6:30PM – Executive Session

A. **PLEDGE OF ALLEGIANCE:**

7:00PM – Work Session

B. **PUBLIC HEARING:**

<table>
<thead>
<tr>
<th>PUBLIC COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please limit your comments to no more than 3 minutes.</td>
</tr>
</tbody>
</table>

C. **PARKS & RECREATION:**

1. Authorize the solicitation of Request for Proposals for Reis Park Concession Stand per memo dated October 26, 2018 from Steve Ralston, Parks and Recreation Superintendent.

D. **TOWN BOARD:**

1. 2017 Audit – Discussion – Jeffrey Shaver, O’Connor Davies

2. Westchester EMS Fly Car – Discussion – Al Kim, Westchester EMS
3. The Town Clerk presents the 2019 Tentative Budget to the Town Board.

4. Names of Private Roads in Somers Crossing – Discussion

5. Somers Fire District - Lot 5 of the Somers Realty subdivision #3 – Discussion

6. Authorize Supervisor to approve going to bid for one (1) Chevy Volt to be paid for by NYSERDA grant per email dated October 22, 2018 from Robert Kehoe, Director of Finance.

7. Authorize Supervisor to execute the following:
   a. The Cadel Systems Corporation amendment to contract for installing solar panels at the Highway Garage per memo dated October 25, 2018 from Syrette Dym, Director of Planning.
   b. The Federal Aid – Local Projects Utility Work Agreement regarding the relocation of the Town of Somers sewer mains located on Hill Boulevard in Yorktown per email dated October 17, 2018 from Adam Smith, Superintendent of Water & Sewer.

8. Authorize Supervisor to adopt the Sexual Harassment Policy for All Employers in New York State in the Town of Somers effective immediately.

9. Consideration of amending Zoning Regulations, Section 170-3 to add that a mature cockerel be defined as when it starts crowing per memo dated October 2, 2018 from Thomas Tooma Jr., Building Inspector.

10. Consideration of adopting a resolution either endorsing Putnam County’s or based on Riverkeeper’s model resolution related to concerns over the US Army Corps of Engineers proposals for dealing with storm surge in New York Harbor per memo dated October 9, 2018 from the Somers Open Space Committee.

11. Consideration of a proposed invasive plant local law per memo dated October 25, 2018 from Thomas Tooma Jr., Building Inspector.
E. **FINANCIAL:**

1. Authorize 2018 Budget transfers and modifications per October 25, 2018 email from Robert Kehoe, Director of Finance.

**F. HIGHWAY:** No additional business.

**G. PERSONNEL:**

1. **Current Vacancies:**
   a. Affordable Housing Board (1-2 year term ending 7/11/2019.)
   b. Affordable Housing Board (1-2 year term ending 7/11/2020.)
   c. Parks and Recreation Board (1 - 3-year term ending 3/9/2019.)
   d. Partners in Prevention (2 - 3-year terms ending 12/31/2019.)
   e. Partners in Prevention (2 - 3-year terms ending 12/31/2020.)

2. **Upcoming Vacancies:**
   a. Library Board of Trustees (1 - 4-year term ending 12/31/2018.)
   b. Planning Board (1 - 7-year term ending 12/31/2018.)
   c. Zoning Board (1 - 5-year term ending 12/31/2018.)

3. Authorize promotion of Ms. Barbara Sherry to Planning Board Secretary on a part-time basis working 17 hours per week at an hourly rate of $36.8279 per memo dated October 26, 2018 from Syrette Dym, Director of Planning, effective immediately.

**H. PLANNING & ENGINEERING:** No additional business.

**I. POLICE:** No additional business.

**J. PROPOSED CONSENSUS AGENDA:**

1. Accept the following Erosion Control Bond
   a. $200.00 Erosion Control Bond Mancini/Kolack Stormwater Management and Erosion and Sediment Control Permit - TM: 16.06-1-6
2. Authorize the return of the following Bond per October 9, 2018 memo from Steven Woelfle, Principal Engineering Technician.
   a. $100.00  Erosion Control Bond (Amy Malisse)

3. Authorize the return of the following Permit Extension fee:
   a. $97.00  Permit Extension Fee (Glenn Hintze)

2018 Calendar

November 1, 2018  7:00pm  Town Board Work Session
November 8, 2018  7:00pm  Town Board Regular Meeting
December 6, 2018  7:00pm  Town Board Work Session
December 13, 2018 7:00pm  Town Board Regular Meeting

2019 Calendar

January 3, 2018  7:00pm  Town Board Organizational Meeting
January 10, 2018 7:00pm  Town Board Regular Meeting
October 26, 2018

To: Town Board

From: Steven Ralston
        Superintendent of Parks and Recreation

Re: Request for Approval

Request permission to go to solicit RFP for Reis Park Concession contract.

C: Director of Finance
   Town Clerk
   Park Board
To: The Town Board of Somers
From: Jim Boniello
Re: Names of Private roads in Somers Crossing

To whom it may concern,
We would like to respectfully submit the following road names to be used at Somers Crossing as shown on the attached site plan:

Somers Crossing Drive
Sienna Drive
Spring Meadow Court
Elderberry Court
Amber Lane

Thank you,
Jim Boniello
Kim DeLucia

Sent: Wednesday, October 17, 2018 10:36 AM
To: Kim DeLucia; Syrette Dym

Subject: FW: SOMERS FIRE COMMISSIONERS BOARD MEETING

Dear Rick,

I have been advised the Fire District is interested in obtaining possession of the property. Please place on an upcoming TB meeting agenda.

