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From: "Lynne Eckardt" <midfarm@bestweb.net>
Date: Fri Sep 9, 2005 5:53 pm
Subject: SE Town Board Work Session 9/8/05

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As has been customary I have not included my comments with this post. If you'd like to receive them just e-mail me and I'll send them along.

Best,
Lynne

Hi All,

Whew- last night's Town Board meeting was a real eye-opener. I mean, I thought I was paying a lot for water in the Peaceable Hill Water District but, get this: according to Home Depot's and Linens 'n Things attorney, water costs Home Depot \$2.50 per gallon and even more than \$2.50 per gallon for waste water. Doing the math it costs about 12 bucks every time there's a flush at these anchor stores. More on that later- And you're going to love how 'commercial' gets around a pricey assessment... and from the get-go, no less.

As always the comments above and those that follow are my own and reflect my personal sardonic take on life in Southeast. Since this was a Work Session no official minutes were taken.

WORK SESSION:

1. Independent Sewer Works:

Mr. Natori (sp?), who was representing Home Depot and Linens 'n Things, explained that his clients were grossly over-charged for sewer and water with rates previously set by the Town Board. Mr. Natori stated that the current rates do not pass the 'Sanity Test' and are 10 times higher than the next highest rate Home Depot pays anywhere. The current rate works out to \$2.50 per gallon- water and over \$2.50 per gallon for effluent. Or \$240,000 per year. Mr. Natori continued that the developer running Independent Sewer Works seemed to be overcharging for chemicals and billing. For example the payout to the company doing the billing was \$10,000 per year for 15 clients.

Mr. Natori contended that Home Depot helped finance the complex up front and had no idea that their rates would then be so high.

Mr. O'Rourke was the attorney representing the developer. Mr. O'Rourke contended that two very sophisticated parties had entered into a business deal and that both Home Depot and the

developer knew what they were getting into.

Home Depot had played \$7.5 million in total. \$1.6 million was the purchase price and \$5.7 and change were the 'site costs'. The reason for this break-out is so that the assessment will be based on the \$1.6 million purchase price rather than the site cost of \$5.7. 'Site costs' are akin to paying a builder in stages. Part when the foundation is complete, part when the sheet rocking is done etc.

Town Counsel, Stephens and Charbonneau, was represented last evening by NY State Assemblyman Willis Stephens. Mr. Stephens pointed out that if the Town Board renders a new rate decision Home Depot may file an Article 78 against the town.

After over a half hour Supervisor Dunford stated, "Maybe the attorneys are having fun- but I'm not." He then assured both parties that the Board would review all documents before making any decisions. The documents mentioned were at least 5 inches thick.

2. Fox Lane Site Plan- Special Permit

A plan for Fox Lane boat building (Fields Lane) was shown to the Board. This is a 13 acre site with 7 acres commercial and 6 acres residential. This site is located in the Office Park 1 zone. The Public Hearing will be set at next weeks meeting for October.

3. Wetlands Permit- Waterview Estates

Theresa Ryan gave an overview. 38 acres of Allview Avenue, 4 lots on a private road. The Board asked about wetland incursion. There is none- only wetland buffer incursion. The Board also asked if there were any structures in the buffer. The applicant's answer was only retaining walls, some of which will be 6', and the road.

4. Wetlands Permit- Red Rooster

Emergency repairs had to be made on a failing septic after which the Red Rooster had to submit a permit to the Southeast Conservation Commission. The Public Hearing before the CC was waived as no one from the public had written to request one. Original and amended septic fields are in the wetland buffer. Councilwoman Mitts thought that there is an application for a 'gazebo' in front of the Planning Board. However another Board member thought that there was a code violation which must be remedied before any application can be considered. It was thought that the newly cleared lawn area belongs to the Red Rooster.


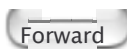

5. Penny Lane

Residents of Penny Lane would like the road to be dedicated to the town. The residents will look into what it will cost to bring the road up to town specification. This is an old subdivision with a private road and no maintenance agreement.

Executive Session was called to discuss possible litigation regarding a contract. Councilman Bonanno requested this.

That's it from here. Have a wonderful weekend and as always feel free to e-mail me with any comments or questions that you may have.

With Best Regards,
Lynne Eckardt

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