

**TOWN CLERKS MINUTES
REGULAR MEETING
OF THE TOWN OF SOUTHEAST
MARCH 17, 2005**

Present: Supervisor John J. Dunford
Councilman Paul P. Johnson
Councilman Richard H. Honeck
Councilman Pat Bonanno
Councilwoman Lorraine Mitts

Also: Town Clerk Ruth A. Mazzei

Approximately 25 persons

REGULAR MEETING

Supervisor Dunford made a motion to open the regular meeting and Councilman Johnson seconded. All in favor.

Pledge of Allegiance

Notation of Exits

Brief Explanation of Town Board's Decision-Making Process

SPECIAL PRESENTATION – Clayton D. Hahn – Eagle Scout

Councilman Johnson, an Eagle Scout himself, gave a proclamation to Clayton Hahn for his work as an Eagle Scout. His project entailed constructing 25 benches and building an outdoor chapel in Patterson. Councilman Johnson spoke of the appreciation Mr. Hahn deserved.

PUBLIC HEARINGS:

PUBLIC HEARING – LOCAL LAW TO AMEND LOCAL LAW 1/2002 – MORATORIUM TO INCLUDE DOANSBURG ROAD AND ROUTE 22 NORTH OF DOANSBURG TO PATTERSON LINE

Councilman Johnson made a motion to call for the following public hearing. Councilman Honeck seconded. All in favor. Councilman Honeck read the legal notice. No comments were given. Councilwoman Mitts closed the meeting and Councilman Honeck seconded. All in favor.

PUBLIC HEARING – LOCAL LAW TO IMPOSE A MORATORIUM ON ANY DEVELOPMENT WHICH WOULD INCLUDE “ADULT USE” PROJECTS PENDING REVIEW AND ADOPTION TO THE TOWN CODE PERTAINING TO SUCH USES

Councilman Johnson made a motion to call for the following public hearing. Councilman Honeck seconded. All in favor. Councilman Honeck read the legal notice. No comments. Councilwoman Mitts made a motion to close the meeting and Councilman Johnson seconded.

REGULAR MEETING

MINUTES

Councilwoman Mitts made a motion to approve the February 17, 2005 minutes.
Councilman Bonanno seconded. All in favor except Councilman Johnson who abstained.

CORRESPONDENCE

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

Correspondence Received

1. New York State Department of Health Re: New York City Water Supply System
2. Jacobson Re: Stormwater Pollution Prevention Plan, Maple Road, NLJ#0054-0130
3. Putnam County Legislature Re: Public Hearing on 3/1/05 to Consider the Request for Inclusion of Additional Parcels of Land in the County's Agricultural District
4. Catherine P. Croft Re: Foil Request to View 2005 Budget, Minutes for 12/28 and 1/05 Conservation Meeting and Baker Farm Subdivision File
5. Hogan & Rossi Re: Letter - Terra 9 Comments
6. Malcolm Pirnie Re: Brewster Heights WWTP Upgrade Construction
7. Town of Somers Re: Proposed Amendments to Environmental Regulations (Phase Two) Revised Draft Local Laws & Revised Draft Full EAF
8. New York State Environmental Facilities Corporation Re: Second Amendment for Brewster Heights Sewer District #1
9. Insite Engineering Re: Waterview Estates Allview Avenue & route 22 Tax Map #67.-1-48
10. Putnam County Board of Elections Re: Salary Amounts for Election Workers
11. Gary Conklin Re: Foil Request for Landau Subdivision
12. Tanya Hrabsky Re: Foil Request for Receipt of the Zoning Amendments with the Secretary of State and C.O. for 3874 Danbury Road
13. New York State Insurance Fund Re: De-Fence Inc.
14. MARSH Re: Reclamation of Kingston, LLC.
15. The City of New York DEP Re: Notice of Violation Brewster Heights WWTP (T) Southeast, Putnam County SPDES #NY-0110353
16. New York State Environmental Facilities Corporation Re: NYC Watershed – WWTP Upgrade Program Brewster Heights Sewer District #1 Change Order Approval
17. A&B Pizzeria/DBA Sinapi's Pizzeria & Restaurant Re: Liquor License Application Renewal
18. Young Family Re: Southeast/Brewster Recreation Center with Pool
19. Madelyn J. Barbour Re: Proposed Extension of the Moratorium on "Certain Commercial Developments"
20. Town of Patterson Planning & Zoning Office Re: NYS DEC MS4 Program Requirements
21. NYS Environmental Facilities Corporation Re: Upgrade Contract for Blackberry Hill Sanitary Sewer District
22. Pinank Shah Re: Ticket No LU 183008
23. William Bright Re: Foil Request for the 2004 Operation and Maintenance Budget for Brewster Heights & Blackberry Sewer Approved by NYC DEP Post Upgrade
24. Jacobson Re: Envirostar Corporation, 50 Fields Lane Change of Use Application NLJ #0001-0503
25. June Offermann Re: Thank You Letter
26. State of New York Unified Court system Re: Justice Court Assistance Program 2005
27. Patrick J. Brophy Re: St. Patrick Parade on Sunday 3/13/05
28. Frank Ciancuillo, Red Rooster Re: Construction Project
29. New York State Office of Real Property Services Re: 2005 Roll
30. Michael R. Waters Re: Community: Southeast TS FR: Chris Krasinski
31. Hudson River Valley Greenway Re: Greenway Assistance

