

SEPTEMBER 10, 2009 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening September 10, 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 she wanted to remind everyone that the POW/MIA Remembrance was on September 18th at Ivandell Cemetery at 6:30 PM. She said that they would appreciate everyone coming out in support. She said that it was the first day of Rosh Hashanah and wished the best to everyone that was celebrating and reflecting on that day. The Supervisor said that Commander Kaufmann of the Jewish War Veterans asked her to let everyone know that they would not be able to attend but their hearts and thoughts would be with them.

The Supervisor said that the first item on the agenda was that County Legislators Michael Kaplowitz and Peter Harckham were present to address the Board with regard to the agreement that the County was contemplating in connection with a law suit that they were engaged in and some affordable housing issues. County Legislators Michael Kaplowitz and Peter Harckham gave an update to the Board with regard to the Westchester County proposed Housing Settlement. They explained how it was going to effect the County, what was involved for the County and the Town of Somers. The Supervisor asked if they would share the documents with the municipality as soon as possible it would add a level of comfort. The Legislator said that they would be back to give another update as soon as they have more information to share.

PUBLIC COMMENT:

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

The next item on the agenda was a discussion with Michael Barnhart. The Supervisor said that there were two things going on with the Angle Fly Preserve and the Work that the Friends of the Angle Fly and the Somers Land Trust had been doing to get the trails opened. She said that the one was with regard to signage and she shared with the Board the proposed signage and wanted to make sure that the Board was happy with the sign. The Board agreed that they were satisfied with the sign. She said that the other issues they had wanted to discuss were the wetlands and any permitting issues that might arise. The Supervisor explained that they had been in touch with the DEC about the wetlands, in the making of the trails there were some small bridges that were going to be going over wetland areas and things of that nature. Mr. Michael Barnhart said that they were working with the New York New Jersey Trails Conference; they were supervising the trail building effort, they were complying with their standards which were quite rigorous and as they were going along there was training provided on various trail building technologies and practices. He explained to the Board that the crossings could be handled in a number of ways. He said that there was some uncertainty if permits were needed from the Town. Mr. Barnhart said that they were going to have to build a number of structures to cross wetlands and they would like to come up with a mechanism to have one general permit for every crossing. He suggested meeting with the Town Engineer, identify the areas that needed structures and having him sign off on a permit. Councilman Meyer suggested changing the Code to address trail making. The Supervisor said that this was a Town project on Town property and she thought that they were not

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subject to permitting. The Town Attorney said that the Board had that latitude to choose to exercise. The Supervisor said that it was in their best interest to move forward with this and it was a good suggestion to include the Town Engineer for additional input and oversight. Councilman Clinchy said that he supported the Supervisor's suggestions. The Supervisor asked if the Board was in agreement that it was appropriate to exercise their discretion. The Board agreed. The Supervisor thanked Mr. Barnhart and his team for all the work that they had been doing.

The Supervisor said that she wanted to share with regard to the Highway funding for paving. She said that they believed that they had received all of the paperwork for the \$400,000.00 of Federal money although they had not received the final signoff from the State Department of Transportation, but it was expected and those funds would be available for Highway paving work this fall. She continued that the Town closed on the \$2,000,000.00 bonding for paving work. The Supervisor said that they were able to get a favorable rate of 2.55% for 10 years. She said that the residents would be seeing a lot of paving in the next couple of months.

The Supervisor said that it was in order to open a public hearing with regard to an extension of the Amawalk-Shenorock Water District to include the Martin/Pierz properties.

8:45PM – hearing opened
8:50 PM – meeting reconvened

The Supervisor said that it was in order for the Board to adopt the Order to extend the Amawalk-Shenorock Water District to include the Martin/Pierz properties.

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

RESOLUTION TO EXTEND THE AMAWALK SHENOROCK WATER DISTRICT

WHEREAS, a Petition, Map and Plan have been prepared by MARTIN/PIERZ dated July 3, 2009, for the extension of The Amawalk Shenorock Water District of the Town of Somers, New York, and duly presented to this Town Board; and

WHEREAS, an Order was duly adopted by the Town Board on August 6, 2009, reciting the filing of said petition, the improvements proposed, the boundaries of the proposed extension, and the estimated expenses thereof and specifying September 10, 2009, at 7:30 p.m. as the time and the Town Hall in said Town as the place where the said Board would meet to consider the petition and to hear all persons interested in the subject thereof, concerning the same; and

WHEREAS, such order was duly posted, published and served as required by law; and

WHEREAS, a hearing in the matter was duly held by the Board on the 10th day of September, 2009, commencing at 7:30 p.m. o'clock at the Town Hall in said Town and considerable discussion upon the matter having been had, and all persons desiring to be heard having been duly heard and thereupon the hearing being duly closed.

