

JULY 13, 2017 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening July 13, 2017 at 6:30 PM that the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Rick Morrissey
	Councilman	Richard G. Clinchy
	Councilman	Thomas A. Garrity, Jr.
	Councilman	Anthony J. Cirieco
	Councilman	William G. Faulkner

ABSENT:

Also present were Patricia Kalba, Town Clerk, Linda Verderame, Deputy Town Clerk and Roland A. Baroni, Jr., Town Attorney.

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

Thereupon motion of Supervisor Morrissey, seconded by Councilman Garrity, the meeting was adjourned at 6:30 PM to an executive session with regard to personnel to return that evening.

7:05 PM – meeting reconvened

PUBLIC COMMENT:

Mr. Michael Blum, Todd Lane, said that at the work session he submitted a revised resolution, which would be revision number three of his petition and a sample of the deliverable would be from the resolution. He stated that the Town of North Salem passed a resolution the evening before declaring themselves a Sanctuary City and they based that resolution on a section of the Police Guidelines, Section 2.8 and he read that to the Board. He said that this was a public safety issue and he pointed out an incident that happened in Town where help was not administered because in his opinion people were afraid of there immigration status. Mr. Blum said that all he was asking for was that people have reassurance that they were safe in Somers and prevent a tragedy because of fear.

Councilman Clinchy stated that the Supervisor's statement on the Town website made the intention of the Town clear.

Councilman Garrity stated that he was not in favor of Mr. Blum's resolution and did not believe that the Town Board needed to reaffirm something that was already in place.

Councilman Cirieco agreed with Councilman Garrity that he was not in favor of passing the proposed resolution. He stated that they as a Board could not legislate bad behavior.

Mr. Tom Smith, Carpenter Place, asked if he could receive a copy of Mr. Blum's proposed resolution. Councilman Garrity stated that he could obtain a copy from the Town Clerk.

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

Approval
of Minutes

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

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

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RESOLVED, that the Town Board does hereby approve the minutes of the November 10, 2016 Public Hearing with regard to the consideration to amend the Special Exception Use Permit (SEUP) for Best Plumbing and Supply; the November 10, 2016 Continuation of a Public Hearing with regard to a Conservation Easement for Stuart’s Farm; the November 10, 2016 Regular Meeting; the December 1, 2016 Public Hearing with regard to the 2017 Preliminary Budget; the December 1, 2016 Special Meeting; the December 1, 2016 Work Session; the December 8, 2016 Public Hearing with regard to the consideration to extend the Heritage Hills Special Water District for Somers Crossing; the December 8, 2016 Public Hearing with regard to the consideration to extend the Heritage Hills Special Sewer District for Somers Crossing; the December 8, 2016 Regular Meeting; the January 5, 2017 Organizational Meeting; the January 5, 2017 Work Session; the January 12, 2017 Regular Meeting; the February 2, 2017 Work Session; the March 2, 2017 Public Hearing with regard to the proposed Local Law to amend Chapter 109 entitled Garbage, Rubbish and Refuse adding Section 109-10 Hours of collection to the Code of the Town of Somers; the March 2, 2017 Public Hearing with regard to the proposed Local Law to amend Chapter 158 entitled Vehicles & Traffic of the Town of Somers to install stop signs at the Southeast corner and the Northeast corner of Locust Drive; the March 2, 2017 Special Meeting and the March 2, 2017 Work Session.

Monthly Reports

The Town Clerk presented monthly reports from the Town Clerk, Building Inspector, Zoning Board of Appeals, Plumbing, Bureau of Fire Prevention, Parks and Recreation, Planning and Engineering, Tax Receiver and Director of Finance.

Appoint M. Papa Parks & Rec Board

The Supervisor said that there were two items that needed to be added to the agenda. He said that it was in order for the Board to appoint Mr. Michael Papa to the Parks and Recreation Board to fill the unexpired term of Mr. James Papa.

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

RESOLVED, that the Town Board hereby appoint Michael E. Papa as member of the Parks and Recreation Board to fill the unexpired term of James V. Papa ending March 9, 2019.

