

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, JANUARY 12, 2023
www.somersny.com**

6:00pm Executive Session

I. PLEDGE OF ALLEGIANCE:

7:00pm Regular Meeting

II. ROLL CALL:

PUBLIC COMMENT

Please limit your comments to no more than 3 minutes.

- III. APPROVAL OF MINUTES:*** October 13, 2022 Regular Meeting, November 10, 2022 Public Hearing, November 10, 2022 Regular Meeting, November 23, 2022 Special Meeting,
- IV. 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

**SOMERS TOWN BOARD
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V. BUSINESS OF THE BOARD:

A. TOWN BOARD:

1. Town of Somers Covid-19 – Update
2. New Westchester County Tax Exemption Laws – Discussion
3. Authorize the Supervisor to execute the following:
 - a. The proposal from Euro Video Productions LLC in the amount of \$2,300 per month for a thirty-six-month period starting on January 1, 2023 through December 31, 2025, dated September 20, 2022.
 - b. The "Consulting Services Proposal" from Hardesty & Hanover (H&H) for 2023 as outlined in the proposal from David Lapping, PTP, dated January 4, 2023.
 - c. The proposal from Christopher Kurtz, Esq., Bond Schoeneck & King, PLLC as special labor counsel to the Town for calendar years 2023 and 2024, dated January 6, 2023.
 - d. The proposal from ESI Group Employee Assistance Program in the amount of \$3,200 effective January 1, 2023, dated January 1, 2023.
 - e. The annual proposal for Engineering Services from Woodard & Curran for 2023 based on the updated 2023 rate table, dated January 5, 2023.
 - f. The annual proposal for Planning Department Support from Woodard & Curran for 2023 with an estimated average cost of \$6,000 per month not to exceed \$72,000.00/year without prior authorization, dated January 5, 2023.
 - g. The proposal for Planning, Review and Development Services from Planning & Development Advisors (PDA) for January 1, 2023 – December 31, 2023, dated January 9, 2023.
 - h. The proposal from Capital Market Advisors, LLC as Bond advisors for January 1, 2023 to December 31, 2023, dated January 9, 2023.

B. PARKS & RECREATION: No additional business.

C. FINANCIAL: No additional business.

D. HIGHWAY: No additional business.

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E. PERSONNEL:

1. Current Vacancies:

- a. Affordable Housing Board (1- 2-year term ending 7/11/2024.)
- b. Assessment Board of Review (1- 5-year term ending 9/30/2023.)
- c. Partners in Prevention (1- 3-year term ending 12/31/2023.)
- d. Partners in Prevention (4- 3-year terms ending 12/31/2025.)
- e. Planning Board (1- 7-year term ending 12/31/2029.)
- f. Zoning Board of Appeals (2 – 5-year terms ending 12/31/2027.)

2. Upcoming Vacancies - Terms Expiring in 2023:

- a. Architectural Review Board (4 – 3-year terms ending 3/31/2023.)
 - b. Parks and Recreation Board (4 – 3-year terms ending 3/9/2023.)
3. Authorize the appointment of Allison Colella to the Somers Library Board of Trustees to fill one of two newly created positions on the Board for a five-year term effective January 1, 2023 and ending December 31, 2027.
4. Acknowledge the failed probation of employee with ADP ID: 099352 as a Motor Equipment Operator. He has returned to his prior job title of Skilled Road Maintainer effective November 14, 2022 per memo dated January 6, 2023 from Nicholas DeVito, Superintendent of Highways.

F. PLANNING & ENGINEERING: No additional business.

G. POLICE: No additional business.

H. CONSENSUS AGENDA:

1. Authorize the return of the following Bonds per December 15, 2022 and December 22, 2022 memos from Steven Woelfle, Engineering Department:
 - a. \$5,765.00 Erosion Control Bond
Mastrantoni Steep Slopes/Stormwater Management and Erosion and Sediment Control/Tree Preservation Permit,
SSSMESCT2021-10, TM: 36.12-2-6.1
 - b. \$100.00 Erosion Control Bond – Lake Purdys Property Owners Association, Wetland Permit #AW2013-05,
TM: 17.16-1-28&29
 - c. \$100.00 Erosion Control Bond – Il Forno, Inc. Amended Site Plan,
Resolution No. 2017-16

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www.somersny.com**

2. Authorize the following SEQRA/Professional Service Fee refund per December 21, 2022 memo from David B. Smith, Town Planner:
 - a. \$546.74 Best Plumbing Supply Inc.,
TM: 28.15-1-2&4
3. Authorize the following per December 29, 2022 memo from Steven Ralston, Superintendent of Parks & Recreation:
 - a. Adopt fee schedule for 2023 programs and services.
 - b. Supervisor to execute North East Westchester Special Recreation, Inc Interagency Agreement for 2023 program year.

2023 Calendar

January 12, 2023	7:00pm	Town Board Regular Meeting
February 2, 2023	7:00pm	Town Board Work Session
February 9, 2023	7:00pm	Town Board Regular Meeting
March 2, 2023	7:00pm	Town Board Work Session
March 9, 2023	7:00pm	Town Board Regular Meeting

1/10/2023 3:35 PM

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Sent to:
TB, TA, TC
11/11/2023
KD

OCTOBER 13, 2022 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening October 13, 2022 at 6:00 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. 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 6:00 PM to return that evening.

7:00 PM – meeting reconvened

PUBLIC COMMENT:

Robbin Andersen, Cypress Lane, discussed her safety concerns for the residents of Shenorock. She stated that speeding was the biggest issue. She said that she met with the Highway Superintendent and the Police Chief to try and address her concerns although, she wanted the Town Board to address them as well. Ms. Andersen suggested that speed bumps be installed, stop signs and a reduction of the speed limit be considered

Loraina Minerly, conveyed an incident where her daughter was almost in by a vehicle while walking on the street. She stated that October was Traffic Safety Month and she wanted the area she lived in to be safer.

Wendy, Crest Drive North, stated the speeding was an issue in Shenorock and she was also concerned for the safety in the area.

Joseph, Shenorock, via Zoom, said that traffic and speeding was an issue in Shenorock. He said that he wanted to suggest the Board request a traffic light be installed at the intersection of Route 202 and Miller Avenue.

OCTOBER 13, 2022 – REGULAR MEETING

There being no one else to be heard on motion of Supervisor Scorrano, seconded Councilman Ciriaco, public comment was declared closed.

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

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

RESOLVED, that the Town Board does hereby approve the June 9, 2022 Regular Meeting, the July 21, 2022 Public Hearing, the July 21, 2022 Work Session/Regular Meeting, the August 11, 2022 Public Hearing, the August 11, 2022 Work Session/Regular Meeting, the September 1, 2022 Work Session, the September 8, 2022 Regular Meeting, the September 26, 2022 Special Meeting, and the October 6, 2022 Work Session.

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 next 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 offer congratulations to Patricia Kalba, Town of Somers Town Clerk, for achieving the designation of Master Municipal Clerk (MMC), which is awarded by the International Institute of Municipal Clerks (IIMC), Inc. The IIMC grants the MMC designation only to those municipal clerks who complete demanding education requirements; and who have a record of significant contributions to their local government, their community, and state.

The next item was to announce that October, 2022 is American Archives Month.

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

RESOLVED, that the Town Board does hereby affirm that October, 2022 is American Archives Month.

The next item on the agenda was with regard to lifting the Property Use Restrictions for Best Plumbing. The Supervisor highlighting the items that were being approved and denied.

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

OCTOBER 13, 2022 – REGULAR MEETING

WHEREAS, Best Plumbing Supply, Inc., a pre-existing non-conforming use in an R80 Residential District, has made application to the Town Board of the Town of Somers for an amendment to its existing Special Use Permit in connection with its use of the above subject property; and

WHEREAS, such modifications relate to its Special Exception Use Permit of June 10, 2004 as modified in September 3, 2010 and seek to further modify restrictions pertaining to days and hours of operation and other site activities; and

WHEREAS, the proposed modifications seek the following:

1. To permit outdoor storage of pipe on a concrete pad of approximately 40 feet by 87 feet with a concrete driveway approximately 15 feet by 102 feet located adjacent to the southwest side of the existing building
2. To change warehouse and office operations from Monday through Friday to Monday to Saturday with no trucking activity permitted.
3. To change the current warehouse operations from 6:00 AM to 6:00 PM to 5:00 AM to 6:00 PM
4. To change the principal business activity from 8:00 AM to 5:00 PM to 7:00 AM to 5:00 PM
5. Remove the trucking activity restriction from 7:40 AM to 8:15 AM on Mondays to Fridays (hereinafter the “2022 Petition” or “Proposed Action”); and

WHEREAS, the application consists of the following:

Letter Application with petition form from Best Plumbing Supply, Inc. dated June 1, 2022 requesting special permit modification and requesting to be added to the Town Board agenda.

- Short Form Environmental Assessment Form (EAF)
- Property Survey
- Conceptual site plan with proposed outdoor storage area
- Aerial photographs

WHEREAS, the Town Board considered the application and declared its intent to be Lead Agency under SEQRA at its meeting of June 9, 2022, identified the project as an Unlisted Action and determined to conduct a coordinated SEQRA review; and

OCTOBER 13, 2022 – REGULAR MEETING

WHEREAS, at its meeting of June 9, 2022, the Town Board also referred the application to the Planning Board for its review and recommendation and scheduled a public hearing for July 21, 2022; and continued and closed on August 20, 2022; and

WHEREAS, the Town received several pieces of written correspondence including:

Westchester County Department of Planning
NYC Department of Environmental Protection
Chris and Jennifer Mendicina
Charles and Rebecca Green
Glenn and Mary Ellen Bianco; and

WHEREAS, the Planning Board discussed the Proposed Action at its meeting of August 10, 2022 and did submit a response back to the Town Board indicating that they had no objections to the proposed modifications; and

WHEREAS, the Town Board conducted a duly noticed Public Hearing on the subject application on July 21, 2021, and all those wishing to be heard were heard, at which time the public hearing was closed on August 10, 2022; and

WHEREAS, thirty days having passed since determination of intention to be lead agency, the Town Board accepted its status as lead agency under SEQRA; and

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Article 8 of the State Environmental Quality Review Law and 6 NYCRR Part 617, specifically EAF Parts 2 and 3, and Town Law Chapter 92 Environmental Quality Review, the Town Board hereby makes a determination that while the Proposed Action may not have a significant negative impact on the environment, the 2022 Petition contains elements related to extending the hours of operation that are not in keeping at this time with the Special Permit criteria outlined in the Town Code §170-106;

RESOLVED that the application for an Amended Special Use Permit with all requested permit modifications be granted in part and denied in part as outlined below, subject to additional conditions as herein noted:

1. To permit outdoor storage of pipe on a concrete pad of approximately 40 feet by 87 feet with a concrete driveway approximately 15 feet by 102 feet located adjacent to the southwest side of the existing building is hereby granted subject to the Applicant submitting a site plan application and approval from the Planning Board and that outdoor activities are restricted to 7:30 AM to 5:00 PM Monday through Friday consistent with when trucking activity is allowed on site is hereby granted.

OCTOBER 13, 2022 – REGULAR MEETING

2. To change warehouse and office operations from Monday through Friday to Monday to Saturday with no trucking activity permitted is hereby denied.
3. To change the current warehouse operations from 6:00 AM to 6:00 PM to 5:00 AM to 6:00 PM is hereby denied.
4. To change the principal business activity from 8:00 AM to 5:00 PM to 7:00 AM to 5:00 PM is hereby denied
5. Remove the trucking activity restriction from 7:40 AM to 8:15 AM on Mondays to Fridays is hereby granted; and be it further

RESOLVED, that all other conditions as outlined in the 2010 approval resolution remain in full force and effect.

The next item was an add on item with regard to a proposed Day Care Center on Pines Bridge Road.

Mr. Stuart Finkle, Bedell Road, stated that there was a proposed Day Care Center on the dead end cul-de-sac of Pines Bridge Road.

Mr. Stuart Finkle and neighbors expressed their concerns with regard to a group daycare center opening in their residential community. He said they were concerned about safety, transportation, traffic, sewage, water and their property values decreasing. He discussed with the Town Board the New York State regulations governing the license and where the Town laws fit in. Mr. Finkle pointed out that there were no group or family daycare centers in Somers on residential streets. He said that they supported the need for daycare but were not in favor of a center opening in his neighborhood.

The Town Attorney explained the Zoning Code with regard to the Town and State. He pointed out that the license application would not go through the local Planning Board, Town Board or Zoning Board. He said that the State would review the license. The Town Attorney suggested that Mr. Finkle and his neighbors contact their State Representatives.

Councilman Garrity said that the Town needed to figure out a plan with the Building Inspector and State Assemblyman. He pointed out his own frustration when the Town was told what they cannot do.

Councilman Ciriaco pointed out that this would become a legal process with the State and County.

The Supervisor said that the next item was with regard to a proposal from Gentech LTD to supply a rental standby 125KVA towable diesel generator system for backing up the Clayton sewer station generator.

OCTOBER 13, 2022 – REGULAR MEETING

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the proposal from Gentech LTD to supply a rental standby 125KVA towable diesel generator system for backing up the Clayton sewer station generator which is currently out of commission in the amount of \$3,600.00 per email dated October 4, 2022 from Frederick McQuillan, Water and Sewer superintendent.

The next item on the agenda was permission to purchase two (2) 2023 Ford PVI Hybrids from Van Bortel Ford for \$44,864.20 each which is the Government Bid.

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

RESOLVED, that the Town Board does hereby authorize the purchase two (2) 2023 Ford PVI Hybrids from Van Bortel Ford for \$44,864.20 each which is the Government Bid price for a total of \$89,728.40 plus the addition of \$14,809.46 per vehicle to upfit the vehicles with emergency lighting, siren, computer mount, and printer for a total purchase price of \$119,347.32 for two vehicles per memo dated September 5, 2022 from Brian Linkletter, Chief of Somers Police Department.

The Supervisor said that the next item on the agenda was with regard to a proposed online dog license component for the existing BAS System.

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

RESOLVED, that the Town Board does hereby authorize the execution of the contract for GovTech, Inc. for an online dog license component for the existing BAS System with an initial cost of \$1,800.00 and then an additional \$350.00 per year for ongoing support services per memo dated October 5, 2022 from Patricia Kalba, Town Clerk.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute an online payment agreement with Forte per memo dated October 5, 2022 from Patricia Kalba, Town Clerk.

The next item was with regard to Conservation Easement Modification for the Angle Fly Preserve.

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

OCTOBER 13, 2022 – REGULAR MEETING

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Conservation Easement Modification Agreement for the Angle Fly Preserve.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Conservation Easement Modification Document for the Angle Fly Preserve.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Conservation Easement Modification Document for the Angle Fly Preserve.

The Supervisor stated that they needed to add on the consideration to change the dates for the December meetings.

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

RESOLVED, that the Town Board does hereby authorize the change of dates for the December meetings from December 1, 2022 Work Session and December 8, 2022 Regular Meeting to December 8, 2022, Work Session and December 15, 2022, Regular Meeting

PERSONNEL:

Current Vacancies:

- a. Affordable Housing Board (1- 2-year term ending 7/11/2024.)
- b. Assessment Board of Review (1- 5-year term ending 9/30/2023.)
- c. Library Board of Trustees (1 – 5-year term ending 12/31/2025.)
- d. Partners in Prevention (2- 3-year terms ending 12/31/2022.)
- e. Partners in Prevention (1- 3-year term ending 12/31/2023.)

Upcoming Vacancies - Terms Expiring in 2022:

- a. Partners in Prevention (2- 3-year terms ending 12/31/2022.)
- b. Planning Board (1- 7-year term ending 12/31/2022.)
- c. Zoning Board of Appeals (2 – 5-year terms ending 12/31/2022)

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

RESOLVED, that the Town Board does hereby authorize the hiring of Nicholas Westhoff as probationary full-time Laborer in the Parks and Recreation Department in accordance

OCTOBER 13, 2022 – REGULAR MEETING

with the CSEA Contract Appendix B at Grade 3, Step 3 at an annual salary of \$39,404.00 contingent upon the successful results of a physical, drug test, background, and NYS driver license checks per memo dated October 6, 2022 from Steven Ralston, Superintendent of Parks and Recreation.

