

SPECIAL MEETING
TOWN CLERK MINUTES
JOHN J. DUNFORD CIVIC CENTER
1360 Route 22
Brewster, NY 10509
March 1, 2008 10:00 AM

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 Attorney Willis H. Stephens, Jr.

And: Approximately 10 persons

PUBLIC HEARING – PEACH LAKE SPECIAL DISTRICT

Councilman Honeck made a motion to open the public hearing and Councilman Yee seconded. All in favor. Legal notice read by Town Attorney.

Dave Bruen said that they have been working on this for seven to eight years. He thanked the board (previous and new) for all the work that went into making this happen. Councilman Yee also thanked the board. Town Attorney Stephens said that the legislation went stale and it was then revisited. Now each town has its own district which is more of a taxing issue. The deadline was met for financing and now SEQRA must be completed. This is being led by the North Salem Supervisor and it must be approved by the State Comptroller. Denis Castelli asked about odor controls and Mr. Bruen said that they have everything in place but there were still cleaning and maintenance issues. Councilman Johnson said he would like a meeting set-up with our engineer regarding the plant. Councilman Johnson made a motion to close the public hearing and Supervisor Rights seconded. All in favor.

SPECIAL MEETING – USE PROTOCOL OF JOHN J. DUNFORD CIVIC CENTER

Councilman Gross made a motion to open the special meeting. Supervisor Rights after banging the gavel said that by law he was the Supervisor and as the Chair he had not recognized Mr. Gross so the meeting could not be opened. The Supervisor attempted to “recess” the meeting; there was no second and no vote was taken on the motion. At that time, Town Attorney Stephens stated that the Supervisor could not unilaterally recess a meeting. Councilman Honeck seconded the motion made by Councilman Gross and Councilmen Johnson, Honeck and Gross were in favor to open the Special Meeting. Supervisor Rights and Yee did not chose the vote. Again the Supervisor said that it was an illegal meeting. Again the Town Attorney disagreed.

RESOLUTION #11/2008 – ESTABLISHING THE USE PROTOCOL FOR THE JOHN J. DUNFORD CIVIC CENTER, 1360 ROUTE 22.

Introduced by Councilman Honeck
Seconded by Councilman Gross

Whereas, it is the desire of this Town Board to preserve the dignity and ensure the respect for the John J. Dunford Civic Center which is the center of Justice in Southeast and where the business of the People is transacted; and

Whereas, the John J. Dunford Civic Center was built in accordance with New York State Office of Court Administration standards in order to ensue the safety of the

Court personnel and the general public and to lawfully hold judicial proceedings as well as official meetings of the Town of Southeast; and

Whereas, it is the desire of this Town Board to provide the proper level of “gravitas” to judicial and other official proceedings, to provide for the safety and comfort of the General Public and to conform with all applicable Federal, State, and local laws and regulations and, to do so, it is deemed necessary and proper to adopt a facility use plan for the orderly and beneficial use of this facility.

Now, therefore, be it

Resolved, that the following Facilities Use Plan is adopted for the John J. Dunford Civic Center:

1. The primary purpose and use of the facility shall be for proceedings of the Southeast Justice Courts, including trials, court sessions, deliberations, arraignments and marriages. Such court uses shall take precedence over any and all other use.
2. Officially sanctioned meetings of the Town Board, including work sessions, public hearings and regular meetings.
3. Regular and Special Meetings of the following Southeast Boards.
 - a. Planning Board
 - b. Southeast Zoning Board of Appeals
 - c. Architectural Review Board
 - d. Historic Sites Commission
4. Any other Town sponsored organization that is approved by a majority vote of the Town Board in advance.
5. Town Clerk for the purpose of solemnization of marriages.
6. The Town Clerk shall be responsible for keeping a schedule for use of the facility and shall resolve conflicts in the order of preference set forth above.
7. Boards which hold public hearings that are expected to exceed 150 people shall make arrangements for alternative venue so as to not violate fire safety limits.

And Be It Further

Resolved, that this Facilities Use Plan take effect immediately.

Upon roll call vote:

Supervisor Rights – no vote
Councilman Johnson – aye
Councilman Honeck - aye
Councilman Gross – aye
Councilman Yee – no vote

Vote carried by a vote of 3 ayes, 0 nays, 0 abstained, 2 present but non-voting.

Councilman Honeck made a motion to close the special meeting and Councilman Gross seconded. All in favor.

The Town Attorney again stated that this was a properly called meeting.

Respectfully submitted.

Ruth Argo Mazzei

Southeast Town Clerk