

FEBRUARY 8, 2018 – REGULAR MEETING

Minutes of a regular meeting of the Town Board of the Town of Somers held on Thursday evening February 8, 2018 at 7:05 PM at the Town House, 335 Route 202, Somers, New York.

ROLL CALL:

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

ABSENT:

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

The Supervisor said that it was in order for the Board to continue a public hearing with regard to proposed Local Law to add Chapter A175, entitled TOWN SANITARY SEWER FACILITIES, in its entirety to the Code of the Town of Somers.

7:07 PM – hearing open
7:08 PM – meeting reconvened

The Supervisor said that it was in order for the Board to adopt a Local Law adding Chapter A175, entitled SEWERS, in its entirety to the Code of the Town of Somers.

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

RESOLVED, that the Town Board does hereby adopt a Local Law adding Chapter A175, entitled TOWN SANITARY SEWER FACILITIES, in its entirety to the Code of the Town of Somers as follows:

A Local Law to add Chapter A175 entitled TOWN SANITARY SEWER FACILITIES to the Code of the Town of Somers.

§ A175-1. Definitions.

1. Unless the context specifically indicates otherwise, the meaning of the terms used in this chapter shall be as follows:

BIOCHEMICAL OXYGEN DEMAND (BOD) -- The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING DRAIN -- That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the buildings and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER -- The extension from the building drain to the public sewer or other place of disposal; also called "house connection."

COMBINED SEWER -- A sewer intended to receive both wastewater and stormwater or surface water.

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EASEMENT -- An acquired legal right for the specific use of land owned by others.

FLOATABLE OIL -- Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE -- The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

INDUSTRIAL WASTES -- The wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

NATURAL OUTLET -- Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

PERSON -- Any individual, firm, company, association, society, corporation or group.

pH -- The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

PROPERLY SHREDDED GARBAGE -- The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

PUBLIC SEWER -- A common sewer controlled by a governmental agency or public utility.

SANITARY SEWAGE—Sewage discharge from the sanitary facilities and conveniences of dwellings, including apartment houses, hotels, office buildings, factories or institutions and free from stormwater, surface water, industrial waste and other waste.

SANITARY SEWER -- A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of groundwater, stormwater and surface waters that are not admitted intentionally.

SEWAGE -- A combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water and stormwater as may be inadvertently present. The mixture of sewage, as defined above, with industrial wastes or other wastes, shall also be considered “sewage” within the meaning of this definition.

SEWER -- A pipe or conduit that carries wastewater or drainage water.

STORM DRAIN (sometimes termed "storm sewer") -- A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

SUSPENDED SOLIDS -- Total suspended matter that either floats on the surface of or is in suspension in waste, wastewater or other liquids and that is removable

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by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewaters and referred to as "nonfilterable residue."

TOWN ENGINEER -- The Town Engineer of the Town of Somers, or his authorized representative or agent.

TOWN SANITARY SEWER FACILITIES- All sewers, pipes facilities, force mains, pumping stations, regulators, works and appurtenances owned, operated or controlled by the Town sewer district.

TOWN SEWER—A sewer owned, operated or controlled by a Town sewer district.

TOWN SEWER DISTRICT – Somers Sewer District No.1.

UNPOLLUTED WATER -- Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

UNUSUAL (EXCESSIVE) WASTEWATER CHARACTERISTICS:

(1) Specific characteristics.

- a. Unusual BOD: BOD greater than 240 mg/l.
- b. Unusual (excessive) suspended solids (SS): suspended solids greater than 240 mg/l.
- c. Unusual (excessive) chlorine demand: chlorine demand greater than 25 mg/l

(2) Section 307 of the Clean Water Act.

