

**TOWN CLERKS MINUTES  
REGULAR MEETING  
TOWN BOARD  
April 19, 2007**

Present: Supervisor Dunford  
Councilman Johnson  
Councilman Honeck  
Councilwoman Mitts

Also Present: Town Clerk Ruth A. Mazzei  
Town Attorney Willis Stephens Jr.  
Town Planner Graham Trelstad

Absent: Councilman Bonanno

**REGULAR MEETING**

Councilman Honeck made a motion to open the Regular Meeting and Councilwoman Mitts seconded. All in favor.

Pledge of Allegiance

Notation of Exits

The Supervisor briefly explained the Town Board's Decision-Making Process.

Snowman Contest - There was an annual snowman contest and the Recreation Director, Ray Knox, awarded two families for their snowman. The Strahley family was present and a \$50 savings certificate was accepted by Brooke, Ian and Aidan. The other winners Ashley, Sean and Conner Henderson were unable to attend.

PUBLIC HEARING - PEGASUS THERAPEUTIC RIDING, INC.

Councilwoman Mitts made a motion to open the public hearing and Councilman Honeck seconded. All in favor. Town Clerk Mazzei read the legal notice. This property is located at 310 Peach Lake Road. They need a Special Permit to operate an Equestrian Center. Theresa Ryan was present from Insite Engineering and John Aarons the Attorney, spoke on behalf of the client. The applicant has already appeared before the Planning Board and the Zoning Board of Appeals. They do not have the required 25 acres, they have 21+ acres. The

drainage was built prior to 1980's but fall within the DOT right-of-way. They are working with the owner of the driveway to come up with a solution. Pegasus will be a volunteer with the manure management. Regarding the stormwater management. Pegasus is proposing to treat the runoff and to bring to the site materials to be treated. The Town of Southeast, NYC Department on Environmental Conservation, and the NYSDEP must all approve first. A memo from the AKRF Planning Firm is attached at the end of the minutes.

When asked if there was to be composting, the answer was no. Manure will be collected and brought to the dumpster, Regarding the catch basins, when asked where it goes, Theresa Ryan said that is up to the DEC. The Attorney said that any manure will be taken away and not flow down to Peach Lake Road. A resident said that the community wants to clean up our wastewater and feels that this will not get rid of phosphorus, etc. Another resident said that they do not want to be back where they started. The concerns are of monitoring and the promises made. When asked if there was a traffic study done the answer was that there was not. The conditions of the Special Permit will run with the property. Supervisor Dunford made a motion to close the hearing and Councilman Johnson seconded. All in favor.

#### PUBLIC HEARING - ZONING AMENDMENTS TO CHAPTER 138

Supervisor Dunford made a motion to open the public hearing and waive the reading of the legal notice. Councilwoman Mitts seconded and all in favor. This law would amend chapter 138 of the code entitled "Zoning" to create design guidelines that apply to all new large retail establishments in the HC-1 and GC-2 districts. This law would also define large retail establishments and limit the definition of "Retail Use". This would also rezone certain parcels and modify commercial zoning schedule, require aerial photo's and simulations in connection with commercial site plan review, amend Article X and create special permit criteria and design guideline for certain design enhancements. This law will also create and amend other articles of the zoning code. Graham Trelstad said this would protect the town especially in Gateway districts. There will be controls put on large retail (over 50,000 sq. feet). Changes will be made to parking areas to reduce impervious surfaces. Outdoor lighting will be addressed as will all large retail. Enforcement is already addressed in the zoning code. Some leads are built into the code as is tree preservation. Gateway does not have to be all commercial, retail is done by Special Permit only. The public hearing will be left open for a 10 day written comment period. One resident applauded the Town Board for the amendments and the level of effort. Others commented that they felt the town Board was doing the right thing. Another resident stated that this would help to bring down taxes, even though Southeast has the lowest tax basis in the county. It was commented that the lights from Centennial Golf Course and the traffic light can be seen 500 feet away. She applauded the town for keeping it rural.

Councilman Honeck made a motion to close the hearing and Supervisor Dunford seconded. All in favor.

### REVIEW OF MINUTES

Supervisor Dunford made a motion to approve the January 25, 2007 minutes and Councilwoman Mitts seconded. All in favor except Councilman Johnson who abstained.

Councilwoman Mitts made a motion to approve the February 15, 2007 minutes and Councilman Honeck seconded. All in favor except Supervisor Dunford who abstained.

