

TOWN OF SOUTHEAST
John J. Dunford Civic Center
1360 Route 22, Brewster, New York 10509
June 19, 2008
Regular Meeting - 7:30 PM

Notation of Exits
Pledge of Allegiance
Councilman Honeck gave an invocation.

Present: Supervisor Michael Rights
Councilman Paul P. Johnson
Councilman Richard B. Honeck
Councilman Roger Gross
Councilman Dwight Yee

Also: Town Clerk Ruth A. Mazzei
Town Counsel Willis H. Stephens, Jr.

And: Approximately 55 persons

Councilman Gross requested the Order of the Day with exception of #20 and #21; the agenda will be as submitted.

REGULAR MEETING

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

PUBLIC HEARING CONTINUATION – CONTRACTORS LAW

Supervisor Rights made a motion to continue with the contractor's law hearing and Councilman Yee seconded. All in favor. No comments given. Supervisor Rights made motion to close the public hearing. Councilman Johnson stated that the hearing would be closed except for written comments. Councilman Yee seconded and all in favor.

CORRESPONDENCE

Supervisor Rights made a motion to accept the meeting and Councilman Honeck seconded. All in favor.

Correspondence Received

1. The Stephens Law Firm Re: Peach Lake Sewer District
2. Dept of Health Re: Peach Lake Sewer District
3. Gelardi & Randazzo LLP Re: Jayne Spalvieri V County of Putnam and Town of Southeast
4. Marchetti Consulting Re: Bid for HVAC Systems for the Town of Southeast Court House
5. Spain Agency Re: Conference on Managing Recreational Liability Claims and Litigation
6. Southeast Operating Group Inc D/B/A Sonoma California Café Re: Liquor License Application
7. Comcast Re: Franchise Fee Payment 1st Quarter 2008
8. Shamberg Marwell Davis & Hollis PC Re: Aman Estates LLC/ Ved Parkash Violations
9. Shamberg Marwell Davis & Hollis PC Re: Aman Estates LLC/ Ved Parkash Violations
10. Supervisor Rights from Brian & Maryanne Gunning Re: Need help cleaning up Drewville Road
11. AKRF Ashley Ley Re: Town of Southeast Green Building
12. Town of Southeast Re: Verizon Wireless Proposal
13. Hiscock & Barclay Re: Proposal To provide Bond Counsel to Town of Southeast

