

OFFICE OF THE SUPERVISOR

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Town of Somers
WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589

ROBERT SCORRANO
SUPERVISOR



**SOMERS TOWN BOARD
REGULAR MEETING - 7:00pm
THURSDAY, FEBRUARY 10, 2022
www.somersny.com**

6:15pm Executive Session

I. PLEDGE OF ALLEGIANCE:

7:00pm Regular Meeting

II. ROLL CALL:

III. PUBLIC HEARINGS:

PUBLIC COMMENT

Please limit your comments to no more than 3 minutes.

- IV. APPROVAL OF MINUTES:*** January 6 organizational meeting; January 6 work session; January 13 public hearings; January 13 regular meeting; January 19 special meeting; January 27 special meeting.
- V. DEPARTMENT REPORTS:*** The Town Clerk announces receipt of the following monthly reports: Town Clerk, Building Inspector, Zoning Board of Appeals, Plumbing, Bureau of Fire Prevention, Parks & Recreation, Planning & Engineering, Tax Receiver, Director of Finance and Department Heads

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VI. BUSINESS OF THE BOARD:

A. TOWN BOARD:

1. Town of Somers Covid-19 – Update
2. Bureau of Fire Prevention Proposed Changes to Chapter 158 of Somers Town Code – Vehicle and Traffic – Discussion
3. Review referral responses with regard to:
 - a. The request to purchase two parcels from the Town of Somers, Lots 5.13-1-21 and 5.14-1-1 to the rear of 20 Lounsberry Drive.
 - b. The request to purchase three parcels from the Town of Somers, 8 Boxwood Drive, 9 Acacia Drive, and 13 Acacia Drive
4. Consider Adoption of Resolution opposing New York State proposed legislation S4547A Accessory Dwelling Unit Law - Discussion

B. PARKS & RECREATION: No additional business.

C. FINANCIAL:

1. Authorize 2021 Budget Transfers and Modifications per email from Robert Kehoe, Director of Finance.

D. HIGHWAY: No additional business.

E. PERSONNEL:

1. Current Vacancies:

- a. Partners in Prevention (2- 3-year terms ending 12/31/2022.)
- b. Partners in Prevention (2- 3-year terms ending 12/31/2023.)
- c. Zoning Board of Appeals (1- 5-year term ending 12/31/2023.)

2. Upcoming Vacancies - Terms Expiring in 2021:

- a. Parks and Recreation Board (2- 3-year terms ending 03/09/2022.)

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3. Acknowledge the promotion of Mr. Richard Hertel from PTA Laborer to full-time Road Maintainer at an annual salary of \$54,184.00 which he will receive 90% of for the first six months at an hourly rate of \$23.4450 then he will receive 95% after 26 weeks. Upon completion of one year of service, he will receive the full salary rate, per memo dated January 24, 2022 from Nicholas DeVito, Superintendent of Highways effective February 1, 2022 contingent upon the successful results of a physical, drug test, reference, background, and driver license checks.
4. Authorize the hiring of Daniel Sheehan as Parks Groundskeeper, Grade 4, Step 2 at an annual salary of \$45,100.00 in accordance with the CSEA contract per memo dated February 3, 2022 from Steven Ralston, Superintendent of Parks and Recreation effective February 14, 2022
5. Authorize the promotion of Charles Dammeyer from Maintenance Mechanic (Repair) to Assistant Building Inspector, Grade 7a Step 3 at an annual salary of \$71,511.00 in accordance with the CSEA contract Appendix B per memo dated February 4, 2022 from Thomas J. Tooma, Jr., Building Inspector effective February 14, 2022.
6. Acknowledge the resignation of Mr. Peter Knothe as a member of the Somers Library Board of Trustees effective February 4, 2022.

F. PLANNING & ENGINEERING: No additional business.

G. POLICE: - No additional business.

H. CONSENSUS AGENDA:

1. Authorize the following SEQRA/Professional Service Fee refund per January 7, 2022 memo from David B. Smith, Consulting Director of Planning:
 - a. \$322.58 11 Anita Road Lot Line Change, TM: 27.05-1-17
2. Accept low bids for 2022 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 December 14, 2021 memo from Nicholas DeVito, Superintendent of Highways.
3. Schedule a public hearing for the new limits on the veteran's exemption adopted by Westchester County for March 10, 2022.

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4. Authorize the Supervisor to sign the following:
- a. The renewal contract for the Town's dental insurance with Guardian for the period of April 1, 2022 through March 31, 2023, per referral from Robert Kehoe, Director of Finance.
 - b. The Inter Municipal Agreement between the Westchester County Department of Public Safety Service and the Town of Somers for the use of the Firing Range located at the County's Police Academy in Valhalla commencing on January 1, 2022 and terminating on July 31, 2025.

2022 Calendar

February 10, 2022	7:00pm	Town Board Regular Meeting
March 3, 2022	7:00pm	Town Board Work Session
March 10, 2022	7:00pm	Town Board Regular Meeting
April 7, 2022	7:00pm	Town Board Work Session
April 21, 2022	7:00pm	Town Board Regular Meeting
May 5, 2022	7:00pm	Town Board Work Session
May 12, 2022	7:00pm	Town Board Regular Meeting

JANUARY 6, 2022 – ORGANIZATIONAL MEETING

Minutes of an organizational meeting of the Town Board of the Town of Somers held on Thursday evening January 6, 2022 at 7:00 PM at the Town House 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Robert G. Scorrano
	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 first section of the agenda was a series of items under Procedures.

Thereupon motion of Councilman Faulkner, seconded by Councilman Cirieco, it was unanimously,

RESOLVED, that the Town Board Regular Monthly meetings are to be held at the Town House, Somers, on the second Thursday of each month at 7:00 PM or earlier if a motion for executive session is anticipated with monthly work session meeting to be held on the first Thursday of each month at 7:00 PM or earlier if a motion for executive session is anticipated at the Town House. When necessary, a third meeting will be held on the third Thursday of each month with the location specified in the notice of the meeting. Special meetings and all other work sessions will be held at the Town House, unless another location is specified in the notice of meeting or resolution calling such special meeting, and further that notice of all meetings and work sessions are given to the Town Board, Town Clerk and media by the Supervisor.

RESOLVED, that the Town Board does hereby adopt the following Town Board Meeting Format for 2022:

1. Pledge of Allegiance.
2. Roll Call.
3. Public Comment.
4. Approval of Minutes.
5. Reports from Department Heads/Town Clerk.
6. Business of the Board – with Parks and Recreation first, then Town Board, and then an alphabetical listing by department and/or topic including communications and resolutions.
7. Other business (including informational items and Board Comments.
8. Adjournment.

RESOLVED, that all claims are to be audited by the Town Board at its regular meeting each month; all claims are to be filed with the Town Clerk no later than the Monday before the Town Board Work Session or earlier if directed by the Supervisor. Claims for the following may be paid in advance of audit with appropriate certification and listed on a subsequent Abstract of Audited Vouchers:

Fuel Oil, Gas, Propane and Diesel Fuel and Electricity
Mail costs
Telephone service, including cellular telephones
Health, Dental, Life and Vision Insurance
Payment for leased vehicles
Internet Services

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Workers Compensation Insurance
Post Offices
NYS Pension Installment
CHIPS Reimbursement
EZ Pass
Home Depot
Medicare Part B Reimbursement for Retirees
Parks and Recreation Day Camp Trips

Department Head or employee submitting claim must assign the proper appropriation code and certify as to correctness of the voucher and that sufficient money exists in the appropriation code. All claims must have the proper supporting documentation, i.e. an original invoice. Only when it can be demonstrated that an original invoice is not available will an e-mail or fax copy be accepted.

RESOLVED, that items for regular monthly agendas shall be received in the Supervisor's Office no later than 12 noon of the Thursday in the week preceding the Town Board work session meeting. The agendas shall be posted on the Community Bulletin Board in the Town House and on the Web Site the Friday before a meeting with copies available to the public and the Town Clerk. No item shall be added to the agenda during the meeting without a majority of Town Board member's approval.

RESOLVED, that vacancies on the various boards and advisory committees shall be announced by the Town Board at least two (2) months, if possible, prior to the meeting that action is to be taken. In addition, they will be posted on the Website.

RESOLVED, that the Town Board does hereby designate The Somers Record, to be the official Town newspaper for the year 2022 with others to be used whenever so designated by the Supervisor.

The next section on the agenda was a series of items under Financial.

Thereupon motion of Councilman Faulkner, seconded by Councilman Clinchy, it was unanimously,

RESOLVED, that the Town Board does hereby designate the following depositories for Town of Somers funds for the year 2022:

JP MORGAN CHASE

Debt Service Fund
General Fund - 2
Joint Bail Account*
Tax Receiver's Account
Town Justice*
Town Justice*
Trust & Agency
Amawalk-Heights Water District
Amawalk-Shenorock Water District
Capital Funds
Highway Fund
Parks & Recreation Revolving Fund
Payroll Account
Recreation (Builders Fees)
Somers Sewer District No. 1
Town Clerk*
Water Quality Improvement Program
Capital Project

SIGNATURE BANK

Town of Somers

NEW YORK COOPERTIVE LIQUID ASSETS SECURITIES SYSTEMS (NYCLASS)
INVESTMENT FUND

Town of Somers

RESOLVED, that the Town Board does hereby authorize Robert Scorrano, Supervisor, as the signer on the above accounts and Rick Morrissey, Deputy Supervisor as alternate signer, with the exception of the asterisk (*) accounts; they are signed by the appropriate department heads only.

RESOLVED, that the Supervisor be and hereby is authorized to negotiate and call for bids on Certificates of Deposit (CD) and to automatically renew at the best available interest rate, subject to acceptable Municipal or Federal Bonds securing such monies, and further that a reporting of CD ('s) be presented by the Supervisor to the Town Board at the regular Town Board meeting each month.

RESOLVED, that the Town Board does hereby authorize the Supervisor to deposit monies of the General Fund, Highway Fund and all other Funds in JP Morgan Chase.

RESOLVED, that the Town Board does hereby name O'Connor, Davies, LLP 500 Mamaroneck Ave., Suite 301, Harrison, NY 10528 as Town Auditors for the year 2022.

RESOLVED, that the Town Board does hereby authorize reimbursement for Town Officers and employees at \$.585 per mile as set by the Internal Revenue Service for use of their own automobiles when on official town business. The standard mileage rate is intended to cover all costs of operating a personal vehicle while conducting town business. Such costs include: gasoline, oil, maintenance, repairs, insurance and vehicle registration fees. Also, authorize reimbursement for Town Officers and employees necessary telephone calls made in connection with Town business upon submission of properly executed vouchers.

RESOLVED, that the Procurement Policy and Procedures for the purchase of goods or services as set in the Town Board resolution of January 2, 1992 and as amended on August 11, 2005, February 9, 2006, October 12, 2006 and February 11, 2010 have been reviewed. That resolution states that each prospective purchase shall be evaluated to determine the applicability of General Municipal Law Section 103. It also provides guidelines to aid in the required evaluation. As a result of this review, it has been determined that the existing Procurement Policy and Procedures should continue to be utilized for all purchasing activities by the Town.

RESOLVED, that the Town Board does hereby authorize the review of Investment Policy to comply with the primary objective listed:

- a. To conform with all applicable federal, state and other legal requirement (legal);
- b. To adequately safeguard principal (safety);
- c. To provide sufficient liquidity to meet all operating requirements (liquidity);
- and
- d. To obtain a reasonable rate of return (yield).

INVESTMENT POLICY FOR THE TOWN OF SOMERS
SOMERS, NEW YORK

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

II. OBJECTIVES

The primary objectives of the local government's investment activities are, in priority order,

JANUARY 6, 2022 – ORGANIZATIONAL MEETING

- to conform with all applicable federal, state and other legal requirements (legal);
- to adequately safeguard principal (safety);
- to provide sufficient liquidity to meet all operating requirements (liquidity); and
- to obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The governing board's responsibility for administration of the investment program is delegated to the Supervisor who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town of Somers to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

To ensure a competitive rate of return, the Supervisor will seek quoted interest rates from at least three banks before placing the Town's funds with the highest bidder, and will also report if a bank passes on a quote.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the Town of Somers to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

VI. INTERNAL CONTROLS

It is the policy of the Town of Somers for all moneys collected by any officer or employee of the government to transfer those funds to the Supervisor within two days of or for deposit, or within the time period specified in law, whichever is shorter, with the exception of the Town Clerk's funds as specified by law.

The Supervisor is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITORIES

The banks and trust companies are authorized for the deposit of monies up to the maximum amounts of \$45,000,000.00.

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, Section 10, all deposits of the Town of Somers, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of “eligible securities” with an aggregate “market value” as provided by GML Section 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.

2. By an eligible “irrevocable letter of credit” issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by a designated bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events, which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town of Somers or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, Section 11, the Town of Somers authorizes the Supervisor to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts;
- Certificates of deposit;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;
- Obligations issued pursuant to LFL Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Town of Somers;
- Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments;
- Certificates of Participation (COPs) issued pursuant to GML Section 109-b;
- Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML Sections 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the Town of Somers within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Town of Somers within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The Town of Somers shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments, which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Town of Somers. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Supervisor is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

XII. PURCHASE OF INVESTMENTS

The Supervisor is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town of Somers by the bank or trust company. Any obligation

held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Section 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

- All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- No substitution of securities will be allowed.
- The custodian shall be a party other than the trading partner.

XIV. AUDIT

At the time independent auditors conduct the annual audit of the accounts and financial affairs of the Town of Somers, the independent auditors shall audit the investments of the Town for compliance with the provisions of this investment policy.

APPENDIX A SCHEDULE OF ELIGIBLE SECURITIES

- (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
- (ii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligations that represents the amount of the insurance or guaranty.
- (iii) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.

RESOLVED, that the Town Board does hereby authorize review policy for Capitalization of Property, Plant & Equipment formerly Fixed Asset Policy to comply with GASB 34 and other State and Federal Laws.

PURPOSE:

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To establish capitalization thresholds for the Town's property, plant and equipment which are required for accounting and reporting purposes by the Governmental Accounting Standards Board Statement No. 34 (GASB 34)

CAPITALIZATION THRESHOLDS:

Accountability

Property, plant and equipment with an expected useful life of one year or more (benefiting or providing services in future periods), subject to the cost threshold of \$1,000 or more, will be inventoried and recorded in the asset management system.

Capitalization

Capital assets are major assets that benefit more than a single fiscal year and subject to the cost threshold of \$5,000 or more. These assets will be inventoried and recorded in the financial records.

RESOLVED, that all purchases made by Departments, where practical and cost effective, be made under New York State and Westchester County and Putnam County Contracts if possible and according to the established procurement policy of the Town Board.

RESOLVED, that the Town Board does hereby establish the following Police Reimbursement Rates for the year 2022:

The Reimbursement Rate is set at 150% of the hourly rate in effect at the time of service, with a three (3) hour minimum.

The Holiday Reimbursement Rate is set at 150% of the hourly rate in effect at time of service, with a three (3) hour minimum.

RESOLVED, that the Town Board does hereby adopt the following reimbursement rates for engineering reviews and inspections, SEQRA reviews and secretarial services related to SEQRA for 2022:

Supervisor	\$ 93.36
Supervisor's Secretary	60.04
Town Clerk	72.51
Deputy Town Clerk	49.99
Director of Finance	89.80
Senior Bookkeeper	43.95
Senior Account Clerk Part time	34.86
Principal Engineering Technician	85.43
Engineer Senior Office Assistant	63.29
Planner	150.00
Planning Secretary Part Time	125.00
Building Inspector	84.95
Assistant Building Inspector	53.14
Building/Zoning/Senior Office Asst.	38.29

RESOLVED, that the Town Board does hereby authorize the Superintendent of Water & Sewers to request proposals for equipment rental rates from local contractors and upon receipt of the proposed rental rates adopt the highest rate as the maximum hourly rental rate and, further, that the Superintendent of Water & Sewers use the contractor with the lowest rate whenever possible, for equipment hired and personnel used for Water District improvements, repair and maintenance operations in the year 2022.

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RESOLVED, that the Town Board does hereby amend NYSLRS the standard workday reporting resolution dated April 8, 1975 by adopting the following standards for hours constituting a full work day for the New York State and Local Retirement System or any other Pension system in which an employee is a member of:

Highway and Water and Sewer maintenance employees-8 Hours; Summer Recreation employees 6.5 hours; Elected Officials-6 hours; Appointed Officials-7 hours; all other employees - 7 hours.

The Supervisor said the next was a series of items with regard to Highway.

Thereupon motion of Councilman Faulkner, seconded by Councilman Cirieco, it was unanimously,

RESOLVED, that the Town Board does hereby authorize the Superintendent of Highways where practical and cost effective to purchase items under New York State and Westchester County and Putnam County Contracts if possible and according to the established Procurement Policy of the Town Board.

RESOLVED, that the Town Board does hereby authorize the Superintendent of Highways to request proposals for equipment rental rates from local contractors and upon receipt of the proposed rental rates adopt the highest rate as the maximum hourly rental rate and further that the Superintendent of Highways use the contractor with the lowest rate whenever possible, for equipment hired and personnel used for highway improvements, repair and maintenance operations and the removal of snow and ice during the year 2022.

RESOLVED, that the Town Board does hereby authorize the Superintendent of Highways to expend monies for the purchase of equipment, tools and implements (other than bid items) and hourly equipment rental, up to the value of \$10,000.00 without prior approval of the Town Board.

RESOLVED, that the Town Board does hereby approve and execute Agreement for the expenditure of Highway monies for the year 2022.

RESOLVED, that the Town Board does hereby set the following rates of pay for Highway Employees for the year 2022 as recommended by the Highway Superintendent:

Heavy Motor Equipment Operator	\$20.61 to \$36.45 per hour
Motor Equipment Operator	\$18.50 to \$35.31 per hour
Road Maintenance Foreman	\$23.00 to \$39.08 per hour
Road Maintainer	\$16.00 to \$26.05 per hour
Skilled Road Maintainer	\$18.75 to \$28.08 per hour
Seasonal Employees	\$ 9.00 to \$30.00 per hour
Sr. Auto Mechanic	\$25.90 to \$37.34 per hour
Auto Mechanic Helper	\$18.75 to \$28.08 per hour

RESOLVED, that the Superintendent of Highways announced the appointment of Paul Westhoff as Deputy Superintendent of Highways at an annual salary of \$98,593.00 to serve at the pleasure of the Superintendent of Highways pursuant to Section 32 of Town Law for a term ending December 31, 2022.

RESOLVED, that the Superintendent of Highways announced the appointment of Catherine A. DiSisto as Secretary to the Superintendent of Highways at an annual salary of \$67,320.00 to serve at the pleasure of the Superintendent pursuant to Section 32 of the Town Law for a term ending December 31, 2022.

The next section was with regard to Appointments for Town Departments and Board and Committee Chairs.

