

TOWN OF SOUTHEAST
Town Clerk Minutes
REGULAR MEETING
February 21, 2008 – 7:30 PM
John J. Dunford Civic Center
1360 Route 22, Brewster, NY 10509

Pledge of Allegiance
Notation of Exits

Present: Supervisor Michael Rights
Councilman Paul P. Johnson
Councilman Richard B. Honeck
Councilman Roger Gross
Councilman Dwight Yee

Also: Town Clerk Ruth A. Mazzei
Town Counsel Willis H. Stephens, Jr.

And: Approximately 40 persons

Councilman Honeck made a motion to open the meeting and Councilman Johnson seconded; all in favor.

NEW YORK STATE EXCELLENCE IN EQUITY AWARD

John Wolham and Larry Reed from NYS Office of Real Property (ORPS) presented an award to the Town of Southeast and accepted by Town Assessor William Ford. This award was received due to the Town of Southeast meeting the standards set forth by the NYS Office of Real Property and the statistical levels of the International Association of Assessing Officers. The Town of Southeast realizes an annual assessment aid of \$5 per parcel per year. Mr. Ford thanked them on behalf of the Town of Southeast.

PUBLIC HEARING – VETERANS TAX EXEMPTION

Councilman Yee made a motion to open the public hearing and seconded by Councilman Honeck. All in favor. Town Clerk Mazzei read the legal notice. This proposed local law is pursuant to the provisions of Section 10 of the Municipal Home Rule Law of NYS. This is separate and different from other veteran's exemptions. This would amend Article III of Chapter 126 of the Southeast Town Code. This is for veterans who served in active duty during the period of the Cold War as defined under Section 458-b of the Real Property Tax Law. The veteran can only receive the exemption if he is not receiving any other veteran's exemptions. Councilman Honeck made a motion to close the hearing and Supervisor Rights seconded; all in favor.

PUBLIC HEARING-SPECIAL PERMIT - ANDREW SUOZZI

Councilman Honeck made a motion to open the hearing and Councilman Gross seconded; all in favor. Town Clerk Mazzei read the legal notice. Mr. Suozzi is owner of property TM #69.-1-12 on Danbury-Brewster Road also known as Route 06 east. He is requesting that the lower level of the building be allowed retail use. It is in a GC-2 zone.

The name of the project is Route 6 Business Plaza. The upper level is office space. No comments were given. Councilman Yee made a motion to close the hearing and Councilman Gross seconded; all in favor.

OLD TOWN HALL

Supervisor Rights made a motion to authorize Franz and Franze as architects for the Old Town Hall project. Councilman Johnson seconded and all in favor.

TOWN CLERK MINUTES

Councilman Johnson made a motion agreeing to defer the approval of the Town Board minutes of January 3rd, 17th and 24th, 2008 on the condition that the Town Board read the minutes and provide comments to the Town Clerk in a timely manner. Councilman Honeck seconded and all in favor.

CORRESPONDENCE

Councilman Johnson made a motion to waive the reading of the correspondence and Councilman Honeck seconded. All in favor.

Correspondence Received

1. Thomas M. Cervone, Properties Group, LLC Re: Zoning Maps
2. Bryan Abramovich Re: TSOUT-2007-001, Patricia Doyle
3. ACORD Certificate of Liability Insurance Re: Reclamation of Kingston, LLC
4. Aldo DiGennaro Re: Liquor License Application/Renewal A&B Pizzeria / dba Sinapi's Pizzeria and Restaurant, Country Plaza Route 22, Brewster New York
5. State of New York Office of Real Property Services Re: Homestead
6. Craig T. Bumgarner to Michael Levine Re: Cundari/Parenti, 50 Minor Road
7. Robert E. Becker, Attorney Peach Lake Coalition Re: Petition to Create a Peach Lake Sewer District Town of Southeast
8. Donald B. Smith to the Supervisor Re: Crime Statistic Information for the Town of Southeast Including the Village of Brewster for September, October, November and December 2007
9. Mayor Schoenig to the Supervisor Re: Old Planning Building
10. Vera Computer Services Inc., Re: Proposal Webmaster Service/Maintenance
11. Sterling Re: Town of Southeast Landfill Closure Project Financing Sterling File #99016
12. Ark Re: LEED Certification and Green Building
13. Tax Certiorari Re: Barry Nesson
14. New York State Department of Health Re: Recreational Aquatic Spray Grounds (Statutory Authority: Public Health Law, Section 225)
15. Sterling Re: Town of Southeast Landfill 2008 Environmental Monitoring Proposal Sterling File #E99016
16. Keane & Beane, P.C. Re: Application of ALCON, LLC for a Special Permit Property: Fields Lane
17. New York State Office of Real Property Services Re: Equalization , Apportionment and Reassessments
18. Putnam County Board of Health Re: Complaint Against Springhouse Water Supply
19. Maria Steinberg, Library Director Re: Library Board Members Increased from 5 to 7 Members
20. New York Insurance Fund Re: Reale Masonry Contractors Inc.
21. Peggy Boyle e-mail to the Supervisor Re: Peach Lake Sewer Project
22. Joseph Vera to the Town Board Re: Work Issues
23. Comcast to the Supervisor Re: Franchise Fee Payment – 4th Quarter 2007
24. The Putnam County Legislature Re: The Putnam County Economic Development Committee