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14. Hiscock & Barclay Re: Letter of Engagement and Retainer to Act as Bond council
15. Orrick Re: Memorandum of Bond Counsel for the town of Southeast
16. Squire Sanders Re: Proposal for Bond Counsel Services for The Town of Southeast
17. NYSDEC Re: WWTP Compliance Inspection Brewster Heights WWTP
18. Hogan & Rossi Re: Special Permit and Wetland Permit Request for the D'Uva Site Plan, Fields Lane
19. Town of Southeast from Putnam County Empire Zone Re: Conference for Business Owners, Developers, Realtors, Attorneys, & Financial Institution
20. Town of Southeast from POW'R Against Tobacco Re: Thank you for your support
21. Friends of Tilly Foster Conservation Area Re: Update on Putnam Arts and Community Gardens
22. Brewster Girl Scout Troop 1072 Re: Invitation for Supervisor Rights to Court of Awards Ceremony
23. Spain Agency Re: NYMIR will be sponsoring a seminar on Managing Recreational Liability Claims and Litigation
24. Putnam Family and Community Services Re: Please make donations
25. Watson Laboratories Inc .will be closing entirely by December 31,2008
26. Sterling Environmental Engineering To NYS Dept of Environmental Conservation Re: Town of Southeast Landfill Closure Project With Metro North
27. Town of Southeast Re: Putnam County Humane Society, Inc. Agreement for Shelter Services
28. To Supervisor from Putnam Precision Re: please place project on May 15 agenda
29. To The Town Board From Covington Re: Please place One Geneva Rd project on the May 15 Agenda
30. Broadview Networks Re: Estimated Cost Comparison For The Town of Southeast
31. NYSDEC Re: Putnam Rail Bike Path
32. Town of Southeast from The Putnam Youth Bureau Re: Request for NYS Office of Children And Family Services and Putnam County Youth Bureau Programs to Operate in Putnam County
33. Phoenix Environmental Lab for Severn Trent Re: Analysis Report for the Town of Southeast bathroom sink
34. Town of Kent Re: Fireworks over Lake Carmel Contribution
35. The Stephens Law Firm to Michael Rights Re: Town of Southeast w/ Putnam County Putnam Bikeway Easements agreement
36. Jacobson to Planning Board Re: Drewville Realty Inc
37. Jacobson to Planning Board Re: Beresford Office Building Preliminary Site Plan Review
38. Jacobson to Planning Board Re: Dykes Lumber Company Fields Lane Preliminary Site Plan
39. Jacobson to Planning Board Re: Alcon LLC Fields Lane_continued Site Plan Review
40. Putnam County Bureau of Emergency Services Re: Recovery Workshop May 28, 2008
41. NYMIR Re: Town of Southeast NYMIR Subscriber Accounting statement covering fiscal year 2007
42. NYS Ins Fund Certificate of Workers' Compensation Ins. Re: Capitol Fire Sprinkler Co. Inc
43. NYS Ins Fund Certificate of Workers' Compensation Ins. Re: Southeast Mechanical Corp.
44. NYS Ins Fund Certificate of Workers' Compensation Ins. Re: The Solar Center Inc
45. Historic Sites Commission Re: Recommendations to the Town for the Old Town Hall building
46. NYS Office of Real Property Services Re: Certificate of Attendance Board of Review Training for Wendy Weiner, James Clark, & Ed Vreeland
47. Town of Southeast Re: Upgrade Contract: Blackberry Hills Sanitary Sewer District Certification And Disbursement Request
48. Putnam County Filing Re: MIR Peach Lake Sewer District
49. New York City Water Board Re: Public Hearing Wednesday, June 11 2008 on allowance quantities of water by NYC to be increased
50. Sterling Engineering to NYSDEC Re: 2008 2nd quarter Monitoring for the Town of Southeast Landfill on Wednesday, June 11, 2008
51. Sterling Engineering to Michael Levine, Michael Fila Re: Town of Southeast Landfill Closure
52. Town of North Salem Re: Amended SEQR Determination of Non-Significance Negative Declaration – Peach Lake Sewer District
53. Utica First Insurance Company Liability Ins Re: J.C. Construction DBA Jason P Coschignano