32. Barbara L. Augugliaro Re: Southeast/Brewster Recreation with Pool
33. Ann Fanizzi Re: Root Avenue Subdivision
34. NYS Assembly Re: NYS DEC Funds for Water Quality Improvement Projects and NYS Environmental Facilities Corporation Funding Program
35. Jacobowitz and Gubits, LLP Re: Town of Southeast with Village of Brewster Water Supply and Service Their file No. 6812-1
36. Putnam County Department of Finance Re: Information for Putnam County's Audited Financial Statements
37. Jacobson Re: Fox Lane Site Plan, 11 Fields Lane Revised Sketch / Preliminary Review NLJ #0001-0825 – Meadows at Dean's Corners Subdivision, Town of Southeast, Phase I Bond Estimate NLJ #0001-0452 – Doris Anne Cleary and Robin DePaoli, Route 124 Lot Line Adjustment NLJ #0001-0844 - Landau Subdivision 299 Joe's Hill Road Preliminary Subdivision Plan Review NLJ #0001-0836 – Durkin Farm Subdivision Brewster Hill Road Revised Sketch Plan Review NLJ #0001-0759 – High Meadow Farm, Welfare Road Revised Sketch Subdivision Review NLJ #0001-0667 – Baker Farm Subdivision Enoch Crosby Road, Preliminary Plat Review NLJ #0001-0815 – Hardscrabble Tennis Club, Phase IV Sutton Park Amended Site Plan Review NLJ #0001-0752
38. Michael Liguori Re: Foil for Town Board Minutes for Commercial Rezoning
39. Catherine Croft Re: Foil Request to View 1/20/05 Minutes of Regular Meeting
40. Lynne Eckardt Re: A- Foil Request to View Town Board Minutes of 2003 & 2004 – Copy Pages 281-302. B- 2005 Southeast Budget on CD or Floppy. C- View Minutes for 1998, 2000 and 2001. D- Copy of Page 38, 121 and 229 in 2001 and 2002 Minutes Copy of Page 98 & 99, 209 to 220 and 240 to 248 in 2003 Minutes
41. Brewster Technology Inc. Re: Foil Request for C of O for 1591 Rt. 22
42. George Yourke Re: Foil Request for A- Review of Plans, Specifications & Documents if Submitted to the Town Building Examiner to Obtain Building Permit for Meadows at Deans Corner. B- Review of Plans and Documents Submitted to Obtain Stage I Performance Bond Approval From Town Board (Town Engineer Set it at \$6,400.000-)
43. New York State Insurance Fund Re: De-Fence Inc, c/o James Weakley
44. Paul Giamundo Re: Site Plan Names of All Who Received Registered Letters on Plan
45. NYMIR Re: Noviello, TSOUT-04-008
46. Jacobson Re: Back O' Beyond 2-Lot Subdivision, Federal Hill Road – Final Plat Review NLJ#0001-0841, Cingular Wireless Services Inc. 87 Hillside Park Site Plan Application Co-Location of Telecommunications Facility NLJ#0001-0818, Mount Ebo, Lot 6 Mount Ebo Road North Sketch Plan Review NLJ#0001-0845, Perry Palazetti Proposed Office/Warehouse Hardscrabble Heights Drive Final Site Plan Review NLJ#0001-0797, Terravest Corporate Park Phase II Ace Endico Corp. International Boulevard/Rt.312 Intersection Improvements NLJ#0001-0744/794
47. The City of New York DEP Re: Marvin Avenue (Gold Lot) Storm Drainage Discharge East of Hudson Water Quality Investment Program (“WQIP”)
48. Lynne Eckardt Re: Foil Request for 2004 Payables from the Town of Southeast
49. Jennifer Knarich Re: Foil Request fro Copy of LL#10 of 2004 and View Zoning Minutes from 1998 and 1999
50. George Yourke Re: Meadows at Deans Corner Development
51. Village of Brewster Re: Committee for Grant Received
52. Jacobowitz and Gubits, LLP Re: Town of Southeast with Village of Brewster Water Supply and Service File No. 6812-1
53. James Bacon Re: Foil Request for a Copy of the Proposed Map for the Landau Subdivision
54. NYS DOT Re: Route 22. Town of Southeast
55. Putnam County EDC Re: Development of Main Street Grant for the Village of Brewster
56. Putnam County Board of Elections Re: Charge for Use of Public Buildings for Elections
57. Susan Bermen Re: Foil Request for All the Water District Resident Letters from 2005/2005
58. Charity Kelly Re: Foil for Architect and Owners Phone Number and Address
59. Lynne Eckardt Re: Foil Request for Town Attorney Invoices 9/1/04 – 12/31/04
60. William Roy Re: Foil Request for LL #16
61. Rob Decina Re: Minutes from 1/24/05 Zoning Board of Appeals