Thereupon motion of Councilman Faulkner, seconded by Councilman Clinchy, it was unanimously,

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RESOLVED, that the Supervisor announces the designation of Rick Morrissey as Deputy Supervisor to serve at the pleasure of the Supervisor to a term ending December 31, 2022.

RESOLVED, that the Supervisor announced the reappointment of Doris Jane Smith as Town Historian at an annual salary of \$2,928.00 to a term ending December 31, 2022.

RESOLVED, that the Supervisor announced the reappointment of Kim DeLucia as Confidential Executive Assistant to the Supervisor at an annual salary of \$91,800.00 to a term ending December 31, 2022.

RESOLVED, that pursuant to Section 29, Sub. 10A of Town Law, the Supervisor is hereby directed to submit to the Town Clerk, within 120 days after the close of the fiscal year, a copy of the report to the State Comptroller, required by Section 30 of General Municipal Law, and the Town Clerk shall cause notice of the report to be published within ten days after receipt thereof in the official newspaper.

RESOLVED, that the Town Board does hereby authorize attendance by Town Officials and employees at the annual meeting of the Association of Towns of the State of New York on February 13, 2022 – February 16, 2022, and to be reimbursed for any necessary and customary expenses in the usual manner, except for overnight stay in New York City.

RESOLVED, that the Town Board does hereby appoint Councilman Clinchy to act as the Delegate of the Town of Somers at the annual meeting of the Association of Towns of the State of New York on February 13, 2022 – February 16, 2022

RESOLVED, that Town Clerk Patricia Kalba does hereby announce the appointment of Linda Verderame as Deputy Town Clerk at an annual salary of \$56,100.00 to serve at the pleasure of the Town Clerk to a term January 1, 2022 to December 31, 2022.

RESOLVED, that the Town Board does hereby approve the annual salary of Patricia Kalba, Election Liaison at \$3,000.00 per annum for a term January 15, 2022 to January 14, 2022.

RESOLVED, that the Town Board does hereby approve the annual salary of Linda Verderame as Deputy Election Liaison at \$1,000.00 per annum for a term January 15, 2022 to January 14, 2022.

RESOLVED, that the Town Board does hereby appoint Patricia Kalba Registrar of Vital Statistics for the term January 1, 2022 to December 31, 2022, to be compensated as revenues occur.

RESOLVED, that the Registrar of Vital Statistics does hereby announce the appointment of Linda Verderame as Deputy Registrar of Vital Statistics for the term January 1, 2022 to December 31, 2022 to serve without compensation in the absence of the Registrar.

RESOLVED, that Receiver of Taxes Michele McKearney does hereby announce the appointment of Christine Rossiter as Deputy Receiver of Taxes at an annual salary of \$56,100.00 to serve at the pleasure of the Tax Receiver to a term January 1, 2022 to December 31, 2022.

Thereupon motion of Councilman Faulkner, seconded by Councilman Clinchy, it was unanimously,

RESOLVED, that the Town Board does hereby reappoint John Alfonzetti as Chairman of the Architectural Review Board at an annual salary of \$1,561.00 to a term ending December 31, 2022.

RESOLVED, that the Town Board does hereby reappoint Kevin Westerman as Chairman of the Parks and Recreation Board at an annual salary of \$1,560.00 to a term ending December 31, 2022.

JANUARY 6, 2022 – ORGANIZATIONAL MEETING

RESOLVED, that the Town Board does hereby reappoint R. John Currie as Chairman of the Planning Board at an annual salary of \$2,600.00 to a term ending December 31, 2022.

RESOLVED, that the Town Board does hereby reappoint Victor Cannistra as Chairman of the Somers Zoning Board of Appeals at an annual salary of \$2,081.00 to a term ending December 31, 2022.

RESOLVED, that the Town Board does hereby reappoint Richard A. Auerbach as Chairman of the Affordable Housing Board to a term ending December 31, 2022.

RESOLVED, that the Town Board does hereby reappoint Thomas J Tooma, Jr. as Chief to the Bureau of Fire Prevention to a term ending December 31, 2022.

RESOLVED, that the Town Board does hereby reappoint Alexander J. Vigliotti as Deputy Chief to the Bureau of Fire Prevention to a term ending December 31, 2022.

RESOLVED, that the Town Board does hereby reappoint Robert R. Russell, III as Deputy Chief to the Bureau of Fire Prevention to a term ending December 31, 2022.

Thereupon motion of Councilman Faulkner, seconded by Councilman Cirieco, it was unanimously,

RESOLVED, that the Town Board does hereby reappoint Michael Barnhart as Chairman of the Open Space Committee to a term ending December 31, 2022.

RESOLVED, that the Town Board does hereby reappoint Donald Bleasdale as Chairman of the Somers Energy Environment Committee to serve at the pleasure of the Board to a term ending December 31, 2022.

RESOLVED, that the Town Board does hereby reappoint Kathleen G. Cucchiarella to the Substance Abuse Council/Partners in Prevention as Chair to a term ending December 31, 2022.

The next item on the agenda was a series of items under Appointments and Contracts.

Thereupon motion of Councilman Faulkner, seconded by Councilman Clinchy, it was unanimously,

RESOLVED, that the Town Board does hereby accept the "Consulting Services Proposal" from Hardesty & Hanover (FPC/H&H) as outlined in the proposal from David Lapping, PTP dated December 23, 2021 and authorize Supervisor to execute same for the calendar year 2022.

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute proposal from Roland A. Baroni, Esq. of Stephens, Baroni, Reilly & Lewis, LLP as Town Attorney for the Town of Somers for the calendar year 2022 per letter dated January 1, 2022.

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute proposal from J. O'Connell & Associates dated November 23, 2021 as Grant Consultants for January 1, 2022 to December 31, 2022.

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute a renewal of a Financial Advisory Services Agreement from Beth Ferguson, Senior Vice President, Capital Markets Advisors, LLC., as Bond advisors for January 1, 2022 to December 31, 2022.

JANUARY 6, 2022 – ORGANIZATIONAL MEETING

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2022 renewal of an Annual Service Agreement with RDM Computer Consultants, Inc. dated December 27, 2021 to provide IT Consulting, Network, File Service and Desktop Support for the Town of Somers Computer System.

RESOLVED, that the Town Board does hereby authorize to execute proposal from ESI Group Employee Assistance Program dated November 30, 2020 effective January 1, 2022.

Thereupon motion of Councilman Faulkner, seconded by Councilman Cirienco, it was unanimously,

RESOLVED, that the Supervisor announced the Town Board Liaisons as follows:

Building Department and Zoning Board of Appeals	Supervisor Scorrano & Councilman Faulkner
Budget, Audit, Finance, Taxes and Assessment	Supervisor Scorrano & Councilman Cirienco
Cable Television	Councilman Garrity
Highway	Councilman Garrity & Councilman Clinchy
Intergovernmental Affairs	Councilman Faulkner & Councilman Cirienco
Planning and Engineering	Supervisor Scorrano
Police and Fire	Councilman Cirienco & Councilman Faulkner
Parks and Recreation	Councilman Garrity & Councilman Clinchy
Energy and Environment	Councilman Clinchy
Water and Sewers	Councilman Cirienco
Emergency Preparedness	Councilman Cirienco
Landmarks and Historic Preservation	Supervisor Scorrano
Court Administration	Councilman Clinchy
Open Space Committee	Councilman Faulkner
Risk Management	Robert Kehoe & Councilman Garrity
School Liaison	Councilman Cirienco & Councilman Clinchy
Substance Abuse Council/Partners in Prevention	Councilman Cirienco
Library	Councilman Clinchy

RESOLVED, that the Town Board does hereby appoint Barbara Lloyd as Service Officer for the Town of Somers for the term January 1, 2022 to December 31, 2022 to serve without compensation.

The Supervisor said that the next section was with regard to Salaries.

Thereupon motion of Councilman Faulkner, seconded by Councilman Cirienco, it was unanimously,

RESOLVED, that the Town Board does hereby adopt resolution setting salaries and longevity payments (where applicable) of Town Officials & Employees for the year commencing January 1, 2022.

Thereupon motion of Supervisor Scorrano, seconded by Councilman Faulkner, the meeting was adjourned at 7:30 PM.

Town Clerk

DRAFT

JANUARY 6, 2022 – WORK SESSION

Minutes of a Work Session of the Town Board of the Town of Somers held on Thursday evening January 6, 2022 at 6:15 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Robert G. Scorrano
	Councilman	Richard G. Clinchy
	Councilman	Thomas A. Garrity, Jr.
	Councilman	Anthony J. Ciriaco
	Councilman	William G. Faulkner

ABSENT:

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

Supervisor Scorrano state that it was in order for the Board to enter into an executive session with regard to personnel and contract.

Thereupon motion of Supervisor Scorrano, seconded by Councilman Faulkner, the meeting was adjourned to an executive session with regard to personnel and contract at 6:15 PM to return that evening.

Immediately following the Annual Organizational meeting, the Work Session reconvened at 7:35 PM.

This being a work session the following actions were taken:

The authorization of a retainer for Special Counsel to the Planning Board.

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

RESOLVED, that the Town authorize the Supervisor to execute the Retainer Letter dated December 8, 2021 from Michael Fuller Sirignano, Attorney and Counselor at Law to serve as Special Counsel to the Planning Board during its review and processing of Somers National Golf Club's application.

Personnel:

Thereupon motion of Supervisor Scorrano, seconded Councilman Garrity, it was unanimously,

RESOLVED, that the Town authorize 2021 out of title pay for Catherine DiSisto, Secretary to Superintendent of Highways, in the amount of \$4,000.00 per December 7, 2021 memo from Nicholas DeVito, Superintendent of Highways.

The Town Board acknowledged the resignation of Thomas Deagan, Deputy Superintendent of Highways from the Somers Highway Department effective December 31, 2021 and thanked him for his service to the Town.

Thereupon motion of Councilman Faulkner, seconded Councilman Ciriaco, it was unanimously,

RESOLVED, that the Town authorize the appointment of Alan Tepper to the Somers Affordable Housing Board to fill an un-expired two-year term ending July 23, 2023.

JANUARY 6, 2022 – WORK SESSION

RESOLVED, that the Town authorize the reappointment of Bill Harden to the Somers Zoning Board of Appeals to a five-year term ending December 31, 2026.

This being a work session no further actions were taken.

Thereupon motion of Councilman Faulkner, seconded by Councilman Ciriaco, the meeting was adjourned at 8:20 PM.

Town Clerk

DRAFT

JANUARY 13, 2022 – PUBLIC HEARING

Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening January 13, 2022 at 7:05 PM via remote access.

ROLL CALL:

PRESENT:	Supervisor	Robert G. Scorrano
	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 and Roland A. Baroni, Jr., Town Attorney.

The Supervisor said that this was two (2) public hearings held simultaneously with regard to the proposed Local Law to amend Section 170.3 entitled Definitions with regard to the creation of a new definition of Family in the Code of the Town of Somers and the proposed Local Law to amend Section 170.3 entitled Definitions with regard to Site Coverage, Building Coverage and create a new definition for Structure and to modify the Zoning Schedule to include Building Coverage and Site Coverage requirements for single family zoning districts in the Code of the Town of Somers.

The Town Clerk presented affidavit of public notice of both public hearings that appeared in the Somers Record on December 30, 2021 and posted on the Town Clerk's bulletin board the same day.

The Supervisor declared the hearing open and asked for comments from the public.

Mr. David Smith, Consultant Town Planner, said at the December Town Board meeting the Town Board declared notice of their intent to act as Lead Agency. He reviewed the proposed Code updates and the definition of family.

Councilman Cirieco asked how the amendments would strengthen their position with regard to residents legally renting their homes on a short term basis.

Mr. Roland A. Baroni, Jr., Town Attorney, said that if the Town adopted the proposed definition that the homeowners who were summoned to court would abide by the law and stop renting their premises on a short term transient basis.

Mr. Timothy Marinaro, 29 Summit Circle, said that his main concern for his neighborhood was security. He said that if the amendment stated that the homeowners could not rent on a short term basis, he would continue to be concerned about a transient population and the quality of life in his neighborhood. Mr. Marinaro said he was not in favor of a time based provision.

Ms. Samantha Koph, Somers, asked what the definition of transient was and what it meant in the proposed amendment. She stated that she thought the Town was going to try to limit this type of commercial activity in a residential zone. She said she felt even a thirty (30) day rental limit would not address their concerns.

Mr. Vic Cannistra, 2 Lake Drive, said he lived across the lake from the discussed rental homes. He stated that the renters had been very disruptive to the neighborhood and the beach area. He said he disagreed with a one (1) month rental limit and suggested a longer time frame.

Mr. Justin Seconi, 11 Summit Circle, said he was a member of the Summit Lake HOA. He said that he agreed with his neighbors with regard to increasing the rental time frame.

Mr. Rick Bohlander, 20 Lee Road, said he was a civil engineer and suggested the Town establish a special zoning overlay district for the HOA of the discussed properties.

The Town Attorney said they needed a global solution and suggested setting a time limit along with frequency per year. He said he would contact the Judge for additional time for the current cases.

JANUARY 13, 2022 – PUBLIC HEARING

There being no one else to be heard on motion of Councilman Garrity, seconded by Councilman Clinchy, the public hearings were declared closed at 7:21 PM.

Town Clerk

DRAFT

JANUARY 13, 2022 – PUBLIC HEARING

Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening January 13, 2022 at 7:25 PM via remote access.

ROLL CALL:

PRESENT:	Supervisor	Robert G. Scorrano
	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 and Roland A. Baroni, Jr., Town Attorney.

The Supervisor said that this was a public hearing with regard to the proposed Local Law to amend ARTICLE IXA Groundwater Protection Overlay GP District Section 170-32.7 entitled Prohibited uses to amend 170-32.7 H to read “The storage of hydrocarbon products (excluding liquid propane) except those necessary for residential use in homes and vehicles, provided that such products are stored in appropriate containers” in the Code of the Town of Somers.

The Town Clerk presented affidavit of public notice of the public hearing that appeared in the Somers Record on December 30, 2021 and posted on the Town Clerk’s bulletin board the same day.

The Supervisor declared the hearing open and asked for comments from the public.

There being no one to be heard on motion of Councilman Garrity, seconded by Councilman Clinchy, the public hearing was declared closed at 7:28 PM.

Town Clerk

JANUARY 13, 2022 – REGULAR MEETING

Minutes of a Regular Meeting of the Town Board of Somers held on Thursday evening January 13, 2022 at 6:00 PM via remote access.

ROLL CALL:

PRESENT:	Supervisor	Robert G. Scorrano
	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 and Roland A. Baroni, Jr., Town Attorney.

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

Thereupon motion of Supervisor Scorrano, seconded by Councilman Garrity, the meeting was adjourned to an executive session with regard to personnel and contract at 6:00 PM to return that evening.

7:00 PM – meeting reconvened

The Supervisor said that it was in order for the Board to open two (2) public hearings held simultaneously with regard to the proposed Local Law to amend Section 170.3 entitled Definitions with regard to the creation of a new definition of Family in the Code of the Town of Somers and the proposed Local Law to amend Section 170.3 entitled Definitions with regard to Site Coverage, Building Coverage and create a new definition for Structure and to modify the Zoning Schedule to include Building Coverage and Site Coverage requirements for single family zoning districts in the Code of the Town of Somers.

7:05 PM – hearing opened

7:21 PM – meeting reconvened

The Supervisor said that it was in order for the Board to adopt a Negative Declaration with regard to a Local Law to amend Section 170.3 entitled Definitions with regard to the creation of a new definition of Family in the Code of the Town of Somers.

Thereupon motion of Councilman Faulkner, seconded by Councilman Clinchy, it was unanimously,

RESOLVED, that the Town Board does hereby adopt a Negative Declaration with regard to a Local Law to amend Section 170.3 entitled Definitions with regard to the creation of a new definition of Family in the Code of the Town of Somers.

The Supervisor said that it was in order for the Board to adopt a Local Law to amend Section 170.3 entitled Definitions with regard to the creation of a new definition of Family in the Code of the Town of Somers.

Thereupon motion of Councilman Faulkner, seconded by Councilman Clinchy, it was unanimously,

RESOLVED, that the Town Board does hereby to adopt a Local Law to amend Section 170.3 entitled Definitions with regard to the creation of a new definition of Family in the Code of the Town of Somers as follows:

A Local Law to amend Section 170.3 entitled Definitions with regard to the creation of a

new definition of Family in the Code of the Town of Somers.

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

§ 170-3. Definitions.

FAMILY

Any number of individuals living together and doing their cooking as a single housekeeping unit on the premises, as distinguished from a group occupying a boarding room, boardinghouse, hotel or motel, or renting the premises or part thereof on a daily or transient basis.

Effective Date: This Local Law shall be effective 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 adopt a Negative Declaration with regard to Local Law to amend Section 170.3 entitled Definitions with regard to Site Coverage, Building Coverage and create a new definition for Structure and to modify the Zoning Schedule to include Building Coverage and Site Coverage requirements for single family zoning districts in the Code of the Town of Somers.

Thereupon motion of Councilman Faulkner, seconded by Councilman Clinchy, it was unanimously,

RESOLVED, that the Town Board does hereby adopt a Negative Declaration with regard to Local Law to amend Section 170.3 entitled Definitions with regard to Site Coverage, Building Coverage and create a new definition for Structure and to modify the Zoning Schedule to include Building Coverage and Site Coverage requirements for single family zoning districts in the Code of the Town of Somers.

The Supervisor said that it was in order for the Board to adopt a Local Law to amend Section 170.3 entitled Definitions with regard to Site Coverage, Building Coverage and create a new definition for Structure and to modify the Zoning Schedule to include Building Coverage and Site Coverage requirements for single family zoning districts in the Code of the Town of Somers.

Thereupon motion of Councilman Faulkner, seconded by Councilman Clinchy, it was unanimously,

RESOLVED, that the Town Board does hereby adopt a Local Law to amend Section 170.3 entitled Definitions with regard to Site Coverage, Building Coverage and create a new definition for Structure and to modify the Zoning Schedule to include Building Coverage and Site Coverage requirements for single family zoning districts in the Code of the Town of Somers as follows:

A Local Law to amend Section 170.3 entitles Definitions with regard to Site Coverage, Building Coverage and create a new definition for Structure and the modify the Zoning Schedule to include Building Coverage and Site Coverage requirements for single family zoning districts in the Code of the Town of Somers

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

§ 170-3. Definitions.

Building Coverage

JANUARY 13, 2022 – REGULAR MEETING

That percentage of the lot area covered by the combined area of all buildings and or impervious structures on the lot, excluding pools, carports, and sheds (i.e., building area divided by site area)

Site Coverage

That percentage of the site area covered by the combined area of all buildings, structures and impervious surfaces, including impervious driveways, pools, carports, patios and walkways.

Structure

Anything which is constructed or erected which requires a location on or under the ground or attachment to something having such location including but not limited to the following: Any building, shed, garage, carport, elevated deck, communications tower, tennis court, pool; but not anything which is less than 64 square feet in area and eight feet in height.