- a. The Administrator shall, within 90 days after the date of enactment of this title, publish (and from time to time thereafter revise) a list which includes any toxic pollutant or combination of such pollution for which an effluent standard (which may include a prohibition of the discharge of such pollutants or combination of such pollutants) will be established under this section. The Administrator in publishing such list shall take into account the toxicity of the pollutant, its persistence, degradability, the unusual or potential presence of the affected organisms in any waters, the importance of the affected organisms and the nature and extent of the affect of the toxic pollutant on such organisms.
- b. If within 180 days after the date of publication of any list or revision thereof containing toxic pollutants or combination of pollutants under Subsection A (1) of this definition, the Administrator, in accordance with Section 553 of Title 5 of the United States Code, shall publish a proposed effluent standard (or a prohibition) for such pollutant or combination of pollutants which shall take into account the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms and the nature and extent of the effect of the toxic pollutant on such organisms, and he shall publish a notice for a public hearing on such proposed standard to be held within 30 days. As soon as possible after such hearing, but not later than six months after publication of the proposed effluent standard (or prohibition), unless the Administrator finds, on the record, that a modification of such proposed standard (or prohibition) is justified based upon a preponderance of evidence adduced at such hearings, such standard (or prohibition) shall be promulgated.
- c. If after a public hearing the Administrator finds that a modification of such proposed standard (or prohibition) is justified, a revised effluent standard

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(or prohibition) for such pollutant or combination of pollutants shall be promulgated immediately. Such standard (or prohibition) shall be reviewed and, if appropriate, revised at least every three years.

- d. If after a public hearing the Administrator finds that a modification of such proposed standard (or prohibition) is justified, a revised effluent standard (or prohibition) for such pollutant or combination of pollutants shall be promulgated immediately. Such standard (or prohibition) shall be reviewed and, if appropriate, revised at least every three years.

WASTEWATER --

Same as sewage.

WASTEWATER FACILITIES -- The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS -- An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

WATERCOURSE -- A natural or artificial channel for the passage of water either continuously or intermittently.

2. "Shall" is mandatory; "may" is permissive. In every case where this chapter states that someone or something shall not be done or occur, "shall not" shall be construed to mean that someone must not do it or that it must not occur and that someone will not permit it to occur or that it must not be permitted to occur.

§ A175-2. Building sewers and connections to a Town sewer or Town sanitary sewer facilities in a Town sewer district.

A. the following regulations shall apply to the connection of a building sewer to a Town sewer or Town sewer facilities in a Town sewer district.

1. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb a Town sanitary sewer facilities of a Town sewer district without first obtaining a written permit from the Town Engineer.
2. Before any work is commenced, the owner(s) shall make an application for a connection permit which shall be filed with the Town Engineer on a form provided by him for that purpose accompanied by an application fee, such as has been established by resolution of the Town Board or any amendments thereto, and a connection permit issued by the Town Engineer shall be obtained therefore.
3. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer, its connection to a Town sewer or any discharge made into Town sanitary sewer facilities.
4. Each building, other than accessory buildings incidental to the principal building or structure on each parcel of property shall have a separate connection with the Town sewer, except that in the case of real estate developments containing one or more private streets supplied with lateral sewers privately constructed, each building other than accessory buildings incidental to the principal building or structure on each parcel of property shall have a separate connection either with such lateral sewer or with the town sewer. Any such lateral sewer privately constructed shall be constructed in accordance with the standards contained herein and shall be properly maintained at all times.