The Fire District reports their EMS calls for the area are at record levels and they plan to have an EMS vehicle on the site.

Thanks,

Rick Morrissey, MPA

Town Supervisor
Town of Somers
335 Route 202
Somers, NY 10589
Ph: 914-277-3637
Fax: 914-276-0082
supervisor@somersny.com
www.somersny.com

From: Kim DeLucia
Sent: Friday, October 5, 2018 5:06
To: Syrette Dym <sdym@somersny.com>
Cc: Rick Morrissey <supervisor@somersny.com>
Subject: RE: FW: SOMERS FIRE COMMISSIONERS BOARD MEETING

Syrette,

Hi

Rick is meeting with the Fire Commissioners on 10/16. I will wait for direction from Rick as to which agenda to add it to.

Thanks,

Kim

Kim DeLucia
Confidential Secretary
Office of Supervisor Rick Morrissey
TOWN OF SOMERS
335 ROUTE 202
SOMERS, NY 10589
Phone: 914-277-3637
Fax: 914-276-0082
WWW.SOMERSNY.COM

From: Syrette Dym
Sent: Thursday, Oct13, 2018 12:25
To: Kim DeLucia
Cc: Rick Morrissey <supervisor@somersny.com>
Subject: FW: FW: SOMERS FIRE COMMISSIONERS BOARD MEETING

Kim – Please put on the Town Board agenda for October 11 a vote by the Town Board to resolve that Lot 5 of the Somers Realty subdivision #3 be deeded to the Somers Fire District. I have asked Teresa Stegner if there is a Section block and lot number for that parcel.

Syrette Dym, AICP
Director of Planning
Town of Somers
335 Route 202
Somers, NY 10589

914-277-5366 (phone)
914-277-4093 (fax)
sdym@somersny.com
www.somersny.com

From: rbaroni
Sent: Thursday, October 4, 2018 12:02 PM
To: Syrette Dym <sdym@somersny.com>; rbaroni@sbrlaw.com
Cc: Rick Morrissey <supervisor@somersny.com>; Tammi Savva <tsavva@somersny.com>
Subject: Re: FW: SOMERS FIRE COMMISSIONERS BOARD MEETING

I spoke to Linda last evening about it while we were at a meeting elsewhere. Her client will deed the property to whichever entity is requested of him. Therefore a direction from the TB in the form of a resolution directing the property be deeded to the Somers Fire District should be sufficient. Roland

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: Syrette Dym <sdym@somersny.com>
Date: 10/3/18 2:55 PM (GMT-05:00)
To: Syrette Dym, AICP
Cc: Rick Morrissey <supervisor@somersny.com>, Tammi Savva <tsavva@somersny.com>
Subject: FW: SOMERS FIRE COMMISSIONERS BOARD MEETING

Roland called Linda Whitehead on this a week or so ago and apparently she ended up speaking to you about it. In a follow-up e-mail to me she seemed to say Somers Realty was ready to turn the property over to whomever wanted it. But the question is since the resolution and plat say “To be dedicated to the Town of Somers” rather than the Fire District, is there something we need to do to transfer to the Fire District and what is the procedure for all of this? As you can see, Rick would like to know. Thanks.

Syrette Dym, AICP
Director of Planning
From: Tammi Savva  
Sent: Wednesday, October 3, 2018 2:28 PM  
To: Syrette Dum ; Roland Baroni  
Cc: Rick Morrissey <supervisor@somersny.com>  
Subject: FW: SOMERS FIRE COMMISSIONERS BOARD MEETING  
Importance: High

Syrette and Roland,

Per the 9/21/18 email below and 9/1/18 email attached from John Markiewicz, Rick is requesting for information on the land John references for the SFD. Please provide any information to him in preparation for the Somers Fire Commissioners Board Meeting he will be attending on October 16th.

Thank you,

Tammi Savva  
Senior Office Assistant  
Office of Supervisor Rick Morrissey  
Town of Somers  
335 Route 202  
Somers, NY 10589
From: John Markiewicz <jmarkiewicz@somersfd.com>
Sent: Friday, September 21, 2018 7:29 AM
To: Rick Morrissey <supervisor@somersny.com>
Cc: Kim DeLucia <kdelucia@somersny.com>
Subject: Re: SOMERS FIRE COMMISSIONERS BOARD MEETING
Importance: High

Rick;

Our October meeting will take place on Tuesday, October 16 at 7:00 PM. The meeting will take place in the District Office at the LincolnIndale Fire House. Please bring with you the information that was requested in my September 1 email to you. I have also attached information from the Town’s Planning Board, it looks like in 2007 the District was given the property and in 2009 the property was taken away. Again we are looking for official documentation that the property belongs to the fire district.

Thank you,

John J. Markiewicz

Commissioner/Chairman Board of Fire Commissioners

Somers Fire District

From: Rick McRissey <supervisor@somersny.com>
Sent: Thursday, September 20, 2018 6:20 PM
To: John Markiewicz
Cc: Kim DeLuca
Subject: SOMERS FIRE COMMISSIONERS BOARD MEETING
John:

I hope you had a great summer. I would like to get on your next Board to discuss the State Police and future plans for the Public Safety Complex.

Thanks,

Rick

Rick Morrissey, MPA
Town Supervisor

Town of Somers

335 Route 202

Somers, NY 10589

Ph: 914-277-3637

Fax: 914-276-0082

supervisor@somersny.com

www.somersny.com
Kim DeLucia

From: Bob Kehoe
Sent: Monday, October 22, 2018 4:34 PM
To: Kim DeLucia
Cc: Rick Morrissey
Subject: Chevy Volt Bid

Kim,

Can we get this on the November TB agenda?