ZONING SCHEDULE PART 1 (ATTACHED)

Effective Date: This Local Law shall be effective 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 open a public hearing with regard to a proposed Local Law to amend ARTICLE IXA Groundwater Protection Overlay GP District Section 170-32.7 entitled Prohibited uses to amend 170-32.7 H to read “The storage of hydrocarbon products (excluding liquid propane) except those necessary for residential use in homes and vehicles, provided that such products are stored in appropriate containers” in the Code of the Town of Somers.

7:25 PM – hearing opened

7:28 PM – meeting reconvened

The Supervisor said that it was in order for the Board to adopt a Negative Declaration with regard to a Local Law to amend ARTICLE IXA Groundwater Protection Overlay GP District Section 170-32.7 entitled Prohibited uses to amend 170-32.7 H to read “The storage of hydrocarbon products (excluding liquid propane) except those necessary for residential use in homes and vehicles, provided that such products are stored in appropriate containers” in the Code of the Town of Somers.

Thereupon motion of Councilman Faulkner, seconded by Councilman Clinchy, it was unanimously,

RESOLVED, that the Town Board does hereby adopt a Negative Declaration with regard to a Local Law to amend ARTICLE IXA Groundwater Protection Overlay GP District Section 170-32.7 entitled Prohibited uses to amend 170-32.7 H to read “The storage of hydrocarbon products (excluding liquid propane) except those necessary for residential use in homes and vehicles, provided that such products are stored in appropriate containers” in the Code of the Town of Somers.

The Supervisor said that it was in order for the Board to adopt a Local Law to amend ARTICLE IXA Groundwater Protection Overlay GP District Section 170-32.7 entitled Prohibited uses to amend 170-32.7 H to read “The storage of hydrocarbon products (excluding liquid propane) except those necessary for residential use in homes and vehicles, provided that such products are stored in appropriate containers” in the Code of the Town of Somers.

Thereupon motion of Councilman Faulkner, seconded by Councilman Clinchy, it was unanimously,

RESOLVED, that the Town Board does hereby to adopt a Local Law to amend ARTICLE IXA Groundwater Protection Overlay GP District Section 170-32.7 entitled Prohibited uses to amend 170-32.7 H to read “The storage of hydrocarbon products (excluding liquid propane) except those necessary for residential use in homes and vehicles, provided that

JANUARY 13, 2022 – REGULAR MEETING

such products are stored in appropriate containers” in the Code of the Town of Somers as follows:

A Local Law with regard to ARTICLE IXA
Groundwater Protection Overlay GP District
Section 170-32.7 entitles Prohibited uses to
amend 170-32.7 H

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

§ 170-32.7. Prohibited uses.

H. The storage of hydrocarbon products (excluding liquid propane) except those necessary for residential use in homes and vehicles, provided that such products are stored in appropriate containers.

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

PUBLIC COMMENT:

The Town Clerk read a prepared statement from Mr. Jay Batchelor stating his opposition to the Parks Board proposal to renovate Bailey Park. He pointed out that money could be better spent on improvements to Lake Shenorock. His letter went on to point out that there was an online petition that showed many people were opposed to the renovation.

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

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.

The first item on the agenda was an update by the Supervisor with regard to Covid-19 and the infection rates in the Town and County.

The Supervisor said that the next item on the agenda was a request to go to bid for some improvements to the library.

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

RESOLVED, that the Town Board does hereby authorize the solicitation of bids for a 100kw generator at the Somers Library and replacement of building windows in the children's room, downstairs, Director's office, staff area, and break room per memo dated January 3, 2022 from Jennifer Daddio, Director of the Somers Library.

The next item was to award the Van Tassell Window bid.

Thereupon motion of Councilman Garrity, seconded by Councilman Ciriaco, it was unanimously,

RESOLVED, that the Town Board does hereby award the Van Tassell Window bid to Meg Timone (only responsive bidder) in the amount of \$75.00 for the items noted attached. Request permission to place the remaining items up for sale per memo dated January 4, 2022 from Steven Ralston, Superintendent of Parks & Recreation.

PERSONNEL:

Current Vacancies:

Partners in Prevention (2- 3-year terms ending 12/31/2022.)

Partners in Prevention (2- 3-year terms ending 12/31/2023.)

JANUARY 13, 2022 – REGULAR MEETING

Planning Board (1- 7-year term ending 12/31/2028.)
Zoning Board of Appeals (1- 5-year term ending 12/31/2023.)

Upcoming Vacancies - Terms Expiring in 2021:

Parks and Recreation Board (2- 3-year terms

Thereupon motion of Councilman Garrity, seconded by Councilman Faulkner, it was unanimously,

RESOLVED, that the Town Board does hereby authorize the reappointment of Mr. Christopher Zamberto to the Planning Board for a 7-year term expiring December 31, 2028.

RESOLVED, that the Town Board does hereby acknowledge the promotion of Mr. William P. Holze from PTA Laborer to full-time Road Maintainer at an annual salary of \$54,184.00 which he will receive 90% of for the first six months at an hourly rate of \$23.4450 then he will receive 95% after 26 weeks. Upon completion of one year of service, he will receive the full salary rate, per memo dated December 16, 2021 from Nicholas DeVito, Superintendent of Highways effective January 3, 2022 contingent upon the successful results of a physical, drug test, reference, background, and driver license checks.

RESOLVED, that the Town Board does hereby acknowledge the promotion of Mr. Dennis Coffey from Skilled Road Maintainer to Motor Equipment Operator at an hourly pay rate of \$35.3120 per memo dated January 3, 2022 from Nicholas DeVito, Superintendent of Highways effective January 3, 2022.

RESOLVED, that the Town Board does hereby acknowledge the promotion of Mr. Nicholas DiMarco from Road Maintainer to Motor Equipment Operator at an hourly pay rate of \$35.3120 per memo dated January 3, 2022 from Nicholas DeVito, Superintendent of Highways effective January 3, 2022.

RESOLVED, that the Town Board does hereby acknowledge the promotion of Mr. Edward Gall from Motor Equipment Operator to Road Maintenance Forman at an hourly pay rate of \$39.0750 per memo dated January 3, 2022 from Nicholas DeVito, Superintendent of Highways effective January 3, 2022.

RESOLVED, that the Town Board does hereby acknowledge the promotion of Mr. Michael Walsh from Skilled Road Maintainer to Motor Equipment Operator at an hourly pay rate of \$35.3120 per memo dated January 3, 2022 from Nicholas DeVito, Superintendent of Highways effective January 3, 2022.

The Supervisor said that the next item was the consensus agenda.

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

RESOLVED, that the Town Board does hereby accept the following Bond per memo dated December 1, 2021 from Steven Woelfle, Engineering Department:

- a. \$300.00 Erosion Control Bond – Orfei Wetland Permit and Stormwater Management and Erosion and Sediment Control Permit, TM: 27.18-1-17

RESOLVED, that the Town Board does hereby accept the following Subdivision Performance Bond per memo dated December 23, 2021 from Steven Woelfle, Principal Engineering Technician:

- a. \$488,648.00 Executed Subdivision Performance Bond – Cobbling Rock Estates Subdivision, No: 015214165

RESOLVED, that the Town Board does hereby refer a request to purchase two parcels from the Town of Somers, Lots 5.15-2-10 and 5.15-2-11 located to the rear of 9 Magnolia Drive, to the Assessor, Highway Department, Open Space Committee, Parks and Recreation, and the Planning and Engineering Department for evaluation.

JANUARY 13, 2022 – REGULAR MEETING

RESOLVED, that the Town Board does hereby refer a request to donate two parcels to the Town of Somers, Lots 5.19-2-24 and 5.19-2-25 located on Myrtle Drive, to the Assessor, Highway Department, Open Space Committee, Parks and Recreation, and the Planning and Engineering Department for evaluation.

RESOLVED, that the Town Board does hereby adopt fee schedule for 2022 programs and services per memo dated December 28, 2021 from Steven Ralston, Superintendent of Parks & Recreation.

RESOLVED, that the Town Board does hereby grant permission to include Camp trip vouchers on the pre-pay list per memo dated December 28, 2021 from Steven Ralston, Superintendent of Parks & Recreation.

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute North East Westchester Special Recreation, Inc Interagency Agreement for 2022 program year per memo dated December 28, 2021 from Steven Ralston, Superintendent of Parks & Recreation.

Information with regard to upcoming Town events was presented.

Claims for the payment of all Town Bills in the amount of \$135,654.19 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 Scorrano, seconded by Councilman Faulkner, the meeting was adjourned at 8:45 PM.

Town Clerk

JANUARY 19, 2022 – SPECIAL MEETING

Minutes of a special meeting of the Town Board of the Town of Somers held on Wednesday morning January 19, 2022 at 11:30 AM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Robert G. Scorrano
	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.

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

Thereupon motion of Supervisor Scorrano, seconded by Councilman Clinchy, the meeting was adjourned to an executive session with regard to contracts at 11:30 AM not to return.

Town Clerk

JANUARY 27, 2022 – SPECIAL MEETING

Minutes of a special meeting of the Town Board of the Town of Somers held on Wednesday morning January 27, 2022 at 1:05 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Robert G. Scorrano
	Councilman	Thomas A. Garrity, Jr.
	Councilman	Anthony J. Cirieco
	Councilman	William G. Faulkner

ABSENT:	Councilman	Richard G. Clinchy
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Also present were Patricia Kalba, Town Clerk.

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

Thereupon motion of Councilman Cirieco, seconded by Councilman Faulkner, the meeting was adjourned to an executive session with regard to contracts at 1:05 PM not to return.

Town Clerk

Sent to:
TB, TA, TC
1/22 KD

Telephone
(914) 277-8228
Fax
(914) 277-3790

BUREAU OF FIRE PREVENTION

Town of Somers
WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

THOMAS J. TOOMA, JR.
CHIEF



MEMO TO: Town Board

FROM: Bureau of Fire Prevention

RE: Proposed Changes to Chapter 158 – Vehicle and Traffic, More Specifically to 158-8 and 158-10 of the Code of the Town of Somers

DATE: January 21, 2022

Please find attached a copy of Chapter 158-8 – Shopping Centers Designated and 158-10 – No Parking Areas; Fire Lanes; Fire Hydrants with proposed changes under each in bold being presented by the Bureau of Fire Prevention.

The Code now lists the name of the shopping center/business, which is not accurate as the name of said shopping center/business can change at any time, in addition the old parcel ID is listed. It is the opinion of the Bureau of Fire Prevention that the lists should indicate the address of the property, as well as the parcel ID (section, block and lot), which is how they are designated currently.

In addition, these Code sections have not been updated in quite some time and certainly new commercial businesses and rental properties have been built and no parking areas designated. Without this listed in our Code, parking violations are not enforceable. They should be included as well.

attachment

§ 158-8 Shopping centers designated.

The term "center," as used herein, shall refer to:

A.

Lincolndale Plaza Corp., Sheet 15, Block 12, Lot 24Y.

152 Route 202 – 16.16-1-13

B.

Lovell Realty Corp., Sheet 15, Block 18, Lot 19A & 19B.

1 Lovell Street – 16.16-1-18

C.

Lincolndale Shopping Center, Sheet 15, Block 27, Lot 14A.

155 Route 202 – 16.12-1-6

D.

American Partition Corp. and Corcoran's Store, Sheet 23, Block 27, Lot 28B.

141 Route 118 – 27.05-1-12

E.

Somers Manor Nursing Home, Inc., Sheet 32, Block 46, Lot 4.

189 Route 100 – 28.17-1-19.1

F.

The Somers Common.

[Amended 9-6-2012 by L.L. No. 5-2012]

80 Route 6 – 4.20-11.1, 2, 3, 41, 42, 5, 6, 7 and 9

G.

Town Centre at Somers, 517.15-1-13.

[Amended 10-10-1996]

325 Route 100 – 17.15-1-13

H.

Heritage 202 Center, Sheet 17, Block 1312, Lot 1A.

[Added 5-10-1990]

249 Route 202 – 17.11-10-20

§ 158-10 No-parking areas; fire lanes; fire hydrants.

[Amended 5-10-1990; 9-19-1991 by L.L. No. 6-1991; 3-6-2014 by L.L. No. 1-2014]

The parking or standing of any vehicle is hereby prohibited in any of the following areas designated as no-parking areas and fire lanes or in front of all fire hydrants in the Town of Somers or within 15 feet on either side of said fire hydrants.

A.

Lincolndale Plaza Corporation.

152 Route 202 – 16.16-1-13

(1)

Entire perimeter of the building.

B.

Lovell Realty Corporation.

[Amended 6-11-1992 by L.L. No. 9-1992]

1 Lovell Street – 16.16-1-18

(1)

Northerly and southerly sides of building.

(2)

Southerly property line (plus one car length at the southeasterly corner), excluding therefrom 36 feet on the easterly end of said property line and 36 feet on the westerly end of said property line.

C.

Lincolndale Shopping Center.

155 Route 202 – 16.12-1-6

(1)

Easterly and southerly sides of the building.

D.

American Partition Corp. and Corcoran's Store.

141 Route 118 – 27.05-1-12

(1)

Next to the building, entire perimeter.

E.

Somers Manor Nursing Home, Inc.

189 Route 100 – 28.17-1-19.1

(1)

In the circle surrounding the administration building.

(2)

In front of the hospital.

(3)

In the driving lane from Route 100 to Plum Brook Road (except as it may be superseded by the Public Health Law or any regulation adopted pursuant thereto and by any regulations adopted by the New York State Department of Health or any governmental agency having jurisdiction for the operation and licensing of a residential health care facility or in the best interest of patient/resident safety and health.)

F.

The Somers Commons.

[Amended 10-16-2008 by L.L. No. 10-2008; 9-6-2012 by L.L. No. 5-2012]

80 Route 6 – 4.20-11.1, 2, 3, 41, 42, 5, 6, 7 and 9

(1)

Northerly side of Building 1: Stop & Shop.

(2)

Easterly side of Building 2: strip mall.

(3)

Southerly side of Building 4B: Chili's.

(4)

Westerly and northerly side of Building 5: New York Sports Club and strip mall.

(5)

Westerly side of Building 6: Home Goods and Goodwill.

(6)

Easterly side of Building 7: strip mall adjacent to Stop & Shop.

G.

Town Centre at Somers.

[Amended 10-10-1996]

325 Route 100 – 17.15-1-13

(1)

Next to the front and the rear of the "A" building, except for fifteen-minute parking in designated areas in front of the "A" building and thirty-minute parking in designated areas in front of the "B" building.

(2)

The driving lane all around the building on all sides.

(3)

The front of the professional building (except for pickup and discharge of passengers).

H.

In any other part of any center, except:

(1)

In those areas designated by lines.

(2)

For the specific purposes of delivering merchandise to any tenant in the center.

(3)

By vehicles connected with the operation of any automotive repair facility.

(4)

For center business only. No vehicle shall be permitted to drive in the rear except as provided in Subsection H(2) or (3) above. The rear entrance and all other ingresses shall be so marked and restricted by the center authorities.

I.

Heritage 202 Center.

249 Route 202 – 17.11-10-20

(1)

The front of the main building where posted as a fire zone.

(2)

The rear of the entire building.

(3)

The drive-in bank driveway.

(4)

The drop off area in front of the restaurant building.

J.

O'Connor Building, Baldwin Place Area, Route 118.

[Added 2-13-1992 by L.L. No. 3-1992]

280 Route 118 – 5.13-1-5

(1)

Along both sides of the building and the rear of the building.

K.

The easterly side of Chalmers Boulevard opposite the Amawalk Firehouse a distance of 90 feet along Chalmers Boulevard, either side of the center line directly opposite the fire apparatus driveway.

[Added 3-11-1993 by L.L. No. 1-1993]

L.

Fifteen feet on either side of the dry fire hydrants set forth below:

[Added 6-9-1994 by L.L. No. 3-1994]

(1)

Reis Park, library entrance area.

(2)

Cale Farms, Watergate Drive.

(3)

Lake Lincolnale:

(a)

Lakeshore Drive South.

(b)

Lakeshore Drive North.

(4)

Sunderland Lane, Town easement.

(5)

Londonderry Lane.

(6)

Todd Lane.

(7)

Mill Pond Office Building.

293 Route 100 – 17.18-1-4

(8)

Moore Drive.

M.

Kennedy High School.

[Added 8-9-2001 by L.L. No. 10-2001]

54 Route 138 – 28.15-1-10

(1)

The corners on both sides of the front entrance drive; the entire right-hand side of the entrance drive up to and including the front of any building; the south side of the island in front of the building entrance.

(2)

The east side of the rear drive-up to and including the loading platform area.

(3)

The east side of the rear (faculty) parking lot.

N.

Former Guerlain, Inc. property.

[Added 8-9-2001 by L.L. No. 10-2001]

49 Route 138 – 28.15-1-2 and 4

(1)

The south side of the entrance road from Route 138 to the visitor's parking lot.

(2)

Both sides of the drive from the visitor's parking lot (northeast side of the building) to the southeast side of the building.

O.

Primrose Elementary School.

[Added 8-11-2011 by L.L. No. 5-2011]

110 Route 139 – 27.12-2-1

(1)

Westerly side of the building starting at the parking lot and extending past the main entrance, measurement of 350 feet.

(2)

Entire perimeter of the island.

P.

Somers Intermediate School.

[Added 8-11-2011 by L.L. No. 5-2011]

240 Route 202 – 17.14-2-4.2

(1)

The north corner from the loading dock area; the entire easterly side of the main entrance driveway to the south corner of the gym; measurement of 338 feet.

(2)

The west side of the island facing the building parking lot to the south corner of the gym, measurement of 158 feet.

Q.

Somers Middle School.

[Added 8-11-2011 by L.L. No. 5-2011]

250 Route 202 – 17.14-2-4.1

(1)

The westerly side of the building extending 402 feet from Route 202 and going past the main entrance.

(2)

The entire easterly side of the building extending from Route 202 to the south corner of the auditorium, measurement of 580 feet.

(3)

Ten-foot area in front of the Fire Department connection at the rear of the auditorium.

R.

Somers High School.

[Added 8-11-2011 by L.L. No. 5-2011]

120 Route 139 – 28.05-1-1

(1)

Entire westerly side of the building, including the main entrance, measurement of 532 feet.

(2)

Access driveway for the gym, measurement of 82 feet.

(3)

Rear alley, 55 feet on the north side and 62 feet on the south side.

Kim DeLucia

Sent to:
TB, TA, TC 2/8/22 KD

Subject: FW: Referral

From: Patricia Kalba

Sent: Monday, July 12, 2021 3:08 PM

To: Teresa Stegner <tstegner@somersny.com>; Nick DeVito <ndevito@somersny.com>; Denise Schirmer <dschirmer@somersny.com>; Steve Ralston <sralston@somersny.com>; Steve Woelfle <swoelfle@somersny.com>;
Director of Planning <directorofplanning@somersny.com>

Cc: Wendy Getting <wgetting@somersny.com>

Subject: Referral

Good afternoon,

The Town Board is forwarding two (2) requests to purchase Town owned property for your evaluation.

