

TOWN CLERKS MINUTES

REGULAR MEETING TOWN BOARD MARCH 22, 2007

Present: Supervisor John Dunford
Councilwoman Lorraine Mitts
Councilman Paul Johnson

Also: Town Clerk Ruth A. Mazzei
Town Attorney Willis H. Stephens, Jr.
Highway Superintendent James Lawlor

Absent: Councilman Richard Honeck
Councilman Pat Bonanno

REGULAR MEETING

Councilman Johnson introduced students from Mrs. Schlobohm's class who did a study on Tonetta Lake regarding water quality. The 5th Grade class purchased carp and placed them into the lake in the fall and explained how the carp would benefit Tonetta Lake. The students then led off the meeting by reciting the Pledge of Allegiance.

Notation of Exits
Brief Explanation of Town Board's Decision-Making Process

REVIEW OF MINUTES

Minutes of January 25, 2007 and February 15th, 2007 were deferred, since there was not a quorum present who were at those meetings.

Supervisor Dunford made a motion to approve the minutes of February 22, 2007. Councilman Johnson seconded and all in favor.

CORRESPONDENCE

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

Correspondence Received

1. Peter Hansen Village of Brewster Clerk to Michael Levine Re: 67 Main Street Sewer Connection
2. Peter Hansen Village of Brewster Clerk to Michael Levine Re: Water Meter Reading and Billing Service Inquiry
3. Putnam County Office of the Sheriff to Supervisor Re: Providing Crime Statistic Information for

- the Town of Southeast, Including the Village of Brewster
4. Board of Elections Putnam County to Town Clerk Re: NYS Election Law 4-106 Requesting Certificate Stating Each Town Office to be Voted on at the 2007 General Election
 5. NYS Dept. Of Environmental Conservation Re: Hunters Glen Condominiums, Fair Street DEC Application - Freshwater Wetland
 6. NYS Ins. Fund Re: Gentech LTD.
 7. Acord Ins. Re: Gentech LTD.
 8. Jacobson to Planning Board Re: Durkin Water Co. Fields Lane
 9. Jacobson to Planning Board Re: Strazza Subdivision
 10. Jacobson to Planning Board Re: Mendola Property
 11. Jacobson to Planning Board Re: Brewster Plaza
 12. Jacobson to Planning Board Re: Route 6 Business Plaza Danbury Road
 13. Sterling Environmental to Supervisor Re: Town of Southeast Landfill
 14. Croton Watershed Clean Water Coalition Re: Proposed Expansion of Route 22
 15. NYS Public Service Comm: Re: Comcast High Definition Programming Service Change
 16. Town Board Town Counsel to Town Clerk Re: Liquor License Application/Renewal Sinapi's Pizzeria & Restaurant
 17. Town Board Town Counsel to Town Clerk Re: Liquor License Application/ Renewal Mezza Luna Restaurant
 18. Chazen Engineering Re: Upgrade Contract: Blackberry Hills Sanitary Sewer District Certification and Disbursement Request Dated Feb. 20, 2007
 19. Sterling Engineering Re: Town of Southeast Landfill 1st Quarter 2007 Monitoring Event Notification File #E99016
 20. NYC Dept. of Environmental Protection to the Supervisor Re: Southeast Property Acquisition (45-1-10 and 45-1-11)
 21. Jane Sandbank, Ed.D, Brewster Schools to the Supervisor Re: Initiatives Between the Town of Southeast and the Brewster Central School District
 22. ACORD Certificate of Liability Insurance Re: Gentech, Ltd., 3 Ds Heating & Air Conditioning & Sheet Metal Inc., SBA Communications Corporation
 23. Kornfeld, Rew, Newman & Simeone Re: Lead Agency Dispute Proposed Construction of Fire Substation, Southeast
 24. U.S. Dept. of Agriculture to the Supervisor Re: 2006 Progress Report for USDA Rural Development in New York
 25. Brian J. Miles, Spain Agency Re: Complimentary Workshop on April 17, 2007 Offered by NYMIR
 26. NYS Comptroller to the Supervisor Re: Changes to the World Trade Center Presumption Law
 27. NYS DEC to the Supervisor Re: Clean Water State Revolving Fund
 28. Albert A. Natoli, P.C. to the Town Clerk Re: Petition by Home Depot, U.S.A. Inc. and LNT, Inc. to Reduce the Rates Charged by Independent Sewage Works, Inc. by 80% and for Refunds - Reply to the Opposition to the Petition
 29. Dave Bruen, Peach Lake Environmental Committee to the Supervisor Re: Variance Requested by Pegasus
 30. Putnam County Executive to the Supervisor Re: Highlights/State of the County Address
 31. United Way of Westchester & Putnam to the Supervisor Re: InfoBase Database
 32. Harold B. Tevelowitz Re: Rocky Farm Estates
 33. Ann Fanizzi to the Planning Board Chairman Re: Strazza Development - Comments
 34. Jeffrey Graff to the Supervisor Re: Master Planning & Zoning Incentive Awards Program