25. Jacobson Re: Pegasus Therapeutic Riding, Inc. Peach Lake Road Final Review NLJ 0001-0869, Dykemans Corporate Park Subdivision and Project Development Plan, Site Plan Review NLJ #0001-0756, Putnam Precision Products Route 6 Continued Review NLJ #0001-0194, Zimmer Road Town Park Contract Number 1G-General NLJ #0001-0194
26. ACORD Certificate of Liability Insurance Re: Hoffman Fuel of Danbury, Mile Square Roofing Co., Inc., Tap Plumbing & Heating, Inc.,
27. MARSH Certificate of Liability Insurance Re: New York's Best Roof, Meenan Oil Co., LP, Interlock Industries, Inc.,
28. FOILS:
 - Marcela Rojas Re: Request for Information about Town's Employees and Contract Employees for Calendar Year 2007, Information about Town's Current Employees and Contract Employees for 2008
 - Linda Finn Re: Request for Copy of a Survey
 - Alfred H. Mattikow Re: Request for all Files for Property Known as Sutton Corporate Park
 - Phil A. Corrado Re: Request for Last Year's Landscaping Bid
 - Cathy Croft Re: Request for Copy of Route 22 Overlay Plans, Original Cable Franchise Agreement with Comcast, Yearly Salary for ZBA Members and ZBA Secretary for 2007, Yearly Salary Paid to Planning Board Members, Hourly Wage for Wetland Consultant, Yearly Salary for Wetlands Inspector and Fees Paid to any other Planning Board Consultants and Job Title
 - Joseph Harrison Re: Request for Copy of 2006 Successful Bid for Town of Southeast Lawn Service
29. The Putnam County Legislature Re: Peach Lake Sewer District
30. Saverio L. Terenzi & Associates Re: Town of Southeast Financial Statement & Supplementary Information
31. Paul Rotchford Re: Proposal for Video Coverage of Town Board Meetings

Correspondence Sent

1. Ms. Lynne VanDenburg from Michele Fraioli Re: Blackberry Hill and Brewster Heights WWTP Upgrades
2. Postmaster - Brewster Post Office from Town Clerk's Office Re: Mail Delivery
3. Memo to the Planning Board and Zoning Board of Appeals from the Town Clerk Re: Meetings
4. Memo to the Town Clerk from the Supervisor Re: Voucher Books
5. Memo to All Department Heads from the Supervisor Re: Department Deadlines
6. Mr. & Mrs. Sortino from Mike Fila, Highway Superintendent Re: Reimbursement of Mailbox
7. Anthony T. Eagan, P.E. from Michele Fraioli Re: Blackberry Hill Sanitary Sewer Plant Upgrade
8. NYS EFC Certificate of Disbursement Request #40
9. Samuel V. Ricotta Re: Building Inspector
10. E-Mail from Supervisor Rights Re: MS4
11. Michele Fraioli To the Supervisor, Town Board and Robert Conlin Re: Award of Landscaping Services for 2008
12. Ms. Katie Syron from Michele Fraioli Re: Annual Budget for the Blackberry WWTP Upgrade
13. Loibl Contracting Re: Complaint from the Putnam County Housing Corporation – Property on Husted Road
14. Ms. Irene Fulton, Ms. Patricia Turcan, Ms. Kathleen Crenshaw, Mr. Thomas Holland, Mr. Jim Dwyer, Mr. Jeff Patrie Re: Proposal to Provide Chemical Services
15. E-Mails Re: Various Town Hall E-Mails

VOUCHERS

Councilman Honeck made a motion to pay the vouchers for the total amount of \$2,239,903.75. Councilman Gross seconded. Vote carried by a vote of 3 ayes and 2 nays. The 2 nays being cast Supervisor Rights and Councilman Yee.