NOW, upon the evidence given at such hearing and on motion of Supervisor Murphy, seconded by Councilman Clinchy, it is

RESOLVED, in accordance with Article 8 of the State Environmental Quality Review Act and 6 NYCRR Part 617, the Town Board hereby makes the determination that based on the information and analysis provided, the proposed action will not result in any significant adverse environmental impact, and it is further

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RESOLVED AND DETERMINED, that (a) the petition aforesaid is signed and acknowledged or proved as required by law, it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers with respect to the boundaries of the proposed district extension as herein approved and it is otherwise sufficient; b) all property and property owners within the proposed district extension are benefitted thereby; (c) all the property and property owners benefitted are included within the limits of the proposed district expansion; and (d) that it is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED, that the extension of the Amawalk Shenorock Water District as proposed in said petition be approved; that such extension be designated as the “Martin/Pierz Extension”; that the improvements to be constructed by the applicants therein mentioned be constructed at the sole cost and expense of the applicants, and such extension be bounded and described as set forth in **Schedule A** attached hereto; and it is further

RESOLVED, that the Town Clerk shall file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control in Albany, New York and record same with the County Clerk, County of Westchester, Division of Land Records within ten (10) days hereof.

Roll Call:	Vote:
Supervisor Mary Beth Murphy	AYE
Councilman George R. Dieter	AYE
Councilman Paul Z. Meyer, Jr.	AYE
Councilman Richard G. Clinchy	AYE
Councilman Thomas A. Garrity, Jr.	AYE

SCHEDULE A

Property Description:

33 Mahopac Avenue
Amawalk, NY 10501
Sheet 36.07
Block 1
Lot 22

35 Mahopac Avenue
Amawalk, NY 10501
Sheet 36.07
Block 1
Lot 17

The Supervisor said that it was in order for the Board to open a public hearing with regard to a proposed amendment to Chapter 167 entitled Wetlands and Watercourse Protection and Chapter 156 entitled Tree Preservation.

8:51 PM – hearing opened
8:52 PM – meeting reconvened

The Supervisor said that it was in order for the Board to adopt a Local Law to amend Chapter 167 entitled Wetlands and Watercourse Protection and Chapter 156 entitled Tree Preservation.

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

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RESOLVED, that the Town Board does hereby adopt a Negative Declaration with regard to the amendments to Chapter 167 entitled Wetlands and Watercourse Protection and Chapter 156 entitled Tree Preservation.

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 167 entitled Wetlands and Watercourse Protection and Chapter 156 entitled Tree Preservation as follows:

A Local Law to amend Chapter 167 entitled Wetlands and Watercourse Protection and Chapter 156 entitled Tree Preservation of the Code of the Town of Somers.

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

1. Section 167-3 Definitions is hereby amended to add the following:

SILVICULTURE - is the art and the science of controlling the establishment, growth, composition, health, and quality of forest to meet diverse needs and values of the many landowners, societies and cultures.

2A. Section 167-4 Activities Subject to Regulation, Subsection C. Regulated Activities Subject to Administrative Permit - the first sentence is hereby amended to read as follows:

The following activities when proposed for silviculture or single-family residential parcel are determined by this chapter to be limited in scope and limited in potential impact.

2B. Section 167-4.C is hereby amended to add:

(8) Silviculture treatments within a wetland or wetland buffer on lands within a NYS Agricultural District, lands enrolled in the NYS Forest Tax Law (NYS RPT 480.) and/or lands managed under a Watershed Forestry Plan by the Watershed Forestry Program/Watershed Agricultural Council.

a). For these lands, the administrative procedure and application process will not unreasonably restrict silviculture treatments as per NYS AML 305 and its subdivisions.

3. Section 156-2 Definitions is hereby amended to add the following:

SILVICULTURE - is the art and the science of controlling the establishment, growth, composition, health, and quality of forest to meet diverse needs and values of the many landowners, societies and cultures.

4. Section 156-5A Permit Applications is hereby amended to add:

(7) Silviculture treatments qualifying under this Chapter on lands within a NYS Agricultural District, lands enrolled in the NYS Forest Tax Law (NYS RPT 480.) and/or lands managed under a Watershed Forestry Plan by the Watershed Forestry Program/Watershed Agricultural Council.

a). For these lands, the administrative procedure and application process will not unreasonably restrict silviculture treatments as per NYS AML 305 and its subdivisions.

