

**TOWN OF SOUTHEAST
John J. Dunford Civic Center
1360 Route 22, Brewster, New York 10509
April 8, 2009
Special Meeting 6:00 PM**

Salute to the Flag

Present Supervisor Rights
Councilman Johnson
Councilman Honeck
Councilman Johnson

Absent: Councilman Yee (arrived approx. 7:00 pm)

Also Present: Town Clerk Mazzei
Town Attorney Stephens
Approximately 15 people

**RESOLUTION #16A /09 - O'CONNORS PUBLIC HOUSE WAIVER OF NOTICE
REQUIRMENTS**

INTRODUCED BY: Councilman Roger Gross
SECONDED BY: Councilman Honeck

WHEREAS, the Town has been notified that O'Connors Brewery Inc., a bar/restaurant located at 1620 Route 22, and doing business under the name O'Connors Public House (the "Licensee") has been denied a liquor license renewal as a result of its failure to properly notify the Town of its intention to renew such license; and

WHEREAS, the Town Clerk's records indicate that a written notice of intention to renew such liquor license was received in her office on or about February 9, 2009 and, again, on or about March 23, 2009; and

WHEREAS, it appears that the New York State Liquor Authority ("SLA") has determined that the timing and /or manner of the notice given by said Licensee did not comply with the substantive requirements of Section 64 of the Alcohol Beverage Control Law; and

WHEREAS, it has been found and determined that there are no ABC violations or complaints pending against the licensee and it is the desire of this Town Board to facilitate the re-issuance of the licensee's on premises liquor license.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby WAIVES any and all rights it might have to substantive and procedural compliance with Section 64 of the ABC Law regarding notice to the municipality in connection with the 2009-2010 renewal of the on-premises liquor license for O'Connors Public House, NY State Liquor Authority Serial No. 2134759; and be it further

RESOLVED, that the Town Clerk be and she hereby is authorized and directed to forward a certified copy of this resolution to the New York State Liquor Authority, Renewal Unit, 80 So. Swan Street, Suite 900, Albany, NY 12210-8002 forthwith.

UPON ROLL CALL VOTE:

Councilman Yee Absent
Councilman Gross Aye
Councilman Honeck Aye
Councilman Johnson Aye
Supervisor Rights Aye

VOTE: Resolution carried by a vote of 4 to 0.

RESOLUTION #16b/09 - LUIS INC. d/b/a FIESTA MEXICANA WAIVER OF NOTICE REQUIRMENTS

INTRODUCED BY: Councilman Richard Honeck
SECONDED BY: Councilman Roger Gross

WHEREAS, the Town has been notified that Luis Inc., a bar/restaurant located at 1620 Route 22, and doing business under the name Fiesta Mexicana, (the “Licensee”) has failed to properly notify the Town of its intention to renew its on-premises liquor license in a timely manner; and

WHEREAS, it appears that the Licensee’s restaurant on-premises liquor license is due to expire on April 30, 2009; and

WHEREAS, the rules of the New York State Liquor Authority (“SLA”) require that a Renewal Application Notice Form must be sent to the Town at least thirty (30) days prior to filing for the renewal; and

WHEREAS, the Town is in receipt of a Renewal Application Notice Form from the Licensee dated April 2, 2009;

WHEREAS, it has been found and determined that there are no ABC violations or complaints pending against the licensee and it is the desire of this Town Board to facilitate the re-issuance of the licensee’s on premises liquor license.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby WAIVES any and all rights it might have to substantive and procedural compliance with Section 64 of the ABC Law regarding notice to the municipality in connection with the 2009-2010 renewal of the on-premises liquor license for Luis Inc. d//b/a Fiesta Mexicana, NY State Liquor Authority Serial No. 2117616; and be it further

RESOLVED, that the Town Clerk be and she hereby is authorized and directed to forward a certified copy of this resolution to the New York State Liquor Authority, Renewal Unit, 80 So. Swan Street, Suite 900, Albany, NY 12210-8002 forthwith.

UPON ROLL CALL VOTE:

Councilman Yee Absent
Councilman Gross Aye
Councilman Honeck Aye
Councilman Johnson Aye
Supervisor Rights Aye

VOTE: Resolution carried by a vote of 4 ayes.

ROAD IMPROVEMENT FUNDING

Councilman Johnson made a motion to accept the EAF – short form and the Full Environment Assessment form. Petition submitted by residents to pave Maple Road is attached at end of minutes. Councilman Honeck seconded.

Councilman Johnson proceeded to read the short form and the Town Attorney read the long form. (attached to the end of the minutes)

A Public Hearing is not required.

The roll call vote for the motion that was introduced and seconded is as follows:

Upon Roll Call Vote:

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

VOTE: Resolution carried by a vote of 5 ayes.

RESOLUTION # HIGHWAY EXPENDITURE-ENOCH CROSBY ROAD

Councilman Johnson made a motion for the Highway Superintendent to expend up to \$60,000 (Sixty Thousand Dollars) to improve an existing town road known as the “Enoch Crosby Extension” to the town specifications.

Upon Roll Call Vote:

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

VOTE: Resolution carried by a vote of 3 ayes, 2 nays, 0 abstained.

Respectfully submitted;

Ruth Argo Mazzei
Southeast Town Clerk