Appoint K. Westerman Chairman Parks & Rec Board

The Supervisor said that it was in order for the Board to appoint Mr. Kevin Westerman as Chairman to the Parks and Recreation Board to fill the unexpired term of Mr. James Papa.

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

RESOLVED, that the Town Board does hereby appoint Kevin Westerman, Chairman of the Parks and Recreation Board to a term ending December 31, 2017.

Update from Rose Noonan Exec Dir Housing Action Council

The Supervisor said that the next item on the agenda was an update by Ms. Rose Noonan, Executive Director of the Housing Action Council, with regard to affordable housing availability. Ms. Noonan explained that she was responsible for marketing the ten (10) affordable apartments that were available at the Avalon Somers. She explained that the Avalon consisted of a community of 152 units and 10 were affordable with an additional 11 workforce units. She said that she was not handling the marketing for the workforce housing. Ms. Noonan said that there were seven (7) one-bedroom units and three (3) two-bedroom units and they were integrated throughout the development. She said that they would be available in October and selection would be made by the Westchester County Affirmative Fair Marketing Guidelines. She said that they would be accepting applications until September 8th and shortly after that date the lottery would be conducted. Ms. Noonan explained the income requirements to be eligible for a unit. She stated that the units were pet friendly with parking and all amenities were included in the rent. She said that applications were available in various locations, including the Town House, Town website and on the Housing Action Council’s website. Ms. Noonan said that the Housing Action Council was available to assist applicants in anyway needed. She pointed out that there

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was no age restriction on the units as there was for the Mews. She said that the Affordable Housing Board and the Housing Action Council were planning an informational session in the near future and she would keep the Board apprised of that information.

Signature Bank

The next item was with regard to adding Signature Bank as an approved bank for the Town of Somers to do business with going forward.

Thereupon motion of Supervisor Morrissey, seconded Councilman Faulkner, it was unanimously,

RESOLVED, that the Town Board does hereby authorize Signature Bank as an approved bank for the Town of Somers to do business with per memo dated June 29, 2017 from Robert Kehoe, Director of Finance.

Discussion Somers Board of Fire Commissioners to Adopt Local Law

The Supervisor said that the next item was a discussion with regard to a request received from the Somers Board of Fire Commissioners with regard to a proposed Local Law to allow an exemption from the Town portion of the Tax Assessment for unmarried spouses of deceased 20-year members of the Somers Volunteer Fire Department. He explained that currently widow and widowers were not included and when the Volunteer passed away any exemption that was being received was taken from the spouse. He said that the Board needed to schedule a public hearing for the August 10th meeting to consider this amendment.

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

RESOLVED, that the Town Board does hereby schedule a public hearing with regard to a proposed Local Law to amend Chapter 154, entitled Taxation, Article VII entitled Exemption for Volunteer Fire Fighters and Ambulance Workers of the Code of the Town of Somers pursuant to Section 466-d of the Real Property Tax Law to allow an exemption from the Town portion of the Tax Assessment for unmarried spouses of deceased 20-year members of the Somers Volunteer Fire Department.

Proposed Fee Reduction for Filming

The Supervisor said that the Board needed to add a discussion with regard to some proposed filming that a Film Company wanted to conduct in Somers. He explained that this was a low budget, two (2) day project and the Town's fees did not account for the budget of a film. He said that the Board received a request for a reduction in the Filming Fee. Councilman Garrity stated that they also would not be blocking any of the roads in Town or causing any additional work for the Somers Police or Fire Departments and they would be using local services and businesses while in the Town.

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

RESOLVED, that the Town Board does hereby adjust the filming fee for Ghost Redux, LLC to \$1,000.00 pursuant to Chapter 96, entitled Filming §96-4 entitled License Fee of the Code of the Town of Somers.

PERSONNEL:

Current Vacancies:

- Affordable Housing Board (2 – 2 year terms ending July 11, 2017.)
- Partners in Prevention (4 – 3 year terms ending March 9, 2020.)

Upcoming Vacancies:

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Retirement of R. Schwabe Sr. Library Clerk

The Supervisor said that in was in order for the Board to acknowledge with thanks the retirement of Ms. Rosemary Schwabe, Senior Library Clerk effective July 29, 2017.