To be paid for by NYSERDA grant.

Thanks,

Bob
MEMORANDUM

TO: Town of Somers Town Board

FROM: Syrette Dym, Director of Planning

DATE: October 25, 2018

RE: Amendment to Contract for Solar Panels at the Highway Garage

Candela Systems Corporation, the selected bidder to install solar panels at the highway garage annex building funded by a $100,000 SAM grant has requested an amendment to the contract that was approved by the Town Board by Resolution on October 11, 2018. Their requested amendments relate to payment terms and schedule of tasks. See attached.

The Town Attorney has indicated that the Town Board should approve this requested amendment and that it should be attached to the original approved contract once signed.

I am requesting that this item be placed on the Town Board agenda of November 1, 2018 so the Town Board can authorize Rick Morrissey to execute this amendment to the contract.

Cc: Roland Baroni
    Kim DeLucia
    James S. Bernardo
    Chris Hale

Z:\PE\General files\Grants\Solar Power\Solar Panels - Hwy. Garage/Library\Contract\Amendment to contract.docx
RESOLUTION

RESOLVED, that the Town Board does hereby award bid and authorize the Supervisor to execute a contract for placement of Solar Panels on the Highway Garage Annex with Candela Systems Corporation in the amount of $96,203.00 per memo dated October 3, 2018 from Syrette Dym, Director of Planning.

I hereby certify that the foregoing copy of resolution was unanimously adopted by the Town Board of the Town of Somers at a Regular Meeting held on October 11, 2018.

Dated: October 13, 2018

Town Clerk

Cc: Supervisor
    Director of Finance
Cc: Director of Planning
    Candela Systems Corp.
10/22/2018

Town of Somers
332 Route 202
Somers, NY 10589

Dear Syrette,

We would like to request the following items be changed in the agreement for the installation of a solar energy system by Candela Systems.

In item 2, regarding payment, the following payment schedule is requested:
Also, here is the payment terms we normally work with...does this work on your end?
Deposit – 10% (After Site Survey is completed)
Pre-Approval from NYSEG to move forward – schedule installation – 50%
Electrical Inspection Approval – 35%
Final Commissioning/Approval by Town – 5%

In item 3, regarding schedule, the following schedule is requested:

1. Site Survey – 2 weeks
2. Engineering – 3 weeks
3. Application to NYSEG – 8 weeks
4. Scheduling Installation After Approvals received to move forward – 4 weeks
5. Installation – 2 weeks
6. Inspections – 6 weeks
Project Start Date: November 1, 2018
Installation Date: February 2019
Final Commissioning of System: April 2019

Please let us know any comments or questions.

AUTHORIZATION
Executing this contract is an authorization to proceed on the work outlined for the fee structure and time frame identified.

Submitted by: Jbernardo@candelasystems.com

Authorized to Proceed:

Rick Morrissey
Supervisor
Town of Somers
Hello Rick,

Attached is a proposed agreement regarding the relocation of the Town of Somers sewer mains located on Hill Boulevard in Yorktown. The purpose of the relocation is for the construction of a new bridge. This work will not affect our operations but will require the department staff to divert the sewer flows from one forced main to another during the relocation.

This agreement will require your approval.

Thank you,

Adam Smith  
Superintendent of Water & Sewer  
Town of Somers  
Phone & Fax: (914) 248-5181  
Mobile Phone: (914) 804-6543

From: Sicuranzo, Jennifer [mailto:Jennifer.Sicuranzo@wsp.com]  
Sent: Thursday, October 11, 2018 3:04 PM  
To: Adam Smith <asmith@somersny.com>  
Subject: Hill Blvd - Utility Agreement, Town of Somers Sewer

Adam,

Attached please find the utility agreement regarding the removal and replacement of the sewer mains owned by the Town of Somers. This purpose of this agreement is to notify you of the proposed plan and to confirm the Town of Somers is in agreement with the proposed work. If you have any questions comments or concerns, please let me know, otherwise please return a signed copy of the attached agreement.

Regards,

Jennifer Sicuranzo, P.E.  
Design Engineer  
Transportation and Infrastructure

Phone: +1 (914) 449-9047  
Email: Jennifer.sicuranzo@wsp.com

WSP USA  
555 Pleasantville Rd  
South Building  
Briarcliff Manor, NY 10510
FEDERAL AID - LOCAL PROJECTS UTILITY WORK AGREEMENT

SPONSOR'S NAME  Town of Yorktown .

Since the construction, reconstruction, or maintenance of the transportation project described below, identified as:

| Project Identification No.: 8761.66 | F.A. Project No.: TBD |
| ROW Declaration No.: N/A            | Map Nos.: 1-2          |
| Parcel Nos.: 1-2                    | County of: Westchester |
| Contract No.: TBD                   |                        |

Project Description: Hill Blvd over Barger Brook Tributary Bridge Replacement

necessitates the adjustment of utility facilities as hereinafter described, the owner, Town of Somers, of said facilities herewith agrees with the Sponsor that this agreement shall apply to the accommodation of these utility facilities. Any adjustment of said facilities will be accomplished under the terms of this agreement, in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way, in compliance with the attached Special Note "Coordination with the Utility Schedule," and in accordance with the contract plans, specifications, proposal, amendment(s), or change order(s).