Please return comment and recommendations at your earliest convenience.

1. Refer request to purchase two parcels from the Town of Somers, Lots 5.13-1-21 and 5.14-1-1 to the rear of 20 Lounsbury Drive, to the Assessor, Highway Department, Open Space Committee, Parks and Recreation, and the Planning and Engineering Department for evaluation.
2. Refer request to purchase three parcels from the Town of Somers, 8 Boxwood Drive, 9 Acacia Drive, 13 Acacia Drive, to the Assessor, Highway Department, Open Space Committee, Parks and Recreation, and the Planning and Engineering Department for evaluation.

Best,

Patty

Patricia Kalba, RMC, CMC
Town Clerk

Town of Somers
335 Route 202
Somers, New York 10589

914-277-3323
914-277-3960 (fax)
pkalba@somersny.com

Kim DeLucia

Subject: FW: Referral

From: Director of Planning <directorofplanning@somersny.com>

Sent: Tuesday, July 13, 2021 1:30 PM

To: Patricia Kalba <pkalba@somersny.com>; Teresa Stegner <tstegner@somersny.com>; Nick DeVito <ndeviso@somersny.com>; Denise Schirmer <dschirmer@somersny.com>; Steve Ralston <sralston@somersny.com>; Steve Woelfle <swoelfle@somersny.com>

Cc: Wendy Getting <wgetting@somersny.com>

Subject: RE: Referral

Patty,

Please see my comments below in red. Let me know if you need anything else.

Best,

Dave Smith

Town of Somers Planning Department

From: Patricia Kalba <pkalba@somersny.com>

Sent: Monday, July 12, 2021 3:08 PM

To: Teresa Stegner <tstegner@somersny.com>; Nick DeVito <ndeviso@somersny.com>; Denise Schirmer <dschirmer@somersny.com>; Steve Ralston <sralston@somersny.com>; Steve Woelfle <swoelfle@somersny.com>; Director of Planning <directorofplanning@somersny.com>

Cc: Wendy Getting <wgetting@somersny.com>

Subject: Referral

Good afternoon,

The Town Board is forwarding two (2) requests to purchase Town owned property for your evaluation.

Please return comment and recommendations at your earliest convenience.

1. Refer request to purchase two parcels from the Town of Somers, Lots 5.13-1-21 and 5.14-1-1 to the rear of 20 Lounsbury Drive, to the Assessor, Highway Department, Open Space Committee, Parks and Recreation, and the Planning and Engineering Department for evaluation.

Both properties are in an R-40 zoning district (40,000 s.f. min. lot area). Lot 21 is approx. 1.15 acres and Lot 1 is approx. 10 acres. Based on a desktop survey, both properties have hydric soils and NYS regulated wetlands. Lot 1 also appears to have a stream. Given the presence of hydric soils it is unclear if Lot 21 could be built on with a supporting septic system. The same could be said for Lot 1. Are these lots encumbered with any easements or other instruments that would preclude development.

2. Refer request to purchase three parcels from the Town of Somers, 8 Boxwood Drive, 9 Acacia Drive, 13 Acacia Drive, to the Assessor, Highway Department, Open Space Committee, Parks and Recreation, and the Planning and Engineering Department for evaluation.

These properties are located in the R-10 District (10,000 s.f. min. lot size). The property owner in requesting the purchase lives at 10 Boxwood Drive and owns another lot at 11 Acacia Drive. 9 Acacia and 13 Acacia are approx. 10,019 s.f. and would appear to be zoning compliant lots on their own. 8 Boxwood is approx. 6,000 s.f. and is adjacent to 10 Boxwood which is approx. 16,000 s.f. Conceivably these lots could be merged and two conforming lots created. Based on a desk top survey none of the aforementioned lots are encumbered with any environmental constraints.

Kim DeLucia

From: David B. Smith
Sent: Tuesday, July 13, 2021 1:51 PM
To: Patricia Kalba
Subject: RE: Referral

Follow Up Flag: Follow up
Flag Status: Completed

Patty,
I had a brief conversation with Steve W. he said many of these lots have deed restrictions which essentially prohibits either development or merging and re-subdivision. I suspected that was the case.
Best,

Dave Smith
Town of Somers Planning Department

From: Patricia Kalba <pkalba@somersny.com>
Sent: Tuesday, July 13, 2021 1:33 PM
To: Director of Planning <directorofplanning@somersny.com>
Subject: RE: Referral

Thanks Dave!

Patricia Kalba, RMC, CMC
Town Clerk

Town of Somers
335 Route 202
Somers, New York 10589

914-277-3323
914-277-3960 (fax)
pkalba@somersny.com

Note: This e-mail message is intended only for the use of the individual or entity to whom it is addressed, and may contain information that is privileged or confidential. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering this message to the identified addressee, you are hereby notified that any unauthorized use, disclosure, reproduction, dissemination or disruption of this communication is strictly prohibited. Please note that it is your responsibility to scan this e-mail for viruses. If you receive this e-mail message in error, please delete all copies of this message and notify the sender immediately by telephone at (914) 277-3323. Thank you.

From: Director of Planning <directorofplanning@somersny.com>
Sent: Tuesday, July 13, 2021 1:30 PM
To: Patricia Kalba <pkalba@somersny.com>; Teresa Stegner <tstegner@somersny.com>; Nick DeVito <ndevito@somersny.com>; Denise Schirmer <dschirmer@somersny.com>; Steve Ralston <sralston@somersny.com>;

Kim DeLucia

From: Teresa Stegner
Sent: Wednesday, July 14, 2021 2:02 PM
To: Patricia Kalba
Subject: RE: Referral

Follow Up Flag: Follow up
Flag Status: Completed

Here are my comments regarding the Town properties for sale:

1. The purchase price of \$5,000 for the 2 parcels seems very low even for unbuildable land. In Somers, most appraisers use \$5,000 to \$30,000 per acre as an adjustment for residual (extra) property. For an economy of scale on the 10 acre piece, I might ask \$3,000 per acre. Parcel 5.13-1-21 seems buildable and the current assessment puts the value at \$115,000 which is somewhat low for a buildable lot. However if the town is continuing with restrictive covenants making any of these parcels unbuildable in perpetuity, I would use the \$5,000 - \$10,000 per acre amount. Also, the only way to truly know what these are worth is to put them out on the open market through a realtor, perhaps with an online auction once a year or when necessary. I know this would be difficult, as some sort of RFP might be required to get a realtor willing to take the lowest percentage of the sale price, but selling properties to those who reach out randomly to the Town Board is not the best method to get the best price.
2. Just a note, there are 2 parcels addressed as 8 Boxwood Drive owned by the Town of Somers. This multiple addressing was done when the lots were not buildable on their own. When and for how much were these being sold for in the past? For these smaller parcels, I would value them at \$15,000 to \$20,000 per acre.

Teresa Stegner, IAO
Assessor
Town of Somers
335 Route 202
Somers, NY 10589
(914) 277-3504

From: Patricia Kalba
Sent: Monday, July 12, 2021 3:08 PM
To: Teresa Stegner <tstegner@somersny.com>; Nick DeVito <ndevito@somersny.com>; Denise Schirmer <dschirmer@somersny.com>; Steve Ralston <sralston@somersny.com>; Steve Woelfle <swoelfle@somersny.com>; Director of Planning <directorofplanning@somersny.com>
Cc: Wendy Getting <wgetting@somersny.com>
Subject: Referral

Good afternoon,

The Town Board is forwarding two (2) requests to purchase Town owned property for your evaluation.

Please return comment and recommendations at your earliest convenience.

Kim DeLucia

From: Denise Schirmer
Sent: Wednesday, July 28, 2021 1:51 PM
To: Patricia Kalba
Subject: Purchasing Parcels Response from the Parks and Recreation Board

Hi Patty,

From the Parks and Recreation Board:

Town Owned Property Purchase Referrals – The abutting neighbor to 8 Boxwood Drive, as well as 9 and 13 Acacia Drive would like to purchase these parcels from the Town. There were no objections. In addition, the owner of 20 Lounsbury Drive would like to purchase two abutting parcels at the back of their property and there were no objections to this purchase as well.

Thanks.

Denise

Kim DeLucia

From: Denise Schirmer
Sent: Wednesday, July 28, 2021 12:46 PM
To: Patricia Kalba
Subject: Land Purchase Referrals

Hi Patty,

From the Open Space Committee:

Town Owned Property Purchase Referrals – The abutting neighbor to 8 Boxwood Drive, as well as 9 and 13 Acacia Drive would like to purchase these parcels from the Town. The Committee felt it was best to leave them as open space. In addition, the owner of 20 Lounsbury Drive would like to purchase two abutting parcels at the back of their property and again, the Committee felt it was best to leave them as open space.

Thanks.

Denise

Kim DeLucia

From: Steve Woelfle
Sent: Monday, January 24, 2022 3:35 PM
To: Patricia Kalba; Nick DeVito
Cc: Kim DeLucia; Teresa Stegner
Subject: RE: Follow-up - Two Referrals to Purchase Town Property
Attachments: lounsbury.jpg; acacia.jpg

Patty,

Nick and I offer/recommend the following:

1. Keep the lots (5.13-1-21 and 5.14-1-1) in the vicinity of Lounsbury Drive and Cornelius Lane for drainage reasons.
2. No objection to release lots on Boxwood Drive 5.15-1-13 and 5.15-1-14; however (for now), keeping lots along Acacia Drive (5.15-1-1 and 5.15-1-3).

I have attached sketch for your use.

Thank you

Steven Woelfle
Town of Somers-Engineering Dept.
Phone: (914) 277-5366
Fax: (914) 277-4093

From: Patricia Kalba <pkalba@somersny.com>
Sent: Tuesday, January 18, 2022 3:01 PM
To: Nick DeVito <ndevito@somersny.com>; Steve Woelfle <swoelfle@somersny.com>
Subject: FW: Follow-up - Two Referrals to Purchase Town Property

do you gentleman want to comment....

Patricia Kalba, RMC, CMC
Town Clerk

Town of Somers
335 Route 202
Somers, New York 10589

914-277-3323
914-277-3960 (fax)
pkalba@somersny.com





Sent to:
TB, TA, TC
2/9/22
KD

RESOLUTION: TOWN OF SOMERS – FEBRUARY 10, 2022

In Consideration of Proposed NYS Legislation S4547A-Accessory Dwelling Unit Law and Transit Oriented Development (TOD)

WHEREAS, the New York State Senate is considering the adoption of the current revision to S4547A – Accessory Dwelling Unit (AUD) Law and adoption of Transit Oriented Development provisions which amend the Real Property Law concerning Accessory Dwelling Units and local land use provisions in general by superseding local zoning as it relates to residential zoning districts and land use; and

WHEREAS, Governor Hochul, in the 2022 State of the State address, supports the creation of legislation that would impose statewide standards to local zoning, usurping Municipal Home Rule powers; and

WHEREAS, S4547A if adopted would override Local Zoning and Municipal Home Rule, permitting accessory apartments as of right, with minimal regulation in all residential districts, including multifamily districts, and on any lot regardless of its zoning with an existing residential use; and

WHEREAS, the Transit Oriented Development Provisions (TOD) would permit uncontrolled residential development without regard to infrastructure and watershed concerns; and

WHEREAS, the proposed law would prohibit a municipality's ability to craft specific regulations while considering the impacts on the locality's environment, infrastructure, parking, school enrollment, and police and fire departments within its borders; and

WHEREAS, in not considering the impacts specific to a local municipality, this legislation will have far reaching effects impacting the health, safety and quality of life of the residents of Somers; and

WHEREAS, a one size fits all requirement encroaches on the ability of every New Yorker to participate in local planning in the community in which they live; and

WHEREAS, the proposed legislation causes additional concern regarding the conversions of hotel and office to residential as of right without any local oversight; and

WHEREAS, the Town of Somers has a long history of meeting the special housing needs of the community beginning with the establishment of the Town's Moderate-Income Unit program, the approval of over 200 units of Fair and Affordable Housing, and providing housing opportunities that respond to Somers's changing population through its updated Comprehensive Plan; and

NOW THEREFORE BE IT RESOLVED, that the Town of Somers adamantly opposes S4547A Accessory Dwelling Unit Law and the adoption of Transit Oriented Development (TOD) provisions; and

BE IT FURTHER RESOLVED, that the Town of Somers urges the Governor of the State of New York, and the New York Legislature to preserve and protect Municipal Home Rule and Local Zoning Powers.

STATE OF NEW YORK

S. 8006

A. 9006

SENATE - ASSEMBLY

January 19, 2022

PART AA

Section 1. Short title. This act shall be known and may be cited as the "accessory dwelling unit act of 2022".

§ 2. The real property law is amended by adding a new article 16 to read as follows:

ARTICLE 16
ACCESSORY DWELLING UNITS

Section 480. Definitions.

481. Accessory dwelling unit regulations and local laws.

482. Low and moderate-income homeowners program.

483. Tenant protections.

§ 480. Definitions.

As used in this article, unless the context otherwise requires, the following terms shall have the following meanings:

1. "Accessory dwelling unit" shall mean an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons, which is located on the same lot as a single-family or multi-family dwelling proposed or existing as a primary residence, and such unit shall include permanent provisions for living, sleeping, eating, cooking, bathing and washing, and sanitation on the same lot as such primary residence.
2. "Local government" shall mean a city, town or village.
3. "Low-income homeowners" shall mean homeowners with an income, adjusted for family size, not exceeding eighty percent of the area median income.
4. "Moderate-income homeowners" shall mean homeowners with an income, adjusted for family size, not exceeding one hundred twenty percent of the area median income as defined by the division.

5. "Nonconforming zoning condition" shall mean a physical improvement on a property that does not conform with current zoning standards.
6. "Proposed dwelling" shall mean a dwelling that is the subject of a permit application and that meets the requirements for permitting.
7. "Division" shall mean the New York state division of homes and community renewal.
8. "Regulation" shall mean any ordinance, local law, resolution, rule, policy, or regulation adopted or enacted pursuant to the authority of a general, special, charter or other law unless the context suggests a different meaning.
9. "Rented" shall mean to lease, let, or hire out an accessory dwelling unit, a residence, or any portion of such unit or residence, to be occupied or that is occupied for living purposes.

§ 481. Accessory dwelling unit regulations and local laws.

1. Notwithstanding any general, special, charter, local or other law, rule, policy, or regulation to the contrary, including any law authorizing the adoption of planning, zoning, or other land use regulation, a local government shall, by local law, provide for the creation of accessory dwelling units. Such local law shall:
 - (a) Designate areas within the jurisdiction of the local government where accessory dwelling units shall be permitted. Designated areas shall include all areas zoned for single-family or multifamily residential use, and all lots with an existing residential use.
 - (b) Authorize the creation of at least one accessory dwelling unit per lot.
 - (c) Provide reasonable standards for accessory dwelling units that may include, but are not limited to, height, landscape, architectural review and maximum size of a unit. In no case shall such standards unreasonably restrict the creation of accessory dwelling units.
 - (d) Require accessory dwelling units to comply with the following:
 - (i) Such unit may be rented separate from the primary residence, but shall not be sold or otherwise conveyed separate from the primary residence;
 - (ii) Such unit shall be located on a lot that includes a proposed or existing residential dwelling;

- (iii) Such unit shall not be rented for a term less than thirty days; and
- (iv) If there is an existing primary residence, the total floor area of an accessory dwelling unit shall not exceed fifty percent of the existing primary residence, unless such limit would prevent the creation of an accessory dwelling unit that is no greater than six hundred square feet.

2. A local government shall not establish by any regulation any of the following:

- (a) In a local government having a population of one million or more, a minimum square footage requirement for an accessory dwelling unit greater than two hundred square feet, or in a local government having a population of less than one million, a minimum square footage requirement for an accessory dwelling unit that is greater than five hundred fifty square feet;
- (b) A maximum square footage requirement for an accessory dwelling unit that is less than fifteen hundred square feet;
- (c) Any other minimum or maximum size for an accessory dwelling unit, including those based upon a percentage of the proposed or existing primary residence, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for a dwelling that does not permit at least an eight hundred square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with other local standards. Notwithstanding any other provision of this section to the contrary, a local government may provide, where a lot contains an existing residence, that an accessory dwelling unit located within and/or attached to the primary residence shall not exceed the buildable envelope for the existing residence, and that an accessory dwelling unit that is detached from an existing residence shall be constructed in the same location and to the same dimensions as an existing structure, if such structure exists.
- (d) A ceiling height requirement greater than seven feet, unless the local government can demonstrate that such a requirement is necessary for the preservation of health and safety;
- (e) If an accessory dwelling unit or a portion thereof is below curb level, a requirement that more than two feet of such unit's height be above curb level, unless the local government can demonstrate that such a requirement is necessary for the preservation of health and safety;
- (f) Any requirement that a pathway exist or be constructed in conjunction

with the creation of an accessory dwelling unit, unless the local government can demonstrate that such requirement is necessary for the preservation of health and safety;

- (g) Any setback for an existing dwelling or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, or any setback of more than four feet from the side and rear lot lines for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure; or
 - (h) Any health or safety requirements on accessory dwelling units that are not necessary to protect the health and safety of the occupants of such a dwelling. Nothing in this provision shall be construed to prevent a local government from requiring that accessory dwelling units are, where applicable, supported by septic capacity necessary to meet state health, safety, and sanitary standards, that the creation of such units comports with flood resiliency policies or efforts, and that such units are consistent with the protection of wetlands and watersheds.
- 3. No local law for the creation of accessory dwelling units pursuant to subdivision one of this section shall be considered in the application of any local regulation policy, or program to limit residential growth.
 - 4. No parking requirement shall be imposed on an accessory dwelling unit; except where no immediately adjacent public street permits year-round on-street parking and the accessory dwelling unit is greater than one-half mile from access to public transportation a local government may require up to one off-street parking space per accessory unit.
 - 5. A local government shall not require that off-street parking spaces be replaced if a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit.
 - 6. Notwithstanding any regulation to the contrary, a permit application to create an accessory dwelling unit in conformance with the local law enacted under this section shall be considered ministerial without discretionary review or a hearing. If there is an existing single-family or multi-family dwelling on the lot, the local agency with reviewing authority under this section shall issue a determination on the completed application to create an accessory dwelling unit within ninety days from the date the local agency receives such completed application or, in a local government having a population of one million or more, within sixty days. If the permit application to create an accessory dwelling unit is submitted

with a permit application to create a new residential dwelling on the lot, the permitting local government may delay acting on the permit application for the accessory dwelling unit until the permitting local government acts on the permit application to create the new dwelling, but the application to create the accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the time period for review shall be tolled for the period of the delay. Such review shall include all necessary permits and approvals including, without limitation, those related to health and safety. A local government shall not require an additional or amended certificate of occupancy in connection with an accessory dwelling unit. A local government may charge a fee not to exceed one thousand dollars per application for the reimbursement of the actual costs such local agency incurs pursuant to this subdivision.