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

RESOLVED, that the Town Board does hereby acknowledge the retirement of Rosemary Schwabe, Senior Library Clerk, effective July 29, 2017.

Resignation of L. Papa Parks & Rec

The Supervisor said that it was in order for the Board to acknowledge with thanks the resignation of Ms. Lynn Papa, Intermediate Clerk, Part-time, Parks and Recreation, effective June 29, 2017.

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

RESOLVED, that the Town Board does hereby acknowledge the resignation of Lynn Papa, Intermediate Clerk, Part-time, Parks and Recreation effective June 29, 2017.

Consensus Agenda

The next item on the agenda was the consensus agenda. The Supervisor said with regard to item number 14, he wanted to thank the Somers Energy Environment Committee for all of their hard work in connection with the grant application.

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

Request for Stop Sign

1. RESOLVED, that the Town Board does hereby refer a request for Stop Sign at the corner of Stuart Lane at Moseman Avenue to Somers Police, Highway and Principal Engineering Technician for their review and comment.

Request P/T Code Enforcement Officer

2. RESOLVED, that the Town Board does hereby authorize a request for the Westchester County Civil Service list for Part Time Code Enforcement Officer at annual salary of \$14,928.00 not to exceed 17 hours per week.

Accept Renewal Travelers Ins.

3. RESOLVED, that the Town Board does hereby accept the renewal contract for the Town’s Insurance with the Traveler’s Insurance per memo dated June 14, 2017 from Robert Kehoe, Director of Finance.

Request for Def Driving Town Employees

4. RESOLVED, that the Town Board does hereby authorize letter to Somers Fire Commissioners requesting the Defensive Driving for Town Employees be held at the Amawalk Fire House on October 12, 2017 and October 26, 2017and that John Markiewicz provide the training.

Permit to Operate for the Nutrition Program

5a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Department of Health Permit to Operate for the Nutrition Program at Van Tassell per memo dated June 21, 2017 from Barbara Taberer, Nutrition Director.

Execute Tri-Town Nutrition Program Agreement

5b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Tri-Town Nutrition Program Agreement for the period January 1, 2016 through December 31, 2016 between the Town of Somers, North Salem and Lewisboro per memo dated June 20, 2017 from Barbara Taberer, Nutrition Director.

Execute AAA Transportation Agreement

5c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the AAA Transportation Program Agreement for the period of April 1, 2017 through March 31, 2018 in the amount of \$1,962.00 per memo dated June 6, 2017 from Barbara Taberer, Nutrition Director.

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Execute State
Funding
Contract
WIN & NSIP

- 5d. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute a State funding contract WIN and NSIP for the period commencing on April 1, 2017 through March 31, 2018 in the amount of \$106,574.00 per memo dated June 28, 2017 from Barbara Taberer, Nutrition Director.

Execute Lake
Shenorock
WQIP Grant

- 6. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Lake Shenorock WQIP Grant Contract per memo dated June 22, 2017 from Syrette Dym, Director of Planning.

State
Waterfront
Revitalization
Program

- 7. WHEREAS, the Town of Somers and the citizens it serves recognize the value to the community of developing their waterfronts for our lake communities; and

WHEREAS, the Local Waterfront Revitalization Program planning document will guide future waterfront development and ensure an integrated vision for waterfront development thereby increasing the likelihood of future project funding for implementation. The Local Waterfront Revitalization Program planning document will focus on the development of recreational amenities open to the public located at Lake Shenorock, as well as an overall plan for all of the town’s lake communities; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Somers fully approves and endorses the Town of Somers Lake Shenorock LWRP Planning Project and affirms public and community support for it; and

FURTHER BE IT RESOLVED, that Rick Morrissey, Town Supervisor of the Town of Somers, is hereby authorized and directed to file an application for funds from the Department of State Local Waterfront Revitalization Program, and upon approval of said application to enter into and execute a project agreement with the State for such related financial assistance to the Town of Somers. The Town of Somers will be responsible for all grant administration, oversight and reporting required through this application. The Town of Somers affirms that start-up capital and the required match will be provided should an award be made.