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5. 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 it was in order for the Board to continue a public hearing with regard to a petition to extend the Amawalk-Shenorock Water District to include the Planned Hamlet Subdivision.

8:53 PM – hearing opened
9:20 PM – meeting reconvened

Approval of minutes

The next item was the 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 minutes the August 6, 2009 Public Hearing with regard to Tulip Road – Proposed Stop Signs, the August 6, 2009 Public Hearing with regard to No parking at Van Tassell, the August 6, 2009 Public Hearing with regard to Energy Star Legislation, the August 6, 2009 Public Hearing with regard to Petition to extend the Somers Sewer District to include the Planned Hamlet Subdivision – continuation, the August 6, 2009 Public Hearing with regard to Petition to extend the Amawalk Shenorock Water District to include the Planned Hamlet Subdivision – continuation; the August 6, Combined Work Session & Regular Meeting and the August 13, 2009 Special Meeting

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 and Plumbing. She also announced under New York State Division of Alcoholic and Beverage Control, State Liquor Authority that P J.'s Restaurant, 85 Route 6, Baldwin Place was renewing their Liquor License.

Personnel Policy providing for financial incentive for withdrawal from the Health Insurance Coverage

The Supervisor said that the next item was with regard to the adoption of a Personnel Policy providing for financial incentive for withdrawal from the Health Insurance Coverage where other coverage exists. She said that she spoke to the Town's Labor Counsel with regard to some of the questions that were raised at the work session. She continued with regard to retirees opting in or out that was up to the Town Board to decide, if status on the day of retirement determine coverage, again that was up to the Board, if the existing coverage would have to be equivalent, the answer was no because it was volunteer and if they should limit the opt in and out period, it was felt that because of the number of employees it could be a continuing enrollment. Discussion ensued with regard to the lump sum payment amounts.

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

RESOLVED, that the Town Board does hereby adopt a Personnel Policy providing for financial incentive for withdrawal from health insurance coverage where other coverage exists as follows:

Town employees who (i) are not within the coverage of a bargaining unit represented by a union; (ii) are presently enrolled in individual or family health insurance fully paid by the Town; and (iii) instead enroll in a health insurance plan provided by a source other than the Town are eligible for the following financial incentive if they withdraw from coverage under any health insurance plan provided through the Town in which they are currently enrolled:

1. A lump sum payment of \$4,000.00 if he/she is enrolled as of the date of this Resolution in family coverage and withdraws from coverage under any Town provided health plan; or
2. A lump sum payment of \$2,000.00 if he/she is enrolled in family coverage as of the date of this Resolution and reduces his/her coverage from the family to the individual health plan; or

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3. A lump sum pay of \$2,000.00 if he/she is enrolled in individual coverage and withdraws from coverage under any Town provided plan.

Such payment shall be made in the second payroll period after the employee has remained out of the health insurance plan for a full year, and each full year thereafter. To be eligible for such payment the employee must provide written proof to the Town of enrollment in alternate health coverage prior to withdrawal from the plan provided by the Town.

Removal of uncollected tax liens for the years of 1992 to 2004

The next item on the agenda was with regard to the removal of uncollected tax liens for the years of 1992 to 2004.

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

RESOLVED, that the Town Board does hereby authorize removal of uncollectible tax liens for the years 1992-2004 per memo dated August 31, 2009 from Joan Ribaud, Receiver of Taxes.

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

Upcoming Vacancies:

Review and comment reg. Wright's Court Site Plan

The Supervisor said that they next item was a review and comment with regard to Wright's Court Site Plan.

The Town Board reviewed the Wright's Court (formally Barlow Court/Hallic Place) Site Plan dated August 17, 2009 at their September 10, 2009 regular Meeting and had the following comments:

Councilman Meyer said the wells on the map are marked as **proposed** and he would like them marked as **existing** since he believes they were completed and this would make the plan accurate. He was impressed with the plan and said it was fairly well laid out however, he feels if we allow expansion in the floor area coverage on the second floor it would send us down a slippery slope and he is against allowing more floor coverage.

Supervisor Murphy said because of the size of the buildings and where they would be placed in the hamlet that they still remain too big. There were no other comments.

Consensus agenda

The next item was the consensus agenda. Councilman Meyer asked with regard to item number 20f. if they could send a bill to the County District Attorney for the expense. The Supervisor said that they would send them a voucher for the 2008 expenses. Councilman Meyer said with regard to item number 20e. how did they get to the total. The Director of Finance explained the amount to the Board.

