

**THE TOWN OF SOUTHEAST
JOHN J. DUNFORD CIVIC CENTER
1360 ROUTE 22, BREWSTER, NEW YORK 10509
APRIL 15, 2010
REGULAR MEETING 7:30 PM**

Notation of Exits
Pledge of Allegiance

Present: Supervisor Rights
Councilman Gross
Councilman Yee
Councilwoman Hudak
Councilman Cullen

Also: Deputy Town Clerk Michele Stancati
Town Attorney Willis H. Stephens

And: Approximately 80 persons

CALL FOR THE ORDER OF THE DAY – Councilwoman Hudak

SNOWMAN CONTEST WINNERS AWARDS

Director of Recreation, Ray Knox presented two first place awards, one to Isabell and Nicholas Kwok for Traditional Snowman, and one to Casey Jacobson for Non-Traditional Snowman.

PUBLIC HEARINGS

NO CONGREGATING

Supervisor Rights made a motion to open the Public Hearing. Councilman Yee seconded. All in favor. Public Hearing notice was read.

Lynne Eckardt stated that Councilman Cullen has been helpful in stating that the law is already on the books. She also asked Supervisor Rights where the problems were and he answered 1 Main St, 67 Main St and other places. He wasn't specific about other places. She urged the Town Board not to adopt this Ordinance because it's a lawsuit waiting to happen.

Councilwoman Hudak stated that she wants to make sure this passes Constitutional muster. She would like to seek a consultation with a Constitutional lawyer.

John Lord asked who would be enforcing this ordinance and if the Sheriff's Office was looking for justification to enforce the law.

Supervisor Rights stated that there were three agencies with jurisdiction, Village of Brewster Police Dept, County Sheriffs Dept, and State Troopers. He said there is interest with the County, and he will be talking with the State Troopers.

Mildred Nugent asked if the Village would be Co-Sponsoring this.

Village Mayor Jim Schoenig said he would not enforce laws that are unconstitutional. There has not been one phone call or complaint at either location. Also, the State Police do not enforce local law and the Sheriff's Dept hasn't written one local ordinance ticket in 20 years in the Village.

Councilman Yee said he just wants to protect our residents in the community who have complained to us.

Councilman Cullen restated that the laws are on the books already. He spoke to the State Troopers and they don't enforce local ordinances, and the Sheriffs Dept would have an attorney review it before they would enforce it.

Councilman Gross said that signage might be a start.

Supervisor Rights made a motion to close the Public Hearing. Councilman Yee seconded. All in favor.

RENTAL OCCUPANCY PERMIT FEES

Supervisor Rights made a motion to open the Public Hearing. Councilman Yee seconded. All in favor. Public Notice was read.

Councilman Gross said he wanted to look at the fees carefully because nationally we're already being nickel and dimed, and it's expensive to run rental housing.

Supervisor Rights said that commercial enterprises are for profit and fees are annually.

Councilman Cullen stated that it's not fair to raise fees for residents that are already cooperating, but he wouldn't have a problem charging a higher fee for those who don't cooperate.

Peter Alexanderson asked the Board to look closely at raising the fees, as taxpayers are already struggling. He and his wife Robin own the Riverside apartment complex and pays upwards of \$35,00.00 in property taxes. Peter said that he complies readily and always obeys the laws. Fees should be raised to those who don't comply. He said that commercial properties are owned by residents, and when you have good tenants you try not to raise rents.

Councilwoman Hudak said maybe they could consider the fee as security, so it's not a continual obligation, and those who don't comply, we already have their money.

Robin Alexanderson wanted to know what the proposed increase in fees was.

Supervisor Rights responded that the fees have not been updated since 2006 and that's why we're having public input. It seems there is support for adjustments in fines and not fees.

Supervisor Rights made a motion to close the Public Hearing. Councilman Gross seconded. All in favor.

FORMATION OF SOUTHEAST AMBULANCE DISTRICT NO.1

Supervisor Rights made a motion to open the Public Hearing. Public Hearing notice was read. There was no Public comment.

Supervisor Rights made a motion to close the Public Hearing. Councilman Gross seconded. All in favor.

COMPREHENSIVE PLAN

Supervisor Rights made a motion to open the Public Hearing. Councilman Gross seconded. All in favor. Public Notice was read.

Graham Trelstad, Town Planning Consultant, gave an overview of the 2nd Public Hearing for the Comprehensive Plan.

The Last comprehensive plan was adopted in 2002 and there were amendments made specific to automobile related use, like gasoline stations and motor vehicle stations, but not existing automobile dealerships. This process began in 2009 with a zoning petition. In January 2010 it was reaffirmed and a referral was sent to ARB and Putnam County. It was then sent to the Town Board to consider changing the Comprehensive Plan. The Planning Board recommended extending the NB1 Zone to be consistent with the surrounding area. In an aerial photo, the existing commercial site was shown along with the proposed site and the surrounding boundaries of 684, the railroad and existing retail and commercial properties. It's appropriate to take action as the Comprehensive Plan is subject to updates and amendments. The Town Board needs to complete the Seqra process.

