25, 2009 from Steven Ralston, Superintendent of Parks and Recreation.

Release Street Opening Bonds

2. RESOLVED, that the Town Board does hereby authorize the release of the following Highway Street Opening Bonds per memos from Thomas E. Chiaverini, Superintendent of Highways:
 - a. \$500.00 Changebridge Constr. – Meadow Park Lane
 - b. \$250.00 Beaver Brook Assoc. – Putney Road – 5.18-1-51
 - c. \$250.00 Beaver Brook Assoc. – Stephens Court – 5.18-1-30
 - d. \$250.00 Changebridge Constr. – Travis Rd. – 16.05-1-lot 96 (78)
 - e. \$250.00 Changebridge Constr. – Hynard Pl. – 5.17 Block 2 Lot 23
 - f. \$250.00 Changebridge Constr. – Loomis Dr – 5.18- Block 1 Lot 70
 - g. \$250.00 Changebridge Constr. – Travis Rd. – 5.18-Block 1 Lot 19
 - h. \$250.00 Changebridge Constr. – Putney Rd.
5.18 Block 1-Lot 48 (60)
 - i. \$250.00 Changebridge Constr. – Putney Rd. 5.18-1-Lot 49
 - j. \$250.00 Changebridge Constr. – Putney Rd. 5.18-1-Lot 52
 - k. \$250.00 Changebridge Constr. – Putney Rd. 5.18-1-Lot 59

Accept Erosion Control Bonds

3. RESOLVED, that the Town Board does hereby authorize the acceptance of the following Erosion Control Bonds per memos from Guy L. Gagne, P. E., Town Engineer:
 - a. \$100.00 Frey Stormwater Management and Erosion & Sediment Control 17.08-1-9.3
 - b. \$200.00 Frey Wetland Permit – 17.08-1-9.3
 - c. \$200.00 Guastella Stormwater Management and Erosion & Sediment Control – 36.12-3-8
 - d. \$200.00 Paswall Stormwater Management and Erosion & Sediment Control 59.05-2-2
 - e. \$200.00 Wiggins Stormwater Management and Erosion & Sediment Control 5.19-1-52
 - f. \$100.00 Lafayette Street Properties, LLC Stormwater Management and Erosion & Sediment Control – 48.17-1-32

Refund Erosion Control Bonds

4. RESOLVED, that the Town Board does hereby authorize the refund of the following Erosion Control Bonds per memos from Guy L. Gagne, P. E., Town Engineer:
 - a. \$1,247.00 Heritage Hills Recreation Area #3 Erosion Control Bond
 - b. \$1,608.40 Boniello Land & Development Ltd. SEQR Deposit
 - c. \$500.00 Toll Bros. Inc. Steep Slope Permit – 17.17-2-12
 - d. \$500.00 Toll Bros. Inc. Steep Slope Permit – 17.17-1-23

Execute Drainage Easements

5. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the following Drainage Easements per memo dated June 23, 2009 from Guy L. Gagne, P. E., Town Engineer:
 - a. Sheehan – 8 Little Bear Drive – 16.13-1-19
 - b. Djonovic – 18 Mohawk Lane – 16.13-1-7

Support to Somers Land Trust - Pond Restoration Project at the entrance to the Angle Fly Preserve

6. RESOLVED, that the Town Board does hereby adopt a resolution of support to the Somers Land Trust for the implementation of the Pond

JULY 9, 2009 – COMBINED WORK SESSION/REGULAR MEETING

Restoration Project at the entrance to the Angle Fly Preserve per memo dated July 1, 2009 from the Somers Land Trust.

Budget
modifications

- 7a. RESOLVED, that the Town Board does hereby authorize a budget modification to provide monies for clerk to enable completion of Board of Assessment Review minutes and mailings per memo dated July 6, 2009 from Glenn Droese, Assessor.

From: 1355.41 – Board of Review

To: 1355.1 – Assessment Clerk/PT \$400.00

- 7b. RESOLVED, that the Town Board does hereby authorize a budget modification to provide funding for unemployment insurance benefits per memo dated July 8, 2009 from Joan E. Kachmarik, Director of Finance.

From: 001-599 – Fund Balance, Unemployment Insurance Revenue

To: 001-960 Appropriations
9050.8 Unemployment Insurance \$9,650.82

- 7c. RESOLVED, that the Town Board does hereby authorize a budget modification to provide funding for unemployment insurance benefits per memo dated July 8, 2009 from Joan E. Kachmarik, Director of Finance.

From: 002-599 – Fund Balance, Unemployment Insurance Reserve

To: 002-960 – Appropriations
9050.8 Unemployment Insurance \$7,637.56

8. REMOVED

5 Building
permit and
accept Snow
Maint. Bond
for the
Wooded Acres
Subd

9. RESOLVED, that the Town Board does hereby authorize the following for the Wooded Acres Subdivision per memo dated June 25, 2009 from Marilyn Murphy, Planning ‘board Secretary:

- a. Issuance of 5 building permits for lots designated on the Town Tax Map as Sheet 48.13 Block 1 Lot 49, Sheet 48.17 Block 1 Lot 32, Sheet 48.17 Block 1 Lot 36, Sheet 48.17 Block 1 Lot 37, and Sheet 48.17 Block 1 Lot 38.
- b. Accept Snow Maintenance Bond in the amount of \$1,950.00.

2009 Grant
application to the
Justice Court
Assistance
program

- 10a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2009 Grant application to the Justice Court Assistance program “up to the maximum amount available” per memo dated July 8, 2009 from Hon. Denis J. Timone and Hon. Michael J. McDermott.

Service Contract for
renewal of the Bi-
annual System
Checkup of emergency
generator

- 10b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Service Contract for renewal of the Bi-annual System Checkup for the emergency generator #30kW in the amount of \$850.75 per memo dated July 1, 2009 from Chief Michael W. Driscoll.

Relocation of
offsite
Records

11. RESOLVED, that the Town Board does hereby authorize relocation of offsite Records per memo dated July 7, 2009 from Kathleen R. Pacella, Town Clerk.

Lighting
at the
Library

12. RESOLVED, that the Town Board does hereby authorize the following for the library lighting per memo dated July 8, 2009 from Patricia Miller, Library Director:

- a. Set a budget of \$40,000.00 for labor and materials to replace the 116 lighting fixtures for grant project.
- b. Purchase small number (6) six lighting fixtures and hire an electrical contractor to install these 6 fixtures as a test before purchasing and installing the remaining 110 fixtures, not to exceed \$1,500.00.

Impervious
Pavement
Grant

13. RESOLVED, that the Town Board does hereby authorize the following for Impervious Pavement Grant per e-mail received July 8, 2009 from Steven Ralston, Superintendent of Parks and Recreation:
- a. The Town Board does hereby support to commit \$51,100.00 in matching funds toward the grant if it is received.
 - b. Authorize going to bid for paving of the Park and Town House parking lots.

Councilman Dieter said that Steve Ralston asked him to thank the Police Department and Fire Department for their contribution to the Independence Day Celebration.

Claims for the payment of all Town Bills in the amount of \$741,940.08 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 Meyer, the meeting was adjourned at 12:00 AM.

Town Clerk