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54. Acord Certificate of Liability Insurance Re: Cottam Heating & A/C Inc
55. Bruen Deldin DiDio NY Branch Re: Salem Roofing Inc.
56. To Town of Southeast Re: Liquor License Application/Renewal for Rraci's Restaurant
57. Town of Southeast Wetland Permit Re: Arborscape
58. To Michael Rights from Ronald Whitehead Re: veteran's Tax discount
59. Sterling Environmental Re: Town of Southeast Landfill closure File # 99016
60. DEP to Michael Rights Re: Tracking Good Neighbor Payments
61. League of Women Voters Re: MS4 Informational Meeting June 9, 2008
62. Putman County Soil and Water Conservation District To Town of Southeast Re: MS4 Stormwater Conference
63. Hudson River Valley Greenway Re: Joint Board Meeting June 11, 2008
64. Putman County Executive to Town of Southeast Re: funding of proposed renovation of 67 Main St
65. Brewster Elks Lodge Re: Community Awareness Day Sunday, July 20, 2008
66. Putnam County Executive to Willis Stephens Re: Peach Lake Wastewater Treatment Plant County Funding Commitment
67. Certificate of NYS Workers' Comp Ins Re: Blue Horizons Construction Co
68. Electric Time Company To Town of Southeast Re: Follow up – Southeast Courthouse Clock
69. Paul Johnson To 10509 Re: Correspondence to Special Counsel
70. MEMOS:
 - Michael Rights from Charles Tessmer Re: Parkash Property
 - Michael Rights from Michael Levine Re: Fox Hill Water District Engineering Proposal
 - Michael Rights to Town Hall Employees Re: Telephone Contact Policy of Town Hall
 - Supervisor Rights, Town Board & Town Counsel from Ray Knox Re: Non-Resident Fees for Ball fields
 - Southeast Supervisor & Town Board from Willis Stephen Re: Easement for County Bike Trail
 - Town Board Members from Mildred Nugent Re: Meeting date for Open Space Committee
 - Supervisor, Town Board, Willis Stephens from Ray Knox Re: Field Use Fees
 - Michael Rights, Town Supervisor & Town Board from Michael Levine Re: Springhouse Water District Summary of May, 2008 Meeting with NYS DOH
 - Supervisor & Town Board from Ron Hund Re: Follow up to Electronic Document Management
 - Town of Southeast Recreation Department Re: Monthly Revenue Report
 - Secretary Kalbfell from Town Clerk Mazzei Re: Phone Service
 - Supervisor Rights from Town Clerk Mazzei Re: Abusive treatment of Town Clerk
71. EMAILS:
 - Paul Johnson to Will Stephens, Michael Rights, Dwight Yee Re: Town of Southeast Landfill Closure –Draft Entry Permit
 - Paul Johnson to Jack Gress Re: Update of Lakeview Manor
 - Will Stephens to Ruth Mazzei Re: Peach Lake Sewer District
 - Paul Johnson to Michael Rights Re: Bond Counsel
 - Paul Johnson to Will Stephens & Ruth Mazzei Re: Peach Lake Sewer District
 - Paul Johnson To Will Stephens, Michael Rights, Roger Gross, Dwight Yee Re: Putnam Precision
 - Michael Rights to Town Board Re: New Hires, answered by Paul Johnson
 - Charles Tessmer Re: ZEO Notice - Keeping everyone in the loop
72. FOILS:
 - Stephen Ables Re: Variance granted to Savino Towing
 - Karen Philippidis Re: Salary and term of office for Mike Fila
 - Donna Rothstein Re: Open building permits, surveys, & CO's for 304 Autumn Lane
 - Houlihan Lawrence Re: septic & survey of 14 Lookout Dr, Brewster NY
 - Houlihan Lawrence Re: Septic plan & Full Survey of 12 Plum Tree Ct
 - Coldwell Banker Re: survey for 11 Ruby Lane, Carmel NY
 - Paul Johnson Re: Correspondence between Supervisor and Special Counsel Joe Charbonneau
 - Robert Schoenberg Re: engineering report & cost analysis for Maple Rd
 - Letter written to John Tomissetti about boxes from 18 Elmwood Dr

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- Michael Rights Re: Property tax stipulations list 2003-2007
- Tax map #s of all access apt or by address

Correspondence Sent

1. Michael Rights to Margaret Gornert Re: Stoplight at Prospect Hill Road & Route 312
2. Michael Rights to Robert Bondi Re: NYS-DHCR Anchor Award
3. Town Clerk to Investigator Thomas Gonska Re: Employee access to Southeast Offices at Route 22
4. Michael Rights to Ronald J. Whitehead Re: Veteran's tax discount
5. Levon Bedrosian to residents of 1 Drovers Lane Re: Residential Leak Detection
6. Michael Rights to Vail's Grove Cooperative Inc Re: Allocation for the Peach Lake Wastewater Treatment Plant
7. Levon Bedrosian to Robert Sammons NYS Environmental Facilities Corp Re: Brewster Heights WWTP Upgrade Submission of Contractor's Final Completion Documents
8. Michael Rights to Sheriff Donald Smith Re: work details at historic cemeteries
9. Donald Cuomo to Leonard Cerlich Re: Violation At Tax Map No. 78-1-94, located at Pine View Drive, Brewster NY
10. Michael Levine to Loibl Contracting Re: water problem complaint at 3 Husted Rd, Apt B-8

VOUCHERS

Councilman Honeck made a motion to approve the vouchers for \$978, 607.30 and Councilman Gross seconded. All in favor except Rights and Yee who abstained. Councilman Yee he abstained because he had questions regarding some vouchers.