In the Town Planners opinion, it's not spot zoning, it's a well considered plan and it's in the general welfare of the community. It will support local economic development and a general benefit to the Town, with property taxes supporting the Schools, Town and the County.

Three letters, by Terry Bergendorff Collins, Ledley Food Service and Linda & Jerry Occhiogrossi were read. (See at end of Minutes)

David Cullo, a resident of Meadow Lane, read a statement with his thoughts about amending the Comprehensive Plan. He addressed a comment made by Supervisor Rights who said that the Board must support business expansion as related to this site. Mr Cullo said that money allows the privileged to use ones power to threaten our elected officials and the public. He went on to say that Southeast is a case book for misusing its land resources. Misuse of land resources reduces property values. Good Planning involves a diligent process to balance the interest of businesses, residents, and natural resources. He asks that we not be hostage to businesses in a town run by local officials who fail to see that there are no adequate open spaces and parks. Box stores, strip malls and car dealers are a recipe for disaster and why should we allow for poor development?

Supervisor Rights responded that the reason for the Public Hearing is to hear public input, to point out both sides and that no decisions have been made. We are closely considering all the information. We also work with the Open Space Committee and are currently considering 160 acres to be forever green.

Keith Greene, representing the Allview-Meadow Lane Coalition in opposition to Brewster Honda, stated that the Comprehensive Plan should not be changed to the sole benefit of Brewster Honda. Under the current Comprehensive Plan, current ED zoning is only allowed in two areas. This is to keep uses remote from established neighborhoods, from water sources at a minimum of 300 ft, and from each other at a minimum of 1000 ft. The Comprehensive Plan was drafted because of concern for the character of neighborhoods, safety of our children, and the quality of our lives. Brewster Honda is in the village and growing, and they purchased property in the Town of Southeast. They want a place to expand, and have to influence the Town to allow it to happen. The Town Planner who wrote the original Comprehensive Plan now proposes to change some of the language, redefine what a general business is, and redraw a zoning district line. In the proposed future map for Brewster Honda five districts could potentially have this permit and would suffer a negative impact. Changing the Comprehensive Plan for the benefit of one will be detrimental to many. Don't approve it!

Supervisor Rights said that we have an obligation to consider and weigh all interests.

Mildred Nugent said that most of the sales tax goes to Putnam County and we only get about \$5000.00 a year. To destroy the Comprehensive Plan and change zoning for one individual is to loose all sense of decency.

Laura Green of 3 Meadow Lane is opposed to changing the Comprehensive Plan and presented a Petition to the Town Board with signatures of Southeast Residents who also oppose the change.

Mike Santos said that the village would not be vastly affected if Brewster Honda left. This should not be about money, but about families and their investments in their homes. Changing the law will affect the lives and fortunes of our neighbors. I hope we're better than that.

David Gordon, Attorney working with the Allview – Meadow Lane Coalition, submitted his comments to the Town Board. (See at end of Minutes)

Rick Fuerman, told the Town Board that as elected Officials, they had a responsibility to protect the quality of life and all the people. They would not be hurting just one section, but could then do this to any part of the Town. He said they will continue to fight, whether in Court or in the Ballot Box. This is absolutely wrong.

Councilman Yee asked the Town Planner what the property is currently zoned. He said it is currently zoned Gateway Commercial, which permits general businesses, offices, personal and professional services, and restaurants. With a special permit, large retail and public utilities would be allowed; such as electric facilities, waster water treatment plants, and telecommunication facilities. There is a broad definition under State Law.

Rick O'Rourke, attorney for Brewster Honda, said there were a lot of misstatements of fact and law. If you look at spot zoning, it is totally different from the surrounding area. This is not spot zoning, just look at case law and the zoning laws for the Village and Town of Southeast. This area is surrounded by automobile dealerships and is already a commercial zone. The map shows the use of this property going as far back as 1975 as a heavily industrialized area. The disturbance as depicted in this photo is far greater than what is proposed now. As far as the negative impact on residential values, look at the rules of appraisals. If asked, the existing zone is lower now in contrast to the environmentally cleaned up, appropriately screened, and appropriately fenced area. Comments made before will not be supported in fact or appraisal practices. We're a successful business and want to stay here. You've been threatened, not by us. A previous law suit against the Town by the Concerned Citizens of Southeast and the Coalition of Open Space wasted a lot of resident's money and the brief was struck by the Appellate Court in January, 2005. There have been ridiculous allegations of collusion. I have never represented anyone from the Village, yet a member of the Concerned Residents of Southeast signed a letter opposed to the application and sits on a Board that judges those applications – is that being impartial?