- 62. Catherine Croft Re: Foil Request for Minutes for 1/6/05, 12/16/04, 11/10/04 and 10/28/04

Correspondence Sent

- 1. Mr. John Lynch Re: Town of Southeast Zoning Amendments
- 2. Mr. Marc Moran Re: Town of Southeast Landfill Closure
- 3. Hon. Pozzi Re: Gateway Project
- 4. Ms. Patty Lichtenberg Re: Record Drawing for Water Service to the Properties at 170-172 Peaceable Hill Road
- 5. Karen L. Timko Re: Cleaning with Spent Acid Cleaner at the Brewster Yard Maintenance Facility
- 6. Mr. Levon Bedrosian Re: Blackberry Park Master Plan
- 7. Ms. Anita Z. Gilbert Re: Debt Owed by the Town of Southeast
- 8. PureTech/Broad Reach, LLC Re: Industrial Development Revenue Bonds, Second Half Reminder
- 9. Mr. Evan Kollar, Mr. Salvatore Troia, Ms. Susan E. Corthell Re: Refuse Collection from 1/1/05 to 12/31/05
- 10. Robert H. Sammons, P.E. Re: Report #59 and Report #54
- 11. Memo to the Supervisor Re: Engineering Services Proposal, Water Source Evaluation
- 12. Mr. George Yourke Re: Meadows at Dean’s Corner
- 13. Mr. Michael Ligouri Re: Carmel Auto Sales, d/b/a Brewster Honda Storage of Unregistered Cars on Tax Map #67.8-1-41; Known as 941 Rt 22
- 14. Peaceable Hill Water District Residents Re: Water Rates for 2005
- 15. Mr. Christopher Powers Re: 11 Doansburg Road Facility; Tax Map #46.-5-7
- 16. Supervisor Dunford Re: Building Revenues 2004
- 17. Building Department File Re: Tax Map #56.12-1-14;55 Pumphouse Road
- 18. Building Dept, PB, ZB and Code Enforcement Officer Re: Commercial Moratorium
- 19. Town Clerk Re: Memo from Ron Harper – Brewster Auto Wrecking