MEETING DATES

Supervisor Rights made a motion to set the following meeting dates and Councilman Yee seconded; all in favor.

- March 6, 2008 – Worksession – 7:30 p.m. John J. Dunford Civic Center
- March 13, 2008 – Worksession – 7:30 p.m. John J. Dunford Civic Center
- March 20, 2008 – Special Meeting – 7:30 p.m. John J. Dunford Civic Center
- March 27, 2008 – Regular Meeting – 7:30 p.m. John J. Dunford Civic Center
- March 15, 2008 – NYS DOT re: Route 22 - announcement of an information Meeting; time and place to be announced.

Councilman Johnson made a motion to set the following public hearing and Councilman Honeck seconded; all in favor.

- March 20, 2008 – Public Hearing – Alcon – 7:30 p.m. John J. Dunford Civic Center

RESOLUTION #5A /08 – REIMBURSEMENT OF PEACH LAKE EXPENSES

Introduced by Councilman Johnson
Seconded by Councilman Honeck

WHEREAS, the Town Board of the town of Southeast is in the process of establishing the Peach Lake Sewer District; and

WHEREAS, as a preliminary matter, it has been necessary for the town to expend General fund money for expenses incurred and to be incurred in connection with the District formation; and

WHEREAS, the funds so expended are for the benefit of those persons ultimately determined to be benefited by the District pursuant to the Town Law of the State of New York; and

WHEREAS, it is the intention of the Town Board to ultimately reimburse the General Fund for any and all expenditures made on behalf of the proposed District from funds raised through general or special obligation borrowing by the Town on behalf of the District of the future.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Southeast hereby states that it is the official intention of the Town Board to reimburse from future tax exemption bond proceeds any and all expenditures made and to be made from General Fund Revenue by the town on behalf of the Peach Lake Sewer District.

Upon roll call vote:

- Supervisor Rights - Aye
- Councilman Johnson - Aye
- Councilman Honeck - Aye
- Councilman Gross - Aye
- Councilman Yee – Aye

Vote Carried by a vote of 5 Ayes, 0 Nays; 0 Abstain

**RESOLUTION #6 /08 – ADOPTING LOCAL LAW AMENDING CHAPTE 126 –
“TAXATION”**

Introduced by Councilman Honeck
Seconded by Supervisor Rights

WHEREAS, a resolution having been adopted by the Town Board of the Town of Southeast for a public hearing to be held by said Town Board to hear all interested parties on a proposed local law to amend the Southeast Town Code to amend chapter 126 of the Code of the town of Southeast entitled “Taxation”; and

WHEREAS, notice of said public hearing was advertised in an official newspaper of the Town of Southeast in the manner prescribed by law and such public hearing was held on February 21, 2008; and

WHEREAS, the proposed local law will help to soften the real property tax burden upon Veteran’s serving in active duty during the period of the “Cold War” and who are otherwise denied partial exemptions offered to those Veteran’s who served in times of otherwise armed conflict.

NOW, THEREFORE, BE IT RESOLVED, THAT THE Town Board of the Town of Southeast hereby adopts Local Law No. 1 of 2008 pursuant to the Municipal Home Rule Law amending Chapter 126 of the Southeast Code, a copy of which is annexed hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and hereby is authorized and directed to enter said Local Law in the minutes of this meeting and in the Code Book of the Town of Southeast, and to give due notice of the adoption of said local law to the Secretary of State on New York within the time required by law.

Upon roll call vote:

Supervisor Rights - Aye
Councilman Johnson - Aye
Councilman Honeck - Aye
Councilman Gross - Aye
Councilman Yee – Aye

Vote Carried by a vote of 5 Ayes, 0 Nays; 0 Abstain

LOCAL LAW #1 OF 2008

A Local Amending Chapter 126 Of The Town Code, Article 111 Thereof, To Add Cold War” “Veteran’s Exemptions.