Renee Diaz from Meadow Lane stated that she hopes that that person would recues themselves from voting and that the Comprehensive Plan was crafted to protect the neighborhoods from commercial development.

Rick Fuerman stated that the Court Case from five years ago was not frivolous; they lost but fought for what they believed in.

Ann Fanizzi said that they spent their time, effort and money because it was the right thing to do.

Rick O'Rourke stated that in the lawsuit, the Town was complemented by the The Court of Appeals for anticipated regulatory changes that occurred later on.

David Gordon urged the Board to look at the issue before them, which is the Comprehensive Plan, and take a hard look at the potential impact.

Councilman Gross stated that he didn't appreciate that he and his colleagues were threatened and that they will evaluate what is good for the whole community in a balanced way. We have all the evidence and will make a decision.

Supervisor Rights said he understood the passion and no decision has been made. This has been a transparent process and we have the facts and will deliberate fairly.

Supervisor Rights made a motion to close the Public Hearing. Councilman Gross seconded. All in favor.

REGULAR MEETING

Councilman Yee made a motion to open the Regular Meeting. Councilman Gross seconded. All in favor. Councilwoman Hudak made a motion to modify the Call for the Order of the Day due to the lateness of the hour, so items 5, 7, 10, 11, 12, 15, and 21 can be moved up to accommodate our guests.

IDA APPOINTMENT

Supervisor Rights made a motion to nominate James Brierley to the Southeast Industrial Development Agency. Councilman Gross seconded. All in favor.

BUILDING INSPECTOR – SOUTHEAST LANDFILL

Councilman Gross made a motion to accept the material as per the contract that has been developed by our Town Attorney and authorize the Supervisor to execute the agreement. Councilman Hudak seconded. All in favor.

SOUTHEAST LANDFILL – PRESENTATION BY THE COUNTY

Supervisor Rights made a statement that John Tully had a previous engagement and could not attend.

**RESOLUTION NO. _____ / 2010 SPECIAL PERMIT REQUEST FOR VALLEJO
KENNEL- MAPLE ROAD**

INTRODUCED BY: Councilwoman Hudak

SECONDED BY: Councilman Gross

WHEREAS, Robert Vallejo, owner of premises located 145 Maple Road, Tax Map No. 67.-1-24, (the “Subject Premises”) has made application to this Town Board pursuant to Section 138-57 of the Zoning Code for a Special Permit to allow the establishment of a Kennel on the Subject Premises; and

WHEREAS, the Subject Premises are located in an R-160 zone; and

WHEREAS, Kennels are only allowed within an R-160 zone as an accessory use upon the grant of a Special Permit by the Town Board; and

WHEREAS, the Applicant resides in an existing residential structure on the Subject Premises and proposes to maintain and operate a kennel thereon to be used in connection with the Applicant’s business as dog trainers;

WHEREAS, the Planning Board of the Town of Southeast conducted public hearings in connection with the application on October 26, 2009 and November 9, 2009 and conducted site walks on the Subject Premises on November 21, 2009 and November 23, 2009

WHEREAS, the Town Board is in receipt of a Recommendation and Report from the Southeast Planning Board dated January 25, 2010 wherein the Planning Board issued a “negative recommendation for the Special Permit for the application as proposed”; and

WHEREAS, the Planning Board, as Lead Agency for purposes of State Environmental Quality Review, on January 25, 2010 adopted a Conditioned Negative Declaration, which found that the “proposed action would not result in ... significant adverse impacts warranting the preparation of an Environmental Impact Statement (EIS), notwithstanding this determination, we find that the proposed use is not consistent with the special permit criteria in that reasonable conditions to protect the neighbors, aesthetic impact, and animal safety to ensure the health, safety and general welfare of the community have not been met”; and

WHEREAS, a duly noticed public hearings were held by the Town Board on February 18, 2010 and March 18, 2010 in connection with this application wherein the applicant

and interested parties were given an adequate opportunity to be heard in this regard; and

WHEREAS, written submissions in favor of and in opposition to the application have been received and reviewed by the Town Board.

NOW, THEREFORE, BE IT

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

1. The application and proposed use fails to conform with all of the general standards and any applicable special standards of Article X of the Zoning Code; and

2. The application is not in harmony with the purpose and intent of Chapter 138 of the Zoning Code in that it does not permit for the orderly development and peaceful enjoyment of neighboring properties.