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5. Old building sewers may be used in connection with new buildings when said new buildings replace old buildings only when they are found, on examination and tested by the Town Engineer, to meet all requirements of this chapter.
6. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the town. In the absence of code provisions or in application thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.
7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the Town sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
8. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a Town sewer or Town sanitary sewer facilities.
9. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the town or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Town Engineer prior to the installation.
10. All work shall be performed by or under the immediate supervision of a plumber duly licensed by the Westchester County Board of Plumbing Examiners. The person so licensed to make such connection or opening shall comply with and be responsible for the following:
 - a. All openings into any sewer shall be made carefully without injuring the same and in accordance with New York State Uniform Code standards.
 - b. No obstruction of any description whatsoever shall be left in the connection.
 - c. Unless otherwise approved by the Town Engineer, a minimum separation of 10 feet on centers shall be maintained between the house sanitary connection and the house water service, and the water line shall be at an elevation 18 inches higher than the sewer line if laid within 10 feet of the sewer line.
 - d. Any damage or injuries that may occur to persons, animals or property by reason of any opening in any street or right-of-way made by them or those in their employ.
 - e. The applicant for the building sewer permit shall notify the Town Engineer a minimum of 24 hours prior to when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of a plumber licensed by the Westchester County Board of Plumbing Examiners. No work shall be covered until inspected by the Town Engineer or his representative. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Proper shoring shall be provided where necessary to avoid cave-ins into trench excavations. In the event that water conditions are encountered during trench excavations, a licensed plumber shall provide suitable pumping equipment to ensure installation of a house sanitary sewer under reasonably dry conditions, said groundwater to be disposed of in storm drainage facilities. Under no circumstances is groundwater to be disposed of in the Town sewer or Town sanitary sewer facilities. At the time of connection to a public sewer, any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned, pumped out and filled with suitable inert material. Under no

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circumstances shall said sanitary waste material be disposed of into town sewers.

- f. All excavation shall be backfilled and the earth rammed. In no case shall boulders or rock layers be used for backfill within two feet of house sanitary sewer service connection. Where road pavement must be cut it will be necessary to first secure a street opening permit from the Superintendent of Highways. All requirements set forth in said permit shall constitute part of this chapter.
 - g. Each permit shall have endorsed thereon the contents of § 149 of the Highway Law of the State of New York, and the licensee and owner of the land benefited by the sewer connection shall be deemed to have accepted such permit or the issuance of the same on condition that there will be full compliance with the provisions of said section and that such persons will be bound thereby.
11. The line running from the house or other building to the sanitary sewer shall be of not less than four inches extra heavy cast-iron or service weight pipe, and fittings bearing the Cast-Iron Soil Pipe Institute insignia, and shall be thoroughly caulked and joined with first quality lead and oakum.. When minimum, uncritical loading conditions exist as determined by the Town Engineer, it shall be permissible to use SDR 35 PVC sewer pipe. The installation shall conform to the recommended practice of the Uni-Bell Plastic Pipe Association. The embedment shall be Class I. All pipe shall be bedded (cushioned) on a minimum six-inch thick layer of 3/4 inch crushed gravel. Additionally, the 3/4 inch crushed gravel shall be placed the full height of the pipe zone (haunching to spring line of the pipe, thence to the crown of the pipe). Initial and final backfill material and procedures shall conform to Association recommendations and standards.
 12. The provisions of the Plumbing Codes, Mechanical Codes and Fuel, Gas Code of New York State Uniform Code applicable to plumbing shall apply, except as required herein.

§ A175-5. Use of Town sewers and sanitary sewer facilities in a Town sewer district.

A. The following regulations shall apply to the use of Town sewers and Town sanitary sewer facilities in a Town sewer district:

1. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, unpolluted industrial process water, subsurface drainage or cooling water to a Town sewer or Town sewer facilities in a Town sewer district.
2. Stormwater, and all other unpolluted drainage, shall be discharged to such sewers as are specifically designated as storm drains or to a natural outlet approved by the Town Engineer and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Town Engineer, to a storm sewer, or natural outlet.
3. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any Town sewer or Town sanitary sewers facilities in a Town sewer district:
 - a. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - b. Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste water pumping facilities, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the pumping plant, including, but not limited to, cyanides as CN in the wastes as discharged to the public sewer.
 - c. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.