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

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Use of Town property for holiday displays

1. RESOLVED, that the Town Board does hereby authorize resolution regarding use of Town property for holiday displays

WHEREAS, the Town of Somers (the “Town”) has permitted holiday displays at the Town House Green in or about the month of December each year, for the purposes of encouraging harmony, peace and goodwill among the residents of the Town; and

WHEREAS, the use of the Town House Green for holiday displays has not heretofore been reduced to writing as an official policy of the Town;and

WHEREAS, the Town Board hereby declares it to be in the best interest of the Town and all its residents to adopt a written policy to provide potential users of the Town House Green property for holiday displays a clear understanding of the standards and guidelines for such use:

NOW, THEREFORE, the Town Board hereby adopts the following policy, effective upon passage:

1. The Town House Green is at the Town complex located at 335 Route 202. The area available for permitted holiday display is on either side of the evergreen tree and areas adjacent thereto.
2. An applicant, if an individual, must be a resident of the Town. If an applicant is an organization, it must have a location in the Town.
3. The term “Permitted Holiday Display” as used herein is hereby defined as a secular holiday display on public property held to be constitutional under court decisions.
4. The term “Court Decisions” as used herein is hereby defined as decisions of the United States Supreme Court and the United States Courts within the Second Circuit regarding the constitutionality of holiday displays on public property.
5. Permitted Holiday Displays may be located at the Town House Green upon written approval of the Town Board and subject to Federal Law, State Law, Town Code and the limitations of this and any other policy duly adopted by the Town Board.
6. The Town will not sponsor or expend monies for a Permitted Holiday Display. Private individuals and/or groups may offer to donate to the Town through the Town Board, items for Permitted Holiday Displays, but it shall be the sole and exclusive decision of the Town Board as to whether such items constitutes a Permitted Holiday Display conforming to Court Decisions and applicable law, policy and ordinance.
7. Nothing herein shall be deemed to offer the Town House Green to anyone as a public forum for the purposes of displaying any exhibits, symbols, sculpture, signs, or artwork.
8. Property Restoration. Organizations and persons temporarily using the Town House Green for Permitted Holiday Displays shall be responsible for returning the areas used in conducting their events to their condition prior to the event and shall be responsible for the cost and repair for any vandalism, damage, breakage, loss, or other destruction caused to their Permitted Holiday Display.
9. Procedures for Reserving Temporary Use of the Town House Green for Permitted Holiday Displays.

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A. Requests for reserving temporary use of the Town House Green for a Permitted Holiday Display must be made in writing to the Town. Each request must contain the following information (incomplete requests will not be considered):

1. Name/address/telephone number/e-mail address(es) of contact person(s)
2. Name/address/telephone number/e-mail address(es) of backup contact person(s)
3. Name and address of organization
4. General description of Permitted Holiday Display
5. Date(s)/time and duration of Permitted Holiday Display
6. Area requested for use
7. Signature/printed name of individual submitting request or authorized representative of the organization submitting the request.

The Town Clerk will prepare a permit application form for such requests. Completed permit applications are to be submitted to the Town Clerk who will refer such applications to the Town Board at their next regular meeting for review and action.

Where more than one application is submitted requesting temporary use of the same space at the same time, the Town Board, in its discretion, may designate separate areas within such space, if space estimates reasonably will allow such designation. Where space is insufficient, the Town Board in its discretion may limit the number of Permitted Holiday Displays so as to accommodate the multiple requests for such space. Where such concurrent accommodations cannot be made, priority shall be given to organizations within the Town which have previously been approved for Permitted Holiday Displays at such location. Priority otherwise shall be on a first-come, first-served basis, taking into consideration other previously scheduled events.

Refer request from the Asst. Building Inspector

2. RESOLVED, that the Town Board does hereby refer request from Thomas J. Tooma, Jr., Assistant Building Inspector dated July 29, 2009 regarding a. Portable Toilets, b. Dumpsters and c. Refuse Collection to Efreem Citarella, Building Inspector, for his review and comment.

DOT request to removal the passing lane on Route 202

3. RESOLVED, that the Town Board does hereby authorize resolution to New York State Department of Transportation (DOT) to request removal the passing lane on Route 202 between Anasville Road and Stonehouse Road per letter dated August 5, 2009 from David S. Parker, Civil Engineer 1.

Amend resolution reg. R. Lamb

4. RESOLVED, that the Town Board does hereby amend resolution passed at the August 6, 2009 Combined Work Session/Regular Meeting for Richard Lamb as follows:
- a. Enroll Richard Lamb at the Part-Time Police Academy in Chatham, New York at a cost of \$1,950.00 at the Town's expense.
 - b. Employee Benefits to begin upon the successful completion of training program.