Foil Requests:

1. Jose Farinha Re: Survey Map 69-1-9
2. Carolyn Ivie Re: Strazza Subdivision for Viewing - Possible Copy
3. Cathy Croft Re: Town Board Regular Meeting Minutes for 1/25/2007 and Copies of Letters for Landfill
4. Robert Zubrycki Re: File on Dykeman's Corporate Park on Route 312
5. Dennis Corelli Re: Local Law 7 Wetland Regulations 2006, Zoning Ch. 138 LL#7 2006, Local Law #9 Wetlands Regulations 2003

6. G. McKeon Re: EIS
7. Kathleen Radigan Re: Mr. O'Rourke's Disclosure Statement in Particular Deans Corners Sewage Works Inc. and Dean's Corners Water Work, Inc. and Final Written Approvals and/or Permits from all Federal, State, County, City, Town and Village Boards/Departments, as per Town Code 123-13 (E)
8. Re: Tape of 2/26/07 Planning Board Meeting and Engineer's Report of Strazza Development - Barn
9. Rich Vail Re: Minutes for Zoning Board Meeting 1/22/07

Correspondence Sent

1. Commissioner State of New York , DEC Re: Lead Agency Dispute 399 Milltown Road/Brewster-Southeast Joint Fire District
2. Mr. T. Fenton Re: Untimeliness of Engineer's Letters
3. Michael Montysko, P.E. Re: Town of Southeast Springhouse Estates Water District GWUDI Study
4. Memo to the Supervisor Re: Award of Landscape Services for 2007
5. Ms. Mary Ellen Sayegh Re: Agreement for Preventive Maintenance Service on General Equipment
6. Robert H. Sammons, P.E. Report #78 for the Blackberry Hill Sewer District Treatment Facility

VOUCHER LIST

Supervisor Dunford made a motion to approve the voucher list in the amount of \$792,190.45. Councilwoman Mitts seconded. All in favor.

MEETING DATES

Councilwoman Mitts made a motion to set the following meeting dates and Councilman Johnson seconded. All in favor.

April 12, 2007 7:30PM Civic Center Work Session
April 19, 2007 7:30PM Civic Center Regular Meeting

PUBLIC HEARING DATES

Councilman Johnson made a motion to set the following Public Hearings and Councilwoman Mitts seconded. All in favor.

April 19, 2007
7:30PM
7:31PM

Civic Center
Pegasus Therapeutic Riding
Zoning Amendments to Chapter 138

MOTION-BUDGET TRANSFERS

Supervisor Dunford made a motion for the approval of Budget Transfers.-Attached. Councilman Johnson seconded. All in favor.

RESOLUTION # /2007 - ADOPT LEAD AGENCY STATUS RE: PROPOSED ZONING AMENDMENTS

Introduced By: Councilwoman Mitts
Seconded By: Councilman Johnson

WHEREAS, the Town Board of the Town of Southeast is considering adopting amendments to its Zoning Code pertaining to the Zoning map and permitted uses within certain commercial zoning districts (the Proposed Action); and

WHEREAS, the Town Board determined that the Proposed Action is an Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board is the sole legislative body with the authority to adopt amendments to its Code;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby declares itself to be Lead Agency for the Proposed Action pursuant to §617.6 (b) of SEQRA;

UPON ROLL CALL VOTE

Supervisor Dunford - Aye Councilman Honeck - Absent
Councilwoman Mitts - Aye Councilman Bonanno - Absent
Councilman Johnson - Aye

VOTE: carried by a vote of 3 in favor, 0 against; 0 abstained.