VOUCHERS

Councilman Bonanno made a motion to approve the Voucher List in the amount of \$397,985.39. Councilwoman Mitts seconded. All in favor.

BUDGET TRANSFERS

Councilman Honeck made a motion for authorization of the attached Budget Transfers. Councilman Johnson seconded. All in favor. See attached.

MEETING DATES

Councilman Bonanno made a motion to set the following dates. Councilman Honeck seconded and all in favor.

April 7, 2005	7:30 Civic Center	Work Session
April 14, 2005	7:30 Civic Center	Regular Meeting
April 21, 2005	7:30 civic Center	Work Session

RESOLUTION – PALAZETTI SPECIAL PERMIT

Introduced by Councilman Mitts
Seconded by Councilman Johnson

Whereas, Perry Palazetti, owner of premises located on Hardscrabble Heights Drive, Town of Southeast, also known as Tax Map No. 78-2-60 (the “subject Premises”) has made an application to this Town Board for a Special Permit to allow the proposed

commercial building to be used and utilized eighty (80%) percent storage/warehouse and twenty (20%) percent office; and

Whereas, the subject premises are located in an OP-1 zone; and

Whereas, storage/warehouse use is only permitted in twenty (20%) percent of the building in an OP-1 zone, unless a Special Permit is granted by the Town Board allowing a greater percentage of storage/warehouse use; and

Whereas, the Town Board is in receipt of a report and recommendation from the Southeast Planning Board wherein the Planning Board has recommended the grant of the Special and has found that the proposal is in compliance with all applicable general and special standards of Article 10 of Chapter 138 of the Town Code; and

Whereas, the Planning Board, acting as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA)

Whereas, a duly noticed public hearing was held by the Town Board on January 20, 2005 in connection with this application and all interested parties have been given an adequate opportunity to be heard in this regard,

Now, Therefore, Be It

Resolved, that the Town Board of the Town of Southeast hereby makes the following findings of fact in connection with the instant application:

1. The proposed use is in such location and is a size and character that it will be in harmony with the appropriate and orderly development of the surrounding district and will not be detrimental to the immediate site or adjacent properties;
2. The location and size of the proposed use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout, and its relation to access streets will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous.
3. The appearance of the buildings will not hinder or discourage the development and use of adjacent land and buildings; and
4. The proposed use will not require such additional public facilities or services or create fiscal burdens upon the Town greater than those which characterize permitted as of right.

And be it further

Resolved, that based upon the foregoing findings, the Town Board of the Town of Southeast hereby grants a Special Use Permit to Perry Palazetti to permit the use of the Subject Premises twenty (20%) office and eighty (80%) percent warehouse/storage in accordance with the Statement of Use prepared and submitted to the Planning Board in connection with the Project Development Plan application, subject to the applicant's final submission to and grant of approval by the Planning Board.

Upon Roll Call Vote:

Supervisor John J. Dunford – aye
Councilman Johnson - aye
Councilman Honeck – nay
Councilman Bonanno – aye
Councilwoman Mitts – nay

Passed by a vote of 3 ayes, 2 nays, 0 abstained.

MEMORANDUM OF AGREEMENT – CSEA UNION

Councilman Honeck made a motion to authorize the Supervisor to accept the Memorandum of Agreement (MOA) between the town of Southeast and the CSEA Union. Councilman Bonanno seconded and all in favor.