And be it further

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

1. Although the Subject Premises are located on a lot which exceeds the minimum area required in an R-160 Zone, the Subject Premises is a proportionately thin lot with neighboring residential structures in relative close proximity. The proposed kennel use, therefore, is in such location and is a size and character that it will not be in harmony with the appropriate and orderly development of the surrounding district and will 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 may be hazardous. The Subject Premises are located in a bucolic, strictly residential neighborhood overlooking the Middle Branch Reservoir. Maple Road is a sub-standard Town maintained road that is characterized by difficult driving conditions during winter months as well as during periods of heavy inclement weather. The driveway accessing the Subject Premises is both steep and narrow and the area for parking vehicles is limited. The proximity to neighboring residential properties is such that it would be difficult, if not impossible to mitigate potential noise, odor and community character impacts;

3. The proposed changes to the existing exterior appearance of the buildings will hinder or discourage the development and use of adjacent land and buildings. The addition of any fencing for outdoor runs or enclosures for dog runs or exercise areas would likely necessitate variances from the bulk requirements of the zoning code. Moreover, it would be difficult or impossible to situate a run on the Subject Premises which would not violate the special permit limitation contained in of §138-57 C of the Zoning Code requiring a minimum set back of 100 feet from any property line; and

4. The proposed use will require additional public services and may create fiscal burdens upon the Town greater than those which characterize uses permitted as of right. Having a kennel of the size and nature proposed by the applicant in a residential neighborhood with homes in relative close proximity will most likely result in regular calls upon the code enforcement and dog control offices of the Town in instances of loud barking of dogs common to situations where there are a multitude of dogs at one location. The costs associated with such a prospect are likely to be higher than that which would result from the use of the Subject Premises solely as a single family home without the accessory kennel use;

AND BE IT FURTHER

RESOLVED, that based the review of the application and submissions in support of and in opposition to the application, the entire record before the Town Board, the recommendation of the Planning Board, site inspections and testimony adduced at public hearings held in connection with the application, which support the foregoing findings, the application of Robert Vallejo for a Special Permit pursuant to Chapter 138, Article X, § 138-57 to permit the establishment of a kennel on the Subject Premises as an accessory use is **DENIED**;

AND BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to mail a certified copy of this resolution to the Applicant forthwith.

Upon Roll Call Vote:

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Nay</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Aye</u>

VOTE: carried by a vote of 4 in favor, 1 against; 0 abstained.

HIGHWAY DEPARTMENT BIDS

Councilman Cullen made a motion to accept the Highway Superintendents recommendations on the bids. Supervisor Rights seconded. All in favor.

RESOLUTION NO. / 10 TEMPLE BETH ELOHIM SITE PLAN
ARCHITECTURAL REVIEW BOARD

INTRODUCED BY: Councilman Yee

SECONDED BY: Supervisor Rights

WHEREAS, the Town Board is in receipt of a Report of the Architectural Review Board of the Town Southeast dated 3/17/10 in connection with the application of Temple Beth Elohim, to modify the existing site plan to add a fence at the Temple premises located Mount Ebo Road North, in the Town of Southeast, Putnam County, New York; and

WHEREAS, the Report concludes that the ARB voted to positively recommend this application to the Town Board; and

WHEREAS, the Town Board finds that there is no reason to upset the findings and recommendation of the Architectural Review Board in connection with said application,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts and approves the Report of the Architectural Review Board dated 3/17/10 in connection with the proposal of Temple Beth Elohim for premises located at Mount Ebo Road North and that such Report shall be incorporated in any amended final Site Plan approval by the Planning Board; and be it further

RESOLVED, that the Town Clerk shall forward a Certified Copy of the foregoing resolution to the Planning Board Secretary forthwith.

ROLL CALL VOTE:

Councilman Cullen	<u>Abstain</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Aye</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Aye</u>

VOTE: carried by a vote of 4 in favor, 0 against; 1 abstained.

RESOLUTION NO. / 10 BREWSTER CORPORATE PARK SITE PLAN
ARCHITECTURAL REVIEW BOARD

INTRODUCED BY: Councilman Gross

SECONDED BY: Councilman Yee

WHEREAS, the Town Board is in receipt of a Report of the Architectural Review Board of the Town Southeast dated 3/17/10 in connection with the application of Brewster Corporate Park for site plan approval for premises located at 1944 Route 22 (Tax Map No. 35.-2-4) in the

Town of Southeast, Putnam County, New York; and

WHEREAS, the Report concludes that the ARB voted to positively recommend this application to the Town Board; and

WHEREAS, the Town Board finds that there is no reason to upset the findings and recommendation of the Architectural Review Board in connection with said application.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts and approves the Report of the Architectural Review Board dated 3/17/10 in connection with the proposal of Brewster Corporate Park, for site plan approval for premises located at 1944 Route 22 (Tax Map No. 35.-2-4) for final Site Plan approval by the Planning Board and such report is incorporated herein by reference; and be it further

RESOLVED, that the Town Clerk shall forward a Certified Copy of the foregoing resolution to the Planning Board Secretary forthwith.