Be it enacted by the town Board of the town of Southeast as follows:

Chapter 126, Article 111, Section 126-4 of the Town Code as amended to add a new paragraph “E” as follows:

E. Veterans who served on active duty in the United Sates Armed Forces between September 2, 1945 and December 26, 1991 and who are not currently receiving either the eligible funds or alternative Veteran’s exemption shall be eligible for a basic property tax exemption of 15 percent of assessed value. An additional exemption to disabled veterans, equal to one-half of their service-connected disability ratings. The basic exemption is limited to 10 year, but there is no time limit for the disabled portion of this exemption. In both instances, the exemption is limited to the primary residence of the Veteran, and is applicable only to general municipal taxes, not to school taxes or special district taxes.

MOTION TO ADOPT FEE SCHEDULE CHANGE FOR CONSERVATION

Supervisor Rights made a motion to adopt the revised fee schedule as submitted for Conservation. Councilman Johnson seconded and all in favor. (see attached)

MOTION TO ADOPT THE FEE SCHEDULE CHANGE FOR RECREATIONS

Councilman Yee made a motion to adopt the revised fee schedule as submitted for Recreation. Councilman Honeck seconded and all in favor. (see attached)

ATM MACHINE

Councilman Johnson made a motion for the supervisor to negotiate and authorize an agreement to place an ATM machine in the lobby of 1380 Route 22. Councilman Honeck seconded and all in favor.

AWARDING OF LANDSCAPE CONTRACT.

Councilman Johnson made a motion to award the Landscaping Services Contract for 2008 to Colonialtown Landscaping Company for \$21,875.00 for the season. Councilman Gross seconded and all in favor.

BOND COUNSEL – to be at the worksession of March 6.

PEACH LAKE DISTRICT

A memo from County Legislator Ton Hay was received regarding Peach Lake Sewer District costs (see attached)

RFP FOR VIDEO COVERAGE OF TOWN BOARD MEETINGS

Councilman Gross made a motion to authorize Paul Rotchford as the only authorized paid televised cameraman. Councilman Honeck second. All in favor.

MUNICIPAL ADMINISTRATOR POSITION

The position consists of the Special District Administrator position and the Facilities Maintenance position. Councilman Yee prepared a flow chart to understand the flow of government. Interviews will be set up.

PUTNAM COUNTY BIKE PATH –worksession of February 28.

RESOLUTION #7/2008 GRANT OF EASEMENTS

Introduced by Councilman Gross
Seconded by Councilman Johnson

WHEREAS, the Town Board of the town of Southeast is in receipt of an offer to connect the “Block Building” and “Old Town Hall” located at 67 Main street, Brewster, NY, to the village of Brewster central sewer and water systems, and

WHEREAS, to accomplish such connection it will be necessary to grant to the Village of Brewster certain temporary and permanent easements under and through lands currently owned by the town of southeast for the purpose of construction and maintenance of sewer and water lines; and

WHEREAS, the connection of the sewer and water lines to the “Block Building” and sewer lines to “Old town Hall” will provide a direct benefit to the people of the Town of Southeast by providing the necessary amenities to afford full occupancy of those structures and

NOW, THEREFORE, BE IT

RESOLVED, that the Town supervisor is hereby authorized to execute and deliver any and al documentation necessary and proper to convey such temporary and permanent easements so as to permit the Village of Brewster and/or its agents to enter upon, construct and maintain said public sewer and water lines upon properties owned by the Town of Southeast and located in the vicinity of the “Block Building” and “Old Town Hall” at 67 Main Street, Brewster, in such form and under such terms as may be approved by the Town Attorney.

Upon roll call vote:

- Supervisor Rights - Aye
- Councilman Johnson - Aye
- Councilman Honeck - Aye
- Councilman Gross - Aye
- Councilman Yee – Aye

Vote Carried by a vote of 5 Ayes, 0 Nays; 0 Abstain

SPECIAL COUNSEL

Supervisor Right s made a motion to hire a Special Counsel, whom the Supervisor refused to name when asked; Councilman Yee seconded. Councilman Johnson asked if this was for the Supervisor to hire any counsel he wanted. The Supervisor then asked for a roll call vote.

Upon roll call vote:

- Supervisor Rights - Aye
- Councilman Johnson - Nay
- Councilman Honeck - Nay
- Councilman Gross - Nay
- Councilman Yee – Aye

Vote defeated by a vote of 2 Ayes, 3 Nays; 0 Abstain

BROADVIEW TELEPHONE SYSTEMS – worksession of February 28.

OPT OUT OF ANNUAL ASSESSMENT PROGRAM IN THE TOWN OF SOUTHEAST

Supervisor Rights made a motion to opt out of the annual assessment program and Councilman Yee seconded. Councilman Johnson stated that it was illegal to do so.

