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SE Town Board Work Session 7/6/06

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Hi All,

Mon Jul 10, 2006 6:07 pm

As has become my custom I attended the Southeast Town Board Work Session this past Thursday night.

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I had been looking forward to this one for weeks as I knew that the Garbage Contract would be discussed. What I was totally unprepared for was a special guest appearance (drum roll and trumpet fanfare please) of Paul DiNardo of AWS fame. For those readers that may not know, Mr. DiNardo was recently indicted for racketeering and mail fraud.

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The other highlight (read: lowlight) of the meeting centered around 'High Meadow Farm' fondly renamed 'Low Swamp' by those who've actually seen the property. This one gets the seldom awarded 'Let's Rewrite History' plaque. And I can't for the life of me figure how this happened.

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Oh, under the 'timing is everything' banner Town Attorney, Willis Stephens, didn't arrive until the tail end of the meeting. Given the complexity of the garbage situation I really don't get it. Despite two attorneys sitting on the Board I believe that SE should have had counsel present for the DiNardo tete-a-tete.

As always the opinions expressed are biased and (this one's for you, Ms. French) 'catty' as well. They are nothing more than my twisted take on life in SE. My written comments reflect no board or organization that'll have me. Finally, sorry for the length here but who doesn't love a good garbage and/or swamp story!

AGENDA:

1. Draft Garbage Contract:

Mr. DiNardo representing AWS had asked to speak to the entire TB. He assured the Board that operations were running smoothly under US marshal oversight. A federal marshal, Lenny Briskin (ed. note: not sure if this last name is correct) was supposed to accompany Mr. DiNardo to the meeting but was unable to attend. Mr. DiNardo said that the US marshals oversee day to day work and accounting.

SE Special District Manager, Michael Levine, concurred with Mr. DiNardo's assessment. He then went over the bidding guideline time frame: Contract would be put out to bid in August. Bids opened in September and awarded in October.

Councilman Johnson was concerned that this would not allow enough time for a new company to set up operations by January 1.

There was discussion about passing a local law to set parameters and ethical standards for choosing a carting company. This would be similar to the Westchester guidelines that help protect communities from companies that might be less than reputable. Councilman Bonanno stated that under Westchester guidelines AWS wouldn't even be allowed to bid.

Mr. DiNardo said that the most important piece of a viable carting firm is the reliability of their transfer station.

Councilman Johnson averred that he would like to see two bulk pick-ups a year, there is currently one. Audience member Cathy Croft suggested that the TB get bids without any bulk pick-ups. The Board felt that this would lead to town-wide dumping.

I suggested that the town solicit three separate bids. 0 bulk pick-ups, 1 bulk pick-up and 2 bulk pick-ups. This way they would actually have a figure of how much these pick-ups add to our garbage bill. Mr. Johnson vehemently disagreed saying that this option would, 'set the town back years'. Mr. DiNardo stated that there is now an 'on demand' bulk pick-up for a fee.

Michael Levine explained that next year's garbage bills could range from \$290 per household per year to around \$400 (and this is if there is a 30% increase). The current cost is \$282.

EXECUTIVE SESSION:

An Executive Session was called with Michael Levine to be present as it involves possible litigation.

2. Wetlands Permit: Salmons Daily Brook:

This is lot 49 in what was the old Milltown Estates. It was approved back in 1987 and the permit expired. Nearly the entire lot in a regulated (wetland buffer) area according to project engineer Joe Buzinski. The TB showed concern over a neighboring home as the basement (formerly dry) has become wet. Lot 49 owner, developer Ross Allen, said he was working with the homeowner investigating the cause. The septic system on lot 49 needs adjustment and new drawings are needed.

3. Wetlands Permit:- Penella (Fields Lane):

This project is going back to the Planning Board for an 80% warehouse 20% office split [Ed. note: a 90%/10% split was recently denied by the TB]. Extra parking spaces needed to be added. Previous pavers will be used. There will be a Public Hearing on the Special Permit.

4. Variance on the Moratorium- Super Value Inc, 1485 Route 22:

Applicant did not show up.

5. Highway Budget:

There have been problems with 2 large vehicles. One is the Putnam County Vac and the other a large tandem axle. Repairs for both will run around \$12,000 which might exceed the repair line in the Highway Budget. Superintendent Lawler was keeping the TB apprised.

Due to the conditions of the village roads more truck springs than usual were broken last winter.

The expectation is that the Highway Budget will need to be substantially increased for 2007 and this was also discussed.

6. International Blvd.- Road Dedication

The Board spoke briefly about this but I couldn't hear what was said.

7. High Meadow Farm:

This project is owned by Ross Allen and Harry Nichols is the engineer. This was originally 4 lots and was reduced to 3 [Ed. note: A variance was applied for a fourth lot and denied]. Mr. Nichols stated that the ACoE had declined to take an interest in the project. The DEP has approved the wetlands crossing and septic system. There will be an expansion area in the buffer.

