

DECEMBER 14, 2017 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening December 14, 2017 at 7:05 PM at 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 open a public hearing with regard to the consideration of an increase in the 2018 Water Charges for the Amawalk-Shenorock Water District, the Windsor Farms Water District and the Amawalk Heights Water District.

7:05 PM – hearing open
7:06 PM – meeting reconvened

The Supervisor said that it was in order for the Board to adopt an increase to the 2018 Water Charges for the Amawalk-Shenorock Water District, the Windsor Farms Water District and the Amawalk Heights Water District.

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

RESOLVED, that the Town Board does hereby authorize an increase in the 2018 Water Charges for the Amawalk-Shenorock Water District, the Windsor Farms Water District and the Amawalk Heights Water District.

PUBLIC COMMENT:

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

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

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

Approval
of Minutes

RESOLVED, that the Town Board does hereby approve the minutes of the November 2, 2017 Work Session and the November 9, 2017 Regular Meeting.

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. She also announced that La Fontane Ristorante located at 137 Route 100, Katonah, was renewing their Liquor License.

2018
Budget

The Supervisor said that the next item on the agenda was with regard to the adoption of the 2018 Preliminary Budget as the 2018 Adopted Budget. He said that the budget was under the tax cap and for that he wanted to thank the Director of Finance and the Town Board.

DECEMBER 14, 2017 – REGULAR MEETING

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

RESOLVED, that the Town Board does hereby adopt the 2018 Preliminary Budget of the 2018 Adopted Budget.

Presentation
J O’Conner
re: vaping

The next item was a presentation by Ms. Jackie O’Conner, Respiratory Therapist and Community Educator, Northern Westchester Hospital Center, with regard to the dangers of vaping. The Supervisor said that they were aware of the issues with regard to vaping with youth and in the Schools. He said that the Board had researched legislations other communities had passed, some prohibited Vape Shops and others restrict the sale of products within a number of feet from a school. He said to his knowledge there were no Vape Shops in Town although they wanted to be proactive.

Ms. O’Conner stated that she had been educating both Somers High School and Somers Middle School and it started with the dangers of smoking and it had evolved to e-cigarettes and vaping. She pointed out the dangers of vaping and the challenges that they were facing with youths and their usages. She also detailed how the paraphernalia was being modified for drug use. Discussion ensued with the Town Board with regard to the health and drug use concerns that vaping was creating.

Town Vape
Store
Restrictions

The Supervisor said that the next item was a discussion with regard to a Vape Store Restriction Law. He said that he was thinking of the distance from the school approach although he did not think that cigarettes could be purchased in the Somers Town Shopping Center. Discussion ensued with the Town Attorney with regard to how they could create a barrier for the access to underage children and the products. The Town Attorney said that New Castle enacted an amendment to the Zoning Code prohibiting a Vape Shop within 500 feet of a Church or 2,000 feet from a school. He said that the Board could start the process by having the Director of Planning create a draft in the form of the Local Law for the Town Zoning Code. He continued that it would also require an EAF to be referred to the Town of Somers Planning Board and Westchester County Planning. The Town Attorney said that it would be best if the County passed legislation and then all of the Town could get behind that legislation. The Supervisor said that he wanted to get the conversation started with the Board. He said that they would look into what other Towns have done and reach out to the County to see what stand they were taking. He said that this would be placed back on a future agenda.

Sched. PH
Cold War
Veteran’s
Exemption

The next item on the agenda was a discussion with regard to the scheduling of a public hearing to amend the Cold War Veteran’s Exemption - Duration of Exemption. The Town Attorney explained that the purpose of the amendment was to remove the duration of the exemption.

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

RESOLVED, that the Town Board does hereby schedule a public hearing for January 11, 2017 with regard a proposed Local Law to amend Chapter 154, entitled Taxation, Article IX entitled Cold War Veterans Exemption pursuant to Section 154-28 Duration of Exemption of the Code of the Town of Somers.