Reappoint B. Singer, R. Stuart & E. Kozlov to Affordable Housing Board

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5. RESOLVED, that the Town Board does hereby re-appoint Barry Singer, Jerome Billingsley, Robert Stuart and Elena Kozlov to the Affordable Housing Board for a two (2) year term ending July 11, 2011.

Execute the
NYSERDA PON4
Grant application
for Energy
Conservation Study

- 6a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the NYSERDA PON4 Grant application for Energy Conservation Study for consultant to perform Town wide comprehensive audit of energy consumption.

Support for
Shared
Service Grant
application
with
Westchester
County for
electronic
scanning and
storage of
Septic Data

- 6b. RESOLVED, that the Town Board does hereby authorize Resolution in support for Shared Service Grant application with Westchester County for electronic scanning and storage of Septic Data

WHEREAS, Westchester County, in cooperation with local Westchester County municipalities, is developing a county-wide septic system “database” which will be GIS-driven, web-based and include records relating to all septic systems in the county including historical construction records and records relating to repair, maintenance and pump outs organized by parcel and identifiable and searchable by both street address and property record section/block/lot number; and

WHEREAS, the “database” will be shared with all Westchester County municipalities as well as with the New York City Department of Environmental Protection (“NYC DEP”) to assist each of these governments in monitoring septic health, particularly in the critical watershed regions of the New York City Water Supply, and in implementing their respective statutory and regulatory obligations in the area of environmental health management and watershed protection; and

WHEREAS, the “database” will specifically assist those local governments located within the Westchester County portion of the watersheds of the New York City Water Supply: Town of Bedford, Town of Cortlandt, Town of Harrison, Town of Lewisboro, Town of Mount Pleasant, Town of New Castle, Town of North Castle, Town of North Salem, Town of Pound Ridge, Town of Somers, Town of Yorktown, Village/Town of Mount Kisco (the “East of Hudson Municipalities”), in establishing a Septic System Inspection Program, as required by the SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) issued by the NYS DEC on April 15, 2008; and

WHEREAS, the “database” project will include the “scanning component” of scanning of up to 49,545 paper records relating to the construction of septic systems within Westchester County, including as-built drawings and certificate of occupancy records, which are critical to development of this comprehensive “database,” for the purposes of monitoring the condition of existing septic systems as well as guiding builders and septic system contractors which perform work on properties with a septic system; and

WHEREAS, the cost of the Scanning Component of the “database” development is expected not to exceed \$400,000; and

WHEREAS, the Town of Somers is a member of the Northern Westchester Watershed Committee (NWWC) which is currently seeking the development of a regional consortium, inter-municipal agreement, management district or other shared service to address stormwater management; and

WHEREAS, Westchester County and certain East of Hudson Municipalities desire to apply as co-applicants to the New York State

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Department of State Local Government Efficiency Grant Program for funding of the Scanning Component of the “database;” and

WHEREAS, it is in the mutual interest of Westchester County and the co-applicants to apply for such funding in order to assist in the development of the “database” as a shared tool for the protection of the environment and public health, as well as to increase efficiencies in the management and monitoring of septic systems within Westchester County; and

WHEREAS, the County of Westchester agrees to assume the role of lead applicant for the purposes of contracting with the State and claiming and receiving payment on behalf of all applicants and will also assume responsibility for the 10% local match for any grant funding granted under this application; now, therefore, be it

RESOLVED, that Westchester County be and hereby is authorized to apply as lead applicant to the New York State Department of State Local Government Efficiency Grant Program for the Scanning Component of the “database,” for grant funding in an amount not to exceed \$400,000; and be it further

RESOLVED, that Westchester County will commit to pay the costs of the local match equal to the amount of ten percent (10%) of the total cost of the Scanning Component of the Database, as required by the New York State Department of State Local Government Efficiency Grant Program; and be it further

RESOLVED, that the acceptance of grant funding from the New York State Department of State Local Government Efficiency Grant Program as aforesaid be further conditioned on the understanding that the “database” will be made available to the twelve East of Hudson municipalities to assist those municipalities in meeting the regulatory requirements for development of a septic inspection program under their SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4). Notwithstanding the above, each municipality will be responsible for any post-database development expense attributable to utilizing the “database” locally and meeting local permit requirements.

RESOLVED, that the Supervisor of the Town of Somers is authorized to be a co-applicant in applying for a New York State Department of State Local Government Efficiency Grant.