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- d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
4. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Town Engineer that such wastes can harm either the sewers, sewage pumping process or equipment, or can otherwise endanger life, limb, public property, or constitute a nuisance. The Town Engineer may set limitations lower than the limitations established in the regulations below if, in this opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of these wastes, the Town Engineer will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities of subject wastes in relation to flows and sewers, capacity of the sewage pumping plant, of wastes to handle such materials and other pertinent factors. The substances prohibited are:
- a. Any liquid or vapor having a temperature higher than 150° F. (65° C.).
 - b. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. and 65° C.).
 - c. Wastewater from industrial plants containing floatable oils, fat or grease.
 - d. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.
 - e. Any garbage that has not been properly shredded (see definitions). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 horsepower metric) or greater shall be subject to the review and approval of the Town Engineer.
 - f. Any waters or wastes containing strong acid pickling wastes or concentrated plating solutions, whether neutralized or not.
 - g. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances (or wastes exerting an excessive chlorine requirement) to such degree that material received in the composite sewage at the sewage pumping facilities exceeds the limits established by the Town Engineer for such materials or limits pursuant to Section 307 of the Clean Water Act, whichever are more stringent.
 - h. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Town Engineer as necessary to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
 - i. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town Engineer, or are not in compliance with applicable state or federal laws, rules or regulations.
 - j. Waters or waste containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

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- k. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and pumping processes.
- l. Any waters or wastes having pH in excess of 9.5.
- m. Materials which exert or cause:
 - i. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - ii. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - iii. Unusual BOD, chemical oxygen demand or chloride requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - iv. Unusual volume of flow or concentration of wastes constituting slugs as defined herein.
- n. If any waters or wastes are discharged or are proposed to be discharged to the Town sewers or Town sanitary sewer facilities, which waters contain the substances or possess the characteristics enumerated in Subsection 4. hereof and which, in the judgment of the Town Engineer, may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Town Engineer may:
 - i. Reject the wastes.
 - ii. Require pretreatment to an acceptable condition for discharge to the public sewers, the minimum requirements being those referred to in § 307 of the Clean Water Act.
 - iii. Require control over the quantities and rates of discharge, and/or
- o. When considering the above alternatives, the Town Engineer shall give consideration to the economic impact of each alternative on the discharger. If the Town Engineer permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Town Engineer, and subject to the requirements of all applicable codes, ordinances and laws.
- p. Grease, oil and sand interceptors shall be provided when, in the opinion of the Town Engineer, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Subsection 4.c., or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town Engineer and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Town Engineer and /or any Agency having jurisdiction. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.
- q. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the owner's expense.
- r. When required by the Town Engineer, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure (control manhole) together with such necessary meters and other

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appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Town Engineer. The structure shall be installed by the owner, at his expense, and shall be maintained by him so as to be safe and accessible at all times.

- s. The Town Engineer may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:
 - i. Wastewaters discharge peak rate and volume over a specified time period.
 - ii. Chemical analyses of wastewaters.
 - iii. Information on raw materials, processes and products affecting wastewater volume and quality.
 - iv. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
 - v. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
 - vi. Details of wastewater pretreatment facilities.
 - vii. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
- t. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analysis are obtained from twenty-four-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)
- u. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for pumping, subject to payment therefore, by the industrial concern. Such agreements shall be made within the guidelines of the federal pretreatment requirements pursuant to Section 307 of the Clean Water Act.

§ A175-6. Tampering.

No person(s) shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of a Town sewer or town sewer facilities. .

§ A175-7. Testing and verification.

A. The following regulations shall to the inspection and testing of discharges that are made into a Town sewer or Town sanitary sewer facilities in a Town sewer district.

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1. The Town Engineer and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the in a Town sewer district in accordance with the provisions of this chapter.
2. The town or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
3. The Town Engineer and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
4. Authorized representatives of the New York State Department of Environmental Conservation (NYSDEC) and the United States Environmental Protection Agency (USEPA) shall have the same authority to inspect the original sample and test it as is granted the Town Engineer hereunder.

§ A175-9. Enforcement.

A. This chapter shall be enforced by the Town Engineer. The Town Engineer, Principle Engineering Technician and Water Superintendent shall be authorized to issue and serve an appearance ticket with respect to any violation of this chapter.

§ A175-10. Penalties for offenses.