I. Existing Facilities

6" and 8" DIP sewer force mains. The existing sewer mains are to be removed and relocated from station 11+91.2 to station 13+09.2. The sewer mains will be relocated east of the existing sewer mains underneath the bridge invert slab as indicated in the attached plans. Work shall be performed in accordance with the agreed time frames outlined in the "SPECIAL NOTE – COORDINATION WITH UTILITY SCHEDULE".

II. Financial Responsibility in accordance with Section 81 of the Highway Law (check appropriate boxes):

☐ A. The facilities to be adjusted under the terms of this agreement are subject to Section 52 of the State Highway Law, and the cost of this adjustment is the sole responsibility of the owner.

☐ B. Subdivision 24 of Section 10 of the State Highway Law enables the Sponsor to provide at the expense of the State, for adjustment to a municipally owned utility when such work is necessary as a result of State highway work.

☐ C. Subdivision 24-b of Section 10 of the State Highway Law enables the Sponsor to participate in the necessary expenses incurred for adjustment of privately, publicly or cooperatively owned facilities, municipal utility facilities, or facilities of a corporation organized pursuant to the State Transportation Corporations law.

☐ D. The owner will develop and keep a record of costs in accordance with the New York State Department of Transportation (NYSDOT) Highway Design Manual Chapter 13
and Highway Design Manual Appendix 13G, and with the Federal Highway Administration (FHWA) Federal-Aid Policy Guide Part 645, or as indicated below:

III. **Physical Adjustment Method** (check appropriate boxes):

The actual adjustment or design engineering will be performed by the following method(s):

- 1) Contract let by the Sponsor
- 2) Contract let by the Owner, (check applicable statement)
  - a. Best Interests of Sponsor.
  - b. Owner not sufficiently staffed or equipped.
- 3) By the Owner’s forces

IV. **Betterment, Salvage, and Depreciation Credits Due the Project** (check appropriate boxes):

- 1) There will be no extension of service life, improved capacity or any other betterment of the facility (as defined by the NYSDOT Utility Reimbursement Procedures and by FHWA Federal-Aid Policy Guide Part 645) as a result of the adjustments made pursuant to this agreement.
- 2) There is betterment described as follows:

  New 6" and 8" Ductile Iron Pipes will be installed offset from the existing by 12' and tied into the existing at stations 11+91.2 and station 13+09.2.

- 3) The owner will not claim reimbursement for that betterment portion of the work, but will duly account for it as required by applicable NYSDOT and FHWA procedures.

- 4) The owner agrees to comply with the requirements of the NYSDOT Utility Reimbursement Procedure and FHWA Federal-Aid policy Guide Part 645 with the respect to salvage and depreciation credits when applicable.

V. **General Covenants**

The owner hereby agrees to accept full title and responsibility for the adjusted facility in writing upon satisfactory completion of the work. Such acceptance will acknowledge the owner’s responsibility to maintain the facility in accordance with all applicable codes, standards and regulations, including his obligation, where applicable, to remove any or all of the facility from the highway all in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way. All compensable claims covered by this agreement will be included in one of the following:

1) A Privately Owned Property Agreement executed prior to the performance of the work.
2) A Municipal Agreement executed prior to performance of the work.
3) Such other agreement as approved by NYSDOT Legal Affairs Division.

VI. **References**
The following documents are hereewith incorporated in this agreement be reference (check appropriate boxes)

- B. Contract documents:
  - Contract number: TBD
  - Capital PIN: 8761.66
  - Plan sheets No.: HB-7, HB-8, HB-13, HB-19, HB-20

- C. Owner’s plan sheets

- D. Owner’s estimate sheets form No.

- E. Resolution dated __________, by ______________________
  - Granting the Sponsor authority to perform the adjustment for the owner.
  - Agreeing to maintain facilities adjusted via Local-let contract.

- F. Certification by the owner or his agent that he has the legal authority to enter into this agreement.

Town of Somers Water & Sewer Department

(Print/Type Name) (Signature) Title Date

Town of Yorktown

(Print/Type Name) (Signature) Title Date

NYSDOT Commissioner of Transportation

(Print/Type Name) (Signature) Title Date
Special Note 6:
Coordination with the Utility Schedule

The Contractor shall become familiar with all provisions of Section 107-07, “Protection of Underground Facilities” of the Standard Specifications. The Contractor shall use the necessary precautions to prevent damage to pipes, conduits, and other underground facilities. All costs associated with verification of the location of underground facilities pursuant to 16 NYCRR 753 Protection of Underground Facilities, as amended, shall be included in the prices bid for the respective contract items involved.

The Contractor’s attention is directed to Section 107-05 J, “Electrical Safety”, of the Standard Specifications with regard to construction operations that could cause employees or the vehicles or equipment they are operating to come into contact with (“direct contact”) or enter into dangerous proximity to (“indirect contact”) energized electrical systems. Electrical systems shall be assumed to be energized high voltage until verified otherwise by the Utility. The Contractor shall identify and reference all potential electrical hazards and document such actions to the Engineer as part of the Project Safety and Health Plan.

All utility company forces and/or their subcontractors shall conduct their operations to ensure the safety and convenience of travelers and abutting property owners as well as the safety of all workers on the contract. Travelers include, but may not be limited to motorists, motorcyclists, bicyclists and pedestrians. All utility company forces and/or their subcontractors shall maintain public access to intersecting roads, business establishments, adjacent property, bus stops and transportation facilities for vehicles, pedestrians, and bicyclists. Additionally, while performing their work, all utility company forces and/or their subcontractors shall provide and maintain accommodations for safe pedestrian passage on at least one side of the roadway at all times, unless other temporary pedestrian accommodations are approved by the Engineer.