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

RESOLVED, that the Town Board does hereby authorize the re-appointment of Bart Lansky to the Somers Assessment Board of Review to a five-year term ending September 30, 2027.

The next item on the agenda was the consensus agenda.

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

1. RESOLVED, that the Town Board does hereby authorize the following SEQRA/Professional Service Fee refunds per memo dated September 28, 2022 from Dave B. Smith, Director of Planning:
 - a. \$37.31 Artis Senior Living Site Plan – Refund of SEQRA/Professional Service Fee – TM: 4.19-2-22
 - b. \$2,514.31 New Cingular Wireless – Majestech Upgrade – Refund of SEQRA/Professional Service Fee. TM: 28.10-1-6.1
2. RESOLVED, that the Town Board does hereby authorize the return of the following Bond per October 6, 2022 memo from Steven Woelfle, Engineering Department:
 - a. \$10,000.00 – Bond for Incomplete Items – Mews at Baldwin Place Phase II Site Plan – TM: 4.20-1-15; Release of Bond for Incomplete Items for the Issuance of Certificate of Occupancy; Received Check February 5, 2015
3. RESOLVED, that the Town Board does hereby authorize the acceptance of the documents related to the dedication of Palma Road in the Adriano & Sons LTD Subdivision per memo dated September 26, 2022 from Steven Woelfle, Engineering Department.
4. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the proposal from McGrath & Co Real Estate Appraisers for preparing an appraisal of 295 Route 100, Tax Map # 17.18-1-1.2, Town of Somers, NY in the amount of \$3,500.00 per referral from Roland Baroni, Town Attorney.

OCTOBER 13, 2022 – REGULAR MEETING

5. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the application to reserve temporary use of the Somers Town House Green from Anthony J. Messina for display of a temporary illuminated Nativity Scene approximately 2.6m wide x 2.3m tall x 0.06m deep from December 3, 2022 through January 11, 2023.
6. RESOLVED, that the Town Board does hereby authorize the request to purchase the Municipality 5 Laserfiche Integration Add-On, offered through Laserfiche, to allow the current software to tie into the Town of Somers Laserfiche software in the amount of \$7,400.00 which includes training per memo dated September 12, 2022 from Thomas J. Tooma, Building Inspector.
7. RESOLVED, that the Town Board does hereby authorize the purchase a John Deere Rotary Tiller in the amount of \$4,480.76 on New York Landscaping and Grounds Bid Contract per memo dated September 22, 2022 from Steven Ralston, Superintendent of Parks and Recreation.
8. RESOLVED, that the Town Board does hereby authorize the proposal from Pat Corsetti Inc. for installation of Discover Center Playground piece, for the Reis Park tot playground in the amount of \$4,500.00 per memo dated September 23, 2022 from Steven Ralston, Superintendent of Parks and Recreation.
9. RESOLVED, that the Town Board does hereby authorize the proposal from North County Electric LLC for installation of upgraded electrical service to the Reis Park Stage in the amount of \$4,450.00 per memo dated September 23, 2022 from Steven Ralston, Superintendent of Parks and Recreation.

Claims for the payment of all Town Bills in the amount of \$1,431,164.56 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 Garrity, the meeting was adjourned at 8:20 PM.

Town Clerk

NOVEMBER 10, 2022 – PUBLIC HEARING

Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening November 10, 2022 at 7:07 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.

The Supervisor said that this was a public hearing with regard to a proposed Local Law to amend Article IV entitled Business Historic Preservation District, Section 170-21.2 entitled Principal Use 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 October 27, 2022 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, explained that the first text amendment was to exclude drive through restaurants and the second was to exclude convenience retail stores in the Business Historic Preservation District. He stated that the Town of Somers Planning Board reviewed the Zoning text amendment and were in favor of the changes.

Discussion ensued between Mr. Smith and the Town Board.

There being no one else to be heard on motion of Supervisor Scorrano, seconded by Councilman Faulkner, the public hearing was adjourned at 7:13 PM.

Town Clerk

Sent to:
TB, TA, TC
11/11/2023
KS

NOVEMBER 10, 2022 – PUBLIC HEARING

Minutes of a public hearing of the Town Board of the Town of Somers held on Thursday evening November 10, 2022 at 7:13 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 Supervisor said that this was a public hearing with regard to a proposed Local Law to amend Section 170.3 entitled Definitions with regard to the creation of a new definition of Pet Care Service and amend Section 170-21.2 entitled Principal Use adding G and H for the proposed Pet Care Center 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 October 27, 2022 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, explained that the Town had received a petition from Urstadt Biddle Properties to amend a Community Shopping (CS) District of the Town Code. He said that the amendment would allow for pet care services to the CS District.

Discussion ensued between Mr. Smith and the Town Board with regard to distance from residences, cleanup, noise and number of pets.

There being no one else to be heard on motion of Supervisor Scorrano, seconded by Councilman Faulkner, the public hearing was adjourned at 7:23 PM.

Town Clerk

Sent to:
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11/11/2023
KD

NOVEMBER 10, 2022 – WORK SESSION/REGULAR MEETING

Minutes of a work session/regular meeting of the Town Board of the Town of Somers held on Thursday evening at 6:00 PM November 10, 2022 at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

PRESENT:	Supervisor	Robert 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.

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

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

7:06 PM – meeting reconvened

The Supervisor said that this was a public hearing with regard to a proposed Local Law to amend Article IV entitled Business Historic Preservation District, Section 170-21.2 entitled Principal Use in the Code of the Town of Somers.

7:07 PM – hearing open

7:13 PM – meeting reconvened

The Supervisor said that it was in order for the Town Board to adopt a Negative Declaration with regard to the proposed Local Law to amend Article IV entitled Business Historic Preservation District, Section 170-21.2 entitled Principal Use in the Code of the Town of Somers.

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

RESOLVED, that the Town Board does hereby adopt a Negative Declaration with regard to the proposed Local Law to amend Article IV entitled Business Historic Preservation District, Section 170-21.2 entitled Principal Use in the Code of the Town of Somers.

NOVEMBER 10, 2022 – WORK SESSION/REGULAR MEETING

The Supervisor said that it was in order for the Town Board to adopt a Local Law to amend Article IV entitled Business Historic Preservation District, Section 170-21.2 entitled Principal Use in the Code of the Town of Somers.

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

RESOLVED, that the Town Board does hereby adopt a Local Law to amend Article IV entitled Business Historic Preservation District, Section 170-21.2 entitled Principal Use in the Code of the Town of Somers as follows:

A Local Law to amend Section 170-15.1 entitled Principal Uses with regard to the Business Historic Preservation District in the Code of the Town of Somers.

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

§ 170-15.1. Principal uses.

A. In a B-HP District, no building, structure or premises, in whole or in part, shall be used and no building or structure, in whole or in part, shall be erected, enlarged, structurally altered or moved except for the following purposes or as herein elsewhere specifically provided, together with the accessory uses specified in § 170-15.2 herein:

(13) Restaurants, taverns and ice cream parlors located in any portion of a building that was in existence on the effective date of this provision, but excluding fast-food establishments and drive-in, drive-through or curbside service. Such uses shall also be permitted in any new floor area constructed on the upper level of such existing building subsequent to that date, provided that the upper level floor area in existence on the effective date of this provision represents at least 30% of the lower level floor area in existence on such date and the total floor area on the upper level after it has been enlarged does not exceed 100% of the floor area of the lower level of such building. Such uses shall also be permitted in a new building constructed after the effective date of this provision, provided that all such uses are located only on the lowest level at grade that faces the major roadways of U.S. Route 202, N.Y. Route 100 or N.Y. Route 116 and residential uses are established on the upper level(s) of such building.

(14) Retail stores located in any portion of a building that was in existence on the effective date of this provision, including but not limited to thrift, consignment and antique shops, bakeries and delicatessens, but not convenience stores, provided that the Planning

NOVEMBER 10, 2022 – WORK SESSION/REGULAR MEETING

Board approves the use as being consistent with the nature, character and purpose of the B-HP District. Within any retail establishment that sells food or beverages, a maximum of 10 seats may be provided for customer use. If a greater number of seats are provided, such use shall be considered a restaurant. Such uses shall also be permitted in any new floor area constructed on the upper level of such existing building subsequent to that date, provided that the upper level floor area in existence on the effective date of this provision represents at least 30% of the lower level floor area in existence on such date and the total floor area on the upper level after it has been enlarged does not exceed 100% of the floor area of the lower level of such building. Such uses shall also be permitted in a new building constructed after the effective date of this provision, provided that all such uses are located only on the lowest level at grade that faces the major roadways of U.S. Route 202, N.Y. Route 100 or N.Y. Route 116 and residential uses are established on the upper level(s) of such building.

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 this was a public hearing with regard to a proposed Local Law to amend Section 170.3 entitled Definitions with regard to the creation of a new definition of Pet Care Service and amend Section 170-21.2 entitled Principal Use adding G and H for the proposed Pet Care Center in the Code of the Town of Somers.

7:13 PM – hearing open

7:23 PM – meeting reconvened

The Supervisor said that it was in order for the Town Board to adopt a Negative Declaration with regard to the proposed Local Law to amend Section 170.3 entitled Definitions with regard to the creation of a new definition of Pet Care Service and amend Section 170-21.2 entitled Principal Use adding G and H for the proposed Pet Care Center in the Code of the Town of Somers.

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

RESOLVED, that the Town Board does hereby adopt a Negative Declaration with regard to the proposed Local Law to amend Section 170.3 entitled Definitions with regard to the creation of a new definition of Pet Care Service and amend Section 170-21.2 entitled Principal Use adding G and H for the proposed Pet Care Center in the Code of the Town of Somers.

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

NOVEMBER 10, 2022 – WORK SESSION/REGULAR MEETING

Care Service and amend Section 170-21.2 entitled Principal Use adding G and H for the proposed Pet Care Center in the Code of the Town of Somers.

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

RESOLVED, that the Town Board does hereby adopt a Local Law to amend Section 170.3 entitled Definitions with regard to the creation of a new definition of Pet Care Service and amend Section 170-21.2 entitled Principal Use adding G and H for the proposed Pet Care Center in the Code of the Town of Somers as follows:

A Local Law to amend Section 170.3 entitled Definitions and Section 170-21.2 entitled Principal Uses with regard to Pet care services in the Community Shopping District 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.

PET CARE SERVICES

A daytime care service establishment for dogs, cats, and occasionally other small household pets. This facility may also provide overnight boarding and hygiene/grooming services. In contrast to breeding or boarding kennels, these facilities focus on delivering amenity-rich services geared towards pets and their owners and may include a retail space offering an assortment of associated pet care products. The breeding and/or selling of animals at these facilities is not permitted.

170-21.2 Principal Uses.

- G. Pet care services with all facilities and amenities within an enclosed building.
- H. Pet care services with outdoor areas for pets, subject to the following conditions:
 - (1) The applicant shall provide a survey which shows the full extent of the areas on the site which may be occupied by pets. This survey shall demonstrate that any area on the site which may be occupied by pets is at least 200 feet from a residential property line in the R-40 or PH zoning districts.
 - (2) The applicant shall show, to the Planning Board's satisfaction, that noise from the pets on the site will be mitigated.
 - (3) The applicant shall show, to the Planning Board's satisfaction, that odors from the pets on the site will be mitigated.

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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:

Ms. Barbara Tepper, President of the Library Board of Trustees, requested that the Board consider a more significant raise for the Library Employees. She stated That neighboring Libraries pay higher salaries and it was difficult for the to hire qualified candidates for the Somers Library.

Mr. Thomas Newman, Adams Farm Road, stated that there were a number of violations to the Town of Somers No Sign Code during the General Election. He said that many of the political signs were placed on Town property and suggested that the Town needed to enforce those legislations with consequences.

There being no one else to be heard on motion of Supervisor Scorrano, seconded by Councilman Ciriaco, public comment session 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 the Town of Somers Covid-19 update. The Supervisor pointed out the new and current case numbers within the County and the Town.

The next item was an update from Westchester County Legislators Vidat Gashi and Erica Pierce. County Legislators Gashi and Piece updated the Board with regard to Election redistricting, the County Budget, the Muscoot Farm and Lasdon Park infrastructure projects, the removal of the County tax on home heating oil and the Home Energy Assistance Program for Westchester County residents.

The Supervisor said that the next item on the agenda was presentation by some concerned Citizens of Shenorock with regard to safety. A group of residents of Shenorock presented a PowerPoint with regard to their safety concerns in the Shenorock neighborhood. They requested that the Town Board consider stop signs in various locations, speed humps, cross walks and the possibility of a traffic light at the Route 202 and Miller Avenue entrance. Nick DeVito, Superintendent of Highways stated that he had met with the residents and would assist them with their concerns. He would install the safety devices request that he could without Town Board approval. The Supervisor explain that he would look into where the stop signs were being suggested and the Board would consider their requests.

The Supervisor said that it was in order to take a break while the meeting room cleared out.

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8:55 PM – 5-minute break
9:05 PM – meeting reconvened

The next item on the agenda was with regard to a presentation by Mr. Gus T. Boniello, North Edge Realty Corporation. Mr. Tim Allan, Bibbo Associates, Project Engineer, explained that the project consisted of 77 units of Multi-Family Residential. He pointed out the affordable housing component and how the building would be situated on the property. Mr. Gus Boniello, North Edge Realty Corporation, explained the proposed community benefits they would be offering the Town, which would consist of the removal of the 8 buildings in the Angle Fly Preserve and the construction of additional athletic fields in their place. It was agreed that this project would have to be looked into further.

The Supervisor said that it was in order to add the execution of the Stipulation of Agreement between the Town of Somers and Local 456, International Brotherhood of Teamsters to that evening's agenda.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Stipulation of Agreement between the Town of Somers and Local 456, International Brotherhood of Teamsters effective January 1, 2021 through December 31, 2023.

The Supervisor said that next item was with regard to the 2023 Budget. The Town Clerk stated that the 2023 Tentative Budget was received in her office on Monday, November 1, 2022. The Supervisor pointed out changes to the Elected proposed salary increases.

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

RESOLVED, that pursuant to Section 108 of Town Law, the Town Board does hereby specify the proposed salary for the Elected Officials to be included in the Notice of Public Hearing on the Preliminary Budget for the year 2023 as follows:

COUNCILMAN (4) each	\$ 14,904.00
SUPERVISOR	\$126,480.00
TOWN CLERK	\$ 98,151.00
SUPERINTENDENT OF HIGHWAYS	\$126,193.00

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

NOVEMBER 10, 2022 – WORK SESSION/REGULAR MEETING

RESOLVED, that the Town Board after review of the Tentative Budget, made changes, alterations and revisions as the Board deemed advisable, adopted the Tentative Budget with changes therein to date as the Preliminary Budget of the Town of Somers for the year commencing 2023.

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

RESOLVED, that the Town Board does hereby schedule a public hearing to be held at the Town House, 335 Route 202, Somers, New York, on Thursday, December 8, 2022 at 7:00 P.M., to consider the year 2023 Preliminary Budget for the Town of Somers.

The next item was with regard solicitation of bids for used office equipment.

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 Used Office Equipment and the disposal of any items that are not bid per memo dated November 4, 2022 from Patricia Kalba, Town Clerk.

The Supervisor said that the next item on the agenda was the with regard to a request to purchase one parcel from the Town of Somers, #5.19-1-26 located next to 29 Larch Dr., Lincolndale

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

RESOLVED, that the Town Board does hereby refer a request to purchase one parcel from the Town of Somers, #5.19-1-26 located next to 29 Larch Dr., Lincolndale, to the Assessor, Highway Department, Open Space Committee, Parks and Recreation, and the Planning and Engineering Department for evaluation.