ROLL CALL VOTE:

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Aye</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Aye</u>

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

**RESOLUTION NO. /10 RESOLUTION - WETLANDS PERMIT TOWNE
CENTRE - AMENDED SITE PLAN**

INTRODUCED BY: Councilwoman Hudak

SECONDED BY: Councilman Cullen

WHEREAS, the Town of Southeast Wetlands Consultant, Stephen W. Coleman, issued a report and recommendation dated January 20, 2010 in connection with the application of Brewster Towne Center, to upgrade a waste water treatment plant on property located on Route 22, Tax Map No. 46.-2-39 in the Town of Southeast; and

WHEREAS, the Report and Recommendation concludes that the proposed activity will have minimum impacts upon regulated wetlands and wetland buffer areas and makes

recommendations regarding the mitigation of potential impacts; and

WHEREAS, the Town Board finds that there is no reason to upset the findings and recommendation of the Town Wetlands Consultant in connection with said application,

NOW, THEREFORE, BE IT

RESOLVED, that after reviewing the maps, plans and submissions of the Applicant, together with the Report and Recommendation of Stephen W. Coleman Environmental Consulting dated January 20, 2010 and the Wetlands Permit referral of the Planning Board both of which are incorporated herein by reference, the Town Board of the Town of Southeast hereby GRANTS a wetlands permit, subject to the conditions set forth in the Report of Stephen W. Coleman Environmental Consulting dated January 20, 2010; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to Keane Coppelman Engineers, P.C., project engineers for Brewster Towne Centre, and to the Secretary of the Town of Southeast Planning Board forthwith.

Upon Roll Call Vote:

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Aye</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Aye</u>

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

SPRINGHOUSE

Supervisor Rights made a motion to authorize the Supervisor to execute the agreement with the Chazen Company on the Springhouse Project to connect the new wells to the families. Councilman Gross seconded. All in favor.

CORRESPONDENCE

Councilman Yee made a motion to waive the reading of the Correspondence. Councilman Gross seconded. All in favor.

Correspondence Received

1. Jacobson to Planning Board Re: Temple Beth Elohim Amended Site Plan Review
2. Jacobson to Building Dept Re: Lakeview Plaza Retaining Wall Failure
3. Putnam County Legislature to Supervisor Rights Re: Resolution regarding Reclamation of Putnam County Landfill
4. Hogan & Rossi to Town Clerk Re: Letter from Godfrey Lidl
5. Sterling to Supervisor Rights Re: Town of Southeast Landfill 2010 Environmental Monitoring Program Proposal
6. Pace University to Supervisor Rights Re:2010 Subscription Renewal
7. Putnam County Legislature to Supervisor Rights Re: Monitoring of unregistered contractors in Putnam County
8. Keane & Beane PC to Town Board Re: Town of Southeast Comprehensive Plan & Brewster Honda Rezoning 2-4 Allview Ave
9. Mary Rhuda to Town Board Re: Letter of Resignation
10. Stephen Abels to Town Board Re: Brewster Honda Rezoning
11. Wrights Risk Management to Town Clerk Re: Claimant Domenic Consentino against Town of Southeast
12. Environmental Facilities Corp to Town of Southeast Re: Requisition for disbursement
13. Eric Hughes to Town Board Re: Brewster Honda – Allview Ave
14. Town of Carmel Highway Dept to Town of Southeast RE: Seqra Determination of Significance – request for additional information
15. Brewster Chamber of Commerce to Planning Board Re: Brewster Honda Rezoning
16. Putnam County Legislature to Supervisor Rights Re: Resolution # 93 – Approval of County Landfill Participation with Southeast Landfill Closure
17. Jacobson to Planning Board Re: Baroody Lot Wetland Permit
18. Jacobson to Planning Board Re: Palumbo Sand & Gravel Sketch Plan Review
19. AKRF to Town Board Re: Brewster Honda Proposed Comprehensive Plan and Zoning Amendments
20. NYS DOT Re: use and Occupancy Permit #82286 for landscaping at US6 & NY 312
21. NYMIR to Town of Southeast Re: Claimant William Jakubowski against Town of Southeast
22. Unilock NY Inc to Town Clerk Re: Southeast Industrial Development Agency Variable Rate Demand Limited Obligation Revenue Bonds
23. NYSDEC to Town of Southeast Re: Carmel Highway Dept to serve as lead agency for Environmental Review for proposed extension of Enoch Crosby Road
24. Putnam County Legislature to Town Clerk Mazzei Re: Resolution #69 Disbursement of surplus funds from Dog Licenses
25. Town of Patterson to Town of Southeast Re: Local Law #1-3 Chapter 99 Interim Development Law
26. Keane & Beane to Town Board Re: Rezoning Quest Properties
27. LADA PC to Town Board Re: Brewster Corporate Park Revised Architectural Drawings
28. Putnam County to Town of Southeast Re: Agreement to spend Town Highway Funds
29. Sapporo Japanese Restaurant to Town Clerk Re: Liquor License Renewal
30. NY Central Mutual Ins to Town Clerk Re: Claimant Joanne & Larry Bischofsberger against the Town of Southeast