The Contractor must coordinate his schedule of operations with the various Utility owners involved with the project and shall verify utility information found in the contract documents.

Utility adjustment and/or relocations required by the various Utility owners in connection with PIN 8761.66 – Replacement of the Hill Boulevard Bridge include:

Con Edison (gas)
Con Edison gas facilities are located near the east curb line of the Hill Boulevard Bridge. Relocation of the 6” gas main to an elevation at least 4’ below the proposed bridge excavation limit is scheduled to be performed prior to the Contractor beginning work on the site. Con Edison forces will complete the work no later than April 1, 2019. The Contractor is to coordinate directly with Con Edison before beginning excavation work to confirm elevation and location of the relocated gas main.

Town of Yorktown (sewer)
The Contractor shall field verify the location of the existing 10” gravity sewer main along the west curb line of the Hill Boulevard Bridge with respect to existing and proposed construction. The Contractor shall install a temporary sewer main and maintain sewer flow at all times during construction as indicated in the contract documents. The Contractor shall perform the proposed sewer main work as shown in the contract plans. The Contractor shall coordinate with the Engineer and the Town of Yorktown throughout these operations.

Appendix B - 8
Town of Somers (sewer)
The Contractor shall verify the locations of the existing 6" and 8" sanitary sewer force mains within the median of the Hill Boulevard Bridge with respect to existing and proposed construction. The Contractor shall install the permanent sewer mains as shown in the contract plans. Connections of the existing mains to the proposed mains shall proceed with no interruptions in service. The Contractor shall coordinate with the Engineer and the Town of Somers throughout these operations.

Town of Yorktown (water)
The Contractor shall verify the locations of the existing 12" water main along the west curb line of the Hill Boulevard Bridge with respect to existing and proposed construction. The Contractor shall install the permanent water main as shown in the contract plans. Connection of the existing main to the proposed main shall proceed with no interruptions in service. The Contractor shall coordinate with the Engineer and the Town of Yorktown throughout these operations.

Utility adjustment and/or relocations required by the various Utility owners in connection with PIN 8761.71 – Replacement of the Veterans Road Culvert include:

Verizon Communications
Verizon shares ownership of the two utility poles in the project area with NYSEG. A support strand crosses Veterans Road between these existing poles at stations V11+61 and V12+44. This strand will be removed by Verizon forces and a new anchor will be installed on each of the utility poles.

Verizon’s work shall proceed in a continuous manner from start to finish by Verizon forces for a duration of two (2) calendar weeks. Verizon shall be given two (2) calendar weeks’ notice in order to proceed with their portion of the work.

Altice USA
Altice USA aerial wire crossing Veterans Road between two existing poles at stations V11+61 and V12+44 within the Town of Yorktown Right-of-Way as shown on the plans for the proposed transportation project are to be adjusted as follows:

The aerial wire is to be temporarily raised between the two existing poles in the project vicinity to achieve a minimum 22’ vertical clearance. The wire shall be relocated by Altice USA forces in a continuous manner from start to finish by Altice’s contractor for a duration of two (2) calendar weeks. Altice shall be given two (2) calendar weeks’ notice in order to proceed with their portion of the work.

New York State Electric and Gas Corporation
NYSEG Aerial electrical distribution lines crossing Veterans Road between two poles at stations V11+61 and V12+44 within the Town of Yorktown Right-of-Way as shown on the plans for the proposed transportation project are to be adjusted as follows: The electrical distribution lines are to be de-energized during crane operations necessary for the placement of the box culvert units. NYSEG shall be given two (2) calendar weeks’ notice in order to proceed with their portion of the work.

Crown Castle International Corp.
Crown Castle aerial wire crosses Veterans Road between stations V11+61 and V12+44 within the Town of Yorktown Right-of-Way as shown on the plans for the proposed transportation project are to be adjusted as follows:

Appendix B - 9
The aerial wire is to be temporarily relocated along the north side of Veterans Road. The wire shall be relocated by Crown Castle forces. Crown Castle’s portion of the work shall proceed in a continuous manner from start to finish for a duration of two (2) calendar weeks. Crown Castle shall be given eight (8) calendar weeks’ notice in order to proceed with their portion of the work.

Town of Yorktown (water)
The Contractor shall field verify the location of the existing 12” water main within the project limits of the Veterans Road Culvert with respect to existing and proposed construction. The Contractor shall install the permanent water main as shown in the contract plans. Connection of the existing main to the proposed main shall proceed with no interruptions in service. The Contractor shall coordinate with the Engineer and the Town of Yorktown throughout these operations.

General
The above time periods do not apply to any corrective work to repair damage done by the Contractor to existing utility facilities. Those repairs may require time beyond those mentioned above. Also, all time periods are exclusive of frost periods and may be further extended if other natural deterrents occur that the Engineer judges to justify such extension.

In addition to the above listed utility efforts, others may become necessary during the construction phase as a result of more precise location data or other changes that might develop. These relocations are to be performed by the utility companies coordinating with the Contractor. These additions are not subject to the above-mentioned time frames and the actual time frame is to be determined by the Engineer considering the utility companies’ scheduling.

All known existing public and private utility lines within or adjacent to the site of the work are shown in their approximate locations on the contract plans. The Contractor is cautioned that these locations are not guaranteed, nor is there a guarantee that all such lines in existence have been shown on the plans.

The Contractor is referred to the provisions of the General Specifications that govern his responsibility for the protection and support of all utilities facilities encountered during his work. The Contractor shall conduct his operations as to prevent damage to such facilities. He shall make such explorations as may be necessary to determine the dimensions and locations of lines that may be subject to damage. Notification to the various owners of facilities shall be given in accordance with New York State Industrial Code 753.