MOTION-PROPOSED ZONING AMENDMENTS

Councilman Johnson made a motion authorizing Supervisor to refer the proposed zoning amendments to Chapter 138 to the Planning Board and Putnam County pursuant to 239(m). Councilwoman Mitts seconded. All in favor.

MOTION-LANDSCAPE CONTRACT

Councilwoman Mitts made a motion to award landscape contract to Colonial Town Landscape. Councilman Johnson seconded. All in favor.

RESOLUTION # /2007 ADOPTING LOCAL LAW AMENDING TOWN CODE CHAPTER 131- ROOT AVENUE SIGNAGE

Introduced By: Councilman Johnson
Seconded By: Supervisor Dunford

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 Article IX of Chapter 131 of the Southeast Town Code entitled "Traffic Regulations" to add a new subsection to § 131-37 entitled "Prohibit the making of a right turn on to John Simpson Road from Root Avenue, to create a new section 138-38 of the Town Code entitled "Limited Use Roads" and designate Root Avenue as a "Local Traffic Only" road; 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 15, 2007; and

WHEREAS, it is the sense of this Town Board that the adoption of the proposed amendments to the Vehicle and Traffic Regulations will further enhance the health, safety and general welfare of the people of the Town of Southeast.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Southeast hereby adopts Local Law NO. 3 of 2007, amending Article IX of Chapter 131 of the Southeast Town 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 of New York within the time required by law.

UPON ROLL CALL VOTE

Supervisor Dunford - Aye Councilman Johnson - Aye
Councilman Bonanno - Absent Councilman Honeck - Absent
Councilwoman Mitts - Aye

RESOLUTION # /2007 UJA PROPERTY - TRUST FOR PUBLIC LAND AND TOWN OF SOUTHEAST

Introduced By: Supervisor Dunford
Seconded By: Councilwoman Mitts

WHEREAS, the Town Supervisor, working with the Putnam County Executive and the Trust for Public Land have identified two parcels of open space land currently owned by the United Jewish appeal ("UJA"), also known generally as Tax Map No. 45., Block 1, Lots 10 and 11 and (the UJA Parcels:) have presented these parcels to the Southeast Open space Committee as potential acquisitions; and

WHEREAS, the Town Board of the Town of Southeast has established an Open Space Advisory Committee charged with the responsibility of identifying and reviewing open space parcels for potential public acquisition and preservation; and

WHEREAS, it is the sense of this Town Board and the Open Space Advisory Committee that the acquisition and preservation of the UJA Parcels is in keeping with the purposes of the Town's open space policy; and

WHEREAS, at the request of the Supervisor, the Trust for Public Land took action to negotiate the acquisition of the UJA Parcels; and

WHEREAS, the trust for Public Land has informed the Town that it has been successful in negotiating the acquisition of the UJA Parcels; and

WHEREAS, the Trust for Public Land has indicated its willingness to acquire this for subsequent transfer to the Town of Southeast as part of the Town's open space acquisition program, subject to the approval of the Town Board; and

WHEREAS, the UJA Parcels represent environmentally significant property which will among other things, fulfill important recreational needs of the people of the Town of Southeast, and facilitate the linkage of the Town's open space and recreational preserve with that of Putnam County located at Tilly Foster Farm; and

WHEREAS, preserving environmentally significant land as permanent open space and developing recreational linkages with other open space and recreational properties are in keeping with the goals and standards of the Town's Comprehensive Plan.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Attorney is hereby authorized to prepare a contract with The Trust For Public Land for the acquisition of the property known as the UJA Parcels, identified as Tax Map No. 45., Block 1, Lots 10 and 11, consisting of a total of approximately 166 Acres, for the purchase price of \$2,200,000.00, by the Town for open space and recreational purposes, subject to the acquisition of such property by the Trust for Public Land.