Ammend
Window
Cleaning
Contract

The Supervisor said next item on the agenda was a discussion to consider an amendment to Schedule A entitled Insurance and Indemnification of the Window Cleaning Contract between Arco Cleaning Maintenance Company and the Town of Somers. The Town Attorney recommended that the Town make the amendment.

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

DECEMBER 14, 2017 – REGULAR MEETING

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Window Cleaning Contract between Arco Cleaning Maintenance Company and the Town of Somers with the amended Schedule A entitled Insurance and Indemnification per memo dated December 8, 2017 from Patricia Kalba, Town Clerk.

Temp Public
Access
Clayton
Blvd

The next item was a discussion with regard to the acceptance of a Temporary Public Access Easement Agreement with Somers Realty for Clayton Boulevard. The Supervisor explained that the road was not ready to be dedicated. The Town Attorney said that Engineers do not want the extension to be dedicated until the road had settled for one winter season to see if there are any defects or deficiencies.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Temporary Public Access Easement Agreement between Somers Realty Corp., c/o AMH CPA's, 83 Calvert Street, Harrison, New York 10528 and the Town of Somers.

Litter
Camera
Law

The Supervisor said that the next item was a discussion with regard to a Litter Camera Law. He explained with regard to someone littering they will be seen committing the crime. He said that Yorktown passed a Litter Camera Law that he would like the Town Board to consider. The Supervisor said that the Town would purchase cameras that would be installed and monitored. The Town Attorney said that he would review Yorktown's legislation and report back to the Board. He suggested that the Town Board also have a conversation with the Police Chief as well.

PERSONNEL:

Current Vacancies:

- Affordable Housing Board (2 – 2 year terms ending July 11, 2019)
- Partners in Prevention (3 – 3 year terms ending December 31, 2019)

Upcoming Vacancies:

- Bureau of Fire Prevention (3 – 1 year terms ending December 31, 2017)
- Library Board of Trustees (1 – 5 year term ending December 31, 2017)
- Partners in Prevention (4 – 3 year terms ending December 31, 2017)
- Planning Board (1 – 7 year terms ending December 31, 2017)
- Zoning Board (2 – 5 year terms ending December 31, 2017)

Retirement
T.Barlow

The Supervisor said that it was in order to acknowledge the retirement of Ms. Thelma Barlow, Somers Crossing Guard. He said that Ms. Barlow had been the Crossing Guard for 31 years. He said that the Board appreciated all that she had done for the Town over the years.

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

RESOLVED, that the Town Board does hereby acknowledge the retirement of Ms. Thelma Barlow after 31 years of service as Town of Somers Crossing Guard, effective December 22, 2017.

Consensus
Agenda

The next item on the agenda was the consensus agenda. The Supervisor said with regard to item number 13, he wanted to thank Police Officer Curtis Dustin for his service to the Town of Somers. He wished him well in his retirement.

DECEMBER 14, 2017 – REGULAR MEETING

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

Transfer
Erosion
Control
Bond

1. RESOLVED, that the Town Board does hereby authorize the transfer of the following Erosion Control Bond to the General Fund per memo dated November 2, 2017 from Steven Woelfle, Principal Engineering Technician:

- a. \$100.00 Malisse – Erosion Control Bond – 27.08-2-2.4
- b. \$200.00 Palermo Too Construction, Inc. – Erosion Control Bond – 36.12-3-8

Return
Erosion
Control
Bond

2. RESOLVED, that the Town Board does hereby authorize the return of the following Erosion Control Bond per memo dated November 2, 2017 from Steven Woelfle, Principal Engineering Technician:

- \$300.00 Gus Boniello and Boniello Land and Realty, LLC Wetland/Steep Slope/Tree Permit #ST004-135 – 58.08-1-6
- \$500.00 Wooded Acres Development/Gus T. Boniello Stormwater Management and Erosion and Sediment Control Permit #ASMESC2015-33 – 48.13-1-49
- \$500.00 Wooded Acres Development/Gus T. Boniello Steep Slopes/Stormwater Management and Erosion and Sediment Control Permit #ASSMESC2015-30 – 48.17-1-31
- \$500.00 Boniello Land & Realty, LTD./Gus T. Boniello Stormwater Management and Erosion and Sediment Control Permit #ASMESC2015-13 – 48.17-1-36
- \$500.00 Wooded Acres Development Corp/Gus T. Boniello Stormwater Management and Erosion and Sediment Control Permit #ASMESC2015-04 – 48.17-1-35

Return
Erosion
Control
Bond

3a. RESOLVED, that the Town Board does hereby authorize the return of the following Erosion Control Bond per memo dated November 6, 2017 from Steven Woelfle, Principal Engineering Technician:

- \$500.00 Meadow Ridge Homes Inc. Stormwater Management and Erosion and Sediment Control Permit #ASMESC2014-10 – 4.19-1-4

3b. RESOLVED, that the Town Board does hereby authorize the return of the following Erosion Control Bond per memo dated November 6, 2017 from Steven Woelfle, Principal Engineering Technician:

- \$500.00 Meadow Ridge Homes Inc. Stormwater Management and Erosion and Sediment Control Permit #ASMESC2014-10A – 4.19-1-12

3c. RESOLVED, that the Town Board does hereby authorize the return of the following Erosion Control Bond per memo dated November 13, 2017 from Steven Woelfle, Principal Engineering Technician:

- \$100.00 DiMauro Stormwater Management and Erosion and Sediment Control Permit #ASMESC2010-24 – 36.08-1-18.1

DECEMBER 14, 2017 – REGULAR MEETING

- 3d. RESOLVED, that the Town Board does hereby authorize the return of the following Erosion Control Bond per memo dated November 15, 2017 from Steven Woelfle, Principal Engineering Technician:

\$500.00 Senatore Stormwater Management and Erosion and Sediment Control Permit #ASMESC2015-15 – 16.08-1-30

- 3e. RESOLVED, that the Town Board does hereby authorize the return of the following Erosion Control Bond per memo dated November 14, 2017 from Steven Woelfle, Principal Engineering Technician:

\$200.00 Joyce Erosion/Sediment Control Permit #AESC2008-36 – 27.11-1-10

- 3f. RESOLVED, that the Town Board does hereby authorize the return of the following Erosion Control Bond per memo dated November 20, 2017 from Steven Woelfle, Principal Engineering Technician:

\$300.00 Giovanni Crecco Wetland/Stormwater Management and Erosion and Sediment Control/Tree Preservation Permit #WSTP2015-12 – 28.18-1-21

SEQRA Refunds

4. RESOLVED, that the Town Board does hereby authorize the refund of SEQRA Professional Fees for Heritage Hills of Westchester, Heritage Hills Sewer Works Corp and Heritage Hills Water Works Corp to Heritage Development Group, Inc., Heritage Village, PO Box 873, Southbury, CT 06488 as follows per memo dated December 1, 2017 from Syrette Dym, Director of Planning:

Heritage Hills of Westchester	\$59,209.37
Heritage Hills Sewer Works Corp	1,254.64
Heritage Hills Water Works Corp	7,051.83
Total:	\$67,515.84

Accept Erosion Control Bond

5. RESOLVED, that the Town Board does hereby authorize the acceptance of the following Erosion Control Bond per memos dated November 28, 2017 from Wendy Getting, Senior Office Assistant:

a. \$500.00 Boniello/Wooded Acres– Stormwater Management and Erosion and Sediment Control Permit – 47.20-1-29

Overtime Adjustment L. Noto

6. RESOLVED, that the Town Board does hereby authorize a Bad Weather-Overtime Adjustment to Louis Noto, Deputy Superintendent of Highways in the amount of \$4,000.00 for 2017 per memo dated November 28, 2017 from Thomas E. Chiaverini, Superintendent of Highways.