The Contractor shall make good any damage to those utilities caused by his operations. If the nature of the damage is such as to endanger the satisfactory operations of the utilities and the necessary repairs are not immediately made by the Contractor, the work may be done by the respective owning companies and the cost thereof charged against the Contractor.

Prior to the commencement of construction, the Contractor shall meet with all the known public and private utility companies occupying the work site. The Contractor shall, at this meeting, inform the utility companies of his schedule of operations and so coordinate his work with these companies.

Contact Information:
Project Utility Contacts are listed below. They are subject to change throughout the project and it is the Contractor's responsibility to maintain the proper contacts for each agency for the life of the project.

<table>
<thead>
<tr>
<th>Company</th>
<th>Contact Name</th>
<th>Phone Number</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Con Edison (Gas)</td>
<td>Rilwan Durosinmi</td>
<td>(917) 418-6517</td>
<td>Supervisor</td>
</tr>
<tr>
<td></td>
<td>Mike Sanchik</td>
<td>(718) 839-1514</td>
<td>Supervisor</td>
</tr>
<tr>
<td>NYSEG</td>
<td>Rob McDonough</td>
<td>(585) 484-2233</td>
<td>Supervisor</td>
</tr>
<tr>
<td>Altice USA</td>
<td>Thomas Keenan</td>
<td>(845) 296-3533</td>
<td>Crew Chief</td>
</tr>
<tr>
<td>Crown Castle International</td>
<td>Richard Pitz</td>
<td>(845) 554-6091</td>
<td>Supervisor</td>
</tr>
<tr>
<td>Verizon</td>
<td>Thomas Mcardle</td>
<td>(914) 741-8740</td>
<td>Supervisor</td>
</tr>
<tr>
<td>Town of Yorktown Water</td>
<td>Ken Rundle</td>
<td>(914) 245-6111</td>
<td>Superintendent</td>
</tr>
<tr>
<td>Town of Yorktown Sewer</td>
<td>Ed Mahoney</td>
<td>(914) 245-3510</td>
<td>Superintendent</td>
</tr>
<tr>
<td>Town of Somers Sewer</td>
<td>Adam Smith</td>
<td>(914) 248-5181</td>
<td>Superintendent</td>
</tr>
</tbody>
</table>

Appendix B - 1
Introduction

The Town of Somers is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Town of Somers commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the Town of Somers. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. The Town of Somers policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the Town of Somers. In the remainder of this document, the term “employees” refers to this collective group.

2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).

3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Town of Somers will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the Town of Somers who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or Kim DeLucia in the Supervisor’s Office. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

¹ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.
² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Town of Somers to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

5. The Town of Somers will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The Town of Somers will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Town of Somers will provide all employees a complaint form for employees to report harassment and file complaints.

7. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to Kim DeLucia in the Supervisor’s office.

8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

What Is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;

- Such conduct is made either explicitly or implicitly a term or condition of employment; or

- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an
individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee’s body or poking another employee’s body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.

- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target’s job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.

- Sexually oriented gestures, noises, remarks or jokes, or comments about a person’s sexuality or sexual experience, which create a hostile work environment.

- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people’s ideas or perceptions about how individuals of a particular sex should act or look.

- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.

- Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job;
  - Sabotaging an individual’s work;
  - Bullying, yelling, name-calling.
Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;

- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;

- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;

- reported that another employee has been sexually harassed; or

- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.
Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. The Town of Somers cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or Kim DeLucia in the Supervisor’s office. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or Kim DeLucia in the Supervisor’s office.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee’s behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to Kim DeLucia in the Supervisor’s office.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.
Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Town of Somers will not tolerate retaliation against employees who file complaints, support another’s complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, Kim DeLucia in the Supervisor’s office will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.

- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.

- Request and review all relevant documents, including all electronic communications.

- Interview all parties involved, including any relevant witnesses;

- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).

- Keep the written documentation and associated documents in a secure and confidential location.

- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.

- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.
Legal Protections And External Remedies

Sexual harassment is not only prohibited by the Town of Somers but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Town of Somers, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Town of Somers does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.
Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.
MEMO TO: Town Board

FROM: Thomas J. Tooma, Jr. Acting Building Inspector

RE: Addition to the Code of the Town of Somers

DATE: October 2, 2018

At their September 11, 2018 meeting, the Zoning Board of Appeals entertained an application requesting that the interpretation of the Building Inspector be modified to define a mature cockerel not on the basis of age, but on the basis of it being able to crow. A motion was made that a mature cockerel be defined as when it starts crowing. It was seconded and all were in favor.

I respectfully request that this definition be added to §170-3 of the Code of the Town of Somers.

TT/ds
MEMO TO: Somers Town Board

FROM: Somers Open Space Committee

RE: Resolution Request

DATE: October 9, 2018

The Somers Open Space Committee offers the attached letter as a reason for the Town Board to consider joining a long list of municipalities that have voiced concern over the US Army Corps of Engineers proposals for dealing with storm surge in New York Harbor. The Committee is especially concerned about the gigantic scope of many of the proposals and the likely increase in flooding in Somers and surrounding communities. There has been little information shared by the Corps regarding the basis on which it is evaluating these proposals, nor sufficient opportunity for public comment.