Supervisor Dunford made a motion to approve the March 22, 2007 minutes and Councilman Johnson seconded. All in favor except Councilman Honeck who abstained.

### CORRESPONDENCE

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

#### Correspondence Received

1. The Trust for Public Land to the Supervisor Re: United Jewish Appeal Property
2. Amy Grant to the Supervisor Re: Insurance Certificates for WWTP Upgrades Brewster Heights Sewer District #1
3. Vail's Grove Golf Course, Inc. 230 Peach Lake Road, Brewster Re: Notice of Application for Renewal of On-Premises Liquor License
4. New York State EFC to the Supervisor Re: Clean Water State Revolving Fund (CWSRF)
5. Laberge Group to the Supervisor Re: Funding Alert Parks, Recreation & Brownfield Grants
6. Jacobson to the Supervisor Re: Town of Southeast Town Engineering Services Planning Board Review NLJ #0054-0001
7. New York Metropolitan Transportation Council to the Supervisor Re: Notice of Public Meeting Transportation Improvement Program (TIP) Update
8. Putnam County Executive to the Supervisor Re: Notice of Preliminary Decision for Use of East of Hudson Fund
9. Brennan & Ponnambalam to the Supervisor Re: Z & P Enterprises, LLC

10. Metro-North Railroad to the Supervisor Re: Train Schedules for the Hudson, Harlem and New Haven Lines Effective 4/1/2007
11. NYS Public Entities Safety Group 497 to the Supervisor Re: Workers Compensation Coverage
12. Putnam County Youth Bureau to the Supervisor Re: Invitation to the 22nd Annual Youth Awards Dinner on April 13, 2007
13. Fiesta Mexicana 1620 Towne Center Re: Liquor License Renewal
14. Glen F. Kubista Re: Z & P Enterprises, LLC DBA Sentrista Waiver
15. Daniel G. Birmingham, Putnam County Legislature to the Supervisor Re: Village of Brewster as an Empire Zone
16. New York State DEC to the Supervisor Re: Controlled Burn on State Land in the Bog Brook Unique Area
17. U. S. Environmental Protection Agency to the Supervisor Re: Brewster Well Field Superfund Site Land and Water Resource Use
18. G. Howard Taylor to the Supervisor Re: Rental Registration Law
19. NYS Environmental Facilities Corporation Re: Blackberry Hill Sanitary Seer District WWTP Notice to Proceed with Award of Contract General Construction, Electrical, HVAC and Plumbing
20. Karen Roach Re: Upcoming Eagle Ceremony for Five Scouts on Saturday 6/16/2007
21. Mr. Galili to the Supervisor Re: Plow Damage to Property
22. ACORD Certificate of Liability Insurance Re: JD Parrella Electric Inc., Southeast Mechanical Corp., Southeast Plumbing Corp., Red Wing Properties Inc., A Prokosch & Sons Sheet Metal
23. NYS Governor Re: Governor Spitzer's Proposed Middle Class Star Program
24. Jacobson Re: Waterview Estates Subdivision Final Plat Review, Nextel of New York Amended Site Plan Review, Millennium Commercial (The Country Store) Preliminary Site Plan,
25. Paul M. Gavin Re: Calendar Call
26. Gary Naderman to the Supervisor Re: Proposed Non-Commercial Kennel Use
27. Manna Jo Greene to the Supervisor Re: Roundtable Discussion on Bringing Sustainable Energy Infrastructure into the Hudson Valley
28. Herb Ballantine to the Supervisor Re: Renting Jewish Temple
29. Amy Bierman to the Supervisor Re: Renewal Policy NYMIR 07/08
30. Severn Trent to the Supervisor Re: Mountain Brook Water Treatment Facility, Brewster Heights Water Treatment Facility
31. Memo to the Supervisor from Highway Department Re: Town of Southeast/Brewster Central School District Inter-Municipal Agreement
32. Memo to the Supervisor from Patty Bohrman Re: Petition from the Children to Ban Smoking on the Beach
33. NYMIR to the Town Clerk Re: Lauren Pastena
34. Al Lotrecchiano to the Supervisor Re: 2007 Putnam County 4-H Fair - July 27th, 28th & 29th