7. Local governments shall establish an administrative appeal process for an applicant to appeal the denial of a permit for accessory dwelling units. When a permit to create an accessory dwelling unit pursuant to a local law adopted pursuant to this section is denied, the local government agency that denied the permit shall issue a notice of denial which shall contain the reason or reasons such permit application was denied and instructions on how the applicant may appeal such denial.
8. No policy or regulation other than the local law authorized under this section shall be the basis for the denial of a building permit or other permission to develop in accordance with this section except to the extent necessary to protect the health and safety of the occupants of an accessory dwelling unit the primary residence to such dwelling unit, and provided such policy or regulation is consistent with the requirements of this section.
9. If a local government has an existing accessory dwelling unit regulation that fails to meet the requirements of this section, the sections of such regulation that conflicts with this section shall be null and void. Such local government shall thereafter apply the standards established in this section for the approval of an accessory dwelling unit until such local government adopts a local law that complies with this section.
10. The local government shall ensure that accessory dwelling units are not counted toward the allowable residential density, or any requirement respecting lot coverage or open space, for the lot upon which the accessory dwelling unit is located under the existing zoning designation for such lot. The accessory dwelling unit shall not be considered in the application of any regulation, policy, or program to limit residential growth.
11. In a city with a population greater than one million, the local government shall create a program to address accessory dwelling units that were created prior to the

effective date of this article. Such program may provide amnesty to owners of buildings that contain such accessory dwelling units. Such city shall waive portions of the multiple dwelling law and relevant regulations, other than the local law adopted pursuant to this section, as necessary to administer such program. Such waiver or waivers shall not require additional regulations or zoning or other land use amendments.

12. A local government shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit, the correction of nonconforming zoning conditions or minor violations of local law.
13. Where an accessory dwelling unit requires a new or separate utility connection directly between the accessory dwelling unit and the utility, and such connection is provided by a governmental or public authority, the connection may be subject to a connection fee or capacity charge by such governmental or public authority that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures upon the water or sewer system. Such fee or charge shall not exceed the reasonable cost of providing such utility connection. A local government shall not impose any other fee in connection with an accessory dwelling unit.
14. A local government may require that a unit in the primary residence be owner-occupied for an accessory dwelling unit to be lawfully rented. In addition, any such local government may require such owner-occupation must continue for at least one year following the first legal occupancy of the accessory dwelling unit.
15. A local government shall not issue a certificate of occupancy or its equivalent for an accessory dwelling unit before the local government issues a certificate of occupancy or its equivalent for the primary residence.
16. A local government shall adopt a local law pursuant to this article within one year of the effective date of this article.
17. A property owner who has been denied a permit by a local government in violation of this article or who lives within the local government that fails to adopt a local law pursuant to this article may apply to the supreme court for review of the local government action by a proceeding under article seventy-eight of the civil practice law and rules. Costs shall not be allowed against a local government or any of its officers unless it shall appear to the court that the local government or the officer or officers acted with gross negligence or in bad faith or with malice.

§ 482. Low and moderate-income homeowners program.

1. Within one hundred eighty days of the effective date of this article, the division

or affiliated authority shall establish a lending program to assist low-income homeowners and moderate-income homeowners in securing financing for the creation of accessory dwelling units, including, without limitation, financing for design and construction, flood prevention, permitting, and septic enhancement.

2. The division or affiliated authority shall promulgate program criteria and guidelines necessary to carry out such program.
3. Such program shall be funded within amounts appropriated or otherwise available therefor.
4. The division shall issue an annual report, on or before July first of each year, that includes an aggregated list of projects financed through the program, including the counties where such projects were financed.
5. Within one hundred eighty days of the effective date of this article, the division or affiliated authorities shall establish a program to provide technical assistance to low-income and moderate-income homeowners seeking to create an accessory dwelling unit. Such program may be contracted out to approved non-governmental entities. Technical assistance shall include, without limitation, guidance on design and construction, flood prevention, permitting, financing, and septic enhancement.

§ 483. Tenant protections.

1. As used in this section, the following terms shall have the following meanings:
 - (a) "Landlord" shall mean any owner, lessor, sublessor, assignor, or other person receiving or entitled to receive rent for the occupancy of any accessory dwelling unit or an agent of the foregoing.
 - (b) "Tenant" shall mean a tenant, sub-tenant, lessee, sublessee, or assignee of an accessory dwelling unit.
 - (c) "Rent" shall mean any consideration, including any bonus, benefit or gratuity demanded or received for or in connection with the possession, use or occupancy of an accessory dwelling unit or the execution or transfer of a lease for such unit.
2. A permit application to create an accessory dwelling unit in conformance with a local law adopted under this article shall be accompanied by a certification identifying whether the unit was rented to a tenant as of the effective date of this article and the rent charged for the unit as of such date, notwithstanding whether the occupancy of such unit was authorized by law. A local government may not use such certification as the basis for an enforcement action against an

applicant concerning the unauthorized habitation of a unit. Where a tenant is evicted or otherwise removed from a unit prior to approval of a permit application to create an accessory dwelling unit under this article, such tenant shall have a right of first refusal to return to the unit as a tenant upon its first lawful occupancy as an accessory dwelling unit, notwithstanding whether such prior occupancy was authorized by law.

3. A tenant unlawfully denied a right of first refusal under this article shall have a cause of action in any court of competent jurisdiction for compensatory and punitive damages and declaratory and injunctive relief and such other relief as the court deems necessary in the interests of justice.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.

STATE OF NEW YORK

S. 8006

A. 9006

SENATE - ASSEMBLY

January 19, 2022

PART EE

Section 1. Short title.

This act shall be known and may be cited as the "Transit Oriented Development act of 2022".

§ 2. The general city law is amended by adding a new section 20-h to read as follows:

§ 20-h. Transit oriented development.

1. (a) Notwithstanding the provisions of any general, special, charter, local, or other law, including the common law, to the contrary, all cities shall permit the construction and occupation of dwelling units with a density of at least twenty-five dwelling units per acre, on any land wherein residential construction and occupation is otherwise permitted if such land is within one-half mile of any covered transportation facility.
- (b) For the purposes of this subdivision, a "covered transportation center" shall be defined as:
 - (i) any rail station owned, operated or otherwise served by the New Jersey transit corporation, or the metropolitan transportation authority and its affiliated or subsidiary authorities, including, but not limited to, the Metro-North railroad and the port authority of New York and New Jersey, but not including the Long Island Railroad, where such station is not operated on a seasonal basis and such station is located between one-half mile and sixty miles from the nearest border of a city with a population of greater than one million people, as measured on a straight line from such city's nearest border to such rail station; or
 - (ii) any bus stop or station with designated parking for riders located between one-half mile and sixty miles from the nearest border of a city with a population greater than one million people as measured on a straight line from such city's nearest border to such bus stop or station; or
 - (iii) any rail station owned, operated or otherwise served by the Long Island Railroad that is not located within a city with a population greater than

one million people.

2. No city shall impose restrictions that effectively prevent the construction or occupation of such dwellings, including, but not limited to height, setbacks, floor area ratios, or parking. Nothing in this section shall be interpreted to override the New York State Environmental Quality Review Act or the New York State Uniform Fire Prevention and Building Code Act, or regulations promulgated in accordance with any such act, nor require the alteration or demolition of buildings designated as historical sites as of the date the act that created this section was enacted pursuant to the New York State Historic Preservation Act of 1980, as amended, or the National Historic Preservation Act of 1966, as amended.
3. A city's written or other comprehensive plan, zoning regulations, special use permit regulations, subdivision regulations, site plan review regulations, or any planning, zoning, or other land use tools enacted under this title, the municipal home rule law, or any general, special or other law, as applicable, shall conform to the requirements set forth in this section.
4.
 - (a) Upon a failure of a local government to act upon an application to construct or occupy residences in accordance with this act, or denial of such application in violation of this section, any party aggrieved by any such failure or denial may commence a special proceeding against the subject local government and the officer pursuant to article seventy-eight of the civil practice law and rules, in the supreme court within the judicial district in which the local government or the greater portion of the territory is located, to compel compliance with the provisions of this section.
 - (b) If, upon commencement of such proceeding, it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence and determine the matter. Alternatively, the court may appoint a hearing officer pursuant to article forty-three of the civil practice law and rules to take such evidence as it may direct and report the same to the court with the hearing officer's findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify any decision brought to the court for review.
 - (c) Costs shall not be allowed against the local government and the officer whose failure or refusal gave rise to the special proceeding, unless it shall appear to the court that the local government and its officer acted with gross negligence or in bad faith or with malice.

§ 3. The town law is amended by adding a new section 261-d to read as follows:

§ 261-d. Transit oriented development.

1.
 - (a) Notwithstanding the provisions of any general, special, charter, local, or other law, including the common law, to the contrary, all towns shall permit the construction and occupation of dwelling units with a density of twenty-five dwelling units per acre or more, on any land wherein residential construction and occupation is otherwise permitted if such land is within one-half mile of any covered transportation facility.
 - (b) For the purposes of this subdivision, a "covered transportation center" shall be defined as:
 - (i) any rail station owned, operated or otherwise served by the New Jersey transit corporation, or the metropolitan transportation authority and its affiliated or subsidiary authorities, including, but not limited to, the Metro-North railroad and the port authority of New York and New Jersey, but not including the Long Island Railroad, where such station is not operated on a seasonal basis and such station is located between one-half mile and sixty miles from the nearest border of a city with a population of greater than one million people, as measured on a straight line from such city's nearest border to such rail station; or
 - (ii) any bus stop or station with designated parking for riders located between one-half mile and sixty miles from the nearest border of a city with a population greater than one million people as measured on a straight line from such city's nearest border to such bus stop or station; or
 - (iii) any rail station owned, operated or otherwise served by the Long Island Railroad that is not located within a city with a population greater than one million people.
2. No town shall impose restrictions that effectively prevent the construction or occupation of such dwellings, including, but not limited to height, setbacks, floor area ratios, or parking. Nothing in this section shall be interpreted to override the New York State Environmental Quality Review Act or the New York State Uniform Fire Prevention and Building Code Act, or regulations promulgated in accordance with any such act, nor require the alteration or demolition of buildings designated as historical sites as of the date the act that created this section was enacted pursuant to the New York State Historic Preservation Act of 1980, as amended, or the National Historic Preservation Act of 1966, as amended.
3. A town's written comprehensive plan, zoning regulations, special use permit regulations, subdivision regulations, site plan review regulations, or any planning, zoning, or other land use tools enacted under this title, the municipal home rule law, or any general, special or other law, as applicable, shall conform to the requirements set forth in this section.

4. (a) Upon a failure of a local government to act upon an application to construct or occupy residences in accordance with this act, or denial of such application in violation of this section, any party aggrieved by any such failure or denial may commence a special proceeding against the subject local government and the officer pursuant to article seventy-eight of the civil practice law and rules, in the supreme court within the judicial district in which the local government or the greater portion of the territory is located, to compel compliance with the provisions of this section.
- (b) If, upon commencement of such proceeding, it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence and determine the matter. Alternatively, the court may appoint a hearing officer pursuant to article forty-three of the civil practice law and rules to take such evidence as it may direct and report the same to the court with the hearing officer's findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify any decision brought to the court for review.
- (c) Costs shall not be allowed against the local government and the officer whose failure or refusal gave rise to the special proceeding, unless it shall appear to the court that the local government and its officer acted with gross negligence or in bad faith or with malice.

§ 4. The village law is amended by adding a new section 7-700-a to read as follows:

§ 7-700-a Transit oriented development.

1. (a) Notwithstanding the provisions of any general, special, charter, local, or other law, including the common law, to the contrary, all villages shall permit the construction and occupation of dwelling units with a density of at least twenty-five dwelling units per acre, on any land wherein residential construction and occupation is otherwise permitted if such land is within one-half mile of any covered transportation facility.
- (b) For the purposes of this subdivision, a "covered transportation center" shall be defined as:
 - (i) any rail station owned, operated or otherwise served by the New Jersey transit corporation, or the metropolitan transportation authority and its affiliated or subsidiary authorities, including, but not limited to, the Metro-North railroad and the port authority of New York and New Jersey, but not including the Long Island Railroad, where such station is not operated on a seasonal basis and such station is located between one-half mile and sixty miles

from the nearest border of a city with a population of greater than one million people, as measured on a straight line from such city's nearest border to such rail station; or

- (ii) any bus stop or station with designated parking for riders located between one-half mile and sixty miles from the nearest border of a city with a population greater than one million people as measured on a straight line from such city's nearest border to such bus stop or station; or
- (iii) any rail station owned, operated or otherwise served by the Long Island Railroad that is not located within a city with a population greater than one million people.

2. No village shall impose restrictions that effectively prevent the construction or occupation of such dwellings, including, but not limited to height, setbacks, floor area ratios, or parking. Nothing in this section shall be interpreted to override the New York State Environmental Quality Review Act or the New York State Uniform Fire Prevention and Building Code Act, or regulations promulgated in accordance with any such act, nor require the alteration or demolition of buildings designated as historical sites as of the date the act that created this section was enacted pursuant to the New York State Historic Preservation Act of 1980, as amended, or the National Historic Preservation Act of 1966, as amended.
3. A village's written or other comprehensive plan, zoning regulations, special use permit regulations, subdivision regulations, site plan review regulations, or any other planning, zoning, or other land use tools enacted under this article, the municipal home rule law, or any general, special or other law, as applicable, shall conform to the requirements set forth in this section.
4.
 - (a) Upon a failure of a local government to act upon an application to construct or occupy residences in accordance with this act, or denial of such application in violation of this section, any party aggrieved by any such failure or denial may commence a special proceeding against the subject local government and the officer pursuant to article seventy-eight of the civil practice law and rules, in the supreme court within the judicial district in which the local government or the greater portion of the territory is located, to compel compliance with the provisions of this section.
 - (b) If, upon commencement of such proceeding, it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence and determine the matter. Alternatively, the court may appoint a hearing officer pursuant to article forty-three of the civil practice law and rules to take such evidence as it may direct and report the same to the court with the hearing officer's findings of fact and conclusions of law, which shall constitute

a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify any decision brought to the court for review.

- (c) Costs shall not be allowed against the local government and the officer whose failure or refusal gave rise to the special proceeding, unless it shall appear to the court that the local government and its officer acted with gross negligence or in bad faith or with malice.

§ 5. This act shall take effect two years after the date on which it shall have become a law.

Sent to:
TB, TA, TC
2/8/22
KD

2021 Budget Modification

INCREASE:

<u>FUND</u>	<u>ACCOUNT CODE</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
2	3501	CHIPS	\$152,411.00
	5031	Interfund Transfers	\$105,000.00
	2081	Interfund Revenue	\$45.00
	2401	Interest	\$2,159.00
	2665	Sale of Equipment	\$1,806.00
	2680	Insurance Recoveries	\$12,076.00
	2770	Miscellaneous Income	\$4,363.00
			\$277,860.00

INCREASE:

<u>FUND</u>	<u>ACCOUNT CODE</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
2	5112.02	CHIPS Equipment	\$277,860.00

Explanation:

To cover budget overages for in 2021.

Signature:



Robert Kehoe
Director of Finance

Date:

2/8/22

2021 Highway Budget Transfer

FROM:

FUND	ACCOUNT CODE	ACCOUNT NAME	AMOUNT
2	9040.8	Workers Comp.	\$72,666.00
2	9010.08	Retirement - State ERS	\$15,805.00
2	5142.01	Snow Removal Personal Services	\$17,609.00
2	5142.04	Snow Removal Contractual Expense	\$50,710.00
2	9060.8	Health Insurance	\$116,777.00
2	5148.04	Services for Other Gov't Contractual	\$11,877.00
2	9089.08	Dental Insurance	\$6,932.00
2	9050.08	Unemployment Insurance	\$4,000.00
2	2.0909	Fund Balance Unreserved	\$110,017.00
			\$410,950.00

TO:

FUND	ACCOUNT CODE	ACCOUNT NAME	AMOUNT
2	5110.01	General Repairs Personal Services	\$122,506.00
2	5110.04	General Repairs Contractual Expense	\$62,254.00
2	5140.04	Brush & Weeds Contractual Expense	\$110,381.00
2	5140.01	Brush & Weeds Personal Services	\$79,166.00
2	1980.04	MTA Tax	\$302.00
2	9030.08	Social Security Tax	\$6,238.00
2	9030.085	Medicare Tax	\$1,491.00
2	5112.02	CHIPS Equipment	\$4,746.00
2	5130.01	CHIPS Personal Services	\$23,866.00
			\$410,950.00

Explanation:

To cover budget overages for 2021.



Robert Kehoe
Director of Finance

Date:



2021 Library Budget Transfer

FROM:

<u>FUND</u>	<u>ACCOUNT CODE</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
5	9060.08	Health Insurance	\$2,421.00

\$2,421.00

TO:

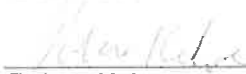
<u>FUND</u>	<u>ACCOUNT CODE</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
5	9089.08	Dental Insurance	\$2,345.00
5	9045.08	Life Insurance	\$76.00

\$2,421.00

Explanation:

To cover budget overages for 2021.

Signature:


Robert Kehoe
Finance Director

Date:

2/15/23

Sent to:
TB, TA, TC
2/7/22
KD

Highway Department

Town of Somers

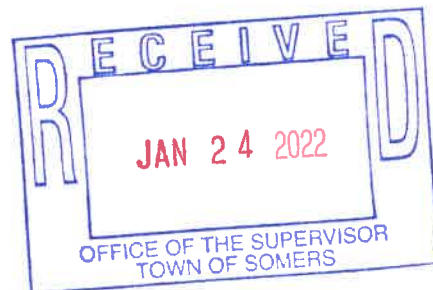
WESTCHESTER COUNTY, N.Y.

250 RT. 100
P.O. BOX 281

TELEPHONE
(914) 232-4848
FAX
(914) 232-0150

NICHOLAS DEVITO
Superintendent of Highways

PAUL WESTHOFF
Deputy Supt. of Highways



Memo To: Supervisor
Town Board

From: Nicholas DeVito
Supt. of Highways

Date: January 24, 2022

Re: Richard Hertel – Full Time Employee/ Highway Dept.

Please be advised that I am hiring Richard Hertel. Full Time (replacing Paul Westhoff) at the Highway Department as a Road Maintainer effective, Tuesday February 1, 2022 contingent upon the successful results of a physical, drug test, reference, background and NYS driver's license checks. 2022 Starting Salary (Until Union Contract Determination) \$48,766.00 at (90%) of \$54,184.00 with an hourly rate of (\$23.4450) for the first six months then after the 26 weeks 95% upon completion of one year of service the employee shall receive the full (100%) salary rate of pay.

If you should have any questions, please feel free to contact me at any time.