The Somers Open Committee therefore urges the Somers Town Board to send a resolution either endorsing Putnam County's or based on Riverkeeper's model resolution, both of which are attached to this memo. Please note that a large number of towns and cities up and down the Hudson River have done likewise. The Somers Open Space Committee also recommends that members of the Town Board take a look at the information shared on Riverkeeper's website in regard to this project.

attachments
We can also expect sea level rise of some significant amount over the ensuing decades and century. As many have pointed out, higher sea levels would require the gates on proposed barriers to be closed more and more often as smaller and smaller storms threaten greater flooding. In fact, it isn’t inconceivable that with sufficient sea-level increases, tidal flooding could become a regular issue requiring near constant closure of barriers. The result for us upstream, would be an increasing danger of near constant flooding.

Alternatives such as the “Big U” mentioned in the Corps “Alternative 5” and which rely on ‘green infrastructure’ as well as the careful use of flood walls and levees in strategic locations represent a possibility that is both far less costly and poses far less risk, especially to upstream communities. There is a further virtue to such an approach. Should a monumental storm surge barrier that costs tens of billions of dollars to build fail or become ineffective due to, for example, sea level rise, we face an enormous challenge to muster the resources to fix or replace it. Furthermore, its enormous size and complexity might preclude making incremental improvements and repairs to improve its performance. However, the smaller projects associated with the shoreline enhancements gestured at in Alternative 5 are repairable, improvable, or replaceable without necessarily unduly straining our economic and engineering resources.

Whatever comes out of the feasibility study or the ongoing deliberations over addressing storm damage and climate change, we would hope that decisions would be made with far more investigation of the alternatives and their environmental impact. We are dismayed that the amount of documentation shared with the public is less than would be available with an ordinary housing development proposal. The same is true with regard to the comment period associated with this study. We urge more study, more information sharing, and more time to meet with the public and consider the issues, at the very least.

Sincerely,

Michael Barnhart, Chairman
Town of Somers Open Space Committee
RESOLVED, that the Putnam County Legislature does hereby request that the scoping comment period be extended from the current seventy (70) days to at least ninety (90) days; and be it further

RESOLVED, that the Putnam County Legislature does hereby request that more information on the proposed storm surge barriers be shared with the public, including those studies reviewed, or that will be reviewed, by USACE to evaluate alternatives; and be it further

RESOLVED, that the Putnam County Legislature does hereby request additional public scoping meetings across New York City, Long Island, and the Hudson Valley; and be it further

RESOLVED, that copies of this resolution shall be delivered to NYSDEC Commissioner Basil Seggos; USACE New York District Project Manager Bryce Wisemiller; and Nancy J. Brighton, Chief, Watershed Section, Environmental Analysis Branch, Planning Division, USACE.

BY ROLL CALL VOTE: EIGHT AYES. ONE NAY – LEGISLATOR NACERINO. MOTION CARRIES.
WHEREAS, USACE intends to narrow the six options down to one or two by this fall (2018). The one or two “tentatively selected plan(s)” will be the subject of a Draft Feasibility Report and Environmental Impact Statement this fall. USACE has opened a public comment period, ending November 5, to consider the “scope” of issues it should study in that preliminary environmental review.

WHEREAS, The limited number of meetings is inadequate given the enormous scale of the project.

WHEREAS, Several of these plans – specifically, the ones including giant in-water barriers throughout NY Harbor (Alternatives 2, 3A, 3B & 4) – threaten the very existence of the Hudson as a living river. These in-water barriers would disrupt the migrations of the river’s iconic species (striped bass, Atlantic sturgeon, herring, shad, eel) and restrict tidal exchange, essential in numerous ways: from moving sediment and flushing contaminants from the Harbor, to regulating nutrient distribution and adequate dissolved oxygen.

WHEREAS, In-water barriers would not protect against flooding from sea-level rise – only from storms. With gates that must be open for ships to pass, the in-water barriers would do nothing against sea-level rise. By contrast, shoreline measures (Alternatives 5 and 1 combined) can protect against flooding from both storms and sea level rise, and can be more easily heightened as projections evolve.

WHEREAS, Deflection or induced flooding in nearby unprotected shorelines may be a fatal flaw to these alternatives. Areas such as the Jersey shore, the south shore of Long Island, western Long Island Sound, and the Lower Bay of New York Harbor would be at risk. In-water barriers could hold back rainstorm flood waters, as we experienced during storms like Irene and Lee in 2011, from leaving the Hudson. This could cause fresh water flooding inland of the barriers.

WHEREAS, USACE estimates $30 billion to $50 billion to build the in-water barriers in Alternative 2, with annual maintenance likely costing billions without even addressing sea level rise.

WHEREAS, Alternative 5 — shoreline and nature-based measures (dunes, dikes, floodwalls, and levees) — is estimated at $2 billion to $4 billion. It is the only alternative that addresses both storm surge and sea level rise, while leaving the river to flow freely.

WHEREAS, The economy and culture of the Hudson River Valley is intimately tied to the health of the Hudson River, including the migrations of its signature fish. Tourism generates more than $5.3 billion annually.

WHEREAS, Non-federal sponsors of the study include New York State, represented by the NYSDEC and New Jersey, represented by the NJ Department of Environmental Protection. NY and NJ thereby have the authority to withdraw from the study or to reject any construction alternative.