31. Blackberry Hills Sanitary Sewer District Re: Certification & Disbursement Request
32. Acord Certificate of Liability Ins Re: Diversified Waste Disposal Inc
33. Acord Certificate of Liability Ins Re: Town of Southeast
34. Acord Certificate of Liability Ins Re: Serv All Fuel Inc
35. Acord Certificate of Liability Ins Re: Katonah Building Corp
36. NYSIF Cancellation of Workers Comp Ins Re: D & S Fire Protection Corp
37. NYSIF Cancellation of Workers Comp Ins Re: Bazooka Carting Inc
38. Farm Family Ins Co Cancellation Notice Re: Fregosi Landscaping Inc
39. Utica First Notice of Cancellation Notice Re: Bruce Major Contraction Inc
40. NYSIF Cancellation of Workers Comp Ins Re: James Gagliardo Excavating
41. NYSIF Cancellation of Workers Comp Ins Re: Katonah Building Corp
42. Certificate of NYS Workers Comp Ins Re: US Remodelers Inc
43. Certificate of NYS Workers Comp Ins Re: Lee Seward Plumbing & Heating
44. Certificate of NYS Workers Comp Self Ins Re: Town of Southeast
45. NYS Office of Real Property Services Re: 2009 Annual Aid Certification
46. Utica First Ins Co Re: Reinstated Policy for Bruce Major Contracting Inc
47. Keane & Beane to Town Board Re: Independent Sewage Works, Inc – Revised Initial Rate Filing
48. MVCC & NYS DOT to Town of Southeast Re: NYS Bridge and Maintenance Conference
49. Assembly Minority Sex Offender Watch Task Force to Supervisor Rights Re: Roundtable Discussion
50. Peach Lake Re: Supplemental Certificate of Determination
51. Putnam County to Town of Southeast Re: Resolution by Putnam County EDC Office regarding DeCicco Project
52. **Foils**
 - Michael Griffen Re: All Star Exemptions for Joe or Eileen D’Imperio
 - Pam Blecker Re: C/O for basement of 5005 Applewood Circle
 - Tina Mignaro Re: Copies of C/O, permits, and violations for 103 Starr Ridge Rd
 - Renee Diaz Re: Copies of Town Board Meetings and Worksessions
 - Tina Mignaro Re: Copies of C/O, permits and violations for 316 Milltown Rd
 - Ann Fanizzi Re: All Correspondence submitted by Attorney O’Rourke for Brewster Honda
 - Houlihan Lawrence Re: C/O for 45 Lincoln
 - Doug Morris Re: C/O & Fire Inspection Report for HV Cerebral Palsy Assoc Building
 - Catherine Grace Re: Site Survey for 105, 118, 120 & 122 Federal Hill Rd
 - John Graboski Re: Well Report & date for 72 Maple dr
 - Yoshihiko Ito Re: All correspondence on Brewster Honda
 - Feher Rubbish Removal Inc Re: Information on Town Garbage Contract from 2005 to present
 - Tina Mignaro Re: C/O, permits and violations for 50 Minor Rd
53. **Emails**
 - Brian Alberghini to Supervisor Rights Re: MS4 Report
 - Jon Bates to Town Board Re: Landfill

- Supervisor Rights to Town Board Re: Water Meters
- Supervisor Rights to Town Board Re: Landfill
- Supervisor Rights to Willis H Stephens Re: North Salem Ambulance Corp

54. **Memo**

- Code Enforcement to Town Board Re: Signs
- Code Enforcement to Town Board Re: Open Violations on the Estate of Marin various properties
- Special Districts to Town Board Re: RFP Analysis 2010
- Code Enforcement to Town Dept Heads Re: Contract for Town Vehicles at Mt Maya Car Wash