The next item on the agenda was the authorization and execution of various contracts. The Supervisor stated that at that time they were removing the proposal to provide and install exterior security for all Town buildings.

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

RESOLVED, that the Town Board does hereby accept and authorizes the Supervisor to execute the proposal from a company to provide and install a platform lift in the Town House Meeting Room per recommendation from Thomas J. Tooma, Jr., Building Inspector.

NOVEMBER 10, 2022 – WORK SESSION/REGULAR MEETING

RESOLVED, that the Town Board does hereby accept and authorizes the Supervisor to execute a two-year renewal with OnSolve for the CodeRED Standard and CodeRED Weather Warning services in the amount of \$15,300 for the period of April 13, 2023 through April 12, 2025.

RESOLVED, that the Town Board does hereby accept and authorizes the Supervisor to execute an amendment to the April 1, 2021 letter agreement between the Town of Somers and Metro-North Commuter Railroad Company ("Metro North") concerning the Town undertaking certain maintenance responsibilities relating to the new Croton Falls Parking Lot.

RESOLVED, that the Town Board does hereby accept the purchase of roof shingles from Ring's End in South Salem in the pre-tax amount of \$29,949.98 per memo dated October 27, 2022 from the Historical Properties Board.

RESOLVED, that the Town Board does hereby accept and authorizes the Supervisor to execute the proposal with JRL Land Surveying P.C. in order to conduct a survey and prepare a 2-lot subdivision map per memo dated November 4, 2022 from Steven Woelfle, Engineering Department.

PERSONNEL:

Current Vacancies:

Affordable Housing Board (1- 2-year term ending 7/11/2024.)

Assessment Board of Review (1- 5-year term ending 9/30/2023.)

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

Partners in Prevention (1- 3-year terms ending 12/31/2023.)

Upcoming Vacancies - Terms Expiring in 2022:

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

Planning Board (1- 7-year term ending 12/31/2022.)

Zoning Board of Appeals (2 – 5-year terms ending 12/31/2022)

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

RESOLVED, that the Town Board does hereby acknowledge the appointment of Stephanie Keegan to the Somers Library Board of Trustees to fill an un-expired five-year term ending December 31, 2025.

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

NOVEMBER 10, 2022 – WORK SESSION/REGULAR MEETING

RESOLVED, that the Town Board does hereby approve a request the Town Board resolve to have the terms and conditions of employment for the non-union Deputy Superintendent of Highways follow certain applicable provisions of the Teamsters Local 456 collective bargaining agreement, instead of certain applicable provisions of the CSEA Local 100 collective bargaining agreement per memo dated October 21, 2022 from Nicholas DeVito, Superintendent of Highways.

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

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

1. RESOLVED, that the Town Board does hereby accept the following Bonds per October 12, 2022 and November 2, 2022 memos from Steve Woelfle, Engineering Department:

- a. \$500.00 Erosion Control Bond – Mastrantoni Brothers, Inc for 4 Amawalk Point Subdivision; TM: 36.12-2-6.2 (Lot 2)
- b. \$25,570.00 Maintenance Bond – Cobbling Rock Construction Corp. for Andriano & Sons LTD Subdivision Road Dedication – Palma Road Extension

2. RESOLVED, that the Town Board does hereby authorize the return of the following Bonds per October 25, 2022 and October 26, 2022 memos from Steven Woelfle, Engineering Department:

- a. \$35,000.00 Erosion Control Bond – Artis Senior Living of Somers Site Plan Resolution No. 2018-04; Received Check March 26, 2019
- b. \$7,671.00 Erosion Control Bond – Andriano Subdivision; Resolution No. 2002-1; Received Check February 11, 2002

3. RESOLVED, that the Town Board does hereby authorize the following SEQRA/Professional Service Fee refund per memo dated October 18, 2022 from Dave B. Smith, Consulting Director of Planning:

\$1,375.31 Adams Lot Line Change

4. RESOLVED, that the Town Board does hereby authorize transfer of the following Bonds to the General Fund per October 18, 2022 memo from Steven Woelfle, Engineering Department:

- a. \$235.00 Erosion Control Bond – Richard Anew; 14 Annarock Dr.; Parcel: 28.06-1-1
- b. \$350.00 Snow Maintenance Bond – Giovanni Ciampi, Sannio

NOVEMBER 10, 2022 – WORK SESSION/REGULAR MEETING

Contracting Corp., Woodcrest Terrace Extension; Parcels:
36.07-1-18 & 19

Claims for the payment of all Town Bills in the amount of \$729,001.53 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 9:45 PM

Town Clerk

Sent To:
TB, TA, TC
1/11/2023
KD

NOVEMBER 23, 2022 – SPECIAL MEETING

Minutes of a special meeting of the Town Board of the Town of Somers held on Monday afternoon November 23, 2022 at 8:30 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. Ciriaco
	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 personnel and contracts.

Thereupon motion of Supervisor Scorrano, seconded by Councilman Garrity, the meeting was adjourned to an executive session with regard to personnel and contracts at 8:35 AM not to return.

Town Clerk

Sent to:
TB, TA, TC
1/9/2023
KD



Department of Taxation and Finance

Senior Citizens Property Tax Exemption

The senior citizens property tax exemption can reduce property taxes for lower-income homeowners who are at least 65 years old by up to 50 percent.

Cities, towns, villages, counties, and school districts all have the option to offer this exemption. Those municipalities that opt to offer the exemption would also set an income limit. The income limit may be as low as \$3,000 and as high as \$50,000. In addition, there are three sliding-scale options that municipalities may adopt to provide a benefit to seniors with incomes greater than the local maximum. Under these options, qualifying seniors may receive the exemption if their income is below:

- \$55,700 for a 20% exemption,
- \$57,500 for a 10% exemption, or
- \$58,400 for a 5% exemption.

Check with your local assessor for the income limits in your community.

Note: When property has multiple owners, and one or more of them qualify for this exemption while others qualify for the exemption for persons with disabilities, the owners may choose the more beneficial exemption.

Application forms and instructions

To apply or reapply for the senior citizens exemption, file the applicable form with your assessor's office. Forms and instructions can be found on the website of the New York State Department of Taxation and Finance's website (www.tax.ny.gov) or at your local assessor's office.

First-time applicants use Form RP-467, Application for Partial Tax Exemption for Real Property of Senior Citizens.

Renewal applicants use Form RP-467-Rnw, Renewal Application for Partial Tax Exemption for Real Property of Senior Citizens.

For instructions, see RP-467-I, Instructions for Form RP-467.

Application deadline

The application generally must be filed in your local assessor's office on or before the appropriate taxable status date. This date in most towns is March 1. In Nassau County, it is January 2. Westchester County towns have either a May 1 or June 1 taxable status date; contact the assessor. In cities, the date is determined from charter provisions. In New York City, applications for this exemption must be filed on or before March 15. The date in most assessing villages is January 1, but the village clerk should be consulted for variations.

Note: When qualifying seniors buy property after taxable status date, the senior can apply up to 30 days after the purchase date. The assessor then has 30 days to decide whether the senior would have qualified for the exemption if the senior owned the property as of the deadline.

Some municipalities will accept late applications until grievance day in certain hardship cases or for exemption renewals. Check with your assessor for details specific to your municipality. Contact information for your assessor can be found at www.tax.ny.gov (search: *assessor*).

Eligibility requirements

Ownership

You must own the property for at least 12 consecutive months prior to the date of filing. If you have moved into a new home and previously received the senior citizens exemption for your prior residence, you do not need to meet the 12-month requirement.

In computing the 12-month period, the period of ownership is not interrupted by the following:

- a transfer of title to one spouse from the other
- a transfer of title to a surviving spouse from a deceased spouse either by will or operation of law
- a transfer of title to the former owner(s), provided the reacquisition occurs within nine months after the initial transfer and the property was receiving the senior citizens exemption as of such date
- a transfer of title solely to a person(s) who maintained the property as a primary residence at the time of death of the former owner(s), provided the transfer occurs within nine months after the death of the former owner(s) and the property was receiving the senior citizens exemption as of such date

The period of ownership of a prior residence may be considered where:

- the property was sold by condemnation or other involuntary proceeding (except a tax sale) and another property has been acquired to replace the taken property;
- the prior residence has been sold and a replacement purchase made within one year, if both residences are within the state.

To prove ownership, submit to the assessor a certified copy of the deed, mortgage, or other instrument by which you became owner of the property.

Life estates or trusts: A life tenant is entitled to possession and use of the property for the duration of his or her life and is deemed the owner for all purposes, including taxation. The exemption also may be allowed if the property is in a trust and all the trust beneficiaries qualify.

Income

If the income of the owner, or the combined income of all the owners, exceeds the maximum income limit set by the locality, you cannot receive the senior citizens exemption.

If you are married, the income of your spouse must be included in the total unless your spouse is absent from the residence due to a legal separation or abandonment. The income of a non-resident former spouse, who retains an ownership interest after the divorce, is not included. If the sliding-scale option is in effect, you must meet that income limitation. Contact the assessor to determine what the income limits are.

The law requires that seniors applying for or renewing the senior citizens exemption provide their income information for a specific year. The year of the income is based on the taxable status date of the municipality:

Taxable status date	Income tax year for eligibility in 2023
Before April 15	2021
April 15 or later	2022

If you are not sure of the taxable status date for your municipality, check with your assessor's office.

Proof of income

Submit with your application any federal or state income tax returns filed by you and any other owners for the latest income tax year prior to the date of your application. You may also be required to submit statements of payments made by the Social Security Administration, bank statements, rent receipts, or other documents to prove your income.

Income includes:

- all Social Security payments, salary and wages (including bonuses)
- interest (including nontaxable interest on state or local bonds)
- total dividends, net earnings from farming, rentals, business, or profession (including amounts claimed as depreciation for income tax purposes)
- income from estates or trusts
- gains from sales or exchanges
- the total amount received from retirement or pension plans
- annuity payments (excluding amounts representing a return of capital)
- alimony
- unemployment insurance payments
- disability payments
- workers compensation
- earnings on individual retirement accounts (IRAs)
- any other types of income not specifically excluded by law

Income does not include:

- Supplemental Security Income
- welfare payments
- gifts and inheritances
- payments received as participants in the Federal Foster Grandparents Program
- a return of capital
- reparation payments received by Holocaust survivors
- distributions from IRAs

Municipalities have the option to permit seniors to subtract all medical and prescription drug expenses that are not reimbursed or paid by insurance, as well as veterans disability payments, from their incomes.

If an owner is an inpatient in a residential health care facility, the owner's other income is not considered income in determining exemption eligibility if it does not exceed the amount paid by such owner, spouse, or co-owner for care at the facility. Proof from the facility of the amount paid for an owner's care must be submitted with the application.

Proceeds of a reverse mortgage

Reverse mortgage proceeds should not be considered income for purposes of this exemption. However, when such proceeds are invested, any interest or dividends from those investments should be considered as income. Also, monies used to repay a reverse mortgage cannot be deducted from income.

Age

Each of the owners of the property must be 65 years of age or over. However, if the owners are a married couple or siblings, then only one of the owners needs to be 65 or older. In the case of a married couple, if the age-eligible spouse dies, the surviving spouse must be at least 62 to retain the exemption.

Age generally is determined as of the appropriate taxable status date. This is March 1 in most municipalities. Some municipalities allow the exemption where an otherwise eligible owner becomes 65 years of age after the taxable status date but on or before December 31.

Check with your assessor to determine the date on which age is determined in your locality.

The first time you apply for the exemption, you must submit satisfactory proof of your age.

Residency

The property must be the legal residence of, and must be occupied by, all of the owners of the property unless:

- a non-resident owner, who is the spouse or former spouse of the resident owner, is absent from the residence due to divorce, legal separation, or abandonment, or
- an owner is absent from the property while receiving health-related services as an inpatient of a residential health care facility. During this period, no one other than the spouse or co-owner of the absent co-owner may occupy the property. A residential health care facility is a nursing home or other facility that provides lodging, board and physical care including, but not limited to, the recording of health information, dietary supervision and supervised hygienic services.

The property must be used exclusively for residential purposes. If any portion of the property is used other than for residential purposes, that portion will not qualify for the exemption.

School-age children

Senior citizens are generally not eligible for the senior citizens exemption for school tax purposes if they have children living in their home and attending public school. If the child attends a private or parochial school, the senior can still receive the exemption.

School districts can opt to offer the exemption to seniors with children in their home attending public school. However, the school district must require satisfactory proof that the child was not brought into the residence primarily for the purpose of attending a particular school within the district.

Types of property

In addition to traditional owner-occupied homes, the senior citizens exemption is also available for the following:

- Cooperative apartments. Localities have the option to grant the exemption to seniors who own shares in residential cooperatives. If granted, you would receive adjustments to your monthly maintenance fees to reflect the benefit of that exemption.
- Manufactured homes. Manufactured homes on leased land can qualify for the senior citizens exemption. If the home is located in a manufactured home park, you are entitled to a reduction in rent for the amount of the taxes paid.

If you receive the senior citizens exemption, you may also be eligible to receive a STAR exemption or credit.

If you received a Basic STAR exemption on your property on or before the 2015-16 school year, and you are now eligible for the senior citizens exemption, you may also be eligible for the Enhanced STAR exemption. If you are not receiving the Enhanced STAR exemption, contact your assessor for details.

If you did not receive a STAR exemption on the property on or before 2015-16 school year, you may be eligible for the Enhanced STAR credit, which is provided in the form of a check from New York State. For more information, see [*Register for the STAR credit*](#) or call 518-457-2036.

Telephone
(914) 277-3504
FAX
(914) 277-3790
E-Mail
tstegner@somersny.com

Town of Somers
WESTCHESTER COUNTY, N.Y.



TOWN HOUSE ANNEX
337 ROUTE 202
SOMERS, NY 10589

April 1, 2023

Eligibility and Benefits - Partial Tax Exemption for Real Property of Senior Citizens RP-467

In order to be eligible for the Senior Citizen Exemption, RP-467, at least one owner must be 65 by the end of the calendar year (all owners must be 65 if not a spouse or a sibling of an owner), and the annual income of all owners and non-owner spouses, including most non-taxable income and all Social Security benefits, must be below a maximum limit set by any of the taxing jurisdictions: Town, County, and School District. The maximum income limit is currently set at \$37,399.99 for the Town and the three School Districts within the Town, and \$58,399.99 for Westchester County. After the initial application is approved, the exemption must be annually renewed through the Assessor's Office. The Senior Citizen Exemption will exempt up to 50% of the taxable assessment on the property, depending upon income, and will begin on the tax bills the year after the assessment year application (eg 2024 tax bills for 2023 applications).

All exemption applications for 2023 are due by **May 1, 2023** and must include the following:

- **Completed application for Senior Citizens Exemption, RP-467**
- **Proof of age – driver's license, birth certificate, passport, or non-driver ID**
- **Proof of residency – driver's license (no PO Box), or 2 different utility bills**

And either:

- **A copy of your 2022 Federal Income Tax Return(s)** for all owners and spouse(s). (NY State 2022 return is also acceptable, but the IRS 1040 is preferred.)

Or if you do not file Income Tax returns:

- **Income Statements for 2022:** SSA-1099s (Social Security), 1099s for all pensions including veteran's pensions and railroad retirement, 1099s for annuities, all other 1099s and 1098s for dividends, interest, and capital gains, etc., and any rents received.

In addition, we will need all 2022 Year-end Statements for IRAs whether or not you file income taxes or had an annual distribution from an IRA account. Also, if alimony, worker's compensation, or veteran's disability income was received, these amounts must be provided to my office.

If you require, we will make free copies of income documents and applications. If you have questions, please contact the Assessor's Office.