NEW BUSINESS

Defamation

Supervisor Dunford spoke of the meeting last month, where the Town Board asked the Town Counsel to find out if the town had the authority to fund a lawsuit in defense of the Town Clerk. The Supervisor said that the Town Clerk went to him on this day and told him that she had decided that she would pursue this herself if she chose to continue. The Supervisor then read the following press release from the Town Clerk:

Dear Residents of the Town of Southeast:

I have had the honor of serving as your Town Clerk for over 13 years and have had the pleasure of making the acquaintance of hundreds of residents. I have prided myself as a conscientious, courteous and responsive public official, who loves her job and the Town of Southeast. Lately there have been inflammatory letters and website chats challenging my performance and actually accusing me of criminal activities. Of course these attacks are political in nature, due to their party affiliation and their personal relationships with my adversary. I feel that the accusation of fabricating official town documents has compromised my reputation and I must defend my character. My opponents have now stooped to very childish and immature personal attacks and juvenile name-calling. I am at a real disadvantage since I will not lower myself to their level. They have accused me of pursuing a frivolous lawsuit, using it to quiet an outspoken person. Being forthright myself I have no problem with a person who is candid as long as their statements are honest and accurate. What I have a real problem with, is being accused wrongfully and maliciously of doctoring town records. Being on the Board of Ethics for the Town of Southeast, I find this is a great injustice.

To answer concerns regarding my pending civil lawsuit against Mrs. Lynne Eckardt, the Southeast Democratic Chairman, I feel I am obligated to clear my name regarding derogatory accusations. Mrs. Eckhardt, who ran unsuccessfully twice for elected positions in our town, has deemed this as a way to make a name for herself. I have decided that rather than ask the Town Board to expend any monies on my behalf, I will seek to deal with this problem personally. The Town Board has been very supportive of my decision and sympathetic to my plight. I am blessed to have a Town Board that I respect and admire. As always, I am privileged to serve my constituents who have shown faith in my abilities. Thank you for your continuing support.

Councilman Johnson announced that there is an opening on the Architectural Review Board and if anyone is interested please send in a resume.

Councilwoman Mitts spoke of the Recreation Program and of the many programs that have been added. Councilman Honeck announced the St. Patrick Day Parade in Mahopac.

Cathy Croft asked about the missing sites such as Drewcliff on the list of historic sites. A local law was drafted by the Town Planner and accidentally some of the properties were dropped. The Supervisor said a public hearing will be needed to reinstate. The list will be reviewed and sent to the Town Board.

The town wide clean-up dater is in process.

When asked if the Drewcliff properties affect other properties, the Supervisor said he would look into it. A letter was read into the record from Bob Zubrycki of 41 Cooledge

Drive regarding the Cedar Swamp. He feels the town should pursue Critical Environmental Area status for certain areas of the Cedar Swamp. (letter attached). Councilman Johnson said that very stringent controls are in place including the new Lake Tonetta Watershed zone which was adopted in 2004 and the Tonetta Lake Advisory Committee can look at it. There was a question regarding who owns and cares for Old Rte 22. Mrs. Eckardt asked who Paul Bergins was and why he was paid \$41,000. After much discussion, the Supervisor thought that it could be the attorneys that the town had to pay to defend the town against certain lawsuits. She then asked if the board thought it was appropriate to read the press release from the Town Clerk and the Supervisor said that after what she has been through, she has every right to speak out tonight.

Harold Lepler spoke of the Cedar Swamp and said that he had been the benefit of attacks from people for their own political gain stating that the area is a critical environmental area. The opponents claimed that 2 water areas drained into the cedar swap. They hired 2 biologists from the Fish and Game and the biologists were to consider the project independently. If they found any problems, there would be an immediately release. There is a Conservation meeting on Tuesday and the reports from the biologists will be presented then to show that the properties do not drain into the Cedar Swamp.

Councilman Bonanno made a motion to enter into Executive Session and Councilman Honeck seconded. All in favor.

Respectfully submitted.

Ruth Argo Mazzei
Southeast Town Clerk