Yours truly,

Nicholas DeVito
Supt. of Highways

Cc: Finance Dept
Town Clerk

Somers Department of Parks & Recreation
PO Box 46 Somers, New York 10589

Phone: (914)-232-8441
Fax: (914)-232-8548
Email: parks@somersny.com
Web: www.somersny.com

Steven Ralston
Superintendent

*Sent to:
TB, JATC
2/7/22
KD*



February 3, 2022

To: Town Board

From: Steven Ralston
Superintendent of Parks and Recreation

Re: Staff Request

Request permission to hire:

Daniel Sheehan
Park Groundskeeper
Grade 4 Step 2 at an annual salary of \$45,100.00, in accordance with the CSEA contract.
Start date February 14, 2022.

Thank you for your consideration

C: Park Board
Director of Finance
Town Clerk

Telephone
(914) 277-3539

FAX
(914) 277-3790

Town of Somers
WESTCHESTER COUNTY, N.Y.

**TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589**

THOMAS J. TOOMA JR.
Building Inspector



DATE: February 4, 2022
MEMO TO: Town Board
FROM: Thomas J. Tooma Jr.
Building Inspector

Re: Charles Dammeyer Promotion

I am requesting authorization to promote Charles Dammeyer to the probationary position of Assistant Building Inspector full-time in the Building Department for 35 hours a week and in accordance with the CSEA Contract Appendix B at Grade 7a Step 3 at an annual salary of \$71,511.00 effective February 14, 2022.

Charles is a candidate on the County Civil Service Assistant Building Inspector resident only eligible list for this position. He is number one on the list and is immediately reachable.

Sent to: TB, TA, TC
also 2/7/22 KD

Kim DeLucia

From: Denise Schirmer
Sent: Friday, February 4, 2022 12:52 PM
To: Kim DeLucia
Cc: Robert Scorrano
Subject: FW: Resignation

Importance: High

Hi Kim,

Please find below Peter Knothe's resignation from the Library Board of Trustees effective today.

Thank you.

Denise

From: Peter Knothe
Sent: Friday, February 4, 2022 12:36 PM
To: Denise Schirmer <dschirmer@somersny.com>
Subject: Fwd: Resignation

Hi Denise, see below. I really enjoyed working with you. You are an amazing asset to this town!

All the best,

Peter

Sent from my iPhone

Begin forwarded message:

From: Peter Knothe <phknothe@gmail.com>
Date: February 4, 2022 at 8:32:52 AM EST
To: Christine Williamson, Barbara Tepper yahoo.com>
Subject: Resignation

Dear Christine and Barbara,

I am writing to inform you that I am resigning my position as Library Board Member and Treasurer for personal reasons, effective today. I am sorry for any inconvenience this may present. Thank you for the opportunity to serve the Somers community.

Sincerely,

Peter Knothe

Sent from my iPhone

PLANNING AND ENGINEERING DEPARTMENTS

Town of Somers

WESTCHESTER COUNTY, N.Y.



Telephone
(914) 277-5866
Fax
(914) 277-4098

Steven Woelfle
Principal Engineering Technician
swoelfle@somerny.com

SOMERS TOWN HOUSE
335 ROUTE 202
SOMERS, NY 10589
www.somerny.com

David B. Smith
Town Planner
directorofplanning@somerny.com

DATE: January 7, 2022

TO: Town Board
Director of Finance

FROM: David B. Smith *[Signature]*
Consulting Director of Planning

RE: 11 Anita Road Lot Line Change
TM: 27.05-1-17
Refund of SEQRA/Professional Service Fee

The above-mentioned project has been completed. Therefore, please refund the remaining SEQRA/Professional Service Fee in the amount of \$322.58, as follows:

Brian Vincentz

DBS/wg
cc: Town Clerk
Brian Vincentz
Carlito Holt, P.E., PTOE

Z:\PE\Subdivision files\11 Anita Road\Return of SEQRA fees.doc

Sent to:
TB, TA, TC
1/26/22
KD

Highway Department

#32

Town of Somers
WESTCHESTER COUNTY, N.Y.

TELEPHONE
(914) 232-4848
FAX
(914) 232-0150

250 RT. 100
P.O. BOX 281

NICHOLAS DEVITO
Superintendent of Highways

THOMAS DEAGAN
Deputy Supt. of Highways



MEMO TO: SUPERVISOR
TOWN BOARD

FROM: NICHOLAS DEVITO
SUPT. OF HIGHWAYS

DATE: DECEMBER 14, 2021

RE: 2022 MATERIAL BIDS

I recommend that a resolution be passed accepting low bid for Highway Materials for 2022 with the exception of mileage deviations for all categories picked up (F.O.B.) by trucks furnished by the Town of Somers. As you can see Thalle Industries is lowest bidder on the Bituminous Concrete (FOB) by approximately \$6.00, but located in Fishkill (vs) Peckham Materials located in Bedford please leave it up to the discretion of the Highway Superintendent when it is or is not cost effective based on the load quantities and wait times. Bituminous materials and asphalt concrete are subject to price adjustment formulas.

If you should have any questions, please feel free to contact me.

NICHOLAS DEVITO
SUPT. OF HIGHWAYS

cc: Town Clerk

2022
HIGHWAY MATERIAL BIDS

	A	B	C	D	E	F	G
1	1			2022			
2							
3							
4				LIQUID BITUMINOUS ASPHALT		NO BID	
5				PER GALLON			
6							
7							
8							
9	A.			Asphalt Emulsions			
10							
11	B.			Cationic Emulsions			
12							
13	C.			R.C. Cutbacks			
14							
15	D.			M.C. Cutbacks			
16							
17	E.			Penetration Asphalt			
18							
19	F.			R.C. Special			
20							
21	G.			Tack coat emulsion applied			
22							
23	H.			Tack Coat RS1H applied			
24				Spray rate .03 TO .05			
25							
26							
27							
28							
29							
30							
31							
32							
33							
34							
35							
36							

2022
HIGHWAY MATERIAL

(2) BITUMINOUS CONCRETE PER TON	PACKAGE PAVEMENT	THALLE	PECKHAM MATERIALS	CONSORTI BROS.
BASE COURSE TYPE 1	FOB	77.00	85.00	100.00
	DEL			115.00
BINDER COURSE TYPE 3	FOB	78.00	86.75	100.00
	DEL			115.00
SHIM COURSE TYPE 5	FOB	95.00	102.00	100.00
	DEL			115.00
TOP COURSE 6F3	FOB	79.00	87.00	100.00
	DEL			115.00
TOP COURSE 6F3 WARM	FOB	81.00	91.00	150.00
	DEL			130.00
12.5 MM SUPERPAVE TOP	FOB	79.00	87.00	150.00
	DEL			130.00
TOP COURSE TYPE 7F	FOB	88.00	94.25	150.00
	DEL			130.00
ASPHALTIC CONC CURB	FOB	N/B	97.25	150.00
	DEL			130.00
ASPHALTIC CONC CURB -TYP 6FX	FOB	N/B		
	DEL			
STOCKPILE WINTER MIX	123.00		N/B	150.00
	FOB			130.00
	DEL			

(2) BITUMINOUS CONCRETE PER TON		CLOVE EXCAVATORS	KECT CONSTRUCTION	INTERCOUNTY PAVING	MONTESANO BROS.	CONSORTI BROS.
LAI IN PLACE						
6F3 TOP COURSE						
LAI IN PLACE COMPLETE	DEL	95.60	97.80	97.47	126.00	165.00
LAI IN PLACE WITH KEYS	DEL	101.00	100.80	98.36	129.00	165.00
LAI IN PLACE WITH TACK COAT	DEL	101.00	100.80	99.71	129.00	165.00
LAI IN PLACE WITH TACK & KEYS	DEL	103.00	102.00	100.61	132.00	165.00
6F3 TOP COURSE WARM						
LAI IN PLACE COMPLETE	DEL	102.00	102.00	101.47	126.00	200.00
LAI IN PLACE WITH KEYS	DEL	105.00	105.00	102.36	129.00	200.00
LAI IN PLACE WITH TACK COAT	DEL	105.00	105.00	103.71	129.00	200.00
LAI IN PLACE WITH TACK & KEYS	DEL	107.00	107.00	104.60	132.00	200.00
12.5MM SUPERPAVE TOP						
LAI IN PLACE COMPLETE	DEL	99.00	98.40	97.97	126.00	195.00
LAI IN PLACE WITH KEYS	DEL	102.00	101.00	98.86	129.00	195.00
LAI IN PLACE WITH TACK COAT	DEL	102.00	101.00	100.21	129.00	195.00
LAI IN PLACE WITH TACK & KEYS	DEL	104.00	104.00	101.10	132.00	195.00
TYPE 1 BASE COURSE						
LAI IN PLACE COMPLETE	DEL	96.00	98.00	95.97	126.00	190.00
LAI IN PLACE WITH KEYS	DEL	99.00	104.00	96.86	129.00	190.00
LAI IN PLACE WITH TACK COAT	DEL	99.00	104.00	98.21	129.00	190.00
LAI IN PLACE WITH TACK & KEYS	DEL	101.00	106.00	99.10	132.00	190.00
TYPE 3 BINDER COURSE						
LAI IN PLACE COMPLETE	DEL	97.00	98.00	96.97	126.00	190.00
LAI IN PLACE WITH KEYS	DEL	100.00	103.00	97.86	129.00	190.00
LAI IN PLACE WITH TACK COAT	DEL	100.00	103.00	99.21	129.00	190.00
LAI IN PLACE WITH TACK & KEYS	DEL	102.00	106.00	100.10	132.00	190.00

2022
HIGHWAY MATERIAL

(2) BITUMINOUS CONCRETE PRICE LAID IN PLACE PER SYD		CLOVE EXCAVATORS		KECT CONSTRUCTION		INTERCOUNTRY PAVING		MONTESANO BROS.		CONSORTI BROS.	
TYPE 6F3 TOP COURSE											
2" OVER LAY PER SYD	DEL	16.00	19.00	12.00		16.80		20.00			
1.5" OVER LAY PER SYD	DEL	15.00	18.50	11.50		12.60		18.00			
TYPE 6F3 WARM MIX											
2" OVER LAY PER SYD	DEL	17.50	19.00	15.00		17.35		20.00			
1.5" OVER LAY PER SYD	DEL	16.50	18.50	13.50		13.01		18.00			
TACK COAT RS1H APPLIED per syd Spray Rate .03 to .05											
	DEL	0.50	0.65	0.35		0.67		8.00			
(2A) MILLING & RESURFACING											
DRIVEWAY KEY CUTS - EACH											
	UNIT PRICE	250.00	100.00	475.00		151.19		2500.00			
ROADWAY KEY CUTS - EACH											
	UNIT PRICE	450.00	250.00	625.00		706.98		3500.00			
WATER VALVE ADAPTORS - EACH											
	UNIT PRICE	100.00	300.00	45.00		104.48		300.00			
AREA MILLING - SQUAR YARD											
	UNIT PRICE	5.00	6.00	3.17		3.34		8.75			
SUB TRUCKING FOR MILLING - DAY											
	UNIT PRICE	1500.00	1200.00	1150.00		1803.84		1800.00			
TACK COAST - GALLON											
	UNIT PRICE	10.90	15.00	9.60		9.52		7.00			
ASPHALT CONC - TYPE 6F - TON											
	UNIT PRICE	97.50	125.00	95.05		128.19		167.00			
ASPHALT CONC - TYPE 3F - TON											
	UNIT PRICE	97.00	122.00	95.05		127.67		167.00			

2022
HIGHWAY MATERIAL

3A CRUSHED STONE						
2022				WINDALE		THALLE
CRUSHED STONE				MATERIALS		INDUSTRIES
BLUE STONE						
F.O.B.						
1/4"	TON			N/B		23.00
	CYD			N/B		
3/8"	TON			24.00		23.00
	CYD			31.10		
3/4"	TON			19.88		22.00
	CYD			26.10		
1"	TON			19.88		22.00
	CYD			26.10		
1 1/2"	TON			19.88		23.00
	CYD			26.10		
4" TO 6"	TON			26.25		24.00
	CYD			31.35		
LITE STONE FILL	TON			26.25		24.00
	CYD			31.35		
MEDIUM STONE FILL	TON			38.00		37.00
	CYD			44.50		
CRUSHER RUN	TON			19.88		22.00
	CYD			26.10		
DELIVERED						
1/4"	TON			N/B		32.00
	CYD			N/B		
3/8"	TON			38.00		32.00
	CYD			47.50		
3/4"	TON			30.88		31.00
	CYD			41.31		
1"	TON			30.88		31.00
	CYD			41.31		
1 1/2"	TON			30.88		32.00
	CYD			41.31		
4" TO 6"	TON			37.25		33.00
	CYD			47.75		
LITE STONE FILL	TON			37.25		33.00
	CYD			47.75		
MEDIUM STONE FILL	TON			51.00		48.00
	CYD			63.50		
CRUSHER RUN	TON			30.88		31.00
	CYD			41.31		

2022
HIGHWAY MATERIAL

3B	2022			
			PUTNAM	
			MATERIALS	
CRUSHED STONE				
LIMESTONE F.O.B.				
3/4"	TON	20.25		
	CYD	26.25		
1 1/2"	TON	20.25		
	CYD	26.25		
4" TO 6"	TON	N/B		
	CYD	N/B		
LITE STONE FILL	TON	26.25		
	CYD	37.00		
MEDIUM STONE FILL	TON	N/B		
	CYD	N/B		
CRUSHER RUN	TON	N/B		
	CYD	N/B		
CRUSHED STONE				
LIMESTONE DELIVERED				
3/4"	TON	29.25		
	CYD	37.50		
1 1/2"	TON	29.25		
	CYD	37.50		
4" TO 6"	TON	N/B		
	CYD	N/B		
LITE STONE FILL	TON	36.00		
	CYD	48.25		
MEDIUM STONE FILL	TON	N/B		
	CYD	N/B		
CRUSHER RUN	TON	N/B		
	CYD	N/B		

2022

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2022
HIGHWAY MATERIAL

7 WASHED GRAVEL							
2022			RED WING				
WASHED GRAVEL							
F.O.B.							
3/8"	TON		20.00				
	CYD.						
3/4"	TON		20.00				
	CYD.						
1½"	TON		20.00				
	CYD.						
WASHED GRAVEL							
DELIVERED							
3/8"	TON		28.00				
	CYD.						
3/4"	TON		28.00				
	CYD.						
1½"	TON		28.00				
	CYD.						

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2022
HIGHWAY MATERIAL

10	GUIDE RAIL AND POST INSTALLATION 2022	CHEMUNG SUPPLY
1	COMPLETE LAYOUT AND INSTALLATION OF GUIDE RAIL and posts per New York State Specifications W BEAM -12' 6" spacing of posts PER FOOT W BEAM - 6' 3" spacing of posts PER FOOT BOX BEAM - 6' 3" spacing of posts PER FOOT	10.75
2	Corrugated beam type guide rail - punched 6' 3" PER FOOT	199.60
3	Corrugated beam type guide rail - punched 6' 3" curved to 50' radius and up EACH curved 40' to 50' radius EACH curved 30' to 39' radius EACH curved 20' to 29' radius EACH	211.10 211.10 211.10 211.10
4	Corrugated beam type guide rail - length 13' 6-1/2" EACH (shop curved rail) (approach and terminal)(rotation 90 degrees)	217.40
5	3" X 2-3/8" I intermediate guide rail posts length 5' 3" EACH	94.05
6	Flared type terminal sections 12 gauge EACH	49.10
7	Wrap around type terminal sections 12 gauge EACH	74.65
8	Concrete anchor unit with all necessary hardware EACH	578.40
9	Galvanized splice bolts 1-1/4" x 5/8" EACH	1.28
10	Galvanized posts bolts 5/16" x 1-3/4" w/washer/nuts EACH	1.24
11	Galvanized post bolts 2" x 5/8" EACH	1.19
12	Galv. Support bolts 1/2" x 1-1/2", 2 nuts, no washers EACH	1.34
13	6" x 6" x 24' box beam type guide rail including self angle, splice plates, nuts and bolts PER FT.	54.60
14	6" X 6" box beam type guide rail curved to special radius PER FT.	59.40
15	6" X 6" box beam type guide rail shop cuts and mitered curved rail PER FT.	84.05
16	6" x 6" box beam guide rail and sections EACH	724.00
17	3" I beam guide rail posts 5'3" long intermediate type post for box beam rail EACH	94.05
18	3" I beam guide rail posts 3' 8" long end type post for box beam rail EACH	89.60
19	12'6" Galvanized Driveway Turndowns EACH	218.20

2022
HIGHWAY MATERIAL

	CORRUGATED BOX BEAM AND GUIDE RAIL MATERIALS MEETING MAYARI SPECIFICATIONS 2022	CHEMUNG SUPPLY
20	Mayari corrugated beam type guide rail-punched 6'3" PER FT.	16.44
21	Mayari corrugated beam type guide rail-punched 6'3" curved to special radius:	
	Curved to 50' radius and up EACH	274.60
	Curved 40' to 50' radius EACH	274.60
	Curved 30' to 39' radius EACH	274.60
	Curved 20' to 29' radius EACH	274.60
22	Mayari Corrugated beam type guide rail - length 13' 6-1/2" (shop curved rail) (approach and terminal) (rotation 90 degrees) EACH	244.65
23	3" x 2-3/8" Mayari I intermediate guide rail posts - length 5' 3" EACH	104.60
24	Mayari flared type terminal sections 12 gauge EACH	67.40
25	Mayari wrap around type terminal sections 12 ga. EACH	89.10
26	6" X 6" X 24' Mayari box beam type guide rail including selfangle, splice plates, nuts & bolts PER FT.	N/B
27	6" X 6" Mayari box beam type guide rail curved to special radius PER FT.	N/B
28	6" X 6" Mayari box beam type guide rail shop cuts and mitered curved rail PER FT.	N/B
29	6" X 6" Mayari box beam guide rail end sections EACH	N/B
30	3" Mayari I beam guide rail posts 5' 3" long intermediate type posts for box beam guide rail. The bottom portion of the I beam post that is placed into the ground will be Hot dipped galvanized EACH	N/B
31	3" Mayari I beam guide rail posts 3' 8" long end type posts for box beam guide rail EACH	N/B
32	12'6" Mayari Driveway Turndown EACH	N/B

2022
HIGHWAY MATERIAL

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2022
HIGHWAY MATERIAL

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2022
HIGHWAY MATERIAL

Culvert Pipe-Corrugated Price Per Ft.			
15B PIPE 2021			CHEMUNG
GALVANIZED Solid or Perforated			SUPPLY
DIA.	GA.		
6"	18		N/B
12"	16		25.00
15"	16		29.00
18"	16		39.00
24"	14		49.00
36"	12		112.00
42"	12		164.00
48"	12		214.00
54"	12		274.00
60"	12		294.00
15B CONT'D.			
METAL PIPE			
6" Perforated (18 gauge)			
15B			
ALUMINUM Solid or Perforated			
DIA.	GA.		
6"	18		
12"	16		
15"	16		
18"	16		
24"	14		
36"	12		
42"	12		
48"	12		
54"	12		
60"	10		