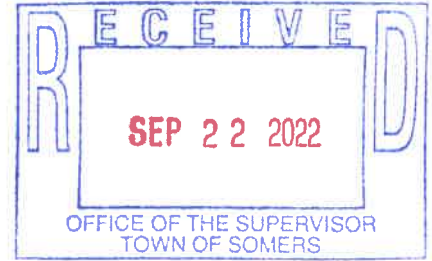
Sincerely,

Teresa A. Stegner, IAO – Assessor

Sent to:
TB, TA, TC
11/9/2023
KD

Euro Video Productions LLC

9 Hazen Lane
Carmel, N.Y. 10512-1607
Phone: (914) 482-2131



September 20, 2022

Dear Supervisor Scorrano & Town Board Members,

I'm hereby respectfully requesting you to review and consider the following proposal for my video production services for the Town of Somers.

I've proudly been a hired contractor for the Town of Somers for approximately 13 years under my own business ownership, but serviced the Town for about 9 years prior to that under my Father's business. Over the years, my prices have remained consistent. Currently, I invoice on a monthly basis with some additional extras, I'm respectfully requesting your consideration of the proposed increase.

I thank you in advance for your consideration of this matter.

Sincerely,

Paul Holman - Owner
Euro Video Productions LLC

Below is a list our current pricing and our proposed monthly service bulk pricing.

Current pricing - \$2,200.00 Monthly

The following proposal shall be retroactive from March 1, 2020 to December 31, 2022:

- The current agreement is for \$2200 per month.
- The agreement is for 34 months (3/1/20-12/31/22).
- Hybrid style meetings are flat fee of \$175. Per meeting extra charge
- The monthly charge includes:
 - o Videotaping of 48 scheduled town meetings
 - o Video conversion of all meetings to the town's website
 - o Monthly station maintenance (@\$200/month)
 - o Character generation and t.v. programming (@\$385/month)
 - o Supplying up to 7 dvd's per month to the zoning and planning boards, to the town library, for FOIL requests, etc. (Each DVD over 7 shall incur a \$17 charge to the town.)

Proposed pricing - \$2,300.00 Monthly

The following proposal shall be retroactive from January 1, 2023 to December 31, 2025:

- The proposed agreement is for \$2300 per month.
- The agreement is for 36 months (1/1/23-12/31/25).
- Hybrid style meetings are flat fee of \$200. Per meeting extra charge
- The monthly charge shall include:
 - o Videotaping of 48 scheduled town meetings
 - o Video conversion of all meetings to the town's website
 - o Monthly station maintenance (@\$200/month)
 - o Character generation and t.v. programming (@\$385/month)
 - o Supplying up to 7 dvd's per month to the zoning and planning boards, to the town library, for FOIL requests, etc. (Each DVD over 7 shall incur a \$17 charge to the town.)

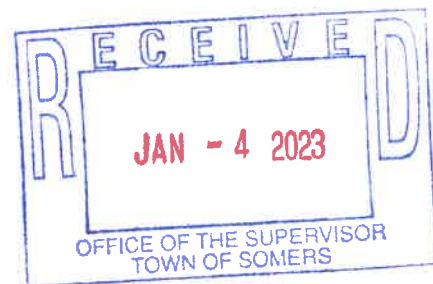
Sent to:
TB, TA, TC
1/9/2023
KO



555 Theodore Fremd Ave, Suite C-301
Rye, NY 10580
T: 914.967.6540
www.hardestyhanover.com

January 4, 2023

Supervisor Robert Scorrano
Town of Somers
Town House
355 Route 202
Somers, New York 10589



Subject: **Consulting Services Proposal – 2023**

Dear Supervisor Scorrano:

Hardesty & Hanover (H&H) is pleased to submit this proposal to provide continuing professional planning consulting services to the Town of Somers for 2023.

Services Which We Will Provide

We are available to continue our work on application reviews and to assist the Town Planner as deemed appropriate. We are also available to provide our services on special projects as requested.

Personnel

Victor Minerva, AICP, PP, with regard to our work for the Town, shall perform the role as the Quality Assurance and Quality Control officer and will supervise the work performed by other professionals on our staff. Ms. Sarah Brown, AICP will continue to be the Principal Planner and will provide for day-to-day management of the projects and Greg Del Rio, PE will advise on Traffic Engineering matters.

Fees

Our 2023 Municipal Schedule of Hourly Charges and our Standard Schedule of Hourly Charges are enclosed. As you are aware, we use our standard rate schedule for application reviews where the Town is reimbursed for the cost of our services, and in recognition of our long-standing relationship with our client communities, we use a reduced municipal rate schedule for non-reimbursable services.

Invoices for our services will be submitted monthly based upon our actual expenditures of time, and payment by the Town for our services will be expected within 30 days of our rendering of bills. It is important to note that our rates already have built into them the cost of administrative support such as secretarial and clerical staff time. That is, we do not bill, as some consultants do, for secretarial and clerical staff time; we only bill for the time of our professionals. Further, our fees include telephone, supplies and other ordinary overhead expenses associated with our services.

Miscellaneous

This proposal does not include any architectural, legal, or engineering services, other than traffic engineering. It does not include participation in any court cases. Such an arrangement, if desired, would be subject to a separate agreement. However, the Town would agree to compensate use for any time and expense involved in connection with a subpoena issued to us and for our attendance in court to testify in any matter relating to the Town's planning and zoning activities occurring during any period of our service to the Town.

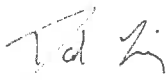
Invoices for our services will be submitted monthly based upon our actual expenditures of time, and payment by the Town for our services will be expected within 30 days of our rendering of bills. It is also understood that payment to H&H for services provided in accordance with this proposal is not contingent on the Town receiving any payment from third parties who are not a party to this agreement.

If you have any questions regarding this letter, please let me know. If, however, this proposal is satisfactory as presented, we would appreciate if you would endorse the enclosed copy of this letter in the space provided below and return the endorsed copy to me for our files.

We want our services to Somers to be of maximum effectiveness in assisting both the Town Board and the Planning Board in carrying out their planning and environmental responsibilities. If there is ever any way in which you feel we can be more useful, please do not hesitate to let me know.

Kind regards.

Very truly yours,



David Lapping, PTP
Practice Lead – Traffic and Planning
Hardesty & Hanover

Enclosures

Accepted by: _____

Date: _____

Printed Name: _____

HOURLY RATE SCHEDULE (2023)

PROFESSIONAL SUPPORT

	Standard	Municipal
Director of Planning	\$250	\$225
Principal Planner/Engineer/Env Scientist/Landscape Architect	\$225	\$210
Senior Planner/Engineer/Env Scientist/Landscape Architect	\$195	\$180
Planner/Engineer/Env Scientist/Landscape Architect	\$170	\$155
Planner/Junior Engineer/Env Scientist/Landscape Architect	\$140	\$125
Planning/Engineering Aide	\$100	\$ 80
Drafter	\$150	\$135

- Hourly rates provided are inclusive of overhead costs (administrative and clerical time).
- Evening meetings will be billed at a minimum of 3 hours.
- Expert Testimony for Court cases will be billed at \$350/hr.

Sent to:
TB IATC 1/9/2023
KD
Kim DeLucia

From: Kurtz, Christopher
Sent: Friday, January 6, 2023 8:36 AM
To: Kim DeLucia
Subject: RE: 2023 Engagement Letter
Attachments: Scan-01062023.pdf

Kim:

Thank you for your email below. Please see the attached new engagement letter for 2023 and 2024.

Please note that the hourly rates for 2023 are the same as 2022 – no increase. There is a modest increase to the hourly rates in 2024.

Please let me know if you have any questions.

Thank you!

Chris

Christopher T. Kurtz
Member
Labor & Employment Law



Commitment • Service • Value • Our Bond

From: Kim DeLucia <kdelucia@somersny.com>
Sent: Wednesday, January 04, 2023 5:27 PM
To: Kurtz, Christopher
Cc:
Subject: 2023 Engagement Letter

External Email: Use caution before clicking links or opening attachments.

Hi Chris,

Will you be sending me a 2023 engagement letter for your services? I believe the last engagement agreement ended on December 31, 2022.

I'd like to add to the January 12, 2023 TB Regular Meeting agenda.

Thank you,

CHRISTOPHER T. KURTZ, ESQ.

January 6, 2023

VIA EMAIL ONLY

Mr. Robert Scorrano
Town Supervisor
Town of Somers
335 Route 202
Somers, New York 10589

Re: *Retention of Bond, Schoeneck & King, PLLC for Legal Services*

Dear Supervisor Scorrano:

We are pleased to confirm our continued representation of the Town of Somers ("Town") as special counsel for labor and employment legal services.

We have found that setting forth the basic terms of our engagement at the outset of our representation benefits both us and our client. Those terms are set forth in the enclosed "Terms of Representation," as well as below.

Our billings will be based on the time (in tenth of an hour increments) that our attorneys and other service professionals devote to the Town's matters. I, Christopher T. Kurtz, will continue to be the attorney primarily responsible for this representation, but we may assign other attorneys or paralegals as necessary and appropriate to meet the needs of the Town's representation.

This letter will confirm that you have agreed to the following hourly rates for attorneys who may work on the Town's matters: Effective January 1, 2023 – \$275.00 per hour for Members (Partners); \$225.00 per hour for Senior Counsel and Associates; \$150.00 per hour for Paralegals and Law Clerks; and Effective January 1, 2024 – \$290.00 per hour for Members (Partners); \$240.00 per hour for Senior Counsel and Associates; \$150.00 per hour for Paralegals and Law Clerks. These rates reflect the knowledge, experience and expertise of each individual assigned. Any work I perform will be billed at the Members rates herein

If the Town fails to pay our fees and disbursements as provided in this letter and the enclosed Terms of Representation, then we may, consistent with our obligations to the

Supervisor Scorrano
Town of Somers
January 6, 2023
Page 2

Town under the Rules of Professional Conduct, discontinue our representation of the Town and/or take other appropriate action.

If these terms, including the enclosed Terms of Representation, are acceptable, please sign where indicated below, and return the signed letter to me via email and mail. Our representation of the Town will continue upon receipt of a signed copy of this agreement.

We appreciate the opportunity to continue to be of service, and look forward to working with you, the Town Board, and your entire Town team. If you have any questions about this letter, or about any aspect of our representation and arrangement, please do not hesitate to contact me.

Very truly yours,

BOND, SCHOENECK & KING, PLLC

A handwritten signature in black ink, appearing to read "CTKS", is written over a horizontal line.

Christopher T. Kurtz

Attachment

Agreed and Accepted:

Town of Somers
By: Robert Scorrano, Town Supervisor

Dated: _____

BOND, SCHOENECK & KING, PLLC

TERMS OF REPRESENTATION

These Terms of Representation, together with the accompanying engagement letter, constitute the agreement between Bond, Schoeneck & King, PLLC ("Bond" or "we") and the client or clients identified in that engagement letter (the "Client" or "you"), under which Bond will represent Client in the matter or matters described in the engagement letter. If you disagree with any of these terms, please notify Bond immediately so that we can resolve any differences at the outset of this engagement.

1. **Our Client.** Our representation extends solely to Client, as identified in the accompanying engagement letter, and not to its constituents (including its officers, directors, shareholders or employees) or to any affiliated or related entities, or their constituents. Client understands that it should not provide us with confidential information regarding any affiliated or related entity during the course of this representation (and doing so will not make the affiliate or related entity a client).

2. **Our Services.** The scope of our services is described in the accompanying engagement letter. That scope may change over time, but changes must be confirmed in writing. Unless otherwise provided in the engagement letter, Bond is not serving as Client's general counsel nor is it responsible for determining whether Client has insurance coverage in connection with our representation or notifying any insurance carrier of the existence of, or our involvement in, a matter.

3. **Client Responsibilities.** In order to ensure our ability to provide services to you, it is important that you keep us informed of any relevant information or developments relating to your matter and to provide Bond with all relevant information regarding the subject of our representation, or as otherwise reasonably requested by us. You also agree to cooperate fully, truthfully and timely with us, including making your employees or others available to us when necessary. You will keep us advised of how to contact you.

If, during the course of our representation of you, you affiliate with, acquire, are acquired by, or merge with another entity, you agree to provide us with sufficient notice to permit us to determine if that action gives rise to a conflict of interest with any of our other clients and, if so, to take any action that Bond believes is appropriate or necessary under the applicable Rules of Professional Conduct.

4. **Fees and Expenses.** Unless otherwise provided in the accompanying engagement letter, our billings with respect to this matter will be based on the time (in quarter hour increments) that our attorneys, paralegals, and other service professionals devote to it. The hourly rates for those attorneys, paralegals and other service professionals who will work on Client matters vary, with specific rates reflecting a number of factors, including the knowledge, experience and expertise of each individual assigned. The currently applicable rates may be specified in the accompanying engagement letter. It is our practice to increase our hourly rates from time to time, generally effective each October 1.

Our bills to Client, which will be on a monthly basis (unless otherwise agreed to in the accompanying engagement letter) and payable within 30 days, will also include any expenses (copying charges, fax charges, postage, messenger services, mileage, long distance telephone charges, computerized-research, e-discovery and other electronic data charges, etc.) incurred or advanced by us on Client's account or which are due to be paid on Client's account. These expenses may be incurred in the normal course without advance approval from Client. In-house charges (such as copying charges, fax charges, charges for processing, producing and/or storing e-discovery materials, etc.) will be billed at our standard charge rate. Expenses incurred to third parties will either be forwarded to Client for payment or, if paid by our firm, billed at the rate charged by those third parties. If Client fails to make payment of our fees and disbursements as provided in this letter, consistent with our obligations to Client under the Rules of Professional Conduct, we may discontinue our representation of Client and/or take other appropriate action.

We will similarly bill Client for our time and expense in responding to subpoenas or other judicial orders or proceedings arising out of our representation of Client in this matter.

If you disagree with any invoice, you must notify us of the nature of your dispute within 30 days of your receipt of that invoice, and the failure to do so will result in that invoice becoming your final binding obligation.

While we make every effort to bill fairly and clearly, occasionally fee disagreements arise between attorneys and their clients. If there is any dispute regarding our fees, Client may have the right to arbitrate that dispute pursuant to 22 NYCRR part 137.

5. **Communications.** We expect that during the course of this engagement each of us will communicate and/or otherwise make documents available electronically, including through e-mail and/or the use of cloud computing. Although the use of technology involves some risk that third parties may access confidential communications, we believe, and we understand that you agree, that the benefits of using this technology outweigh the risk of unintended disclosure. If there are specific communications that you wish sent only through encrypted and/or password protected (or other) means, you will advise us. You should make sure that any computer or device you use in communicating with us is password protected and not accessible for use by any third party, as that could impact the attorney-client privilege.

6. **In-Firm Privilege.** Our firm has a General Counsel who provides assistance to our lawyers and staff. You agree that if any of Bond's lawyers representing you consult with Bond's General Counsel (or designee) regarding your representation, those are privileged and confidential communications of Bond. You will not be billed for any such communications or consultations.

7. **Files.** Either during or at the conclusion of our representation of Client in connection with this matter, at its request and provided outstanding fees and costs have been paid, we will return to Client its papers and property in our possession (we may convert file materials to electronic form, at our discretion). Client may be charged reasonable costs associated with compiling and/or copying file contents in response to Client's request. Our internal records and documents related to this representation will be retained solely by us. These internal materials include firm administrative records, time and expense reports, accounting records and internal work product (including notes, drafts, internal memoranda, research, etc. prepared for the internal use of our lawyers). We retain the right to destroy or dispose of these internal materials after a reasonable period of time following the end of our representation of Client, without further notice to you. Unless we notify you differently, we generally will maintain client materials of significance for a period of seven years following the end of the matter. Thereafter, we may destroy them without further notice to you.

8. **Termination of Representation.** You have the right to terminate our representation at any time for any reason, and we may terminate our representation of Client in accordance with the applicable Rules of Professional Conduct. Reasons for which we may terminate our representation of you include (but are not limited to): (1) nonpayment of our fees or expenses;

(2) your failure or refusal to cooperate as needed; (3) your misrepresentation of or failure to disclose material facts; (4) your refusal to accept our advice; (5) discovery of a conflict with another client of Bond; (6) your material breach of our engagement letter and/or these Terms; or (7) any other reason permitted or required under the applicable Rules of Professional Conduct.