Mission Statement AHB

7. RESOLVED, that the Town Board does hereby accept the new Mission Statement of the Town of Somers Affordable Housing Board as follows:

“The mission of the Somers Affordable Housing Board is to pursue opportunities for quality affordable housing in the Town of Somers for individuals and families seeking to live here. We seek a balance of housing opportunities, including for low- and moderate-income, and special needs residents.

DECEMBER 14, 2017 – REGULAR MEETING

The board will work with the town Planning Department and Planning Board to implement this mission and act at all times in the best interest of the Town.”

Bids 2018
Highway
Materials

8. RESOLVED, that the Town Board does hereby accept the low bids for 2018 Highway Materials with the exception of mileage deviations for all categories picked up (F.O.B.) by trucks furnished by the Town of Somers per November 16, 2017 memo from Tom Chiaverini, Superintendent of Highways.

Sched
PH
Sewer
Code

9. RESOLVED, that the Town Board does hereby schedule a Public Hearing for January 11, 2018 with regard a proposed Local Law to add Chapter A175, entitled SEWERS, in its entirety to the Code of the Town of Somers.

Directional
Sign
Mayflower
La

10. RESOLVED, that the Town Board does hereby refer a request from Somers Bureau of Fire Prevention that consideration be given to adding a directional sign at Mayflower Lane to the Somers Police Department, Highway, and Engineering per memo dated November 28, 2017 from the Somers Bureau of Fire Prevention.

2017
Overtime/
Out of Title
Pay

11. RESOLVED, that the Town Board does hereby approve Overtime/Out of Title Payment for 2017 per email dated December 10, 2017 from Robert Kehoe, Director of Finance as follows:

Robert Kehoe, Director of Finance	\$5,000.00
Michael Driscoll, Somers Police Chief	\$5,000.00
Teresa Stegner, Assessor	\$2,000.00
Steven Ralston, Superintendent of Parks and Rec.	\$2,000.00
Adam Smith, Superintendent of Water and Sewer	\$2,000.00
Barbara Taberer, Nutrition Program Director	\$2,000.00
Efrem Citarella, Building Inspector	\$5,000.00
Andrew Farber, Library Director	\$3,500.00

Execute
III-C1,
III-C2

12. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the amendment to the Titles III-C1, III-C2 and Nutrition Services Incentive Program Amendment to 2017 Agreements per memo dated December 4, 2017 from Barbara Taberer, Nutrition Program Director.

Retirement
C. Dustin
SPD

13. RESOLVED, that the Town Board does hereby acknowledge retirement of Police Officer Curtis Dustin effective November 8, 2017.

Stop Sign
Request
Gloria/Carolyn

14. RESOLVED, that the Town Board does hereby refer request for a stop sign at Gloria Ways and Carolyn to the Somers Police Department, Highway, and Engineering for evaluation.

The Supervisor announced that evening was the 4th and 5th Grade Winter Concert.

The Supervisor said that Muscott Farm was hosting a House Tour on Sunday, Decemeber 17th from 1:00 PM to 3:00 PM.

The Supervisor said that December 16th, 17th and 30th was the Holiday on the Hill Train Show at Lasdon Park.

The Supervisor said that the Somers Fire District had their Annual Fire Commissioner Election and he wanted to congratulate Mr. John FitzGerald on his victory.

The Supervisor said that the Menorah Lighting was the previous evening which was well attended and a nice ceremony.

DECEMBER 14, 2017 – REGULAR MEETING

The Supervisor wished everyone a Happy Hanukah, Seasons Greetings and Merry Christmas.

Councilman Faulkner wished everyone a Happy New Year as well.

Claims for the payment of all Town Bills in the amount of \$1,267,429.71 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 Faulkner, the meeting was adjourned at 8:30 PM

Town Clerk