35. John Degnan to the Supervisor Re: Relocating Town Justice Court to 208 Main Street
36. Donald B. Smith to the Supervisor Re: Crime Statistic Information for the Town , Including the Village
37. NYS EFC to the Supervisor Re: NYC Watershed Upgrade Program Blackberry Hill Sanitary Sewer District STP Disbursement Request #33
38. Memo to the Supervisor from Ray Knox Re: Hiring a Recreation Department Maintenance Person
39. Mary White, RSVP of Putnam to the Supervisor Re: Invitation to the Annual Retired and Senior Volunteer Program Recognition Luncheon on Friday May 18, 2007
40. Insite Engineering to Michael Levine Re: SLS Residential, Inc.
41. Peggy Boyle to the Supervisor Re: April 10th Meeting at Vail's Pavilion
42. MTA to the Supervisor Re: Snow Maintenance at the Southeast Station
43. Town of Southeast Recreation Department Re: Monthly Review Report
44. NYS EFC Re: Blackberry Hill Sanitary Sewer District STP WWTP Notice - Upgrade Contract Extensions
45. Siobhan O'Kane to the Supervisor Re: ARB Town Board Report
46. Greg Ball, NYS Assembly Re: Invitation to a Public Forum Hosted by Putnam County Legislator Vincent Tamagna and Greg Ball on May 5th at 9:00am
47. Anthony R. Mole Re: Brewster Transit Mix
48. NYS Office of Real Property Services Re: Administrative and Small Claims Assessment Review Proceedings on the 2007 Assessment roll
49. LADA Re: 800 Clock Tower Commons
50. ACORD Certificate of Liability Insurance Re: Waltech Construction Corporation

FOILS:

1. Tracy Parsons Re: Request for File Including Plans Maps, Surveys, Correspondence, Applications Minutes Stop work Orders for 577 North Main Street
2. Thelma Gill Re: Request for Certificate of Occupancy for a Resident at Hollybrook Farm Lane
3. Robert Lund Re: The Baseball Academy Plans
4. J. Sarro Re: Request for Resolution 41 of 2006, Local Law 9 and Moratorium Route 22
5. Matt Neuringer Re: Request for All Receipts and or Payments Made or Received to or From Ray Knox Jr., Paddock St. and Scally's Deli and All Video Tapes and or DVD's of Town Board Meetings Since January 2003 to Today. March 22, 2007 Meeting DVD - Any Town Resolution that Dictates the Rate for DVD's
6. Ann Fanizzi Re: Request for Planning Board Millennium Development EAF

Site Map, Correspondence DEP, Town Engineers'  
Report and Copy of Local Law Amending Ch. 138

7. Alfred Mattikow Re: Request for Individual and/or Site Plan Application for Dykemans Corporate Park
8. Kathleen Radigan Re: Request for Town Board Minutes Dated January 24, 2002 - Public Hearing
9. G. Mckeon Re: Request for Garbage Contract 2007 Town of Southeast

#### Correspondence Sent

1. New York State EFC Re: Certificate of Disbursement Request #34
2. Mr. Vincent Murphy from Michael Levine Re: Approval of Lawn Bid
3. Ms. Janet McSwain, P.E. Re: Brewster Heights WWTP Upgrade
4. Robert H. Sammons, P.E. Re: Report #79 for the Blackberry Hill Seer District Treatment Facility
5. Mayor Degnan, Supervisor Munday, Supervisor Nordstrom, Supervisor Griffen, Supervisor Globerman, Mr. Lynch Re: Town of Southeast Local Law Amendments
6. Accounting Department from Town Clerk Re: Driveway Bond - Parenti
7. Mr. Vincent Murphy Re: 2007 Lawn Maintenance of Town Facilities and Cemeteries
8. Lucia Chiochio, Esq. Re: Escrow Account - New Cingular Wireless PCS LLC Conditional Use/Site Plan application
9. Mayor John Degnan Re: Budget Review and Public Hearing
10. Town Board From George Rohrman Re: Pegasus Therapeutic Riding, Inc. Site Plan
11. ARB from George Rohrman Re: Route 6 Business Plaza Site Plan

#### VOUCHER LIST

Councilman Honeck made a motion to approve the voucher list in the amount of \$436,869.30. Councilman Johnson seconded. All in favor.