In the event that we terminate this engagement before completion, we will take such steps as are reasonably practicable to protect your interests in the matter, and you agree to cooperate in any action necessary for our withdrawal. We will be entitled to be paid for all services rendered and other costs or expenses incurred on your behalf through the date of withdrawal. If withdrawal is subject to approval by a court or arbitration panel, we will promptly request such permission, and you agree not to oppose our request.

Unless terminated earlier, our representation of Client will terminate upon completion of the services which we were retained to provide.

9. **Governing Law and Venue.** The rights and obligations of you and Bond arising under or in connection with our representation of you on this matter will be governed by the laws of the State of New York, without regard to conflicts of laws principles. You agree that any lawsuit between us arising out of our representation of Client must be brought in a court with appropriate subject matter jurisdiction located in and/or for the county in which our office which issued your engagement letter is located and each of us consents to personal jurisdiction before such court.

Sent to:
TB, TA, TC
1/9/2023
KD



TotalCare EAP
Public Safety EAP
Educators' EAP
Higher Ed EAP
HealthCare EAP
Union AP

Employee Assistance Program (EAP) | AGREEMENT

This Employee Assistance Program (EAP) Agreement ("Agreement") is between **Town of Somers, NY** ("Client") and **EMPLOYEE SERVICES LLC dba ESI EMPLOYEE ASSISTANCE GROUP**, a New York corporation, 55 Chamberlain Street, Wellsville, New York 14895 ("ESI") for ESI to provide the benefits described herein for employees of Client effective **1/1/23**.

I. Productivity Solutions

With employees losing an average of over 3 weeks of productivity each year, addressing productivity losses is critical. Our entire focus is on providing the most comprehensive benefits to make the largest possible impact on improving employee lives and reducing lost productivity cost. We offer more than twice the benefits of other EAPs. Employees of Client and their household members including children up to age 26 who do not reside with employee are referred to herein as Members.

- **Unlimited Telephonic Counseling:** Members speak directly with our professional staff counselors 24 hours a day via a toll-free number. Every counselor has a Master's or Ph.D. degree. Staff counselors provide direct in-the-moment counseling when a Member calls and act as case managers when referrals are made to local counselors or other work-life or wellness resources, overseeing each case to its ultimate closure – regardless of the amount of time involved in assisting the Member.
- **Face-to-face Counseling Sessions per Issue:** Up to 3
Members are eligible for telephonic counseling and short-term, in-person counseling.
- **Work/life Benefits:** Benefits offered to assist Members with a wide variety of issues including Legal, Financial, Caregiver, Adoption, Special Needs, Personal Assistant, Tools for Tough Times and Pet Help.
- **Lifestyle Benefits:** Menu of value-added wellness services designed to enhance a Member's quality of life – discounts vary by season and location.
- **Wellness Resource Center:** Includes the latest, most reliable articles, videos and self-assessments for dealing with stress, diet, fitness and smoking.

II. Engagement Solutions - Peak Performance Benefits

ESI is the only EAP to offer Peak Performance Benefits - an entire menu of coaching programs, self-help resources and training to stimulate employee engagement. These benefits are designed to improve the performance of not just some but all of your employees. ESI also provides Hiring, Onboarding and Employee Engagement Resource Centers for HR, managers and supervisors. The result: Employees report improved personal and professional performance at work and at home; and overall employee engagement is improved.



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Union AP

- **Personal and Professional Coaching:** One-on-one telephonic coaching from Certified Coaches combined with structured, online trainings. Coaching is delivered by Masters or Ph.D. level Coaches in scheduled telephonic coaching sessions to review key concepts of the trainings and implementation of skills. Coaches use a solution-focused approach to improve current and future performance.
- **Wellness Coaching:** Unlimited coaching assistance from an integrated team of Certified Wellness Coaches and Behavioral Health Clinicians for the mental and emotional challenges each employee must overcome to improve their physical health.
- **Information Resource Benefits:** Extensive Self-Help Resources (website) – Tools, Assessments, Financial Calculators, Video Library, and Articles for thousands of topics.
- **Online Training and Personal Development:** Includes a comprehensive online personal and professional development trainings to help employees balance their work and personal life.
- **Recruiting, Hiring, Interviewing, Onboarding, and Employee Engagement Resource Centers:** Extensive array of articles and Web resources from leading experts.

III. EAP Administration - Orientation and Engagement

An employee assistance program that is not used is not useful. Utilization begins with employee awareness. A well-planned installation and continued awareness campaigns will have a direct impact on the level of engagement. ESI provides comprehensive employee orientation and communications.

- **Automated Digital Communication (ADC):** Proprietary Automated Digital Communications (ADC) system allows ESI EAP to engage in periodic email communications with Members. Utilization is the key to maximizing the effectiveness of your EAP by helping employees to resolve issues and distractions that hinder productivity.
- **EAP Mobile App:** Members have the convenience and privacy of 24/7 access to all EAP benefits and services at their fingertips wherever they go via the EAP smartphone app.
- **EAP Ongoing Communication & Engagement:** ESI provides a wide variety of high-quality video, hardcopy and electronic materials to promote continued awareness and maximize engagement of the program. The continued awareness campaign includes Brochures, Wallet Cards, Posters, Monthly Newsletters, Table Top Displays, Topical Flyers, Video Presentations, and New Benefit Announcements.
- **EAP Member/Employee & Supervisor Orientation:** ESI provides comprehensive employee and supervisor orientations via group web conference meetings and online orientation videos.



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Union AP

IV. Manager, Supervisor and Human Resources Services

ESI offers an entire menu of management-focused employee assistance services to help deal with important compliance and liability issues.

- **Trauma Response & Resources:** Provides consultation with our counselors and grief and loss resources for managers and Members. Responses include on-scene deployment, telephonic counseling and private counseling as well as group debriefings.
- **Unlimited Administrative (Mandatory) Referrals:** Formal process to address employee policy violations and unacceptable job performance that could be improved through Coaching and Training.
- **Unlimited HR Consultations w/ SPHR's:** Managers may contact our clinical staff or our certified SPHRs (Senior Professionals in Human Resources) for counsel on human resource and complex employee issues.
- **Supervisor Resource Center:** Forms, policies, articles and other tools designed to help develop people management best practices. Key topics include Recruiting, Hiring, Interviewing, Onboarding, Employee Engagement, FMLA, Workplace Violence and Harassment Prevention.
- **HR Web Café:** Workplace blog about employment issues, people matters and work trends.

V. ESI Accountability

- **Activity Reports:** ESI generates detailed EAP statistical reports on a monthly basis. Due to confidentiality, clients with less than 25 employees will not have access to an activity report.
- **Quality Assurance Program:** ESI maintains a rigorous Quality Assurance Program. Key elements include Proprietary Network, Provider Review, Member Satisfaction Research, Peer Review, Weekly Clinical Staff Meetings, Clinical Supervision and Immediate Problem Resolution.
- **Confidentiality:** Confidentiality is always maintained except in cases where there is a legal obligation to intervene, such as in the case of child or elder abuse, a serious threat of harm to self or others, or threats of workplace violence.

VI. Optional Services

- **GCN Compliance Training: No**
ESI has partnered with Global Compliance Network (GCN) to offer online compliance training to our Member organizations at a **discounted rate**.

VII. Term

- A. This Agreement shall be effective from the Effective Date for an initial term of one (1) year. This Agreement shall automatically renew for consecutive 1-year terms thereafter, unless (i) either party notifies the other of its intent not to renew not later than 30 days prior to the expiration of the then-current term; or (ii) the Agreement is terminated as provided for in this Agreement. Any



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renewal shall be on the same terms and conditions as this Agreement, except that for each renewal, ESI may modify the financial terms as set forth in Section VIII herein.

- B. Either party may terminate this Agreement for breach upon 60 day's prior written notice to the other party; provided, however, that the notice shall identify the specific breach; and provided, further that the other party shall have the right to cure any alleged breach within 30 days following receipt of such notice.

VIII. Fees and Payment

- A. Client agrees to pay ESI the fees set forth in Exhibit A for the services described in this Agreement ("Service Charges"). Service Charges shall be paid in accordance with the terms and conditions set forth in Exhibit A.
- B. Interest may be imposed on overdue Service Charges. In addition, ESI shall have the right, in its sole discretion, to take one or more of the following actions without further notice to Client in the event of untimely payments for fees due to ESI under Exhibit A: (i) immediately suspend services described in this Agreement, or (ii) terminate the Agreement in accordance with Section VII.
- C. The Service Charges set forth in Exhibit A may be changed by ESI on each renewal date, with prior written notice to Client.

IX. Indemnification and Limitation of Liability

- A. ESI shall indemnify and hold Client and its successors, parents, subsidiaries, officers, directors, employees (the "Client Parties") harmless against any and all liabilities, loss, costs or expenses of whatsoever kind and nature which may be imposed on, incurred by, or asserted against the Client Parties at any time to the extent such liability, loss or expense results from ESI's gross negligence or willful misconduct under this Agreement.
- B. Client shall indemnify and hold ESI and its successors, parents, subsidiaries, officers, directors, employees (the "ESI Parties") harmless against any and all liabilities, loss, costs or expenses of whatsoever kind and nature which may be imposed on, incurred by, or asserted against the ESI Parties at any time to the extent such liability, loss or expense results from Client's gross negligence, willful misconduct, or Client's noncompliance with any state or federal laws related to this services provided for under this Agreement.
- C. Whenever a party becomes aware of a claim that may be subject to the provisions of this Section, the party shall notify the other party as soon as practicable and both parties shall reasonably cooperate in the resolution of such matter.
- D. IN NO EVENT SHALL EITHER PARTY'S LIABILITY FOR ANY CLAIM ARISING OUT OF OR RELATING TO THIS AGREEMENT EXCEED THE TOTAL AMOUNTS PAID AND PAYABLE TO ESI UNDER THIS AGREEMENT IN THE MOST RECENT TWELVE (12) MONTH PERIOD PRECEDING THE EVENT GIVING RISE TO SUCH CLAIM. NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR ANY INDIRECT, INCIDENTAL, CONSEQUENTIAL, SPECIAL, OR PUNITIVE DAMAGES.

X. Force Majeure

ESI's inability to perform any of the obligations provided in this Agreement due to (i) an act of God, such as earthquake, hurricane, tornado, flooding or other natural disaster; (ii) unavailability or interruption or delay of transportation, telecommunications, internet, cable, or third-party services; (iii) failure of



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software; (iv) inability to obtain supplies or power used in or equipment needed for provision of the services; (v) labor strikes, riots, insurrection, war; or (vi) other significant factors that are beyond ESI's reasonable control ("Force Majeure Event(s)") shall not be deemed a breach of this Agreement. In the event of Force Majeure Event(s), ESI shall make every reasonable effort to minimize delay of performance.

XI. Execution of Documents

This Agreement and all related documents may be executed by the parties in one or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument. The exchange of executed copies of this Agreement and related documents and of signature pages by facsimile transmission and/or by electronic mail in Portable Document Format ("PDF") or similar format shall constitute effective execution and delivery and may be used in lieu of the original documents for all purposes. Signatures of the parties transmitted by facsimile and/or by electronic mail in PDF or similar format shall be deemed to be their original signatures for all purposes.

XII. Entire Agreement

This Agreement constitutes the entire agreement of the parties hereto with respect to the subject matter of this Agreement, and supersedes any prior understandings or written or oral agreements between the parties with respect to the subject matter of this Agreement.

EMPLOYEE SERVICES LLC

Town of Somers, NY

Gordon G. Bell, President

Authorized Signature

Date

Date



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Public Safety EAP
Educators' EAP
Higher Ed EAP
HealthCare EAP
Union AP

Employee Assistance Program (EAP) | EXHIBIT A

Town of Somers, NY ("Client") 1/1/23-12/31/23

Service Charges and Payment

- A. The total number of employees covered under this Agreement is **103**.
- B. Client agrees to pay ESI the sum of **\$3,200.00** annually.
- C. The annual fee includes all employees and their household members, as well as children up to age 26 who do not reside with the employee.
- D. Payment of the **Annual** premium is due upon receipt of the invoice.
- E. Flat Rate listed above covers a census of **51** to **103**. Contract rate may be modified at renewal and/or if census moves outside of this range.
- F. **1** on-site trauma response(s) @ no charge per year, additional Trauma Responses available at **\$250.00** per hour plus travel time.
- G. DOT required Substance Abuse Evaluations - **\$850.00** each.

Sent to:
TB, TA, TC
1/9/2023
KD

Woodard & Curran Engineering
and Geological Services P.A. P.C.
800 Westchester Avenue
Suite N507
Rye Brook, New York 10573
www.woodardcurran.com

T 800.426.4262
T 914.448.2266
F 914.448.0147



Via Electronic Mail

January 5, 2023

Supervisor Robert Scorrano
Town of Somers
335 Route 202
Somers, NY 10589

Re: 2023 Annual Proposal to provide Professional Services to the Town of Somers, NY

Dear Supervisor Scorrano:

Woodard & Curran is pleased to submit this renewal for our contract with the Town of Somers to provide professional services and we look forward to the opportunity to continue to support the Town with our work. Below is a brief scope of work for this calendar year.

Scope of Services

In 2023, Woodard & Curran will continue to provide the scope of services described in the attached Task Orders 1, 2, and 3.

These services will be billed in accordance with the terms and conditions set forth in the Master Services Agreement between Woodard & Curran and the Town of Somers that went into effect on March 11, 2009. Attached please find the updated 2023 Rate Table for our agreement. As in the past, these rates are primarily for our escrow and on-call services, and any work for Town projects will be a negotiated lump sum fee.

Please do not hesitate to contact me if you have any questions or require additional information.

Sincerely,

WOODARD & CURRAN ENGINEERING AND GEOLOGICAL SERVICES P.A. P.C.

Steven C. Robbins, P.E., LEED AP
Technical Manager

Joseph C. Barbagallo, PE, BCEE
Principal

Authorization to Proceed for Task Orders 1, 2, and 3:

Robert Scorrano
Supervisor, Town of Somers



Woodard & Curran Engineering
and Geological Services P.A. P.C.
800 Westchester Avenue
Suite N507
Rye Brook, New York 10573
www.woodardcurran.com

T 800.426.4262
T 914.448.2266
F 914.448.0147



Task Order 1

Escrow Based Town Engineering Services

INTRODUCTION

The Town of Somers has requested that Woodard & Curran provide Town Engineering Services to the Town Board, Planning Board and Zoning Board of Appeals to assist in the review of applications under consideration by the respective Board. These services will be provided under the Terms and Conditions of the Master Services Agreement (MSA) between Woodard & Curran and the Town of Somers dated 3/11/09.

The services included in this Task Order are escrow-based and will be initiated in accordance with a fixed initial review cost structure for the various application types. The fixed initial review cost structure will establish an initial budget to cover the engineering review fees associated with the initial review, preparation of the initial review memo, and attendance to the Planning Board meeting. Following the submission of the initial review memo, Woodard & Curran will provide the Town with an estimate of additional fees (if any) required through preparation of the Resolution. Woodard & Curran will reach out to the Town if the project requires further review than anticipated and will provide additional estimates for review of any post-approval submissions. All Woodard & Curran escrow-based fees will be billed in accordance with our existing rate structure with the Town at the time of service on a time and materials basis. The fixed initial review cost structure will be used by the Town Planning Department to establish and collect escrow fees that will serve as the basis for payment to Woodard & Curran. The Town will be billed monthly for these escrow services.

SCOPE OF SERVICES

The scope of services will include providing technical review of applications submitted to one of the various Boards in the Town for conformance with the Town Codes, State and Federal Regulations and good engineering practice. The Boards to be supported are described below.