Any person who shall violate or fail, neglect or refuse to comply with any provision of this chapter or any rule, regulation, order or special direction duly made there under shall, upon conviction thereof, be punished by a fine of not more than \$500 or by imprisonment not exceeding six months, or by both such fine and imprisonment, and each week such violation shall continue shall constitute a separate offense.

§ A175-10. Other regulations.

No person shall use, connect to or the discharge any effluent into a Town sewer or Town sanitary sewer facilities in violation of any federal, state or county law, rule or regulation, including but not limited to the federal clean water act, the New York State and Westchester County Sanitary Code, and the Environmental Facilities Sewer Act of Westchester County.

§ A175-11. Liability

Any person violation any provision of this Chapter shall be liable to the Town of Somers and the applicable Town sewer district for any and all expenses, loss or damage resulting from any violation.

§ A175-11. Industrial wastes.

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Industrial discharges are not authorized until such time as minimum NYSDEC/USEPA regulation recommendations are approved and adopted by the Town Board and incorporated in this chapter.

This Local Law shall take effect upon filing of same with the Secretary of State of the State of New York.

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

The Supervisor said that it was in order for the Board to adopt the Sanitary Sewer Permit Application fee as part of the Town of Somers Fee Schedule.

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

RESOLVED, that the Town Board does hereby adopt the Sanitary Sewer Permit Application fee of \$500.00 as part of the Town of Somers Fee Schedule per memo dated February 6, 2018 from Steven Woelfle, Principal Engineering Technician and Adam Smith, Superintendent of Water and Sewer.

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

The Supervisor said that it was in order for the Board to designate Enforcement Officers of the Sewer Code.

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

RESOLVED, that the Town Board does hereby designate the Superintendent of Water and Sewer, the Principal Engineering Technician and the Consulting Town Engineer to enforce the Town of Somers Sewer Code per memo dated February 6, 2018 from Steven Woelfle, Principal Engineering Technician and Adam Smith, Superintendent of Water and Sewer.

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

PUBLIC COMMENT:

Ms. Maureen Devine, Susan Drive, read a prepared statement with regard to her objections to the proposed use and possible issuance of a Special Exception Use Permit for the Somers Manor Property located on Route 100. She stated that before any development was done of the property the Town should address the reopening of the Plum Brook Bridge. The Supervisor thanked Ms. Devine for her comments. He explained that the Town had applied for a grant to reconstruct the bridge about a year ago and they were unsuccessful. Discussion ensued with regard to the discussions the Town had over years with the New York City Department of Environmental Protect (DEP) with regard to the reopening of the

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Plum Brook Bridge. It was decided that the Town Attorney would look into the Town's options.

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

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

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

Approval of
Minutes

RESOLVED, that the Town Board does hereby approve the minutes of the December 7, 2017 Public Hearing with regard to 2018 Preliminary Budget; the December 7, 2017 Work Session; the December 14, 2017 Public Hearing with regard to the consideration of an increase in the 2018 Water Charges; the December 14, 2017 Regular Meeting; the January 11, 2018 Organizational Meeting; the January 11, 2018 Public Hearing with regard to a proposed Local Law to add Chapter A175, entitled SEWERS; the January 11, 2018 Public Hearing with regard to a proposed Local Law to amend Chapter 154, entitled Taxation, Article IX entitled Cold War Veterans Exemption pursuant to Section 154-28 Duration of Exemption and the January 11, 2018 Work Session/Regular Meeting.