Bid for 2010
Highway
materials

7. RESOLVED, that the Town Board does hereby authorize the Superintendent of Highways to go to bid for 2010 materials per memo dated August 5, 2009 from Thomas E. Chiaverini, Superintendent of Highways.

Accept
Erosion
Control Bonds

8. RESOLVED, that the Town Board does hereby authorize acceptance of the following Erosion Control Bonds per memos from Guy L. Gagne, P. E., Town Engineer:
- a. \$100.00 Dalton Wetland Permit – 48.13-1-29.2
 - b. \$500.00 Heritage Hills of Westchester – Kilian/Henne Wetland, Steep Slopes/Stormwater Management & Sediment Control – 6.14-1-1
 - c. \$200.00 Chefalas Steep Slopes, Stormwater Management & Erosion & Sediment Control Permit – 6.11-1-13
 - d. \$300.00 Roche Erosion Control Bond – 6.16-2-18

Release
Erosion
Control Bonds

9. RESOLVED, that the Town Board does hereby authorize release of the following Erosion Control Bonds per memos from Guy L. Gagne, P. E., Town Engineer:

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- a. \$ 25.00 Jakubik Tree Preservation Permit – 16.09-3-15
- b. \$ 25.00 Barankewicz Tree Preservation Permit – 26.08-2-47
- c. \$ 25.00 Amos-Richburg Tree Preservation Permit – 5.17-2-37
- d. \$ 25.00 Petruzzi – Tree Preservation – 16.09-3-15
- e. \$5,000.00 Gagliano Wetland/Tree Preservation – 38.13-2-9
- f. \$ 500.00 Moi Erosion Control Bond – 27.09-2-10
- g. \$ 25.00 O’Reilly Tree Preservation Permit – 5.16-2-34
- h. \$ 100.00 Santaroni Constr. Corp. Erosion Control Bond – 38.05-2-20
- i. \$ 300.00 Santaroni Constr. Corp. Erosion Control Bond – 38.05-2-22
- j. \$ 100.00 Santaroni Constr. Corp. Erosion Control Bond – 38.06-1-16
- k. \$ 100.00 Culver Erosion Control Bond – 27-15.1-16
- l. \$ 100.00 Martabano Wetland Permit – 48.05-1-17
- m. \$ 200.00 Coral Sea Pools (Masyr) Wetland Permit – 48.05-1-18
- n. \$1,320.00 CVS Corp. Erosion Control Bond – 17.15-1-13
- o. \$ 500.00 J. Riina Development. Corp. Wetland Permit – 26.15-1-22
- p. \$16,500.00 East Construction Corp. – Incomplete Items – 4.20-1-1
- q. \$50,000.00 CVS Corp. Performance Bond #6449340 for Incomplete Items – 17.15-1-13

Return
SEQRA
Professional
Fees

10. RESOLVED, that the Town Board does hereby authorize return of the following SEQRA Professional Fees per memos from Guy L. Gagne, P. E., Town Engineer:

- a. \$1,466.96 – Heritage Hills Condo 20 Site Plan
- b. \$2,342.28 – Somers Sanitation for the Bria Realty Amended Site Plan
- c. \$ 413.43 – Sign Guardian for the Citibank Site Plan
- d. \$1,740.71 – Heritage Hills Society for the Heritage Hills Activity Center Site Plan

Return Snow
Maintenance
deposit for
Somers Chase

11. RESOLVED, that the Town Board does hereby authorize return of the following snow maintenance deposits to Toll Brothers, Inc. for the Somers Chase Subdivision per memos from Guy L. Gagne, P. E., Town Engineer:

- a. \$4,700.00 – for Section I
- b. \$7,070.00 – for Section I
- c. \$3,500.00 – for Section II
- d. \$1,600.00 – for Section II

Return Snow
Maintenance
deposit for
The Preserve

12. RESOLVED, that the Town Board does hereby authorize return of the following snow maintenance deposits to Changebridge Construction for the Meadows & Stevens Green Subdivision (The Preserve) per memos from Guy L. Gagne, P. E., Town Engineer:

- a. \$2,800.00 – Portion of Section I – Chambers Drive
- b. \$5,162.00 – Phase III
- c. \$3,400.00 – Phase III
- d. \$2,400.00 – Section IV
- e. \$4,020.00 – Section IV
- f. \$4,780.00 – Section V

Return
Wetland
Planting
Escrow

13. RESOLVED, that the Town Board does hereby authorize return of \$10,000.00 Wetland Planting Escrow Account to J. Riina Development Corp. Tax ID 26.15-1-22 per memo dated August 12, 2009 from Guy L. Gagne, P. E., Town Engineer.