I, Patricia Kalba, Clerk of the Town of Somers, 335 Route 202 Somers, NY 10589 do hereby certify that the following resolution was adopted at a meeting of the Town Board held on July 13, 2017 and is incorporated in the original minutes of said meeting, and that said resolution has not been altered, amended, or revoked and is in full force and effect.

Erosion
Control
Bond

- 8. RESOLVED, that the Town Board does hereby authorize the release of the following Erosion Control Bond per memos dated June 14, 2017, June 19, 2017 and July 3, 2017 from Steven Woelfle, Principal Engineering Technician:

- a. \$100.00 Spallina – Steep Slopes, Stormwater Management and Erosion and Sediment Control Permit – 37.13-3-1
- b. \$200.00 Jensen/Roma Pools Inc. – Stormwater Management and Erosion and Sediment Control Permit – 37.09-1-29
- c. \$100.00 Cuiffo – Stormwater Management and Erosion and Sediment Control Permit – 27.09-2-29

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Almeida
Oil Co.
Bid

9. RESOLVED, that the Town Board does hereby award the Bid to Almeida Oil Co., Inc., 33 Hubbels Drive, Mount Kisco, New York 10549 to perform certain work, generally consisting of a one (1) year contract to furnish and deliver #2-TW Fuel and Heating Oil to all Town Municipal Buildings; and

FURTHER BE IT RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the one (1) year contract.

Letter of
resignation
B. Singer

- 10a. RESOLVED, that the Town Board does hereby accept a letter of resignation from Barry Singer as member of the Affordable Housing Board effective June 14, 2017.

Letter of
resignation
J. Papa

- 10b. RESOLVED, that the Town Board does hereby accept a letter of resignation from James V. Papa as Chairman and member of the Parks and Recreation Board effective June 30, 2017.

Letter of
separation
B. DiTieri

11. RESOLVED, that the Town Board does hereby acknowledge a letter of separation from the Town of Somers and Belinda DiTieri.

Generator
Expenses

12. RESOLVED, that the Town Board does hereby authorize an additional expenditure of \$1,473.79 for expenses that were incurred during the installation of the generator at the Town House per memo dated July, 6, 2017 from Efrem Citarella, Building Inspector.

Erosion
Control
Bond

13. RESOLVED, that the Town Board does hereby accept a check in the amount of \$500.00 posted by Hageman Development, LLC, 155 N. Main Street, New City, New York 10956 in payment of an Erosion Control Bond for Deutsch - Stormwater Management and Erosion and Sediment Control, Steep Slopes, Tree Removal and Wetland Permit TM: 48.09-1-24 per memo dated July 10, 2017 from Wendy Getting, Senior Office Assistant.

NYSERDA
Clean
Energies
Grant

14. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute application for NYSERDA'S Clean Energies Communities Grant in the amount of \$50,000, to be used to create a crosswalk at Plum Brook Road where the Angle Fly Preserve's blue trail connects to Reis Park, at Sunderland Lane for the Reis Park/Primrose Path and at Brick Hill Road.

Authorize Appt.
C. Rossiter
Deputy Rec of
Taxes

15. RESOLVED, that the Town Board does hereby authorize the appointment of Ms. Christine L. Rossiter as Deputy Receiver of Taxes effective July 17, 2017 at an annual salary of \$40,000.00 per memo dated July 10, 2017 from Michele McKearney, Receiver of Taxes.

Execute
Joint
Application
NYS DOT

16. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute New York State Department of Environmental Conservation Joint Application Form with New York State Department of Transportation for the Route 6 Water Main Extension.

The Supervisor said that the Somers Historical Society Annual Woody Guthrie Hootenanny was Saturday, July 15th at 6:00 PM at Mt. Zion Church.

The Supervisor thanked all who donated blood at the last Blood Drive on June 13th, the turnout was impressive.

The Supervisor said that the Westchester County Clerk's Office, Mobile Office would be at Reis Park on Wednesday, August 19th from 11:00 AM to 2:00 PM to process Passport Applications.

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Claims for the payment of all Town Bills in the amount of \$589,978.08 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 Morrissey, seconded by Councilman Ciriaco, the meeting was adjourned at 8:00 PM

Town Clerk