Correspondence Sent

1. Supervisor Rights to residents Re: Town & Village Joint Meeting
2. Supervisor Rights to residents Re: Biotic Corridor Biodiversity Study
3. Supervisor Rights to NYSDOT Re: Starr Ridge Road, Brewster Hill Rd, & Federal Hill Road Improvements
4. Supervisor Rights to Walt Thompson Re: Clothing Bins
5. Supervisor Rights to Joan McCaffery Re: Permission to film on Lower Mine Rd
6. Town of Southeast to Mr Joseph Sisca Re: Lakeview Shopping Center
7. Town of Southeast to .gov Domain Registration Re: Website
8. Highway Dept to Putnam County Highway Dept Re: Storm Drainage – Brewster Heights and Putnam County Bikeway
9. Planning Dept to Mr Joseph Buschynski Re: Escrow Account – RD Berco Office Building
10. Planning Dept to PW Scott & Associates Re: Escrow Account – Mazzotta Subdivision
11. Planning Dept to PW Scott & Associates Re: Escrow Account – Palumbo Sand & Gravel Site Plan

VOUCHERS

Supervisor Rights made a motion to authorize the expenditures of \$531,081.70 as noted by the Town Accountant. Councilwoman Hudak seconded. All in favor.

MEETINGS

Supervisor Rights made a motion to set the following meeting dates. Councilwoman Hudak seconded. All in favor.

All meetings will be held at 1360 Route 22, Brewster, NY at 7:30 PM unless otherwise noted.

May 6, 2010 – Worksession

May 13, 2010 – Worksession

May 20, 2010 – Regular Meeting

BUDGET TRANSFERS

Supervisor Rights made a motion to accept the Budget Transfers received by Town Accountant Ron Hund as set forth herein. Councilman Yee seconded. All in favor.

**RESOLUTION NO. / 10 QUEST PROPERTIES-REZONING
CORRECTION RESOLUTION**

INTRODUCED BY: Councilman Yee

SECONDED BY: Supervisor Rights

WHEREAS, a petition having been filed on behalf of Quest Properties, owner of property located on Independent Way, Tax Map No. 56-1-28.1 (the "Subject Premises) seeking to re-zone the Subject Premises; and

WHEREAS, Town Board granted the Petition on February 18, 2010 by adopting a resolution to that effect; and

WHEREAS, upon review of the granting resolution it was realized that there was a scrivener's error in the resolution wherein the Subject Premises were inadvertently re-zoned from "RC" to "OP-1" when it was intended and in keeping with the Planning Board recommendation to re-zone the Subject Premises from "RC" to "OP-2".

NOW, THEREFORE, BE IT

RESOLVED, that the prior Resolution is hereby superseded to the extent that the Subject Premises known and designated as Tax Map No. 56.-1-28.1 together with adjoining premises known and designated as Tax Map No. 56.-1- 28.2, be and hereby are rezoned to be designated as OP-2; and be it further

RESOLVED, that the Town Planning Consultant, AKRF, is authorized and directed to prepare a revised zoning map incorporating the foregoing amendments and cause same to be filed with the Clerk of the Town of Southeast as the Official Zoning Map of the Town of Southeast; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Planning Board, AKRF and to the representatives of Quest Properties and to Anne and Patrick Tyndall forthwith.

Upon Roll Call Vote:

Councilman Cullen Aye
Councilwoman Hudak Aye
Councilman Yee Aye
Councilman Gross Aye
Supervisor Rights Aye

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

**RESOLUTION NO. / 10 DAVID L. & JILL M. NILSEN v. TOWN OF SOUTHEAST
SETTLEMENT OF CERTIORARI PROCEEDINGS**

INTRODUCED BY: Councilwoman Hudak

SECONDED BY: Councilman Yee

WHEREAS, proceedings have been commenced challenging the assessed valuation of premises known generally as Tax Map No. 56.8-2-36 for the 2008 and 2009 tax years (Index Nos. 2027/2008 and 2241/09); and

WHEREAS, the Town Board is in receipt of settlement recommendations from the Town's Assessor, Appraiser and Town Attorney with regard to such proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby accepts the recommendations of its professional advisors and authorizes the Town Attorney to execute a Consent Judgment and Stipulation in accordance with said recommendations.

UPON A ROLL CALL VOTE:

Councilman Cullen Aye
Councilwoman Hudak Aye
Councilman Yee Aye
Councilman Gross Aye
Supervisor Rights Aye

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

**RESOLUTION NO. / 10 GREENLANDS II LLC v. TOWN OF SOUTHEAST
SETTLEMENT OF CERTIORARI PROCEEDINGS**

INTRODUCED BY: Councilman Cullen

SECONDED BY: Councilman Gross

WHEREAS, proceedings have been commenced challenging the assessed valuation of premises known generally as Tax Map No. 69.-1-12 for the 2009 tax year (Index No. 2160/2009); and

WHEREAS, the Town Board is in receipt of settlement recommendations from the Town's Assessor, Appraiser and Town Attorney with regard to such proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby accepts the recommendations of its professional advisors and authorizes the Town Assessor to adjust the 2010 Assessment roll accordingly and authorizes the Town Attorney to execute a Stipulation of Discontinuance of the above-referenced proceeding in accordance with said recommendations

UPON A ROLL CALL VOTE:

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Aye</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Aye</u>

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

SALES TAX SHARING

Supervisor Rights made a motion to endorse the sentiment that Putnam County share sales tax revenue with the Town of Southeast. Councilman Gross seconded. All in favor.