Phase 1 - General Support to the Planning Board

The majority of the escrow-based Town Engineering Services will originate from applications to the Planning Board. The types of applications that are reviewed by the Planning Board include Site Plans and Land Subdivisions.

The services that will be provided in support of Planning Board applications include:

- Initial meetings and/or site walks with the Town Planner and Principal Engineering Technician (Civil) to gather background information on the application from Town Planner and Principal Engineering Technician (Civil) and generally discuss the application and anticipated technical issues for more detailed review.
- Upon receipt of the electronic applications, Woodard & Curran will complete a review of the project for compliance with applicable local, state and federal regulations.
- Upon completion of the project review, Woodard & Curran will prepare and provide to the Town Planner and Planning Board a memorandum that details the findings of the project review. The memorandum will seek to define the issues with the application that need to be addressed such that the applicant and their consultants have a specific roadmap of the engineering issues associated with the project. The memorandum will be provided to the Town Planner and Planning Board by 12:00 pm on the Friday preceding the Wednesday evening Planning Board Meetings.
- Project review will also include the review of resolutions prepared by the Town Planner to ensure that appropriate engineering conditions of the approval are included. Resolutions will be reviewed with comments provided directly to the Town Planner prior to the Planning Board meeting.
- Steven Robbins, P.E. will be the primary representative of Woodard & Curran attending Planning Board meetings to present the findings of the project review, and to provide consultation and input to the Planning Board on the application.
- This process will dictate the approach to application review from initial application to final approval.

In addition to the application for site development to the Planning Board, there will be instances where the Planning Board is reviewing specific permits (wetland and watercourses, steep slopes, tree preservation, and stormwater management and erosion control). In these instances, the fees for services would be included under escrow as outlined below.

Phase 2 - Planning Board Environmental Permits

Projects determined, based on the Environmental Determination completed by the Principal Engineering Technician (Civil), to require review and approval by the



Planning Board, will require additional services to those identified for Administrative Permits (Task Order 3). The additional level of effort depends on the application type and proposed activity and will include review of the applications with the Principal Engineering Technician (Civil) and attendance at Planning Board meetings to provide input to the Planning Board on the application. As the level of effort will be wholly specific to the proposed activity and anticipated level of review/input required, an escrow account will be established through consultation with the Principal Engineering Technician (Civil) upon completion of the Environmental Determination (ED) (refer to Task Order 3 for ED Process). The escrow fee will be communicated to the applicant, and collected, prior to review by the Planning Board. Woodard & Curran will work closely with the Principal Engineering Technician (Civil) and department administrative personnel to ensure a well-structured process is employed.

Phase 3 - General Support to the Town Board

On occasion, we anticipate that the Town Board may require engineering support during the review of a Special Use Permit application zoning change or other matter. Special Use Permits will be similarly reviewed for compliance with Town, State and Federal regulations, with memorandum of comments and issues provided directly to the Town Board with copies distributed to the parties identified by the Town Board.

The fee structure for the Escrow services to the Town Board will be determined based on the type of application and the specifics of the application. Upon an initial review of the application, Woodard & Curran will coordinate with the Town Attorney and Town Board to provide a specific budget estimate that will serve as the basis for the Escrow account with the applicant. In the event the application will also require a referral and approval from the Planning Board or Zoning Board, the budget estimate provided will incorporate the Escrow fees associated with referral Board review. The budget estimates will not be exceeded without prior notification to the Town and applicant with appropriate justification that facilitates the need for the budget increase.

Phase 4 – General Support to the Zoning Board of Appeals

In general, we do not anticipate that Woodard & Curran would provide direct input on applications to the Zoning Board that are not referrals from either the Town Board or Planning Board. As a result, the escrow fees would be established for the originating Board to include review by all required Boards; and not on a Board by Board basis. In the event there is an individual application that originates at the Zoning Board that requires engineering input, Woodard & Curran will have a discussion with the Zoning Board chair to determine the extent of the required input and level of the escrow account.



Phase 5 – Oversight During Construction

Once projects are approved by the Town and a building permit issued for construction, on-site inspections during construction are required to confirm that the projects are being completed in conformance with Town code and the approved site plan, permit, or subdivision. The construction inspection will be completed using a combination of resources from the Principal Engineering Technician (Civil) and Woodard & Curran. The level of effort required by Woodard & Curran will vary dependent upon the application and specific features of the site.

The inspections that will be required will be established as part of the Planning Board review process. Based on the required inspections, the level of effort for Woodard & Curran during construction will be determined through consultation with the Principal Engineering Technician (Civil). This level of effort will be estimated, and an Escrow amount identified. This Escrow amount will be compared to the standard construction inspection fee of 5% of the estimated construction cost to ensure adequate funds.

FEE STRUCTURE

The fee structure for the Escrow Based Town Engineering Services has been established based on our experience with application reviews in Somers. These fees will be reviewed on a bi-annual basis based on actual level of effort. In the event an adjustment (increase or decrease) is warranted, Woodard & Curran will provide the Town Board with an amended Fee Structure for review and approval. The request for an amendment to the Fee Structure will include the appropriate backup information to demonstrate the rationale for the amendment.

The fixed initial review fee structure for Escrow Based Town Engineering Services to the Planning Board is included below. These fixed initial review fees will not be exceeded without submission of additional fee estimates to the Town, and prior authorization from the Town. Remaining Escrow balances not being billed would be returned to the applicant at the Town's discretion.

Subdivision

- Preliminary Subdivision Approval - \$5,000
- Final Subdivision Approval - \$5,000

Site Plan

- Site Plan Approval
 - Less than 1 Acre - \$2,000
 - More than 1 Acre - \$4,000



Special Use

- Special Use Permit Approval – Wireless Telecommunications Facility
 - Original/New - \$1,500
 - Amended - \$1,000
 - Renewal - \$800
- All Others - \$1,500

Environmental

- Special Exception Use Permit – Groundwater Protection Overlay District - \$1,000
- Tree Removal Permit - \$50
- Wetland and Watercourse Permit - \$750
- Steep Slopes Permit - \$300
- Stormwater Management and Erosion and Sediment Control - \$1,000

Zoning Changes

- Budget to be established on a project-by-project basis, for approval by the Town Board.

Other Matters

- Budget to be established on a project-by-project basis, for approval by the Town Board.

Example: For a project with more than 1 acre of disturbance that requires site plan review, has wetland disturbance, steep slope disturbance, and requires a SWPPP, the initial fee would be \$6,050.

Construction Oversight

This Escrow Fee for construction inspections and oversight will be established as part of the project approval for review and approval of the approving Board. This amount will not be exceeded without prior notification to the applicant. Any increases in Escrow fees during construction would be a result of changed conditions, and subject to subsequent approval by the approving Board.

AUTHORIZATION

In accordance with the provisions of the MSA between Woodard & Curran and the Town of Somers, all individual Task Orders require specific approval and authorization from the Town. Executing this Task Order is an authorization to proceed on the scope of work outlined in this Task Order for the fee structure identified.



Task Order 2

Non-Escrow Based Town Engineering Support

INTRODUCTION

The Town of Somers has requested that Woodard & Curran prepare a Task Order to include the services required to support the general operations of the Town. These services will be Non-Escrow based, and paid directly by the Town to Woodard & Curran. These services will be provided under the Terms and Conditions of the Master Services Agreement (MSA) between Woodard & Curran and the Town of Somers dated 3/11/2009.

The activities have been identified based on the functions of the engineering department to include:

- Respond to drainage complaints by meeting with the public and Highway Department personnel to resolve the complaint.
- Provide engineering consulting services to the Town Board, Planning Board, Zoning Board of Appeals (for other than pending applications); and other Town Departments such as Parks, Library, Highway Department, Water and Sewer Department.
- Meet with the public upon request.

In addition, there may be other Non-Escrow based needs in support of Planning and Engineering , including:

- Assistance with improving the process for SPDES MS4 compliance monitoring and reporting;
- Assistance with engineering matters associated with ongoing Town-initiated projects.

SCOPE OF SERVICES AND FEE

The scope of services associated with Non-Escrow Based Engineering Support will be focused on providing engineering input and guidance to ensure compliance with local, State and Federal regulations as well as sound engineering judgment and practice. The fee for these services will be billed on a time and materials basis in accordance with the standard rates schedule.



As the total amount of the Fee for these services is difficult to estimate because they are provided on an as-needed basis, we are proposing that the Town Board establish a line-item allocation for these activities. For the purposes of this Task Order we suggest an initial allocation of \$20,000.

Woodard & Curran will provide these Non-Escrow based services only after specific notification to and approval of the Town Supervisor and a specific level of effort and budget. Upon completion of the activity, Woodard & Curran will provide detailed documentation of the specific activity completed.

AUTHORIZATION

In accordance with the provisions of the MSA between Woodard & Curran and the Town of Somers, all individual Task Orders require specific approval and authorization from the Town. Executing this Task Order is an authorization to proceed on the scope of work outlined in this Task Order for the fee structure identified.

Woodard & Curran Engineering
and Geological Services P.A. P.C.
800 Westchester Avenue
Suite N507
Rye Brook, New York 10573
www.woodardcurran.com

T 800.426.4262
T 914.448.2266
F 914.448.0147



Task Order 3

Fee Based Town Engineering Services

INTRODUCTION

The Town of Somers has requested that Woodard & Curran provide Town Engineering Services in support of the issuance of environmental permits, and response to environmental violations. The support would be provided to the existing Principal Engineering Technician (Civil), and will be provided under the Terms and Conditions of the Master Services Agreement (MSA) between Woodard & Curran and the Town of Somers dated 3/11/09.

The services included in this Task Order are Fee based and will be completed in accordance with a fixed cost structure for the various permit types. The fixed cost structure will establish the Woodard & Curran fee to assist with the review of each permit type. This fee was determined in accordance with our existing rate structure with the Town on a time and materials basis.

SCOPE OF SERVICES AND FEE STRUCTURE

The scope of services is organized into two categories: Permit Review and Approval, and Assistance with Violations. The specific activities that will be completed as part of each activity are provided below.

Phase 1 - Permit Review and Approval

The Town of Somers issues several environmental permits, including: Stormwater Management and Erosion Control; Tree Preservation; Wetland and Watercourse Protection; and Steep Slope Protection. The permits that are required for a specific project or building permit application are identified based on an Environmental Determination completed by the Town Engineering Department. The permits are then issued, depending upon the extent of the activity, administratively (based on a review of the engineering department), or after review and approval of the activity by the Planning Board.



Based on discussions with the Town Planner, we anticipate that the Environmental Determination will be prepared and completed by the Principal Engineering Technician (Civil), with little or no routine input from Woodard & Curran. The services that will be provided in support of Permit Issuance at the Administrative and Planning Board level are as follows:

Administrative Permits — Projects determined to be administrative will be reviewed in detail by the Principal Engineering Technician (Civil). Where requested by the Principal Engineering Technician, Woodard & Curran will meet with the Principal Engineering Technician (Civil) to review the project and findings after or as part of a brief site visit. Based on this review meeting, the Principal Engineering Technician (Civil) will issue any follow-up memoranda to the applicant and prepare the final permit documentation that is required.

Woodard & Curran has established a set Fee associated with the review and approval of Administrative Permits. The Fee is based on the assumption that on balance the administrative permit review process would be completed within an average 30 minute period per application, for a fee of \$150 per Application. This Fee will be billed on a time and materials basis in accordance with our approved rate table. The Fee for administrative permit review and approval will be reviewed and adjusted annually to account for the actual time spent. The Fee applies as follows:

<i>Administrative Permit</i>	<i>2023 Fee</i>
Environmental Determination	No Fee
Tree Preservation	No Fee
Stormwater Management and Erosion Control	\$150
Wetland and Watercourse Protection	\$150
Steep Slope Protection	\$150

Planning Board Permits - Project determined, based on the Environmental Determination completed by the Principal Engineering Technician (Civil), to require review and approval by the Planning Board will require additional services to those identified for Administrative Permits. An escrow account will be established through the Planning Board to cover the engineering costs associated with these services. Applications for Environmental Permits determined to require Planning Board approval will be identified by the Principal Engineering Technician (Civil) at the Environmental Determination stage, and an escrow fee established to provide the necessary review with the Planning Board. These services will be included in Task Order 1 Escrow Based Town Engineering Services.



Phase 2 - Assistance with Violations

Based on a review of the duties and functions of the Town Engineer, it may also be necessary for Woodard & Curran to support the Principal Engineering Technician (Civil) in response to complaints from Town residents regarding violations of Town codes. The process for responding to resident complaints is as follows:

1. Complaint received and documented by the Principal Engineering Technician (Civil).
2. Principal Engineering Technician (Civil) to conduct a site visit to determine whether there is a condition that is a violation of Town Code. The Principal Engineering Technician (Civil) will photo-document the condition and will prepare a report/memorandum summarizing the complaint, response, and findings.
3. In the event of a confirmed violation, the Principal Engineering Technician (Civil) will notify Woodard & Curran of the occurrence and provide appropriate documentation.
4. If required, Woodard & Curran principal engineer will visit the site to understand the condition and supplement (if necessary) the documentation prepared by the Principal Engineering Technician (Civil).
5. If required, Woodard & Curran will meet with the Principal Engineering Technician (Civil) to determine a course of action to address the condition. Based on this meeting, the Principal Engineering Technician (Civil) will prepare paperwork associated with the violation. The Principal Engineering Technician (Civil) will monitor the remediation of the condition that resulted in the violation, and Woodard & Curran will provide support to the Principal Engineering Technician (Civil) during this process until restoration is complete.

The Fee for these services will be billed on a time and material basis in accordance with our approved rate schedule. The Woodard & Curran Fee will not exceed restitution from the violating party. The restitution includes the doubling of the application fee for any resulting Environmental Permit required to rectify the violation and fines established through legal proceedings. The Fee will not exceed restitution amounts without prior approval and authorization from the Town

AUTHORIZATION

In accordance with the provisions of the MSA between Woodard & Curran and the Town of Somers, all individual Task Orders require specific approval and authorization from the Town. Executing this Task Order is an authorization to proceed on the scope of work outlined in this Task Order for the fee structure identified.

Municipal Standard 2023

STAFF TYPE	HOURLY RATE
Project Assistant	\$110
Drafter	\$125
Designer / Engineer 1 / Planner 1 / Technical Specialist 1	\$155
Engineer 2 / Planner 2 / Technical Specialist 2	\$165
Engineer 3 / Planner 3 / Senior Designer / Technical Specialist 3	\$180
Project Engineer 1 / Project Planner 1 / Project Technical Specialist 1	\$190
Project Engineer 2 / Project Planner 2 / Project Technical Specialist 2	\$200
Project Manager 1 / Technical Manager 1	\$210
Project Manager 2 / Technical Manager 2	\$230
SCADA Service Manager / Senior Project Manager / Senior Technical Manager	\$250
Senior Technical Leader	\$255
National Practice Leader	\$265
EXPENSES	
Travel	\$0.655 / mile
Other Direct Costs	At Cost Plus 10%
Subconsultants/Subcontractors	At Cost Plus 10%

NOTES

Mileage rate will change as the federal allowable rate is modified.

Sent to:
TB, TA, TC
1/9/2023
KD

Woodard & Curran Engineering
and Geological Services P.A. P.C.
800 Westchester Avenue
Suite N507
Rye Brook, New York 10573
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T 800.426.4262
T 914.448.2266
F 914.448.0147



Via Electronic Mail

January 5, 2023

Supervisor Rob Scorrano
Town of Somers
Town Hall 335 Rt. 202
Somers, NY 10589

Re: Proposal for Professional Services
Planning Department Support

Dear Supervisor Scorrano:

Woodard & Curran is pleased to present this proposal to continue assisting the Town of Somers with municipal planning services. This extension of our existing engineering professional services support provides the Town with coverage for technical support and guidance to administrative staff in coordination with the Town's Consulting Planner.