UPON ROLL CALL VOTE

Supervisor Dunford - Aye Councilman Johnson - Aye
Councilman Honeck - Absent Councilwoman Mitts - Aye
Councilman Bonanno - Absent

VOTE carried by a vote of 3 in favor, 0 against; 0 abstained.

NEW BUSINESS

Highway - we are now leasing a front-end loader and will trade it in for a new truck.

Supervisor Dunford made a motion to approve the purchase of a new front-end loader not to exceed \$115,000. Councilwoman Mitts seconded. All in favor.

RESOLUTION # - 07 - SEEKING HOME RULE LEGISLATION AUTHORIZING THE AMENDMENT OF THE D2006 ASSESSMEENT ROLL

Introduced by Councilman Johnson
Seconded by Councilwoman Mitts

Whereas, on March 24, 2006, five townhouse units within the Fieldstone Pond Residential complex were substantially or completely destroyed by fire; and

Whereas, such destruction occurred after the March 1st "tax status date" for assessment purposes established pursuant to the New York State Real Property Tax Law; and

Whereas, due to the fact that the premises were destroyed after the applicable tax status date, the assessment rolls could not be adjusted to reflect the diminished value of these properties after the fire; and

Whereas, the properties were assessed and taxed based upon full market value prior to the destruction; and

Whereas, it is the sense of this Town Board that it is unfair and inequitable to require the property owners to pay tax on the subject parcels based upon the full, fair market value of these properties as if they were not destroyed by fire; and

Whereas, there appears to be no remedy available to the Assessor of Town Board under current state law to effectively and fairly adjust this situation.

Now, therefore, be it

Resolved that the Town Board of the Town of Southeast hereby requests the New York State Senate and New York State Assembly to prepare and pass appropriate "home rule" legislation during the 2007 legislative Session which would (1) authorize the Southeast Town Assessor to modify the 2006 Real Property tax rolls to reflect the actual, full and fair market value for properties known and designated as Town of Southeast Tax Map Nos. 46-2-50-2201, 46-2-50-2202, 46-2-50-2203, 46-2-2205, as at the date of destruction; and (2) authorizing and directing each taxing. Including the Town of Southeast, County of Putnam, Brewster-Southeast Joint Fire district, and Brewster Central School District, to refund to the appropriate property owner any tax payments in excess of that which would have been owed had the properties been valued after the destruction. And be it further,

Resolved, that the Town Clerk be, and she is, authorized to forward, a copy of this resolution to this resolution to the legislative delegation forthwith.

Upon roll call vote:

Supervisor Dunford - aye
Councilman Johnson - aye
Councilman Honeck - absent
Councilman Bonanno - absent
Councilwoman Mitts - aye

Vote carried by a vote of 3 ayes, 0 nays, 0 abstained.

Incident Reports - the sheriff department reports will be posted on the internet with the cover letter attached.

Sheriff's Contract - it is still being negotiated.

Landfill - Since 2003 when the Town Board submitted a plan, the DEC has had some changes in their staff. Finally, in 2007 the DEC returned to the Town Board a revised plan, but the Board has problems with some of the revisions.

April 10 - Meeting with North Salem for a draft of inter-municipal agreement will take place at Vail's Grove.

April 14 - Town-wide clean-up

Wetlands Inspector - interviews have taken place.

Open Space - There is no financial assistance from Putnam County or DEP regarding open space purchases. The town will sell 10 acres back to the Humane Society. This property is on Zimmer Road on the west side of 84. The Town Board was complimented on the purchase of the 166 acres of open space. The environmentally sensitive White Cedar Swamp at Tonetta Lake is being worked on.

Westchester Tractor - a brochure showing the sale of retail will be given to the Supervisor for follow - up.

EXECUTIVE SESSION

Councilman Johnson made a motion to enter into executive session regarding contract negotiations and Supervisor Dunford seconded. All in favor.

Councilman Johnson made a motion to exit the executive session and Councilwoman Mitts seconded. All in favor.

Respectfully submitted;

Ruth Argo Mazzei
Southeast Town Clerk

DRAFT