Monthly
Reports

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

SEEC
Discussion re:
LED Lighting
Solar Panels

The Supervisor said that the next item on the agenda was a discussion with Dr. Jerry Stern and Mr. Donald Bleasdale, Co-Chairmen to the Somers Energy Environment Committee. Dr. Stern stated that there were two items he wanted to discuss with the Town Board. He said that the first was with regard to the NYSERDA Grant, which they were obligated to re-apply. He explained that the original application was for trails and it was rejected because the reviewers felt the emphasis was more of safety and not on energy reduction. Dr. Stern said that the Town had an opportunity to collect the grant money as long as they could provide an alternate proposal. He said they were told that a guaranteed approval would be for a Street Light Conversion project. He explained that translated easily to Greenhouse Gas reduction and a reduction Angular Electric use, it was a win-win for all. The Supervisor said that going to LED Lighting was readily demonstrated for the Community. Dr. Stern stated that they received the analysis from the NYSERDA Consultant, who was also the Somers' Consultant on LED proposals. He went over the proposal with the Town Board, the different options of conversion and how it would work for the Town. He said that they like the second option of the Municipal Ownership best and he gave the Board a detailed proposal to consider. Discussion ensued with the Board about the different options, Town's responsibilities and the benefits to the Town.

Dr. Stern stated that he was aware that there were other options being considered for the grant funding such as an HVAC project for the Town House. He explained the difficulty in obtaining the appropriate data for the grant application. Further discussion ensued with regard to the use of the grant funding. It was agreed that there was homework to do on how the grant funding should be used.

Mr. Bleasdale said that a Solar Company would like to present to the Town a Municipal Solarization Project that should provide up to 95% of all the Town's Electrical needs at no cost to the Town. Councilman Clinchy explained that the goal was to reduce the energy consumption of the Town through the creation of Solar Gardens for the Municipalities. Mr. Bleasdale and Dr. Stern went through each proposed location and the target goal for each proposed location. The Town Attorney explained that Solar Panels could not be placed on Dedicated Park Land although permitted on the buildings. It was agreed that the Board would discuss the option of having the Solar Company give their presentation. Dr. Stern stated that they would convey the locations the Board was interested in and if the

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Solar Company was still interested they would contact the Supervisor to set up an appointment with the Town Board. The Supervisor thanked them for all they did for the Town.

PSC Letter

The next item was with regard to a letter from the Public Service Commission (PSC) regarding issues the Town of Somers was experiencing with NYSEG. The Supervisor explained that he and the Supervisor of North Salem coauthored a letter to the PSC indicating their dismay with NYSEG. He stated that most of the recent outages were due to infrastructure malfunction. He said that there was a meeting with the new President and CEO of NYSEG and local Supervisors from Northern Westchester, Putnam and Dutchess Counties where they outlined their issues. The Supervisor said that the number of outages that were experienced were unacceptable. He said that NYSEG had stated that they were going to do better and take some of the customer relations off of the Towns. He said that 2018 brought a rate increase that effected many residents that had electric heat over the last couple of cold winter months. The Supervisor said that residents bills had doubled, tripled and quadrupled in a month. He explained that the finding was in January the Town experienced the coldest weather in a long time and electric usage was up at the same time NYSEG rates increased. He said that this resulted in astronomical bills for residents, which just added to the aggravation of all that had been affected by all of the recent power outages. The Supervisor said that there was another meeting planned before the end of March where they would address what exactly was going to be done with the substations, breakers, transformers and for them to tell them how the delivery would be improving. He stated that he wanted to thank the press for getting the information out to the public. He said that if anyone was still having issues with their bills to contact NYSEG directly and they would assist them with their billing. Discussion ensued with regard to be placed on a budget plan. Councilman Garrity stated that the Supervisor did not mention that the Supervisor and the Supervisor of North Salem sent a letter to the PSC and because of the letter the PSC had commenced an investigation into the concerns. He said that the Supervisor had heard all complaints and concerns and the PSC was looking into the issues. He thanked the Supervisor for his work on the issue. The Supervisor stated that the PSC would be doing an investigation.

Affordable
Housing
Code

The Supervisor said that the next item was with regard to a proposed amendment to the Affordable Housing Section of the Town Zoning Ordinance. He explained that as they might recall was that the Town had their own designated affordable housing units. He explained that it was difficult to find anyone to qualify, therefore having preferences did not serve the Town. The Supervisor said by eliminating the section of the Code it removed the Town from making any preferences and it was in the best interest of the Town to remove the section. The Supervisor said that they wanted to also give the Affordable Housing Board the charge of tracking the Affordable Housing in Town and ensuring that was in compliance. Discussion ensued and it was determined that this was the units that the Town administrated. The Town Attorney explained that this was in step with what other communities were doing by eliminating the preference standards.