Scope of Services - Planning Support

Woodard & Curran will provide the Town with approximately 8 hours per week of technical support to the Planning and Engineering Departments' existing administrative staff, including the following services:

- Assist with inquiries from the public and business community;
- Prepare Planning Board Agendas with assistance from Town staff;
- Provide technical assistance during Planning Board meetings;
- Prepare Planning Board meeting minutes;
- Coordinate existing and future Town-secured grant applications and paperwork;
- Work with the Town's grant consultant (J O'Connell) to support Town grants;
- Prepare infrastructure-related grant applications (ie – water, sewer, stormwater, highway);
- Assist Town departments with capital and strategic planning;
- Implement technology tools to update and streamline application processing; and
- Other duties as budget allows.

Technical review of applications will be performed as part of a separate agreement for those services.

The Town's existing Planning and Engineering administrative staff will continue to perform their existing duties, including:

- Process invoices received from Woodard & Curran, Hardesty & Hanover, Town Attorney, Halston Media, and others;
- Prepare Environmental Public Hearing Notices for Planning Board Environmental items;



- Prepare and distribute circulation list to applicants, at the direction of the Planner;
- Prepare and distribute agenda letters to applicants, at the direction of the Planner;
- Prepare and distribute Lead Agency Notices and Findings, at the direction of the Planner;
- Compile and distribute Planning Board item submittals, at the direction of the Planner;;
- Respond to Planning emails, in coordination with the Planner; and
- Answer Phone calls with Planning Questions/Concerns, in coordination with the Planner.

If the capacity of Town staff changes, such as through addition of a Planning Board Secretary, we will revisit our Scope of Services to rebalance our work with Town resources.

Woodard & Curran and PDA will each provide the services above on a Time and Materials basis. Woodard & Curran's service will be provided accordance with our March 11, 2009 authorized Terms and Conditions and our current Rate Table with the Town at the time of service.

Woodard & Curran will target an estimated average fee of \$6,000 per month, not to exceed \$72,000 year without prior authorization.

Thank you for the opportunity to continue to provide technical support to our Town.

Sincerely,

WOODARD & CURRAN ENGINEERING AND GEOLOGICAL SERVICES P.A. P.C.

Steven C. Robbins, P.E., LEED AP

Project Manager

SEEN AND AGREED:

Robert Scorrano, Supervisor Date
Town of Somers

Sent to:
TB, TA, TC
1/9/2023
KD

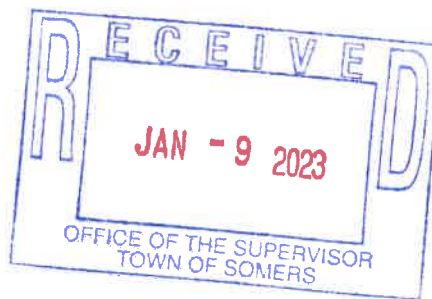
Planning & Development Advisors



Creating value by unlocking opportunities

January 9, 2022

Hon. Robert Scorrano, Supervisor
Town of Somers
Town Hall 335 Rt. 202
Somers, NY 10589



Re: Planning, Review and Development Services – Town of Somers, NY

Dear Supervisor Scorrano,

Planning & Development Advisors (PDA) is pleased to provide the Town of Somers (the Town) with the following updated proposed scope of service. PDA has been providing planning services to communities throughout the lower Hudson Valley, including current and recent assignments in the Town of Newburgh, Villages of Ardsley, Buchanan, Elmsford, Sleepy Hollow, Irvington and Port Chester. For the Village of Sleepy Hollow, I have been fortunate to assist that community through one of its most important eras of development to date, including the planning, environmental review and site plan review of the former General Motors property now known as Edge on Hudson. P&DA looks forward to assisting the Town in the review of selected projects and stands ready to assist with additional assignments as they become available.

PDA and Woodard & Curran have an existing long-standing professional relationship having worked together with both the Villages of Ardsley and Sleepy Hollow. As noted previously, PDA would help augment the existing services provided to the Town by Woodard & Curran. As the consulting planner to the Town, we would coordinate with their office when plans needed to be reviewed, memos prepared and meetings attended. In the event that other professionals are needed for review we can help coordinate with the Town on the review process.

Accordingly, provided herewith is a retainer agreement for the provision of planning services to the Town of Somers for 2023-2024.

Proposed Scope of Work:

P&DA would, at the request of the Town on an on-call basis, and with coordination with the Town Board, Planning Board, other Boards and Commissions and Town staff, typically provide the following, as appropriate:

- project review and consultation with Town Staff and both the Planning Board and Town Board, as appropriate;
- site plan and subdivision reviews;
- on-call projects and reviews, including but not limited to, rezoning applications, planning studies;

101 Lee Avenue
Yonkers, New York 10705
914.552.8413 !
email: davidbsmith1992@gmail.com

- assistance with the preparation of grant applications;
- preparation of environmental review documentation including Short Form EAF, Long Form EAF, Draft and Final Environmental Impact Statements and Environmental Findings;
- preparation of resolutions, and,
- attendance at meetings, public hearings and other presentations.

In addition to the above, it has been requested that this office be available for eight (8) hours per week at Town Hall at mutually convenient dates and times to be determined by the Town. At the request of the Town this office can be available for additional office hours as time and scheduling permits. The proposed in-house hours will be reevaluated jointly on a regular basis and adjusted to meet the needs of the Town at their direction.

The following hourly fee schedule applies to services rendered as identified in the Proposed Scope of Work for personnel assigned to tasks:

Principal:	\$150
Technical/Support	\$85

The hourly rate schedule does not include items such as reproduction and printing of plans, documents and specifications and travel which would be billed at our cost.

The accomplishments noted above, and outlined on the attached professional resume, were achieved through close coordination with clients, both municipal and private, department heads, other identified stakeholders and the public. PDA sees an important opportunity to provide these unique skills to assist the Town of Somers. The professional cornerstone of PDA is the ability to create value as part of the planning process through consensus building and incorporating attention to detail. We look forward to working with your community.

You will receive a monthly statement reflecting all services rendered. The monthly statement will also include charges for certain expenses including messenger service, printing and production of documents. Payment to PDA is the sole responsibility of signatory of this Agreement and is not subject to third party agreements.

We hope that you understand that our efforts to provide you with the best possible service at reasonable, professional rates requires that payment of any outstanding balances be made when billed. We cannot continue to provide services when any of our accounts are unpaid for more than thirty days and we reserve the right to suspend or terminate all services until payment is received. Either party has the right to terminate the agreement upon thirty (30) days notice, provided that the Town shall be responsible for payment of all fees earned prior to the date of such termination.

Should you have any questions regarding the above or attached please feel free to contact me directly 914-552-8413 or by email davidbsmith1992@gmail.com. We look forward to continuing working with the Town of Somers. If this proposal is satisfactory, please indicate your acceptance in the space designated below and return a copy for counter-signature.

Kind Regards,

David B. Smith
Principal

I understand the nature and scope of the proposed
representation and agree to be responsible for all fees
and charges incurred:

Accepted by: _____ Date: _____
On behalf of the Town of Somers

Sent to:
TB,TA,TC
1/9/2023
KD



11 Grace Avenue, Suite 308
Great Neck, New York 11021
Phone: 516-487-9815
rtortora@capmark.org

Financial Advisory Services Agreement

This Agreement has been entered into this ____ day of _____, 2023 by and between the Town of Somers, New York ("Town") and Capital Markets Advisors, LLC ("CMA"), a limited liability company created under the laws of the State of New York and having its principal place of business at 11 Grace Avenue, Suite 308, Great Neck, New York 11021.

Section 1 Financial Advisory Services

CMA will provide the following services in connection with bond, note and lease financings (the "Issue"), undertaken by the Town during the term of this Agreement.

- 1.01 Discuss plan of financing to include structure for debt issuance, taking into consideration such factors as State Building aid, local resources, market conditions, budget constraints, projected repayment requirements and future capital needs.
- 1.02 Make presentations to the Board and members of the public concerning the debt issuance process, the credit rating process, interest rates and the budget impact resulting from the debt issue, at the Town's request.
- 1.03 Prepare or assist in the preparation of financing documents, as required by the Town, including but not limited to: term sheet, official statement, notice of sale and bid sheet, request for a credit rating, request for municipal bond insurance, DTC Letter of Representations, debt statement and pre-sale or post-sale analysis, if requested.
- 1.04 Recommend alternative financing methods and use of credit enhancement when appropriate.
- 1.05 Maintain relationships with the credit rating agencies, coordinate presentations as needed and conduct presentation preparation as necessary.
- 1.06 Upon the request of the Town, CMA will assist the Town in the selection of other service providers necessary to conduct each Issue including but not limited to bond counsel, rating agencies, bond insurers, underwriters, trustee, verification agent and financial printer, if appropriate.
- 1.07 Prepare and maintain a financing schedule, cost of issue for refunding transactions, list of participants, and take such other actions requested by the Town to efficiently manage each Issue in order to meet the Town's objectives.
- 1.08 Participate in the sale of the debt and confirm net interest cost or true interest cost calculation.
- 1.09 Assist with the closing of the Issue and verify receipt of Issue proceeds.
- 1.10 Prepare and file required Continuing Disclosure and material event notices as required by SEC Rule 15c2-12.

Section 2 Compensation

- 2.01 For CMA's performance of services on behalf of the Town as described in Section 1 hereof, CMA's fees, some of which are contingent on an issue closing, will be as follows:
- For bond issues: \$9,250 for issues up to \$5 million plus \$0.50 per \$1,000 issued over \$3 million
 - For note issues: \$4,750 for issues up to \$5 million plus \$0.50 per \$1,000 issued over \$3 million
 - For notes sold with only a Term Sheet and no Official Statement: \$3,250
 - For capital lease issues: \$6,500 for issues plus \$.50 per \$1,000 of lease issued
 - For Limited Continuing Disclosure: \$750 annually, inclusive of all required Material Event Notices
 - For Full Continuing Disclosure: \$3,000 annually, inclusive of required Event Notices
 - For services unrelated to a bond issuance: billed at an hourly fee of \$195 per hour.
- 2.02 For refunding bond issues, the fee will be negotiated with the Town and is dependent on par amount, number of series of bonds being refunded and number of series of refunding bonds to be issued.
- 2.03 The Town will pay normal issuance costs such as printing, distribution, postage, photocopying, overnight delivery, bond counsel, rating agency and other associated expenses.
- 2.04 Payment of CMA's compensation is due within 30 days of receipt of CMA's invoice following the closing of the financing.

Section 3 Term of Agreement

The term of this Agreement shall be from the date hereof to December 31, 2023.

Section 4 Disclosure

CMA does not assume the responsibilities of the Town, nor the responsibilities of the other professionals and vendors representing the Town, in the provision of services and the preparation of financing documents for financings under this agreement. CMA accepts the relationship of trust and confidence established between it and the Town. CMA agrees to furnish its best skill and judgment in the performance of its services in the most expeditious and economical manner consistent with the interests of the Town. Information obtained by CMA, either through its own efforts or provided by the Town, included in the financing documents, or otherwise provided to the Town, is by reason of experience and professional judgment, believed to be accurate; however, such information is not guaranteed by CMA. However, nothing in this paragraph shall relieve CMA from liability due to negligence or want of due diligence in the performance of its services.

Section 5 Required Regulatory Disclosure

Municipal Advisor Regulators

Municipal Securities Rulemaking Board (“MSRB”) Rule G-10 requires that municipal advisors, including CMA, provide to their clients the following information once each calendar year: (i) CMA is registered as an independent municipal advisor with the MSRB and the US Securities and Exchange Commission (“SEC”); (ii) CMA is subject to the regulations and rules on municipal advisory activities established by the SEC and MSRB; (iii) the website for the MSRB is www.msrb.org and the website for the SEC is www.sec.gov and (iv) in addition to having educational materials about the municipal securities market, the MSRB website has a municipal advisory client brochure that describes the protections that may be provided by the MSRB rules and how to file a complaint with the appropriate regulatory authority.

Conflicts of Interest Disclosure

CMA is an MSRB Registered Municipal Advisor that conducts all municipal advisory activities subject to the fiduciary standards of conduct. MSRB Rule G-42 requires that municipal advisors disclose to their clients any actual or potential material conflict of interest, including certain categories of potential conflicts of interest identified in Rule G-42, if applicable. If no such material conflicts of interest are known to exist, municipal advisors are required to provide a written statement to that effect.

To the best of CMA’s knowledge and belief, neither CMA nor any associated person has any material undisclosed conflict of interest.

- CMA has no financial interest in, nor does CMA receive any undisclosed compensation from, any firm or person that CMA may use in providing any advice, service, or product to or on behalf of any CMA client.
- CMA does not pay contracted MSRB registered solicitors or other MSRB registered municipal advisors directly or indirectly in order to obtain or retain an engagement to perform municipal advisory services for any municipal entity.
- CMA does not receive any payments from a third party to enlist CMA’s recommendation of services, municipal securities transactions, or any municipal financial product or service.
- CMA does not have any fee-splitting arrangements with any provider of investments or services to any municipal entity.
- CMA may have conflicts of interest arising from compensation for municipal activities to be performed that are contingent on the size or closing of such transaction for which CMA is providing advice. This potential conflict of interest exists if CMA should fail to get paid for its work on a transaction in the event that transaction does not close. Given the wide diversity of CMA’s clients and sources of revenue, we do not believe that the contingent nature of CMA’s compensation in this agreement creates a material conflict of interest.
- CMA services a wide variety of other clients that may from time to time have interests that could have a direct or indirect impact on the interests of other municipal clients. These other clients may, from time to time and depending on specific circumstances, have competing interests, such as accessing the market with the most advantageous timing. In acting in the interests of its various clients, CMA could potentially face a conflict of interest arising from these competing client interests. However, none of these other engagements or relationships would impair CMA’s ability to fulfill its regulatory duties to its municipal clients.
- There are no other actual conflicts of interest that could reasonably be anticipated to impair CMA’s ability to provide advice to any municipal entity in accordance with the standard of fiduciary conduct.

Information Regarding Legal Events and Disciplinary History Disclosure

MSRB Rule G-42 requires that municipal advisors provide to their clients certain disclosures of legal or disciplinary events material to the client's evaluation of the municipal advisor or the integrity of the municipal advisor's management or advisory personnel.

- CMA and two of its Associated Persons are currently subject to a legal event that could be material to a client's evaluation of the Firm.
- CMA's Form MA and Form MA-Is for each of the Firm's Associated Persons are posted in the Edgar Database located on the U.S. Securities and Exchange Commission's website (www.sec.gov).
- CMA has made a legal event disclosure on its Form MA and two of its Associated Persons' Form MA-I's filed with the U.S. Securities and Exchange Commission.

Future Supplemental Disclosures

As required by MSRB Rule G-42, these disclosures may be supplemented or amended, from time to time as needed, to reflect changed circumstances resulting in new conflicts of interest or changes in the conflicts of interest described, or to provide information with regard to any legal or disciplinary events. CMA will provide its municipal clients with any supplement or amendment as it becomes available throughout the terms of each agreement or contract.

Section 6 Binding Effect

All agreements and covenants contained herein are severable and in the event any of them shall be held to be invalid by any competent court, this agreement shall be interpreted as if such invalid agreements or covenants were not contained herein, and the remaining provisions of this agreement shall remain in full force and effect. Each party hereto represents and warrants that this agreement has been duly authorized and executed by it and constitutes its valid and binding agreement.

Section 7 Modification and Termination

This Agreement contains the entire agreement of the parties. It may be amended in whole or in part from time to time in writing by mutual consent of the parties. Either the Town or CMA can terminate this agreement, with or without cause, on thirty (30) days written notice to the other without incurring any further liability hereunder.

IN WITNESS WHEREOF, the parties have duly executed this Agreement as of the day and year set forth below.