#### MEETING DATES

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

May 3, 2007	7:30PM	Civic Center Work Session
May 10, 2007	7:30 PM	Civic Center Work Session
May 17, 2007	7:30PM	Civic Center Regular Meeting

BUDGET TRANSFERS

Supervisor Dunford made a motion to approve the attached budget transfers. Councilman Johnson seconded. All in favor.

SMOKING ON PUBLIC BEACH

Councilman Honeck made a motion to amend the Southeast Rules and Regulations for public beaches to include a smoking ban at Lake Tonetta and to also include "Smoking Only in Designated Area." Councilman Johnson seconded. All in favor.

RESOLUTION # /2007 ESTABLISHMENT OF PERFORMANCE BOND FOR MT. EBO LOT 6

Introduced By: Councilman Johnson  
Seconded By: Councilman Honeck

WHEREAS, the Town Board of the Town of Southeast is in receipt of a recommendation from the Town Engineer with respect to the establishment of a performance Bond for Mt. Ebo Lot #6 Senior Residence Development, located on Mt. Ebo Road North (Tax Map No. 46-5-2); and

WHEREAS, upon review of such recommendation, the Southeast Town Board agrees to accept this recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the bond amount shall be established for the project set forth below:

PROJECT NAME:	BOND AMOUNT:
Mt. Ebo Lot #6	
Soil & Erosion:	\$ 44,300.00
Site Improvements	\$2,095,700.00
	Total \$2,140,000.00

UPON ROLL CALL VOTE

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

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

RESOLUTION # /2007 AUTHORIZING ROAD NAME/HIGH MEADOW FARM

Introduced By: Councilwoman Mitts

Seconded By: Councilman Johnson

WHEREAS, the Town Board of the Town of Southeast is in receipt of a proposed plat for a residential development known generally as HIGH MEADOW FARM which shows a private common driveway servicing several residential lots thereon; and

WHEREAS, the Town Board of the Town of Southeast is charged with the authority to approve names of roads, streets, highways, courts, lanes, public and private ways consistent with appropriate protocols for the naming of streets established in connection with the system of enhanced emergency response employed in Putnam County and the Town of Southeast; and

WHEREAS, the naming of such street has been discussed with the Town of Southeast Fire Inspector and the Historic Sites Commission; and

WHEREAS, it is found and determined to be in the best interest of the people of the Town of Southeast to adopt the following road name in connection with the development known as "High Meadow Farm", all in an effort to further protect the health, safety and general welfare of the citizens of this town.

NOW, THEREFORE, BE IT

RESOLVED, that the plat of High Meadow Farm (Tax Map 36-1-14) shall be inscribed with the following road or street name:

Running from the westerly side of Welfare Road: HIGH MEADOW LANE

RESOLVED, that in connection with the road construction contemplated as part of this development, the developer is hereby directed to acquire and install the necessary and appropriate street signs in accordance with applicable regulations and approved by the Town Highway Superintendent identifying the aforesaid road name.

UPON ROLL CALL VOTE:



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

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

#### AUTHORIZING SWEEPING OF SCHOOL LOTS

Supervisor Dunford made a motion authorizing the IMA agreement with Brewster School District regarding sweeping of the School Lots. Councilman Honeck seconded. All in favor.

#### REAL PROPERTY CONTRACT

Councilman Johnson made a motion for Supervisor Dunford to sign Real Property Tax Service Contract. Councilwoman Mitts seconded. All in favor.

#### WETLANDS CONSULTANT

Councilwoman Mitts made a motion to appoint Blue Dot Inc., as Wetlands Consultant. Councilman Johnson seconded. All in favor.

#### RESOLUTION # /2007 NEW COURT FACILITY-1360 ROUTE 22- AUTHORIZING EXERCISE OF OPTION TO PURCHASE

Introduced By: Supervisor Dunford  
Seconded By: Councilman Honeck

WHEREAS, on February 22, 2007, this Town Board adopted a resolution authorizing the Town to enter into a lease for certain property with Putnam County Temple & Jewish Center, Inc. in connection with premises located at 1360 Route 22, Town of Southeast Tax Map No. 57.-2-31 (the "Subject Premises"): and

WHEREAS, such lease, entered into on April 1, 2007, contains a provision which provides the Town an option to purchase the premises; and

WHEREAS, the Town intends to undertake renovations to the structure to configure if for the use as a municipal court house and offices; and

WHEREAS, it is the sense of this Town Board that it would be a more appropriate use of Town resources to renovate a structure that is owned by the Town rather than leased; and

WHEREAS, the Town Board is in receipt of and has reviewed a Long Environmental Assessment Form dated April 19, 2007 in connection with this proposed action, a copy of which is annexed hereto and made part hereof; and

WHEREAS, it is found and determined that there are sufficient surplus funds earmarked for new court facilities and associated municipal improvements currently on hand to acquire title to the Subject Premises.