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

RESOLVED, that the Town Board does hereby schedule a Public Hearing for March 8, 2018 with regard to a proposed Local Law to amend Chapter 170, entitled Zoning, Article XIA, entitled Affordable Housing in its entirety of the Code of the Town of Somers.

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

RESOLVED, that the Town Board does hereby schedule a Public Hearing for March 8, 2018 with regard to a proposed Local Law to amend Chapter 3, entitled Affordable Housing Board, § 3-3, entitled Powers and Duties of the Code of the Town of Somers.

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PERSONNEL:

Current Vacancies:

Affordable Housing Board (2 – 2 year terms ending July 11, 2019)
Partners in Prevention (1 – 3 year terms ending December 31, 2019)
Partners in Prevention (3 – 3 year terms ending December 31, 2020)
Zoning Board (1 – 5 year term ending December 31, 2022)

Upcoming Vacancies:

Architectural Review Board (1 – 3 year term ending March 31, 2018)
Parks and Recreation Board (3 – 3 year terms ending March 9, 2018)

Consensus
Agenda

The next item on the agenda was the consensus agenda. The Supervisor said that they needed to amend the language to item number 6. Councilman Cirioco asked with regard to item number 13, he was not sure what was being proposed was the intent of the Town Board. Discussion ensued with regard to the proposed legislation, it was agreed that the proposed legislation would be revised for the March agenda. It was agreed that item number 13 would be removed until further information would be provided at the March work session for the Board's consideration.

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

Return Erosion
Control Bond

1. RESOLVED, that the Town Board does hereby authorize the return of the following Erosion Control Bond per memo dated January 22, 2018 from Steven Woelfle, Principal Engineering Technician:

\$1,000.00 Somers Manor Nursing Home Sewage Repair Site Plan –
Erosion Control Bond – 28.17-1-19

Execute 2019
Tax Map
Maintenance

2. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the 2019 Tax Map Maintenance Proposal for the Town of Somers from CAI Technologies dated December 31, 2017.

Library Window
Bids

3. RESOLVED, that the Town Board does hereby authorize the Bid Notice and distribution of Bid Documents for the Modern Windows – Heavy Commercial Window – HCP Series at the Somers Library, Route 139 (Reis Park), Somers, New York per memo from Patricia Kalba, Town Clerk dated January 22, 2018.

Highway Fed.
Surplus Property
Program

4. RESOLVED, that the Town Board does hereby authorize the Supervisor and the Superintendent of Highways to execute the Federal Surplus Property Program's Application for Eligibility by State and Public Agency per email dated January 8, 2018 from Thomas E. Chiaverini, Superintendent of Highways.

Service Contract
A-AMP Electric

- 5a. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the two (2) year Service Contract Renewal for Emergency and Non-Emergency Services for Electrical to A-Amp Electrical Corp. effective February 24, 2018 to February 24, 2020, per memo dated January 16, 2018 from Efreem Citarella, Building Inspector.

Service Contract
Bee & Jay
Plumbing

- 5b. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the two (2) year Service Contract Renewal for Emergency and Non-Emergency Services for Plumbing to Bee and Jay Plumbing effective February 24, 2018 to February 24, 2020, per memo dated January 16, 2018 from Efreem Citarella, Building Inspector.

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Authorize
Funds
Transfer

6. RESOLVED, that the Town Board does hereby authorize the transfer of \$723.83 to the General Fund due to the overpayment of School Taxes by Service Link per memo dated January 24, 2018 from Michele McKearney, Receiver of Taxes.