Accept Performance
Bond for Somers
Commons/Omnipoint
Communications Site
Plan

14. RESOLVED, that the Town Board does hereby authorize acceptance of \$25,386.16 Performance Bond #070007666 for Somers Commons/Omnipoint Communications Site Plan pending Town Attorney approval per memo dated August 11, 2009 from Guy L. Gagne, P. E., Town Engineer.

SEPTEMBER 10, 2009 – REGULAR MEETING

Award bid for Heritage Hills Emergency Generator to Pat Kearns Electric, Ltd

15. RESOLVED, that the Town Board does hereby award bid for Heritage Hills Emergency Generator to Pat Kearns Electric, Ltd. in the amount of \$35,750.00 per memo dated August 20, 2009 from Guy L. Gagne, P. E., Town Engineer. The following bids were received:

Pat Kearns Electric, Ltd. in the amount of \$35,750.00
 Crescenzo Electrical Contractor, Inc. in the amount of \$40,454.00
 Elite Electrical Enterprises, Inc. in the amount of \$51,490.00

Support of H Meyer's Eagle Scout Project

16. RESOLVED, that the Town Board does hereby authorize a resolution of support for an Eagle Scout sign project being done by Harrison Meyer.

Test underground oil tanks

17. RESOLVED, that the Town Board does hereby authorize testing of four (4) underground oil tanks at a cost of \$1,450.00 by Luzon Environmental per memo dated September 3, 2009 from Guy L. Gagne, P. E., Town Engineer.

Bid for road paving work on Wood Street, Lake Road, Deans Bridge Road and Wilner Road

18. RESOLVED, that the Town Board does hereby authorize going to bid for road paving work on Wood Street, Lake Road, Deans Bridge Road and Wilner Road to be paid from NYS DOT Resurfacing Grant per memo dated September 3, 2009 from Guy L. Gagne, P.E., Town Engineer.

Hire C. Rocco as Skate Park Attendant

- 19a. RESOLVED, that the Town Board does hereby authorize permission to hire Chris Rocco as Skate Park Attendant at an hourly rate of \$8.00 to replace Christian Carey per memo dated September 4, 2009 from Steven Ralston, Superintendent of Parks and Recreation.

Bid for road paving work on Wood Street, Lake Road, Deans Bridge Road and Wilner Road

- 19b. RESOLVED, that the Town Board does hereby accept with gratitude a gift of an electronic scoreboard from the Cortina family in memory of Ronnie Cortina to be installed at the Pony League field in Reis Park per memo dated September 4, 2009 from Steven Ralston, Superintendent of Parks and Recreation.

Bid for a new refuse removal contract for all Town Facilities

- 19c. RESOLVED, that the Town Board does hereby grant permission to go to bid for a new refuse removal contract for all Town Facilities pending review of the specifications by the Town Supervisor and Town Attorney per memo dated September 4, 2009 from Steven Ralston, Superintendent of Parks and Recreation.

Budget modifications

- 20a. RESOLVED, that the Town Board does hereby authorize a budget modification to increase the 2009 budget for grant monies per memo dated September 3, 2009 from Joan E. Kachmarik, Director of Finance.

To: INCREASE 001-3090 – Revenue State Aid – Other \$3,000.00

- 20b. RESOLVED, that the Town Board does hereby authorize a budget modification to increase the 2009 budget for grant monies per memo dated September 1, 2009 from Joan E. Kachmarik, Director of Finance.

To: INCREASE 001-1110.4 – Appropriations Justice Court \$3,000.00

- 20c. RESOLVED, that the Town Board does hereby authorize a budget modification to provide funding for the 2009/2010 School Taxes on Town owned property per memo dated September 1, 2009 from Joan E. Kachmarik, Director of Finance.

From: General Fund 1990.4 – Contingency

To: General Fund 1950.4 – Property Taxes – Town Owned Property \$273.52

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20d. RESOLVED, that the Town Board does hereby authorize a budget modification to provide funding for the first payment of 2009/2010 School Taxes on foreclosed properties per memo dated September 1, 2009 from Joan E. Kachmarik, Director of Finance.

From: General Fund 1990.4 – Contingency
 To: General Fund 1950.4 – Property Taxes – Town Owned Property
 \$11,272.05

20e. RESOLVED, that the Town Board does hereby authorize a budget modification when the \$2,000,000.00 borrowing for highway road reconstruction/paving was finalized on September 3, 2009, it was intended that the funding on the Highway budget line “Contractual Paving, Debt Service” be transferred to the Debt Service Fund for payments related to this borrowing per memo dated September 9, 2009 from Joan E. Kachmarik, Director of Finance.