2022
HIGHWAY MATERIAL

			MID HUDSON CONCRETE	CHEMUNG SUPPLY	EXPANDED SUPPLY	M&M PRECAST	CARMEL WINWATER
16B LARGE KNOCKOUT PRECAST CATCH BASINS							
TYPE A 36" SUMP WITH 6" WALLS							
OUTSIDE DIMENSIONS 42"W X 60"L							
INSIDE DIMENSIONS 30"W X 48"L							
KNOCKOUT DIMENSIONS 40" X 24" SIDE 24"x24"	PER UNIT		275.00		295.00	350.00	
*TYPE B 48" SUMP WITH 6" WALLS							
Outside Dimensions 42"W X 60"L X 54"H							
INSIDE DIMENSIONS 30"W X 48"L X 48H							
KNOCKOUT DIMENSIONS 40" X 36" 28" X 36"	PER UNIT		290.00		330.00	390.00	
TYPE A 36" SUMP							
SUMP EXTENSION (RISER) 2"	PER UNIT		N/B		N/B		
SUMP EXTENSION (RISER) 4"	PER UNIT		N/B		N/B		
SUMP EXTENSION (RISER) 6"	PER UNIT		85.00		110.00		
SUMP EXTENSION (RISER) 12"	PER UNIT		95.00		115.00	176.00	
SUMP EXTENSION (RISER) 18"	PER UNIT		N/B		N/B	221.00	
SUMP EXTENSION (RISER) 24"	PER UNIT		115.00		230.00	261.00	
SUMP BOTTOM 24" WITHOUT KNOCKOUTS	PER UNIT		N/B		310.00	350.00	
SUMP EXTENSION (RISER) 36" WITH KNOCKOUTS	PER UNIT		N/B		310.00	311.00	
*TYPE B 48" SUMP							
*MUST HAVE 12" FROM BOTTOM OF KNOCKOUT							
TO FLOOR OF BASIN							
SUMP EXTENSION (RISER) 2"	PER UNIT						
SUMP EXTENSION (RISER) 4"	PER UNIT						
SUMP EXTENSION (RISER) 6"	PER UNIT						
SUMP EXTENSION (RISER) 12"	PER UNIT						
SUMP EXTENSION (RISER) 18"	PER UNIT						
SUMP EXTENSION (RISER) 24"	PER UNIT						
SUMP EXTENSION (RISER) 36" WITH KNOCKOUTS	PER UNIT						
SUMP BOTTOM 24" WITHOUT KNOCKOUTS	PER UNIT						

2022

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2022
HIGHWAY MATERIAL

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HIGHWAY MATERIAL

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HIGHWAY MATERIAL

19					
EPOXY REFLECTORIZED PVMT MARKINGS					
PER SPECIFICATIONS					
Unit price per linear foot					
Double Yellow Center Line					
4" wide per stripe					
4" Yellow - Price Per L.F.			0.67		0.60
Unit price per linear foot -					
Single White Edge Line					
4" wide per stripe					
4" White - Price per L.F.			0.34		0.30
STOP BARS/CROSS WALK - Price per S.F.			3.48		3.00
STOP LINE: 12IN WIDE PER L.F.			3.48		3.00
STOP LINE: 18IN WIDE PER L.F.			3.95		3.90
ARROW (each)			78.00		65.00
HANDICAP PARKING (each)			74.00		65.00
REMOVAL OF LINE(S) - Price per S.F.			1.29		1.20
6 FOOT LETTERING					
PRICE PER 6FT LETTER			69.00		48.00

HIGHWAY MATERIAL BIDS

	A	B	C	D	E
1	PECKHAM ROAD CORP.				
2					
3					
4					
5					
6					
7	DEPTH OF CUT				
8					
9	0" TO 4"		1.65		3.15
10	5" TO 8"		1.80		3.20
11	9" TO 12"		1.85		3.45
12	13" TO 15"		1.95		4.23
13	16" TO 18"		2.15		4.75
14					
15					
16					
17	CALCIUM CHLORIDE		1.58		1.58
18					
19					
20					
21					
22	EMULSIFIED ASPHALT		3.30		4.38
23					
24					
25					
26	FOAMED ASPHALT				
27					
28					
29					
30	RECLAIMER				
31	GRADER (CAT 12 OR EQUAL)		950.00		PER MOVE
32	VIBRATORY ROLLER (10-12 TON)		220.00		PER HOUR
33	PNEUMATIC-TIRED ROLLER 25 TON		200.00		
34	WATER TRUCK-PRESSURE SYSTEM		205.00		
35	MOBILIZATION OF EQUIP. MOVE IN/OUT		175.00		200.00

2022
HIGHWAY MATERIAL BIDS

	A	
1		
2	BITUMINOUS ASPHALT PAVEMENT/HEATING & SCARIFYING	
3	2022	
4	HIGHWAY REHABILITATION COPR.	
5	NO BID	
6		
7	QUANTITY	WITH ROLLER WITHOUT ROLLER
8		
9	Under 5.000 s.y. 3/4 to 2" depth	per s.y. per s.y.
10		
11	Over 5.000 <10.000 s.y.	per s.y. per s.y.
12		
13	Over 10.000 <20.000 s.y.	per s.y. per s.y.
14		
15	Over 20.000 <40.000 s.y.	per s.y. per s.y.
16		
17	Over 40.000 s.y.	per s.y. per s.y.
18		
19		
20	*CONTRACTOR MUST SUPPLY TRAFFIC CONTROL	

HIGHWAY MATERIAL BIDS

	A	B	C	D	E	F	G	H	I	J	K	L	M
1													
2													
3													
4													
5													
6													
7													
8													
9													
10													
11													
12													
13													
14													
15													
16													
17													
18													
19													
20													

PAVER PLACED SURFACE TREATMENT

TYPE A
1/4 INCHTYPE B
3/8 INCHTYPE C
1/2 INCH

Square Yard Range

5,000 TO 15,000 S.Y.

15,001 TO 30,000 S.Y.

30,001 S.Y. PLUS

ALLOWABLE DEDUCTIONS PER SQUARE YARD

DEDUCTION:

per square yard if contracting agency furnishes maintenance and protection of traffic

per square yard if contracting agency furnishes hauling of hot mix from plant to paving machine

2022
HIGHWAY MATERIAL BIDS

Line Item	Square Rectangular Diamond Size	Cost Per DOT Sign Engineer Grade	Cost Non-Standard DOT Sign Engineer Grade	Cost Per DOT Sign Hi Intensity	Cost Non-Standard DOT Sign Hi Intensity
		TRAFFIC LN CLOSURES	TRAFFIC LN CLOSURES	TRAFFIC LN CLOSURES	TRAFFIC LN CLOSURES
1A	12"x 6"	7.79	7.79	8.12	8.12
1	18"x 6"	9.37	9.37	9.90	9.90
2	18 x 12"	16.18	16.18	17.16	17.16
3	18" x 18"	22.31	22.31	23.89	23.89
4	18" x 24"	29.17	29.17	32.74	32.74
5	18" x 30"	36.90	36.90	39.47	39.47
6	18" x 36"	42.18	42.18	46.07	46.07
7	24" x 8"	13.54	13.54	14.46	14.46
8	24" x 12"	19.74	19.74	21.12	21.12
9	24 x 24"	39.47	39.47	42.24	42.24
10	24" x 30"	48.84	48.84	52.34	52.34
11	24" x 36"	59.14	59.14	63.30	63.30
12	24" x 48"	80.46	80.46	85.93	85.93
13	30" x 30"	63.30	63.30	66.79	66.79
14	30" x 36"	75.37	75.37	79.73	79.73
15	36" x 12"	29.17	29.17	30.49	30.49
16	36" x 36"	89.10	89.10	95.38	95.38
17	36" x 48"	118.34	118.34	126.59	126.59
18	48" x 30"	99.40	99.40	106.26	106.26
19	48" x 48"	157.74	157.74	168.77	168.77
20	60" x 24"	99.40	99.40	106.26	106.26

2022
HIGHWAY MATERIAL BIDS

	A	B	C	D	E	F
1						
2		Square	DG	Cost Per	Cost Per	Cost Per
3		Rectangular	IX SHEETING	DOT Sign	DOT Sign	Non-Standard
4		Diamond Size	FED SPEC	Engineer Grd	Hi Intensity	DOT Sign
5						Hi Intensity
6						
7			TRAFFIC LN	TRAFFIC LN	TRAFFIC LN	TRAFFIC LN
8			CLOSURES	CLOSURES	CLOSURES	CLOSURES
9						
10		Street Signs**				
11		Green background				
12		White Legend				
13		Street Name				
14		Blades Extruded 1"				
15		Each Side				
16						
17		6"x 24" Extruded			N/B	N/B
18		6" x 30" Extruded			N/B	N/B
19		6" x 36" Extruded			N/B	N/B
20		9" x 24" Extruded			40.20	N/B
21		9" x 30" Extruded			44.10	N/B
22		9" x 36" Extruded			54.15	N/B
23		9" x 42" Extruded			57.25	N/B
24		9" x 48" Extruded			68.80	N/B
25						
26		30" Stop Sign-Octagon	78.35	52.50	56.76	N/B
27						
28		School Crossings	79.60	N/B	N/B	N/B
29						
30		30" Engineer Grade		55.30	N/B	N/B
31						
32		36" Engineer Grade		66.66	N/B	N/B
33						
34		30" Fluorescent Yellow-Green	90.50	N/B	N/B	N/B
35						
36		36" Fluorescent Yellow-Green	130.05	N/B		N/B

2022
HIGHWAY MATERIAL BIDS

	A	B	C	D	E	F	G
1							
2		Green Channel Posts		Cost	Cost Per Post	Cost	Cost Per Post
3				Per Post	Quantity 50 or	Per Post	Quantity 50 or
4					More		More
5							
6							
7				TRAFFIC LN	TRAFFIC LN	CHEMUNG	CHEMUNG
8				CLOSURES	CLOSURES	SUPPLY	SUPPLY
9							
10							
11		6'		24.35	24.35	9.50	9.50
12		8'		32.50	32.50	13.95	13.95
13		10'		40.60	40.60	16.25	16.25
14		12'		48.75	48.75	20.50	20.50
15							
16		3 1/2' HD Tapered		14.25	14.25	11.50	11.50
17							
18		Delineator Markers		14.85			
19							
20		5 ' Fiber Glass		N/B			
21							
22	22	Bright side Reflectors					
23		diamond grade reflective					
24		Devices, 3" wide in 6' lengths					
25		red, yellow, green and white					
26		with attachment hardware for		27.60			
27		standard U channel posts					
28		NO EXCEPTIONS					
29							
30							
31							
32		Refacing of Traffic Signs		Cost Per Sign	Cost Per Sign		
33				MUTCD	Non-Standard		
34				Hi Intensity			
35							
36							
37				TRAFFIC LN	TRAFFIC LN		
38				CLOSURES	CLOSURES		
39							
40							
41		12x36		28.20	28.20		
42		18x24		30.45	30.45		
43		24x24		39.15	39.15		
44		24x30		48.50	48.50		
45		30x30		61.95	61.95		
46		30" STOP		52.65	52.65		
47		30" PENT (FYG)		83.85	83.85		
48		30X30 (FYG)		83.85	83.85		
49		12X24 (FYG)		31.50	31.50		

Sent to:
TB, TA, TC 1/26/22 KD

~~TS~~

Kim DeLucia

From: Teresa Stegner
Sent: Thursday, January 6, 2022 3:13 PM
To: Kim DeLucia
Subject: FW: Westchester County Adopted New Limits on the Veterans Exemption - will the Town of Somers follow?
Attachments: Alt Vets Impact on Town Taxes.xlsx; Certified Veterans Exemption Final Bill.pdf

Hi Kim,

Please pass this info on to Supervisor Scorrano. Please be aware that the total town-wide tax increase number will likely go up by \$3,900 to about \$15,500. 53 of the 73 Cold War Veterans will now be eligible for the Alternative Veterans Exemption due to new legislation recently signed into law by Governor Hochul which changes the start date of the Vietnam War from 2/28//1961 to 11/1/1955 (the other 20 served after Vietnam). I will be contacting these 53 Cold War Veteran Exemption recipients to make them aware of the change as they will now want to apply for the Alternative Veterans Exemption. The Cold War Exemption does not exempt school taxes and has lower maximum limits than the Alternative Veterans Exemption previously adopted by the Town. In short, the Alternative Veterans will save the average veteran about \$500/year where the Cold War only saves a veteran about \$185/year.

Teresa Stegner, IAO
Assessor
Town of Somers
335 Route 202
Somers, NY 10589
(914) 277-3504

From: Teresa Stegner
Sent: Thursday, June 24, 2021 12:28 PM
To: Rick Morrissey <supervisor@somersny.com>
Cc: Kim DeLucia <kdelucia@somersny.com>; Bob Kehoe <rkehoe@somersny.com>
Subject: Westchester County Adopted New Limits on the Veterans Exemption - will the Town of Somers follow?

Hi Rick,

I have attached an analysis of the estimated impact on the town taxes and tax rates for Somers if the Alternative Veterans Exemption limits are raised to the same limits just adopted by Westchester County (attached) – 75,000/+50,000/+250,000 for wartime vets, combat vets, and disabled vets respectively. Although an influx of veterans (highly unlikely) would affect the overall numbers, the estimated impact to the current total annual tax amount would be just under \$12,000. This tax amount would then be distributed and paid by all of the taxpayers not affected by the limit increase. The annual tax bill for an average residential home will increase by about \$1.60. A decision on the new limits must be made prior to the 2022 taxable status day of May 1, 2022, so there is plenty of time to decide on whether or not to make the change.

The issue is that this change only affects 250 homes as it merely raises the exemption ceiling, so those entitled to the increase are in higher valued homes. This might be hard to explain to the other 443 veterans currently receiving the exemption, mostly in Heritage Hills, who already get the maximum benefit, plus potentially poorer non-veterans, who will all subsidize this increase however modest. Also, this change only affects Alternative Veterans and not the 73 Cold War Veterans (those who served between wars) nor the 7 Eligible Funds Veterans. The average decrease in an entitled veteran's tax bill will be approximately \$43.

Alt Vet Limit Increase - Impact on Somers Town Taxes

	# Effected by Limit Increase	Current		New Limit - Full Value	New Limit Equalized	New Total Exemption	Exemption Difference	Market Value to Receive Full Exemption		Assessed Value to Receive Full Amount
		Assessed Value Exempt								
41120 - Alt Vet - 15%	154	985,446	75,000	8,888	1,292,186	306,740	500,000	59,250		
41130 - Combat (w Alt vet) - 25%	96	1,023,840	125,000	14,813	1,336,416	312,576	500,000	59,250		
41140 - Disabled Alt Vet - 5 -50%	20	426,600	250,000	29,625	557,955	131,355	500,000	59,250		
	270	2,435,886			3,186,557	750,671				
Total Number of Parcels	9,330									
Equalization Rate 2021	11.85%									
Estimated Taxable Assessed Value 2022 Taxes	502,000,000									
Estimated Levy Amount	\$7,750,000									
Estimated 2022 Town Tax Rate	\$15.4382									
Total Taxable Assessed Value w/Exemption	501,249,330									
Estimated 2022 Tax Rate w/Exemption	\$15.4614									
Estimated Tax rate increase	\$0.0231									
% change in tax rate	0.1498%									
Average single-family residential assessment (not including condos)	68,000									
Average Annual Residential Tax Increase	\$1.57									
Average Overall Annual Tax Increase	\$1.24									
Max Alt Vet reduction	-\$137.42									
Max Combat Vet reduction	-\$229.03									
Max 100% Disabled Vet reduction	-\$458.04									
Avg Entitled Alt Vet Reduction (old vs new limit)	-\$30.80									
Avg Entitled Combat Vet Reduction (old vs new limit)	-\$50.34									
Avg Entitled Disabled Vet reduction (old vs new limit)	-\$101.55									
Average Entitled Veteran Reduction Increase	\$42.99									
Total Town-wide Tax Increase	\$11,606.39									

LOCAL LAW INTRO NO. 311 - 2021

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee has reviewed “A LOCAL LAW amending Chapter 473 of the Laws of Westchester County to Increase Veteran’s Tax Exemptions.”

Your Committee is aware that Chapter 473 of the Laws of Westchester County provides for real property tax exemptions for veterans, and was adopted pursuant to authority granted by the New York State Real Property Tax Law. Under Chapter 473, veterans receive an exemption equal to fifteen percent of the assessed value of the property, subject to a cap of \$54,000 multiplied by latest state equalization rate for the assessing unit. Veterans who served in a combat theater or combat zone of operations can receive an additional exemption of ten percent, subject to a cap of \$36,000 multiplied by latest state equalization rate for the assessing unit. Service-disabled veterans can receive an additional exemption equal to half of the veteran’s disability rating, subject to a cap of \$180,000 multiplied by latest state equalization rate for the assessing unit.

Your Committee is informed that the County is entitled to increase those caps. Pursuant to State law, the County can increase the caps to \$75,000, \$50,000, and \$250,000, respectively, as long as the County is a “high-appreciation municipality.”¹ A high-appreciation municipality includes any county where the Office of Real Property Tax Services has

¹ See https://www.tax.ny.gov/research/property/assess/manuals/vol4/pt1/sec4_01/sec458_a.htm; https://www.tax.ny.gov/research/property/assess/manuals/vol4/pt1/sec4_01/sec458_b.htm

established a sales price differential factor for the purpose of the STAR exemption for at least three consecutive years. Westchester County qualifies as such a municipality.⁴

Increasing the cap will provide property tax relief for those who have served our country. Further, it will fulfill the purpose of our local law, which is to provide “the maximum possible real property tax exemption provided for” in State law. *See* Laws of Westchester § 473.101.

Your Committee is aware that this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations. *See* Title 6, Part 617 of the New York Code Rules and Regulations (N.Y.C.R.R.). The Department of Planning has reviewed the applicable SEQRA regulations, and has concluded that this proposed Local Law is not an action which requires any environmental review. Your Committee concurs in this conclusion.

In light of all of the foregoing, your Committee recommends the adoption of this Local Law.

⁴ *See* <https://www.tax.ny.gov/pit/property/star/diff.htm>

Dated: May 17, 2021
White Plains, New York

Vedat Fakir
Benjamin Boyfrost
Catherine M.

K. J. Skrzell
Vedat Fakir
Benjamin Boyfrost
Catherine M.

COMMITTEES ON

Budget & Appropriations

Legislation

Dated: May 17, 2021
White Plains, New York

The following members attended the meeting remotely, as per Governor Cuomo's Executive Order 202.1 and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Budget & Appropriations



Margaret A. Cunzio

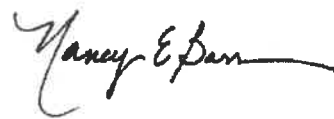
Catherine F. Parker

Ruth Walker





Legislation



Mary Jane Schimsky



FISCAL IMPACT STATEMENT

SUBJECT: Cold War Veteran RPT Exemption

☒ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): ☐ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount \$ -

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount \$ -

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Gideon Grande

Title: Deputy Director

Department: Budget


Date: April 30, 2021

Reviewed By: 

Budget Director

Date: 4/30/21

TO: Justin Adin, Deputy County Attorney
Department of Law

FROM: David S. Kvinge, AICP, RLA, CFM 
Director of Environmental Planning

DATE: May 6, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR
VETERAN'S TAX EXEMPTION INCREASE**

PROJECT/ACTION: A local law that will increase the real property tax exemption for military veterans by amending Chapter 473 of the Laws of Westchester County to increase the assessed value caps, as permitted under State law.