PH 2018
Water Charges

7. RESOLVED, that the Town Board does hereby schedule a Public Hearing for March 8, 2018 for the Town Board to consider an increase in the 2018 Quarterly Water Charges for the Amawalk-Shenorock Water District, the Windsor Farms Water District and the Amawalk Heights Water District.

Execute EAP
Renewal

8a. RESOLVED, that the Town Board does hereby the Supervisor to execute the Employee Assistance Program – Renewal Agreement with ESI Group, Inc. in the amount of \$3,100.00 effective January 1, 2018.

Authorize New
Highway Truck
Purchase

8b. RESOLVED, that the Town Board does hereby authorize the Superintendent of Highways to purchase one (1) new 2018 RAM 5500 HD 4x4 Dump Truck with Sander in the amount of \$75,163.15 from Robert Green Truck Division, Route 17 East, Exit 107, PO Box 8002, Rock Hill, New York from the Onondaga City Bid #7974 for Truck and Equipment, per memo dated January 30, 2018 from Thomas E. Chiaverini, Superintendent of Highways.

Execute Design
Salt Storage
Shed

8c. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute Woodard & Curran’s Task Order 2-4.29; to provide the proposed engineering design of a Salt Storage Shed at the Town of Somers Highway Garage.

Authorize MCA
Westchester
Clean Transp.

8d. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Municipal Cooperation Agreement for the Sustainable Westchester Clean Transportation Project.

Authorize
Service Contract
Kinsley Power
Systems

9. RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the Annual Service Agreement with Kinsley Power Systems in the amount of \$3,789.00 for the four (4) power generators and transfer switches at the Primary and Secondary Pump Stations located on Travis Road and the Windsor Road and Clayton Boulevard Sewer Pump Station per memo dated January 29, 2018 from Adam Smith, Superintendent of Water & Sewer.

RFP Boiler
Replacement at
SPD

10a. RESOLVED, that the Town Board does hereby grant permission to solicit Request for Proposals (RFP) for the replacement of the Boiler at the Somers Police Station per memo dated February 2, 2018 from Efrem Citarella, Building Inspector.

RFP Central
A/C
Replacement at
P&R

10b. RESOLVED, that the Town Board does hereby grant permission to solicit Request for Proposals (RFP) for the replacement of the Central Air Conditioning System at Parks & Recreation Office per memo dated February 2, 2018 from Efrem Citarella, Building Inspector.

Bid Ductless
Split Systems
Town House

10c. RESOLVED, that the Town Board does hereby authorize going to bid for Ductless Split Systems on the 1st and 2nd floors of the Town House to provide both air conditioning and heat per memo dated February 2, 2018 from Efrem Citarella, Building Inspector.

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Accept Erosion
Control Bond

11. RESOLVED, that the Town Board does hereby authorize the acceptance of the following Erosion Control Bond per memos dated January 30, 2018 from Wendy Getting, Senior Office Assistant:
- a. \$24,787.00 Somers Crossing (Residential Component) – Erosion Control Bond
– 17.15-1-15.1
 - b. \$7,194.00 Towne Centre at Somers Site Plan – Erosion Control Bond – 17.15-1-13

Execute Consent
Order &
Judgement
Somers Pointe
Country Club

12. RESOLVED, that the Town Board does hereby authorize the Town's Attorneys to execute a Consent Order & Judgement in the following matter: HNA Property Holdings, LLC/Somers Pointe Country Club, LLC. Vs. Town of Somers – Index Nos. 66214-14 et al.

Supervisor Morrissey said that with regard to the discussed Vaping Restrictions, the Town Board was still looking into a proposed legislation that worked for the Town.

Councilman Faulkner said that the Annual SEF Black Jack Ball was Saturday, March 10, 2018. He urged all to attend, more information to follow.

Claims for the payment of all Town Bills in the amount of \$702,666.11 were presented and allowed for payment as shown on the Abstract of Audited Claims on file in the office of the Town Clerk.

Thereupon motion of Supervisor Morrissey, seconded by Councilman Faulkner, the meeting was adjourned at 9:05 PM.

Town Clerk