From: Highway Fund 5110.401 – General Repairs – Contractual Paving, Debt Service
 To: Highway Fund 9950.93 – Transfer to Other Funds – Debt Service
 \$220,000.00

20f. RESOLVED, that the Town Board does hereby authorize a budget modification to provide additional funding for the payment of legal services for the special prosecutor per memo dated September 9, 2009 from Joan E. Kachmarik, Director of Finance.

From: General Fund 1990.4 – Contingency
 To: General Fund 1420.4 – Legal Services, Special Prosecutor \$10,000.00

Declaring
 October 2009
 as Archives
 Month

21. RESOLVED, that the Town Board does hereby authorize resolution of support declaring October 2009 as Archives Month in the Town of Somers

WHEREAS, the historical records of the Town of Somers are crucial to the way we understand our past and plan for our future; and,

WHEREAS, these records have been professionally administered and made accessible by dedicated, yet often unheralded, archivists; and,

WHEREAS, the work of these archivists and the importance of these records programs seldom receive the recognition they deserve;

NOW THEREFORE, the Town Board declares the period of October 1, 2009 through October 31, 2009 to be Archives Month throughout the Town of Somers and urges the fellow citizens of the Town to participate in the special activities and learn more about the importance of archives and historical records in our community.

Capital Project
 Budget –
 Highway
 Reconstruction/
 Paving
 Project

22. RESOLVED, that the Town Board does hereby authorize establishment of a Capital Project Budget – Highway Reconstruction/Paving Project in the amount of \$2,200,000.00 per memo dated September 9, 2009 from Joan E. Kachmarik, Director of Finance as follows:

054-510	Estimated Revenues		\$2,200,000.00
	(054-5710) Serial Bond Proceeds	\$2,159,100.59	
	(054-0237) Interest	40,899.41	
054-960	Appropriations		\$2,200,000.00
	(054-5110-0400) Admin. Expenses	\$ 50,000.00	
	(054-5110-0401) Contractual, Paving	2,150,000.00	

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Capital Project Budget – Heritage Hills Emergency Generator Project

23. RESOLVED, that the Town Board does hereby authorize establishment of a Capital Project Budget – Heritage Hills Emergency Generator Project in the amount of \$40,000.00 per memo dated September 9, 2009 from Joan E. Kachmarik, Director of Finance as follows:

057-510	Estimated Revenues		\$40,000.00
	(057-3090)	State Aid, Other	\$30,000.00
	(057-2770)	Misc. Income	\$10,000.00
057-960	Appropriations		\$40,000.00
	(057-3997-0400)	Contractual	\$40,000.00

Park Development and Planning Program Grant by UOA

24. RESOLVED, that the Town Board does hereby authorize resolution of support for Park Development and Planning Program Grant by UOA.

WHEREAS, THE United Owners Association (UOA) of Shenorock Homeowners Organization is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located in within the existing Lake Shenorock and adjacent 9-Acre properties located on Lakeview Drive and Overhill Road respectively in the Town of Somers, Westchester County, New York, a site located within the territorial jurisdiction of this Board and,

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the “approval/endorsement of the governing body of the municipality in which the project will be located,”

NOW THEREFORE, be it resolved by this august body that the Town Board of the Town of Somers, New York hereby does approve and endorse the application of United Owners Association (UOA) of Shenorock for a grant under the Environmental Protection Fund for a park project known as Shenorock Park District and located within this community.

AND FURTHER, BE IT RESOLVED THAT, should the United Owners Association (UOA) of Shenorock be unable to do so, said property shall be forever maintained by the Town of Somers as a municipal park in this community consistent with the rules promulgated by OPRHP.

Award bid for two boilers for the Somers Library to Yaun Co.

25. RESOLVED, that the Town Board does hereby award bid for purchase of two boilers for the Somers Library to Yaun Co., in the amount of \$10,904.94 plus an additional \$250.00 breakdown charge if necessary per memo dated September 10, 2009 from Guy L. Gagne, P.E., Town Engineer.

The Supervisor said that tomorrow was September 11th; the Anniversary of a tragic event in the Nation and the Town lost 3 valued citizens on that day. She said they were Richard Klars, George Bishop and Joseph Spor, at this very difficult time for their families the Board’s hearts and prayers were with them. The Supervisor asked that the meeting be closed with a moment of silence.

Claims for the payment of all Town Bills in the amount of \$977,911.35 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 Meyer, the meeting was adjourned at 9:40 PM.

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Town Clerk