NOW, THEREFORE, BE IT

RESOLVED, that the proposed exercise of the option to purchase the Subject Premises is an "Unlisted" action under the provisions of the State Environmental Quality Review Act ("SEQRA") and, upon review of the EAF dated April 19, 2007, prepared in connection with the proposed action, the Town Board hereby finds and declares that the acquisition of the Subject Premises and its use as a municipal facility will not have a significant impact on the environment and hereby issues a "Negative Declaration" pursuant to SEQRA: and be it further

RESOLVED, that the Supervisor is hereby authorized to exercise the option to purchase the Subject Premises contained in the lease between the Town of Southeast and Putnam County Temple & Jewish Center, Inc. for premises located at 1360 Route 22, also known as Tax Map No. 57.-2-31 and to take any and all steps necessary to secure title to such premises in the name of the Town of Southeast; and be it further

RESOLVED, that the Clerk of the Town of Southeast be and she hereby is authorized to post and publish a copy of this resolution in the manner prescribed by law

UPON ROLL CALL VOTE:

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

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

## HIGHWAY BIDS

Councilman Johnson made a motion to accept the Highway Bids. Councilwoman Mitts seconded and all in favor.

## NEW BUSINESS

Landfill - the Supervisor said since the 1980's the town has spent \$301,000 on the landfill closure plan

Sheriff's Contract - the Supervisor had to cancel a meeting with the Sheriff and will reset it.

Garbage contract - Flyers were sent out with the new schedule. There is a 10% decrease in cost but now the town has a twice a year pickup.

Recreation Flyer - survey is due in by April 30. So far the town has received 1,000 responses.

Westchester Tractor - No proof was given yet as to the flyer that was sent out but the Supervisor has sent the Code Enforcement Officers there.

Temple Beth Elohim - the Town will rent space there with an option to buy.

Village of Brewster - A letter was received from the Village regarding sharing court services, but the town had already signed an agreement with the Temple.

UJA Property - the property contains 166 acres - there are 12 points of criteria, it is the job of the Open Space Committee to find the best property.

Open Space Committee - there is a position available on the committee

## EMPIRE ZONE

Introduced by Councilman Honeck  
Seconded by Councilwoman Mitts

Whereas, Section 961 of Article 18-1B of the General Municipal Law authorizes application by Putnam County for designation of certain areas as an Empire zone within the meaning of said statute; and

Whereas, such designation could greatly benefit Putnam County in that new businesses would be encouraged to locate in the zone are, existing businesses would encouraged to expand in the zone area and new and expanded businesses would generate new jobs for Putnam County

residents; and

Whereas, the Putnam County Legislature intends to authorize the submission of an application for the designation of areas within Putnam County as an Empire Zone; and

Whereas, the Putnam County Legislature wishes to designate certain areas within the village of Brewster, which is located within the Town of Southeast, as part of the proposed Empire Zone as set forth in the map of the Village of Brewster attached hereto and made a part hereof as Exhibit A; and

Whereas, the Town of Southeast is desirous of working with Putnam County through the Empire Zone Program to provide enhanced job opportunities in the village of Brewster for its residents; and

Now, Therefore, be it

Resolved, that the Town Board of the Town of Southeast, New York, fully supports and concurs in the submission of an application by the Putnam County Legislature for the designation of certain areas of the Village of Brewster as shown in Exhibit A hereto as an Empire Zone, and be it further

Resolved, that the Town Clerk be and hereby is authorized and directed to forward a certified copy of this resolution to the Clerk of the Putnam County Legislature, the Clerk of the Village of Brewster and to the President of the Putnam County Economic Development Corporation forthwith.

Upon roll call vote:

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

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

## EXECUTIVE SESSION

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

Councilman Johnson made a motion to close the executive session and Councilman Honeck seconded and all in favor.

Supervisor Dunford made a motion to close the Regular Meeting and Councilman Honeck seconded and all in favor.

Respectfully submitted,

Ruth Argo Mazzei  
Southeast Town Clerk