MEETING DATES

Supervisor Rights made a motion to set the following dates and Councilman Honeck seconded. All meetings will be held at 1360 Route 22, Brewster, New York. All in Favor.

- July 10, 2008 Special Meeting and Worksession - 7:30
- July 17, 2008 Worksession - 7:30
- July 24, Regular Meeting - 7:30
- July 24, 2008 – D'Uva Special Permit - 7:30

BUDGET TRANSFERS

Councilman Honeck made a motion to table the transfers until July 10, 2008 and first find out why an extra d\$2,000 was being budgeted to the Supervisors line. . Councilman Yee seconded and all in favor.

#20 & #21 – RECREATION

Recreation fees for Field Use – Recreation Director Ray Knox was before the board and the fees will be discussed during the budget process for next year.

Volleyball Court – Pumphouse Road – The costs are substantially reduced since the labor will be performed by the Highway Department and the maintenance crew. The costs for the two volleyball sand courts will be \$12,000 per court. Councilman Honeck will check if we are covered by our insurance carrier. The expenditures will come out of Recreation Reserve. It will be discussed in July.

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RESOLUTION #26 /08 - SUPPORT FOR THE CONVEYANCE OF CERTAIN LANDS TO THE PUTNAM COUNTY HUMANE SOCIETY

INTRODUCED BY: Councilman Honeck
SECONDED BY: Councilman Johnson

WHEREAS, the Town of Southeast, working with the Trust for Public Land, has acquired two parcels of land from the United Jewish Appeal (“UJA”) consisting of approximately 166 acres and located in the vicinity of Pugsley and Zimmer Road, know generally as Tax Map No. 45., Block 1, Lots 10 and 11(the “Premises”); and

WHEREAS, at the time of acquisition, the Town Board of the Town of Southeast committed to convey a portion of the Premises consisting of approximately ten (10) acres to Putnam County and/or the Putnam County Humane Society (“PCHS”), or its designee, to be used and improved as the new home for the PCHS animal shelter; and

WHEREAS, it is the sense of this Town Board that the Town should reaffirm its commitment and, in furtherance of this goal, take certain actions necessary and proper toward achieving this goal.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby confirms its commitment to convey a portion of the Premises consisting of approximately ten (10) acres located in the vicinity of that portion of Zimmer Road the terminates at the Interstate Route 84 taking line (the “Acquisition Parcel”); that such conveyance be at a fair market value for the parcel as vacant land as determined by an independent appraiser or appraisers retained for the purpose of determining value; that a competent engineer or surveyor be retained to determine the exact metes and bounds of the Acquisition Parcel and that a proposed subdivision plat be prepared for review by the Town Planning Board; that the Town Attorney be authorized to draw and prepare a contract of sale or other agreement to be entered into to memorialize the understandings subject to all applicable laws and restrictions; and that the preliminary costs associated with the identification of the Acquisition Parcel and the subdivision of the Acquisition Parcel from other lands of the Town of Southeast be a cost borne by the ultimate purchaser.

On a Roll Call Vote:

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

VOTE: carried by a vote of 3 in favor, 0 against; 2 abstained.

RESOLUTION #27/08 - MAKING CERTAIN ADDITIONAL FINDINGS OF FACT FOR PEACH LAKE SEWER DISTRICT

INTRODUCED BY: Councilman Johnson
SECONDED BY: Councilman Gross

WHEREAS, pursuant to Section 190 of the Town Law, the Town Board of the Town of Southeast, Putnam County, New York, has heretofore received a petition therefore and duly caused a map, plan and report to be prepared and filed in the office of the Clerk of said Town in relation to the establishment of Peach Lake Sewer District in said Town; and