NOW THEREFORE BE IT RESOLVED, That we, the elected representatives of [insert name of municipality] in [county] in the Hudson Valley, cannot comment effectively, as is our legal right,
Water quality in the harbor, rivers and bays.
Dissolved oxygen levels throughout the study area.
Salinity throughout the study area.
Water temperature throughout the study area.
Nutrient concentrations throughout the study area.
Frequency of algae blooms throughout the study area.
The degree and cost of wastewater treatment required to comply with the Clean Water Act, in
light of reduced tidal exchange / flushing.
Induced coastal flooding or deflection of storm surge to areas adjacent to any barrier alternatives.
Back-flooding inland of any barriers due to heavy rain events.
Commercial shipping.
Recreational boating.
Cost to state taxpayers for future operation and maintenance of ship and tide gates in any barriers.

Respectfully,

[signatures]

For more information:
MEMO TO: Town Board

FROM: Thomas J. Tooma, Jr.
Building Inspector

RE: Invasive Plant Local Law Referral

DATE: October 25, 2018

At the recommendation of the Somers Open Space Committee in their memo to the Town Board dated October 16, 2018, I request that this be added to the agenda of the November Town Board meeting so it can be adopted as a local law.

TT.cs

attachment
MEMO TO: Somers Town Board

FROM: Somers Open Space Committee

RE: Invasive Plant Local Law Referral

DATE: October 16, 2018

At the July 12, 2018 Town Board meeting a resolution was passed about enacting a local law concerning invasive plants, in particular bamboo. It was referred to the Open Space Committee for review and comment. The Committee's comments are as follows:

The New York State DEC has current prohibited and regulated invasive plants which includes golden bamboo and yellow groove bamboo. Prohibited bamboo cannot be knowingly possessed with the intent to sell, import, purchase, transport or introduce. These are what is known as running bamboo.

The local issue is regulating and maintaining the existing plantings of running bamboo in the Town of Somers, as well as clumping bamboo (Bambusa, Dendrocalamus). The most significant issue is the encroachment of existing plants on neighboring properties, sensitive areas such as wetlands, buffer areas or the movement of these plants to another property unknowingly. unknowing invasive plant movement can be caused by wildlife, storm water, wind and routine landscaping activities.

The Village of Saltaire in Bay Shore, New York has a regulation of bamboo that cover all bamboo (their regulation was attached to the documentation the Committee received). This regulation addresses the key issues that were part of the current town resident's complaint.

The Open Space Committee recommendation is that we propose the Village of Saltaire regulation.
Kim,

For November meeting.

Thanks,

Bob
## 2018 Budget Transfer

### FROM:

<table>
<thead>
<tr>
<th>FUND</th>
<th>ACCOUNT CODE</th>
<th>ACCOUNT NAME</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>9060 08</td>
<td>Health Insurance</td>
<td>$45,800.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Total</strong></td>
<td><strong>$45,800.00</strong></td>
</tr>
</tbody>
</table>

### TO:

<table>
<thead>
<tr>
<th>FUND</th>
<th>ACCOUNT CODE</th>
<th>ACCOUNT NAME</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>4322 041</td>
<td>Shelter</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>1</td>
<td>7310 01</td>
<td>Youth Programs Personal Services</td>
<td>$4,200.00</td>
</tr>
<tr>
<td>1</td>
<td>1930 04</td>
<td>Judgement &amp; Claims Contractual Expense</td>
<td>$35,000.00</td>
</tr>
<tr>
<td>1</td>
<td>1950 04</td>
<td>Taxes on Town Owned Property</td>
<td>$3,600.00</td>
</tr>
<tr>
<td>1</td>
<td>1660 04</td>
<td>Central Supply Contractual Expense</td>
<td>$1,500.00</td>
</tr>
</tbody>
</table>

**Total:** $45,800.00

### Explanation:

To cover budget overages for 2018.

### Signature:

Bob Kehoe, Director of Finance

**Date:** 10/25/2018
MEMORANDUM

TO: Town of Somers Town Board

FROM: Syrette Dym, Director of Planning

DATE: October 26, 2018

RE: Change of Title for Barbara Sherry

Since Marilyn Murphy has now officially requested to vacate her position as Planning Board Secretary and that request has been acted on by the Town Board, I am requesting that the Town Board give that title as a part time position to Barbara Sherry, who has been acting in that capacity for the past year. Barbara’s current title is Intermediate Clerk Part Time. Her rate of pay would be $36.8279/hour and the position would be for 17 hours per week. Please make this change of title immediate upon approval by the Town Board.

I am requesting that this be placed on the Town Board agendas of November 1 and 8, 2018.

Cc: Kim DeLucia
    Patricia Kalba
Date: October 24, 2018

To: Director of Finance T10(914)

From: Wendy Getting
Senior Office Assistant

RE: Erosion Control Bond
Mancini/Kolack Stormwater Management and Erosion and Sediment
Control Permit
TM: 16.08-1-5

Attached is a check in the amount of $200.00 posted by Richard Mancini,
in payment of an Erosion Control Bond.

Att.
cc: Town Board
    Town Clerk
October 9, 2018

Town Board

From: Steven Woelfle
Principal Engineering Technician

To: Malisse Erosion/Sediment Control Permit JESG#2068-29

Resume: 27.08-2-2.4

Release of Erosion Control Bond

Check received May 5, 2018

This office tried to contact Mr. and Mrs. Malisse a number of times with regards to the return of their Erosion Control Bond and there was no response. Therefore, the Town Board authorized the Erosion Control Bond be transferred to the General Fund by Town Board resolution dated December 18, 2017.

However, on October 4, 2018, Mrs. Amy Malisse has requested a final inspection and the return of her Erosion Control Bond. Therefore, this office has no objection to the return of the Erosion Control Bond in the amount of $100.00.

Please return to:

Amy Malisse

SW/wg

cc: Town Clerk
Director of Finance
Amy Malisse