Supervisor Dunford stated that the applicant had been 'jerked around long enough on this'. Then there was a discussion on the vote taken at the May Conservation Commission. The TB felt that the original vote, taken in May, had been 4 to 2 and was changed to 3 to 3 at the June meeting. Thus the TB felt that the Conservation Commission had recommended granting a Wetlands Permit.

This will be on the July 20th TB meeting.

COMMENTS:

1. Draft Garbage Contract:

Where to begin on this gem.

Oh, let's see... why don't we start with the obvious.

The indictments (including Mr. DiNardo's) broke on June 9th and Councilman Johnson is just now concerned that there might not be time to put this out to bid. Huh? I can't believe that bidding out the garbage contract didn't become job 1 as soon as the indictments were announced.

That said, Mr. Johnson's 'bulk pick-up' fetish was also bizarre. I mean, I'm sorry he as has a lot of 'stuff' to dispose of but I, for one, would like to see what the contract would cost with the three different options listed above.

Councilman Bonanno was the only Board member who asked penetrating questions. And I just loved when he called DiNardo on some of the BS. Mr. DiNardo said that one of the reasons the federal marshals were there was to see that AWS stayed in business. Mr. B. quickly dispelled this notion.

Councilman Bonanno also seemed far more concerned than the other Board members as far as about having solid waste guidelines on the books.

Yeah, it appears that if (and amazingly it's still an 'if') the contract is put out to bid AWS will be bidding.

And finally, what I have to ask myself is this. If last year's fabulous, best-deal-in-the-world contract wasn't making pretty good money for AWS does anyone really believe that Mr. DiNardo would have wasted his time in front of this Board? I know well that a good legal defense costs a bundle so I'm thinking AWS really needs this job.

Executive Session:

As best I can figure, since Michael Levine sat in this must involve possible litigation within a 'Special District'. No other information was forthcoming.

2. Wetlands Permit:Salmons Daily Brook

Nearly the entire lot is in the wetlands buffer area. What's to say.

3. Wetlands Permit: Penella

Sure, I hate this project. More swill for Fields Lane and more wetlands encroachment. While I was relieved that the 90% / 10% split was denied I wonder if Mr. Penella was advised of this possibility early on. It still seems to me that all applicants are not treated equally and this is what opens up SE to avoidable and costly litigation.

4. Highway Budget:

Or: Every cloud has a silver lining...

First of all I think that Mr. Lawler is an exemplary public servant and Highway Superintendent. And I think meeting with the entire Board to apprise them of possible budget woes makes great sense. Particularly in light of the fact that there may big increases requested for '07.

Of course I also love that this will leave less funding available to pave Maple Road. Selfish? You bet. And fortunately there are at least 700 other local residents who agree.

7. High Meadow Farm: Welfare Road

Scheesh, I can't begin to unravel this twisted tale. But, I'll try.

First, I just love when the applicant does the 'sins of omission' thing. Harry Nichols told the Board that the size of the subdivision had been reduced from four lots to three- what he neglected to mention was that 'High Meadow' had since applied for a variance to allow a fourth lot and had been turned down by the Zoning Board of Appeals. So what appears to be a concession was actually due to a denial. Very crafty.

The plot then thickened as the Town Board was under the impression that 'High Meadow Farm' was actually granted a 'Wetlands Permit' by a vote of 4 to 2 by the Conservation Commission. However, neither the draft minutes nor CRSE Board members, John Lord and Larry Rubin, recorded anything of the sort. For your viewing pleasure here is the pertinent section of the Southeast CC draft minutes re. High Meadow Farm.

"On a Motion by Mr. Tringali (seconded by Ms. Anthony) to adopt a Positive Determination on the application, the Commission voted 3-3. This Motion failed."

So that's it on the vote. Nowhere was there any mention of a 4-2 vote- except for under another subdivision- JP International. And at the June meeting I attended 'High Meadow' was discussed and the 3-3 vote reaffirmed by Town Planner, Graham Trelstead. Simply put, this means that the Conservation Commission does **not** recommend that 'High Meadow Farm' receive a Wetlands Permit. All the 'imaginary' votes in the world won't change this. Look, if the Town Board disagrees with the Conservation Commission's findings then they should simply award a Wetlands Permit. But I'd strongly suggest that they first take a spin out to see the property. And guys, if you're

walking the site I have one word for you: Waders. Finally, Supervisor Dunford's quote 'you've been jerked around for long enough on this' was hilarious. Given the fact that some of the run-off from the recently approved 'Triple J' subdivision (in case you've forgotten, 'Triple J' is the subdivision where the antique barn was torn down) will end up in this wetlands, and given the fact that area ponds already have severe run-off problems, and given the fact that the applicant took additional time going through a variance process he initiated I hardly think that taking extra time on this application is 'jerked someone around'. In fact, I'd chalk it up to due diligence.

Whew- that's it from here. Off to see the 'Charming Paul Stateline Show' tonight (7/10) at 8:00- Civic Center. Be there or... oh, never mind. As always please feel free to e-mail me with any questions or comments that you may have.

With Best Regards,

Lynne Eckardt

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Lynne Eckardt
[lynneckardt](#)

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