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required because the project/action:

- ☒ **DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- ☐ **MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTION 617.5(c)():**

COMMENTS: None

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Steven Bass, Assistant to the County Executive
Victor Mallison, Executive Director, Tax Commission
Norma Drummond, Commissioner
Claudia Maxwell, Associate Environmental Planner

LOCAL LAW INTRO. NO. 311 -2021

A LOCAL LAW amending Chapter 473 of the Laws of Westchester County to Increase Veteran's Tax Exemptions

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1: Section 473.211 of the Laws of Westchester County is hereby amended to read as follows:

1. Qualifying residential real property, as defined in New York State Real Property Tax Law Section 458-a, shall be exempt from taxation to the extent of fifteen percent of the assessed value of such property; provided, however, that such exemption shall not exceed ~~[fifty-four]~~seventy-five thousand dollars or the product of ~~[fifty-four]~~seventy-five thousand dollars multiplied by the latest state equalization rate for the assessing unit.

2. In addition to the exemption provided by subdivision one of this Section, where the veteran served in a combat theatre or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, qualifying residential real property, as defined in New York State Real Property Tax Law Section 458-a, shall be exempt from taxation to the extent of ten percent of the assessed value of such property; provided, however, that such exemption shall not exceed ~~[thirty-six]~~fifty thousand dollars or the product of ~~[thirty-six]~~fifty thousand dollars multiplied by the latest state equalization rate for the assessing unit.

3. In addition to the exemptions provided by subdivisions one and two of this Section, where the veteran received a compensation rating from the United States veteran's administration or from the United States department of defense because of a service connected disability, qualifying residential real property, as defined in New York State Real Property Tax Law Section 458-a, shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by fifty percent of the veteran's disability

rating; provided, however, that such exemption shall not exceed ~~[one hundred eighty]~~two hundred fifty thousand dollars or the product of ~~[one hundred eighty]~~two hundred fifty thousand dollars multiplied by the latest state equalization rate for the assessing unit. For purposes of this subdivision, where a person who served in the active military, naval or air service during a period of war died in service of a service connected disability, such person shall be deemed to have been assigned a compensation rating of one hundred percent.

Section 2: Section 473.321 of the Laws of Westchester County is hereby amended to read as follows:

1. Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent (15%) of the assessed value of such property; provided however, that such exemption shall not exceed ~~[fifty-four]~~seventy-five thousand dollars [(\$54,000)] or the product of ~~[fifty-four]~~seventy-five thousand dollars [(\$54,000)] multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

2. In addition to the exemption provided by subdivision "1" of this Section, where the Cold War veteran received a compensation rating from the United States veterans affairs or from the United States department of defense because of a service related disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold war veteran disability rating; provided, however, that such exemption shall not exceed ~~[one hundred eighty]~~two hundred fifty thousand dollars [(\$180,000)] or the product of ~~[one hundred eighty]~~two hundred fifty thousand dollars [(\$180,000)] multiplied by the latest state equalization rate for

the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

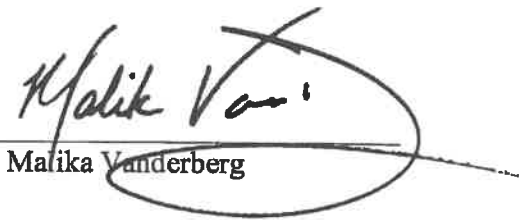
3. If a Cold War veteran receives either a veterans' exemption under Article I of this Chapter, authorized by Section 458 of the Real Property Tax Law, or an alternative veterans' exemption under Article II of this Chapter, authorized by Section 458-a of the Real Property Tax Law, the Cold War veteran shall not be eligible to receive an exemption under this Article.

Section 3: This Local Law shall take effect immediately.

STATE OF NEW YORK)
) ss.
COUNTY OF WESTCHESTER)

I **HEREBY CERTIFY** that I have compared the foregoing Local Law, Local Law Intro No. 311 - 2021, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Local Law, which was duly adopted by the County Board of Legislators, of the County of Westchester on June 7, 2021, and approved by the County Executive on June 10, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 15th day of June, 2021.


Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York



Sent to:
TBITC 1/25/22
KD

#2A.



RENEWAL INFORMATION FOR

TOWN OF SOMERS
GROUP PLAN # 00486994

RENEWAL PERIOD
April 1, 2022 - March 31, 2023



guardiananytime.com

The Guardian Life Insurance Company of America, New York, NY.

What you'll find in this package

RENEWAL INFORMATION	PAGE
Renewal Rates At-a-Glance	3
Current Plan Benefit Summaries By Product	4

Please note:

If your group plan includes multiple lines of coverage, a multi-line discount was used in the pricing. If you do not wish to renew all lines of coverage, please contact us for revised pricing.



guardiananytime.com
The Guardian Life Insurance Company of America, New York, NY.

Participating Policy and Producer Compensation Disclosure Statement

Participating Policy Statement:

Any commercial insurance group policy underwritten and issued by The Guardian Life Insurance Company of America, a New York Domiciled mutual company, is a participating policy. It is not expected, however, that a dividend will be paid on any such group policies. All coverage will be provided as set forth in the policies.

Producer Compensation Disclosure:

As is common with Group insurance, your coverage(s) might involve one or more licensed producers who will receive compensation from Guardian for soliciting, negotiating, securing and/or administering the insurance coverage(s) you have purchased. Compensation to these producers may be paid in the form of base commissions, administrative service commissions and, in some instances, supplemental compensation (e.g., an annual performance bonus). For more detailed information regarding producer compensation relative to your Guardian coverage(s), please contact your local sales consultant or account manager.



guardiananytime.com

The Guardian Life Insurance Company of America, New York, NY.

Renewal Rates At-a-Glance

This plan is currently offered for Insurance Class 1, 2 and 3

DENTAL PLAN RATES - PPO Q1					
Tier	Enrolled Employees	CURRENT		RENEWAL	
		Monthly Rate	Annual Premium	Monthly Rate	Annual Premium
EE	18	\$54.55	\$11,783	\$54.55	\$11,783
EE + 1	32	\$99.65	\$38,266	\$99.65	\$38,266
FAMILY	26	\$172.53	\$53,829	\$172.53	\$53,829
TOTAL	76		\$103,878		\$103,878

Current Plan Benefits Summaries

CONTRACT TYPE: DENTAL GUARD 2000

This plan is currently offered for Insurance Class 1, 2 and 3

PLAN BENEFITS SUMMARY

Network	In-Network DentalGuard Preferred	Out-of-Network None
Coinsurance		
Preventive	100%	100%
Basic	100%	80%
Major	60%	50%
Deductible	\$50	\$50
Waived for preventive?	Yes	Yes
Claim Payment Basis	Fee Schedule	UCR 90%
Maximum	\$2,000	\$1,500
Orthodontia	Included	
Lifetime Maximum	\$1,500	
Coinsurance	50%	
Maximum Rollover		
Threshold		N/A
Rollover Amount		N/A
In-network only rollover		N/A
Max Rollover Limit		N/A
Dependent Age Limit		20/26

Plan information is for illustrative purposes only. Please consult plan contract for specific benefit levels.

Sent to:
TB, TA, TC
1/20/22
KB

#26

Kim DeLucia

From: David Burpee
Sent: Wednesday, January 19, 2022 10:32 AM
To: Kim DeLucia
Cc: Brian Linkletter
Subject: IMA and insurance requirement for Somers PD to train at the Westchester County Police Academy
Attachments: FINAL2020 Firing Range IMA.Template.cmc.05.12.2020.pdf; FINAL2020 Firing Range IMA.Template.cmc.05.12.2020.doc

Good Morning Kim:

Chief Linkletter has asked me to forward the attached documents to you that require the Supervisor's signature.

The Police Department uses the Westchester County Police Academy Firing Range for training. For the Somers Town Police Department to use the range the County requires that we execute an IMA with them and add the County as an additional insured to the Town's insurance policy for the purpose of range use. We have done all of this before so I am sure you have a file on it but it now needs to be updated and executed again.

Please find attached the IMA that needs to be executed. In addition, please see below the instructions and language that they require for adding the Town as an additional insured.

When the documents are completed please return them to Chief Linkletter so that we can forward them to the Police Academy. Once the documents are fully executed we will get back a copy for the Town's records.

Let me know if you have any questions, and thank you for your assistance with this.

As far as insurance requirements go, please see the below which must be part of what we return to the County.

For Additionally Insured & Waiver of Subrogation status they must:

- a. **Check off** the additional insured (ADDL INSD) **AND** waiver of subrogation (SUBR WVD) boxes next to the following policies:
- Commercial General Liability
 - Automobile Liability
 - Umbrella/Excess Liability

AND input following verbiage into Description of Operations box: "Certificate holder is included as additional insured on a primary & non-contributory basis including Workers Compensation."

OR

- b. **Input following verbiage into Description of Operations box:** "Certificate holder is included as additional insured on a primary & non-contributory basis under the Commercial General Liability, Automobile Liability and Umbrella/Excess Liability policies. All policies including Workers Compensation include a waiver of subrogation in favor of the certificate holder."

Thank you again.

Be safe and stay well,

David

Sgt. David R. Burpee
Somers Town Police Department

THIS AGREEMENT (“Agreement”), made this _____ day of _____, 20____, by and between:

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 (hereinafter referred to as the “County”)

and

_____, a municipal corporation of the State of New York, having an office and place of business at _____, New York _____ (hereinafter referred to as the "Municipality")

WITNESSETH:

WHEREAS, the County, acting by and through the Westchester County Department of Public Safety Services (hereinafter referred to as the “Department”), has a firing range facility (“Firing Range”) located at the County’s Police Academy in Valhalla, New York, also known as the Grasslands Reservation, in the Town of Mount Pleasant, New York (“Police Academy”). This eighteen (18) point state-of-the-art Firing Range has an advanced targeting system and can accommodate duty side arms and most patrol rifles carried by law enforcement personnel in this County; and

WHEREAS, Municipality desires to send its public safety employees to the Firing Range for firearms training purposes, upon the terms and conditions set forth below.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties agree as follows:

Section 1. The County and the Municipality agree that the Municipality may utilize the Firing Range by sending public safety employees to the Firing Range for firearms training, subject to availability. The Municipality may utilize the Firing Range during the hours of 8:00 am to 4:00 pm, or 4:00 pm to 12:00 am. Advance reservations will be required in order to use the Firing Range. The Municipality must contact the Department by telephone to determine

availability and make a reservation at least forty-eight (48) hours prior to the desired firearms training session. Promptly thereafter, upon at least twenty-four (24) hours prior to the reservation date, the Municipality shall send via facsimile or email a written confirmation letter to the Department specifying the dates and times reserved. The Department's Firing Range telephone number is (914) 231-4381 and the facsimile number is (914) 231-4389. It is hereby understood by the Municipality that an email will be provided by the Department's Firing Range personnel upon a telephonic request for same from the Municipality.

Section 2. In exchange for the use of the Firing Range, which will be staffed by a Department safety officer, the Municipality shall pay a flat fee of Six Hundred and Thirty (\$630.00) Dollars per eight (8) hour tour, for a maximum number of thirty-six (36) officers in attendance. The Firing Range shall be operated under the direction of the safety officer. The Municipality shall adhere to all instructions issued by the Department's safety officer. A Municipality shall have the option of requesting the Department to provide a firearms instructor to assist with the training process of its employees. If the Municipality requests a firearms instructor, the Municipality shall pay an additional fee equal to \$80.79 per hour or \$646.32 per eight (8) hour tour. Any one attending the Firing Range shall be responsible to bring his/her own weapons and ammunition.

In the event that police officers from the Municipality provide instruction at the Police Academy under a separate agreement between the County and the Municipality, the Department's Commissioner or his duly authorized designee may provide such Municipality with a credit equal to one (1) eight (8) hour tour at the Firing Range for each seven (7) hours of instruction at the Police Academy.

The County shall send an invoice to the Municipality not later than the 15th day of the month following the month in which the services were provided by the County. The Municipality shall pay any such invoice within thirty (30) days of receipt thereof.

Section 3. The Municipality agrees to procure and maintain insurance naming the County as additional insured, as provided and described in Schedule "A," entitled "Standard

Insurance Provisions", which is attached hereto and made a part hereof. In addition to, and not in limitation of the insurance provisions contained in Schedule "A," the Municipality agrees:

(a) that except for the amount, if any, of damage contributed to, caused by, or resulting from the sole negligence of the County, the Municipality shall indemnify and hold harmless the County, its officers, employees, agents, and elected officials from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the Municipality or third parties under the direction or control of the Municipality; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto; and

(c) In the event the Municipality does not provide the above defense and indemnification to the County, and such refusal or denial to provide the above defense and indemnification is found to be in breach of this provision, then the Municipality shall reimburse the County's reasonable attorney's fees incurred in connection with the defense of any action, and in connection with enforcing this provision of the Agreement.

Section 4. In no event shall the County have any obligation to the Municipality or its employees for a any claim raised or benefits provided pursuant to New York General Municipal Law Section 207-c.

Section 5. The term of this Agreement shall commence upon execution and continue in full force and effect until July 31, 2025, unless terminated earlier pursuant to the terms herein.

Section 6. This Agreement may be terminated by either party by giving written notice of such termination to the other party not less than thirty (30) days prior to the effective date of such termination.

Section 7. All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or sent by hand or overnight

courier, or sent by facsimile (with acknowledgment received and a copy of the notice sent by overnight courier), to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt.

To the County: Acting Commissioner - Sheriff of Public Safety
Saw Mill River Parkway
Hawthorne, New York 10532

With a copy to: County Attorney
Michaelian Office Building, Room 600
148 Martine Avenue
White Plains, New York 10601

To the Municipality: _____

Section 8. The failure of either party to insist upon strict performance of any term, condition or covenant herein shall not be deemed a waiver of any rights or remedies that the party may have, and shall not be deemed a waiver of any subsequent breach or default in the terms, conditions or covenants herein.

Section 9. This Agreement and its attachments constitute the entire Agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

In the event of any conflict between the terms of this Agreement and the terms of any schedule or attachment hereto, it is understood that the terms of this Agreement shall be controlling with respect to any interpretation of the meaning and intent of the parties.

Section 10. The Municipality and the County agree that the Municipality and its officers, employees, agents, Municipalities, subconsultants and/or consultants are independent contractors and not employees of the County or any department, agency or unit thereof. In accordance with their status as independent contractors, the Municipality covenants and agrees that neither the

Municipality nor any of its officers, employees, agents, contractors, subconsultants and/or consultants will hold themselves out as, or claim to be, officers or employees of the County or any department, agency or unit thereof.

Section 11. Municipality shall comply, at its own expense, with the provisions of all applicable local, state and federal laws, rules and regulations relating to this Agreement.

Section 12. Nothing herein is intended or shall be construed to confer upon or give to any third party or its successors and assigns any rights, remedies or basis for reliance upon, under or by reason of this Agreement, except in the event that specific third party rights are expressly granted herein.

Section 13. This Agreement may be executed simultaneously in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. This Agreement shall be construed and enforced in accordance with the laws of the State of New York. In addition, the parties hereby agree that for any cause of action arising out of this Agreement shall be brought in the County of Westchester.

If any term or provision of this Agreement is held by a court of competent jurisdiction to be invalid or void or unenforceable, the remainder of the terms and provisions of this Agreement shall in no way be affected, impaired, or invalidated, and to the extent permitted by applicable law, any such term, or provision shall be restricted in applicability or reformed to the minimum extent required for such to be enforceable. This provision shall be interpreted and enforced to give effect to the original written intent of the parties prior to the determination of such invalidity or unenforceability.

Section 14. This Agreement shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

THE COUNTY OF WESTCHESTER

By _____
Thomas A. Gleason
Acting Commissioner –Sheriff
Department of Public Safety

MUNICIPALITY

By _____
(Name and Title)

Approved by the Westchester County Board of Legislators by Act No. 2020 - _____ on _____, 2020.

Approved as to form and
Manner of execution:

Assistant County Attorney
The County of Westchester
Firing Range IMA.Template.cmc.05.12.2020.doc

Date

MUNICIPALITY'S ACKNOWLEDGEMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On this _____ day of _____, 2020, before me personally came
_____, to me known, and known to me to be the
_____ of _____,
the municipal corporation described in and which executed the within instrument, who being by
me duly sworn did depose and say that he/she, the said _____
_____ resides at _____
_____ and that he/she is _____ of said municipal corporation.

Notary Public County

CERTIFICATE OF AUTHORITY
(Municipality)

I, _____, certify that I am the
(Officer other than officer signing contract)

_____ of the _____
(Title) (Name of Municipality)

(the "Municipality") a corporation duly organized in good standing under the _____

(Law under which organized, e.g., the New York Village Law, Town Law, General Municipal Law)

named in the foregoing agreement that _____ who signed said
(Person executing agreement)

agreement on behalf of the Municipality was, at the time of execution _____ of
(Title of such person),

the Municipality, that said agreement was duly signed for on behalf of said Municipality by

authority of its _____ thereunto duly authorized,
(Town Board, Village Board, City Council)

and that such authority is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)

ss.:

COUNTY OF WESTCHESTER)

On this _____ day of _____, 2020, before me personally
came

_____, to me known, and known to me to be the
_____ of _____,

the municipal corporation described in and which executed the within instrument, who being by
me duly sworn did depose and say that he, the said _____

resides at _____

and that he is _____ of said municipal corporation.

Notary Public County

SCHEDULE "A"

STANDARD INSURANCE PROVISIONS **(MUNICIPALITY-Firing Range Agreement)**

1. Prior to commencing work, and throughout the term of the Agreement, the Municipality shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. The Municipality shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of the Municipality's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Municipality maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Municipality. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2 The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

- a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- b) Employer's Liability with minimum limit of \$100,000.00.
- c) Commercial General Liability Insurance with a combined single limit of \$1,000,000 (c.s.1) per occurrence and a \$2,000,000 aggregate limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:
 - i. Premises - Operations.
 - ii. Broad Form Contractual.
 - iii. Independent Contractor and Sub-Contractor.
 - iv. Products and Completed Operations.
- d) Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County for both on-going and completed operations.

- e) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:
 - (i) Owned automobiles.
 - (ii) Hired automobiles.
 - (iii) Non-owned automobiles.
- f) Police Professional Liability: The Municipality shall provide proof of such insurance (\$1,000,000 per occurrence)

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.