Upon roll call vote:

- Supervisor Rights – Aye
- Councilman Johnson – Nay
- Councilman Honeck - Nay
- Councilman Gross - Nay
- Councilman Yee – Aye

Vote defeated by a vote of 2 Ayes, 3 Nays; 0 Abstain

COMMENCING OF TRI-ANNUAL REASSESSMENT PROGRAM – deferred

AUTHORIZING SUPERVISOR TO ASSIGN DUTIES UNDER PUTNAM COUNTY SHERIFF'S CONTRACT WITH SOUTHEAST

The Supervisor would like to direct the Sheriff with regards to traffic control on Route 22. Town Attorney Stephens said that the Sheriff's contract is very specific and is for property protection from the hours of 8 pm to 4 am. The item is to be discussed at a worksession.

ANNUAL LANDFILL AQUIFER MONITORING

Councilman Johnson made a motion to retain Sterling Environmental for the annual landfill aquifer monitoring with quarterly reports. Councilman Honeck seconded and all in favor.

REGULAR MEETINGS AT EACH TOWN BOARD SESSION

Supervisor Rights made a motion to conduct regular meetings at each town board session. Councilman Yee seconded. Paul Johnson said that this is not a common practice, that no other Town in the area has regular meeting every week and that it would not allow residents time to provide input on public policy formation.

Upon roll call vote:

Supervisor Rights - Aye
Councilman Johnson - Nay
Councilman Honeck - Nay
Councilman Gross - Nay
Councilman Yee – Aye

Vote defeated by a vote of 2 Ayes, 3 Nays; 0 Abstain

NEW BUSINESS

SENIOR MEETING – It was brought to the attention of the Town Board that Supervisor Rights set a meeting with Assemblyman Ball to meet with the Southeast Seniors on March 1 to contemplate accepting money from the county for a Senior Nutritional Center. Councilman Honeck asked if this was a political function and was upset that no other councilman knows of it. Councilman Johnson was concerned about the use of the room without the rest of the Town Board knowing.

USE OF TOWN BUILDINGS - Councilman Johnson made a motion that before any town facilities can be used by outside parties that Town Board approval be obtained first. Supervisor Rights suggested it be discussed at a worksession.

CONTRACTORS LAW - Councilman Johnson submitted a draft proposal and it will be discussed at a worksession.

STORAGE BUILDING

Councilman Johnson made a motion to retain Franz and Franze as the architects to finalize the construction drawings and put out to bid the construction of the storage facility and the air conditioning for the Town Offices at 1360Route 22.. Councilman Honeck seconded.

Upon roll call vote:

Supervisor Rights - Nay
Councilman Johnson - Aye
Councilman Honeck - Aye
Councilman Gross - Aye
Councilman Yee – Nay

Vote passed by a vote of 3 Ayes, 2 Nays; 0 Abstain

ZIMMER BALLPARK FENCE - the town is in the process of bidding the project out.

WELLS PARK TRAILERS – worksession

AGENDAS

Councilman Johnson made a motion regarding the setting of the Town Board agenda with the cutoff time as Monday at the close of business on the week of the meeting. Any additional items wished to be placed on the agenda for that week must have the approvals of three (3) Town Board members. Councilman Honeck seconded.

Upon roll call vote:

Supervisor Rights - Nay
Councilman Johnson - Aye
Councilman Honeck - Aye
Councilman Gross - Aye
Councilman Yee – Nay

Vote passed by a vote of 3 Ayes, 2 Nays; 0 Abstain

ASSESSMENT DATA/WEBSITE - worksession

HUMANE SOCIETY – Councilman Gross said that there was a lot of negative press regarding the Humane Society Contract. He elaborated on some of the services they provide. The town has 10 acres of property that we own that will be used by the Humane Society.

GRANT WRITER – The Supervisor made a motion to authorize the supervisor to negotiate and coordinate with the grant writer utilized by the Brewster Central School district. Deferred to a worksession.

Mayor Schoenig commended the Town Board for working with the Village of Brewster and he submitted a resolution of the Village Board. The Village recommended that Old Town Hall not be connected until the renovations are complete. The Mayor will submit a letter of commitment. The City of New York requires that the Old Town Hall is connected.

Councilman Honeck made a motion to close the Regular Meeting and Councilman Gross seconded. All in favor.

Respectfully submitted,

Ruth Argo Mazzei
Southeast Town Clerk