VIDEOGRAPHER – Deferred

SOUTHEAST STATION

Supervisor Rights made a motion to authorize the Town of Southeast Highway Department Superintendent to tend to the condition of the parking lot at the Southeast Train Station and make all routine maintenance adjustments in his judgement. Councilman Gross seconded. All in favor.

RESOLUTION NO. _____ / 10 DeCICCO ENTERPRISES, LLC
PUTNAM COUNTY EMPIRE ZONE REGIONALLY SIGNIFICANT PROJECT
AT TAX PARCEL 56.-1-23.-3.1

INTRODUCED BY: Supervisor Rights

SECONDED BY: Councilman Yee

WHEREAS, New York State has created the Economic Development Zone Program, now known as the Empire Zones Program, to encourage industrial and commercial development in select municipalities across the State; and

WHEREAS, the County of Putnam intends to amend the Empire Zone boundaries to encourage industrial and commercial development and to allow for the designation of lands in the Town of Southeast as a Regionally Significant Manufacturing Project; and

WHEREAS, DeCicco Enterprises, LLC located at 50 Independence Way, Brewster, NY, meets the criteria of 957(d) of the General Municipal Law as a regionally significant project by creating at least 50 new manufacturing jobs for inclusion within the Putnam County Empire Zone in an area outside the distinct and separate contiguous areas; and

WHEREAS, the Town of Southeast wishes to support and concur with the Empire Zone designation of Tax Parcel 56.-1-23.-3.1, as a Regionally Significant Project on behalf of DeCicco Enterprises, LLC.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Southeast Town Board, in its capacity as governing body of the Town of Southeast, does hereby support and concur with the Putnam County Empire Zone to include the properties more particularly described as follows: Tax Parcel No. 56.-1-23.-3.1.

Upon Roll Call Vote:

Councilman Cullen	<u>Abstain</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Aye</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Aye</u>

VOTE: carried by a vote of 4 in favor, 0 against; 1 abstained.

CODE ENFORCEMENT VEHICLE BIDS

Supervisor Rights made a motion to defer this to a worksession for further consideration. Councilman Yee seconded. Vote carried by a vote of 3 ayes, and 2 nays. (Cullen & Gross)

EMPLOYMENT CONTRACT – OFFICE OF AGING

Supervisor Rights made a motion to authorize \$5000.00 to the Office of the Aging to serve the Southeast Seniors. Councilman Yee seconded. All in favor.

NEW BUSINESS

Town Wide Cleanup

Saturday April 17, there will be a Town Wide Clean-up Day. It will start at 8:00 am thru about 3:00 pm. Orange bags can be picked up at the Highway Department.

EXECUTIVE SESSION

Councilwoman Hudak made a motion to leave the meeting open. Councilman Cullen seconded. All in favor. Supervisor Rights made a motion to enter into Executive Session. Councilman Yee seconded. All in favor.

- a) Special Prosecutor – Code Enforcement
- b) Brewster Heights Sewer District – Consent Order

SPECIAL PROSECUTOR

Councilwoman Hudak made a motion to hire a Special Prosecutor for matters currently in court, People v Brewster Auto Inc, People v Simon Auto Wreckers and 2 matters pending in this court on Ved Parkash. The Special Prosecutor will be named after further discussion. We will follow the special rules, procedures and regulations required for us to hire this Special Prosecutor.

Upon Roll Call Vote:

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Aye</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Abstain</u>

Vote carried by a vote of 4 ayes, 0 nays, and 1 abstained.

BREWSTER HEIGHTS WATER DISTRICT

Supervisor Rights made a motion to authorize the Supervisor to execute a consent order in connection with an enforcement action by the Department of Environmental Conservation against the Brewster heights Sewer District with the caveat that \$7500.00 will be paid by the engineering company who operates this plant for us, and a \$7500.00 fine to be paid only if there are future violations. Councilman Gross seconded. All in favor.

INDEPENDENT SEWER WORKS INC

Supervisor Rights made a motion to authorize the Town Counsel to seek out and have the Town employ a rate consultant to set sewer rates for Independent Sewer Works Inc, with the caveat that Town Counsel will solicit payment for this service by the parties that are involved in this matter in lieu payment by the Town. Councilwoman Hudak seconded. All in favor.

Councilman Yee made a motion to close the meeting. Supervisor Rights seconded. All in favor.

Respectfully Submitted

Michele Stancati
Deputy Town Clerk