CAPITAL MARKETS ADVISORS, LLC

Richard Tortora

Richard Tortora
President

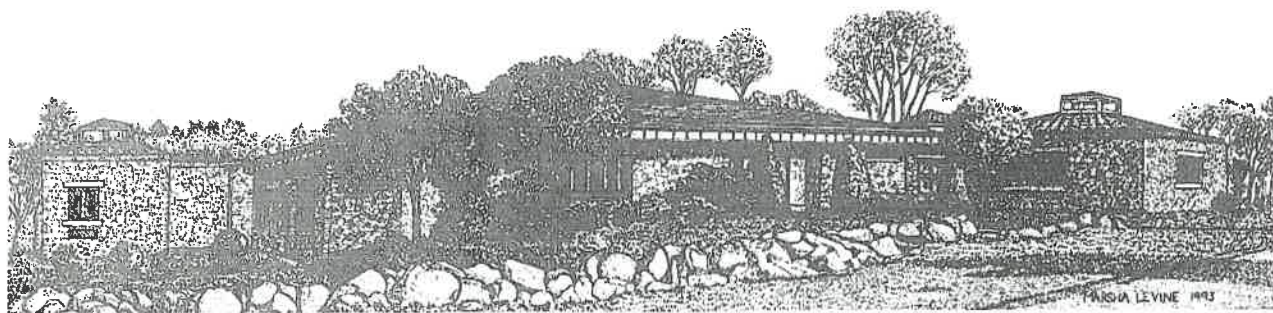
TOWN OF SOMERS, NEW YORK

By: _____

Name: _____

Title: _____

Sent to:
TB, TA
12/7/2022
KD



SOMERS LIBRARY

P.O. Box 443, Somers, New York 10589 • (914) 232-5717 • www.somerslibrary.org

MEMO TO: Town Board

FROM: Library Board of Trustees

RE: New Trustees

DATE: November 18, 2022

As you know, the Library Board of Trustees voted as per their Bylaws to increase the number of Board members from 7 to 9. An announcement of the need for new Trustees was made, with a handful of applicants received. Interviews took place and the Library Board of Trustees is recommending that the Town Board appoint Allison Colella and _____ to fill those two additional Trustee positions on the Board for a 5-year term.

attachments

cc: Barbara Tepper, President

Sent To:
FB, TA, TC
1/9/2023
KD

Highway Department

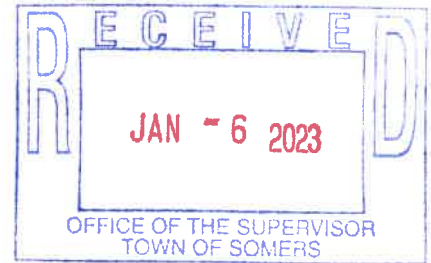
Town of Somers
WESTCHESTER COUNTY, N.Y.

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



TO: Town Board

FROM: Nicholas DeVito
Supt. Of Highways


DATE: January 6, 2023

RE: Notice of Failed Probation

This letter is to provide notice that _____ has failed his probationary period as a Motor Equipment Operator. As of November 14th, 2022 _____ has return to his prior job title of Skilled Road Maintainer.

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

Thank you,



Nicholas DeVito
Supt. Of Highways

Sent to:
TB, TA, TC
12/30/2022
KD

PLANNING AND ENGINEERING DEPARTMENTS

Town of Somers

WESTCHESTER COUNTY, N.Y.

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

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

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



David B. Smith
Town Planner
directorofplanning@somersny.com

Date: December 15, 2022

To: Town Board

From: Steven Woelfle *SW*
Engineering Department

RE: Mastrantoni Steep Slope/Stormwater Management and Erosion and
Sediment Control/Tree Preservation Permit #SSSMESCT2021-10
TM: 36.12-2-6.1 (Formerly Known As TM: 36.12-2-6)
Release of Erosion Control Bond
Check Received March 1, 2021

This office has no objection to the return of the Erosion Control Bond in the amount of \$5,765.00

Please return to:

Paul Mastrantoni
Mastrantoni Brothers Inc.
10 Boxwood Drive
Mahopac, NY 10541

SW/wg

cc: Town Clerk
Director of Finance
Paul Mastrantoni

Sent to:
TB, TA, TC
12/22/2022
KD

PLANNING AND ENGINEERING DEPARTMENTS

Town of Somers
WESTCHESTER COUNTY, N.Y.

SOMERS TOWN HOUSE
535 ROUTE 202
SOMERS, NY 10589
www.somersny.com

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

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



David B. Smith
Town Planner
directorofplanning@somersny.com

Date: December 22, 2022

To: Town Board

From: Steven Woelfle *SW*
Engineering Department

RE: Lake Purdys Property Owners Association Wetland Permit
#AW2013-05
TM: 17.16-1-28&29
Release of Erosion Control Bond
Check Received April 29, 1999

This office has no objection to the return of the Erosion Control Bond in the amount of \$100.00.

Please return to:

Lake Purdys Property Owners Association
33 Lake Way
Purdys, New York 10578

SW/wg
cc: Town Clerk
Director of Finance
Lake Purdys POA

Sent to:
TB, TA, TC
1/6/2023
KD

PLANNING AND ENGINEERING DEPARTMENTS

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

Town of Somers
WESTCHESTER COUNTY, N.Y.

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

Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



David B. Smith
Town Planner
directorofplanning@somersny.com

Date: January 4, 2023

To: Town Board

From: Steven Woelfle *SW*
Engineering Department

RE: **Il Forno Amended Site Plan
Resolution No. 2017-16
Release of Erosion Control Bond
Received Check July 27, 2017**

Therefore, this Office has no objection to the return of the Erosion Control Bond in the amount of \$100.00. Please return to:

Il Forno, Inc.
343 Route 202
Somers, NY 10589

SW/wg

cc: Town Clerk
Director of Finance
Enrico DiNardo, Il Forno, Inc

Sent to:
TB, TA, TC
12/30/2022
KD

PLANNING AND ENGINEERING DEPARTMENTS

Town of Somers

WESTCHESTER COUNTY, N.Y.

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

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

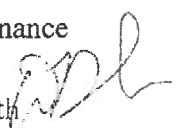
Steven Woelfle
Principal Engineering Technician
swoelfle@somersny.com



David B. Smith
Town Planner
directorofplanning@somersny.com

DATE: December 21, 2022

TO: Town Board
Director of Finance

FROM: David B. Smith 
Town Planner

RE: **Best Plumbing Supply Inc.**
Refund of SEQRA/Professional Service Fee
TM: 28.15-1-2&4

The above-mentioned project has been completed. Please refund the remaining SEQRA/Professional Service Fee in the amount of \$546.74, as follows:

Best Plumbing Supply
49 Route 138
Somers, NY 10589

SW/wg

cc: Town Clerk
Best Plumbing Supply

Sent to:
TB, TA, TC
12/30/2022
KD

Somers Department of Parks & Recreation

PO Box 46 Somers, New York 10589

OFF: (914)-232-8441

FAX: (914)-232-8548

Email: parks@somersny.com

WEB: www.somersny.com



Steven Ralston
Superintendent

December 29, 2022

To: Town Board

From: Steven Ralston
Superintendent of Parks and Recreation

Re: Request for Approval

Request permission to adopt the attached 2023 fee schedule for programs and services.

Request permission for the Supervisor to execute the attached 2023 North East Special Recreation Inc. interagency agreement.

C: Director of Finance
Town Clerk
Park Board

PARKS & RECREATION 2023 FEE SCHEDULE

PARK USE

PERMIT

SESSION DURATION		2022 FEE(S)	2023 FEE(S)	LAST INCREASE
Pavilion Use	Daily	March - November		
• Groups up to 100 people			\$75.00	2021
• Groups larger than 100 people			\$125.00	2021
• Company/Corporate rate			\$220.00	2021
• Security Deposit			\$150.00	2010
Includes Pavilion Key				
Van Tassell	Daily	January - December	\$0.00	N/A
Dog Park	Yearly	January 1 December 31	\$40.00 resident \$25.00 after July 1 \$100.00 non- resident	2014

CAMPS

PROGRAM

SESSION DURATION		2022 FEE(S)	2023 FEE(S)	LAST INCREASE
Day Camp K-6	Summer	6 wks	\$850.00	2021
• Extended Day	Summer	3-6 p.m.	225.00	2020
Additional T-shirt	Summer		\$10.00	2017
All Camps				
Tennis	Summer	4, 1 hr lessons	\$80.00	2020
Summer Camps, run by outside organizations.	Summer	1-2 weeks	20% of total gross registration fee	N/A
SYSO Sports Camps	Weekly	Seasonal	20% of total gross registration fee	N/A

YOUTH PROGRAMS

PROGRAM	SESSION	DURATION	2022 FEE(S)	2023 FEE(S)	LAST INCREASE
After School/Pre School Instructional	Spring, Fall, Winter	6/7 - 1-1 ½ hr classes	\$65.00-\$150.00	\$50.00-\$150.00	2020
After School/Pre School Instructional	Spring, Fall, Winter	6/7 - 1-1 ½ hr classes	20% of total gross registration fee	20% of total gross registration fee	N/A
Tennis Lessons	Spring & Fall	5 - 1 hr lessons	\$90.00	\$90.00	2017

ADULT PROGRAMS

PROGRAM	SESSION	DURATION	2022 FEE(S)	2023 FEE(S)	LAST INCREASE
Basketball	Spring, Fall, Winter	1.5hr/wk, Nov– April	\$85.00	\$85.00	2018
Pickleball	Spring, Summer, Fall	3, 1 hr lessons	\$65.00	\$65.00	2021
Tennis Lessons	Spring & Fall	5 - 1½ hr lessons	\$95.00	\$95.00	2017
Men's Softball	Spring-Fall	20 games	\$1,100 team	\$1,200 team	2020
Programs run by outside organizations.	Summer	4-8 weeks	20% of total gross registration fee	20% of total gross registration fee	N/A



North East Westchester Special Recreation, Inc.

63 Bradhurst Avenue

Hawthorne, NY 10532

Phone: 914-347-4409 | Fax: 914-347-5054

www.northeastsspecialrec.org

December 2022

Steve Ralston
Town of Somers
P.O. Box 46
Somers, NY 10589

Dear Steve,

As per our North East Westchester Special Recreation Interagency Agreement, your Per Capita match for 2023 is **\$9,422.25**. Please remit payment for this amount by January 31st, 2023.

The following is an explanation of how the Municipal Match is done, 6 decimals are used on all figures:

2023 Municipality Match

Per Capita \$0.437410

(amount needed for the year divided by total population, this number is then multiplied by specific municipality's population based on most recent Census)
\$67,852.47/155,123*(2020 Census)

Per Participant \$166.800000

(amount needed for the year divided by total participants, this number is then multiplied by specific municipality's 3-year average of participants)
\$67,220.40/403*(3-year average)

Municipality	2020 Census	2023 3-Yr Average	Per Capita (Due January 31st 2023)	Per Participant (Due June 30th 2023)	Total Due
Town of Somers	21,541	61	\$9,422.25	\$10,174.80	\$19,597.05

Please sign and return a copy of the enclosed Interagency Agreement for 2023, if you have any questions, please let us know.

Stay well,

Ellie Arnemann
Executive Director



North East Westchester Special Recreation, Inc.

63 Bradhurst Avenue
Hawthorne, NY 10532
Phone: 914-347-4409 | Fax: 914-347-5054
www.northeastspecialrec.org

NORTH EAST WESTCHESTER SPECIAL RECREATION, INC. INTERAGENCY AGREEMENT

This agreement made on the (1st.) day of (January), (2023), by and between North East Westchester Special Recreation Inc., a NFPC organized pursuant to laws of State of New York and the Town of Mount Pleasant, a municipal corporation of the State of New York, the Town of New Castle, a municipal corporation of the State of New York, the Town of Bedford, a municipal corporation of the State of New York, the Town of Somers, a municipal corporation of the State of New York, the Town of Lewisboro, a municipal corporation of the State of New York, the Town of North Castle, a municipal corporation of the State of New York, the Village-Town of Mount Kisco, a municipal corporation of the State of New York, the Village of Sleepy Hollow, a municipal corporation of the State of New York, the Village of Pleasantville, a municipal Corporation of the State of New York, The Town of North Salem, a municipal corporation of the State of New York, The Town of Pound Ridge, a municipal corporation of the State of New York, The Village of Briarcliff Manor, a municipal Corporation of the State of New York; shall enable said municipalities the opportunity to provide a collective program of Therapeutic Recreation services for individuals with disabilities through participation in (North East Westchester Special Recreation Inc.)

Now, therefore, the parties hereto agree as follows:

- FIRST:** The parties shall jointly operate a therapeutic recreation program for individuals with disabilities residing or domiciled within the corporation limits of their respective municipalities irrespective of age or degree of the disabling condition.
- SECOND:** The program shall be funded through each municipality in accordance with a schedule of fees attached hereto and made part hereof establishing respective local shares which shall be in addition to any third-party sources of funding. Additionally, the parties agree to help with fund raising events in support of North East Westchester Special Recreation Inc. Said local share shall be paid to North East Westchester Special Recreation in two installments; the first before the last day of February, and the second on the last day of July in any calendar year in which this agreement shall be operative.
- THIRD:** The substantive program policy shall be the joint responsibility of all the parties; but shall be carried out administratively by North East Westchester Special Recreation, Inc.; in the manner as any other programs for which said municipality



North East Westchester Special Recreation, Inc.

63 Bradhurst Avenue

Hawthorne, NY 10532

Phone: 914-347-4409 | Fax: 914-347-5054

www.northeastsspecialrec.org

would otherwise individually be responsible. Administrative services include, but are not limited to, accounting, payroll, legal, personnel, insurance, and risk management. In addition, the agency on behalf of the program may apply and receive grants and other third-party sources of revenue and may further enter into agreements on behalf of the program with other governmental agencies and non-profit organizations providing full or partial support of any program or activity to be provided hereunder.

- FOURTH:** The Board of Directors, consisting of the Recreation Department Chief Administrator from each of the parties shall have policy making power for the program and which shall further have the power to adopt rules, regulations and procedures for the governing of the program affairs in a manner consistent herewith.
- FIFTH:** North East Westchester Special Recreation shall procure and maintain liability insurance at its own cost and expense relating to all activities sponsored by and performed by the program, which insurance shall protect the interest of the parties hereto as named insured. Members of the North East Board of Directors shall be indemnified should suit be brought against them. A copy of the insurance coverage is submitted herewith naming North East Westchester Special Recreation, Inc. as the insured party to the benefit of the individual municipality.
- SIXTH:** The chief fiscal officer of North East Westchester Special Recreation shall be the Treasurer.
- SEVENTH:** Programs shall be held throughout the participating municipalities, utilizing existing community facilities.
- EIGHTH:** North East Westchester Special Recreation shall provide services for residents of participating communities and will accommodate non-resident participants in accordance with agency guidelines currently enforced.
- NINTH:** This agreement shall be effective for the calendar year and upon further agreement of the parties, may be amended and/or extended from year to year thereafter.



North East Westchester Special Recreation, Inc.

63 Bradhurst Avenue
Hawthorne, NY 10532
Phone: 914-347-4409 | Fax: 914-347-5054
www.northeastsspecialrec.org

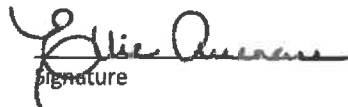
TENTH: This Agreement may be executed by the separate signatures of the parties hereto on any number of counterpart copies hereof, and each of said executed copies shall become effective when so executed by North East Westchester Special Recreation, Inc. and each particular municipality, and only after all of the municipalities to this Interagency Agreement have been signed, which would then bind all parties thereto.

Each counterpart signed copy shall be deemed an original, but all of which together shall constitute one instrument.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the date appearing next to their signature below.

NORTH EAST WESTCHESTER SPECIAL RECREATION, INC.

12/13/2023
Date

Ellie Arnemann
Printed Name

Signature
Executive Director
Title

MUNICIPALITY/TOWN/VILLAGE OF: _____

Date

Printed Name

Signature

Title