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WHEREAS, an order was duly adopted by said Town Board on February 19, 2008, reciting a description of the boundaries of said proposed District by Tax Map Designation, the improvements proposed, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said map, plan and report were on file in the Town Clerk’s Office for public inspection and specifying the 1st day of March, 2008, at 10:00 o=clock A.M., Prevailing Time, at the Civic Center, 1360 Route 22, in Southeast (Brewster), New York, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly published and posted in the manner and within the time prescribed by Section 193 of the Town Law, and proof of said publication and posting has been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place set forth in said order, as aforesaid, at which all persons desiring to be heard were duly heard, at which time the public hearing was duly closed; and

WHEREAS, said Town Board has duly considered said petition, map, plan and report and the evidence given at said public hearing;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Southeast, Putnam County, New York, that in addition to the findings of fact and determinations made in Resolution No. 17 of 2008, the Town Board hereby finds that the Petition of Peach Lake Cooperative, Inc. dated February 16, 2008 is sufficient pursuant to Town Law § 194(1) (a); and be it further

RESOLVED, that all other findings and determinations contained in Resolution No. 17 of 2008 are hereby ratified and confirmed.

On a Roll Call Vote:

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

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

**RESOLUTION # /08 LOCAL LAW AMENDING LOCAL LAW #8 OF 2007
PERTAINING TO PLACEMENT OF STOP SIGNS**

INTRODUCED BY: Councilman Gross

SECONDED BY: Councilman Honeck

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 amended Chapter 131 of the Town Code entitled “Vehicles and Traffic” as previously amended by Local Law No. 8 of 2007 relating to the placement of stop signs; 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 May 15, 2008; and

WHEREAS, it is the sense of this Town Board that the adoption of such local law repealing the local law which had directed the placement of a stop sign on Minor Road at the intersection of Bearberry Lane will serve the public and enhance the health, safety and welfare of the citizens of the Town of Southeast.

June 19, 2008

NOW, THEREFORE, BE IT RSOLVED, that the Town Board of the Town of Southeast hereby adopts Local Law No. 2 of 2008, 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; 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; and to provide a certified copy hereof to the Superintendent of Highways.

Upon Roll Call Vote:

Supervisor Rights - aye
Councilman Honeck - aye
Councilman Yee - aye

Councilman Johnson - nay
Councilman Gross - aye

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

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Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of SOUTHEAST
~~Town~~
~~Village~~

Local Law No. 2 of the year 20⁰⁸

A local law Amend Chapter 131 of the Town Code as amended by Local Law No. 8 of 2007
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~County~~
~~City~~ of SOUTHEAST as follows:
~~Town~~
~~Village~~

Section 131-33. Stop Signs

A. Unless some other form of traffic control device is indicated for a particular location, stop signs shall be placed at the end of all Town roads.

B. In addition to the locations set forth in paragraph A hereof, a stop sign or signs shall be placed at the following locations:

Name of Street Intersection

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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RESOLUTION # /08 - ALCON SITE PLAN ESTABLISHING PERFORMANCE BOND

INTRODUCED BY: Councilman Honeck
SECONDED BY: Councilman Johnson

WHEREAS, the Town Board is in receipt of a recommendation from the Town Engineer dated June 9, 2008 with respect to the establishment of a performance Bond for the ALCON SITE PLAN located on Fields Lane (Tax 78.0-2-18.0); and

WHEREAS, upon review of such recommendation, the 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:

Alcon Site Plan

Soil & Erosion:	\$ 15,815.00
Site Improvements:	\$ 624,185.00
Total:	\$ <u>640,000.00</u>

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

UPON A ROLL CALL VOTE:

Upon Roll Call Vote:

Supervisor Rights - aye
Councilman Honeck - aye
Councilman Yee - aye

Councilman Johnson - aye
Councilman Gross - aye

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

RESOLUTION # /08 - ALCON SITE PLAN - ARCHITECTURAL REVIEW BOARD

INTRODUCED BY: Councilman Honeck
SECONDED BY: Councilman Johnson

WHEREAS, the Town Board is in receipt of a Report of the Architectural Review Board of the Town Southeast dated May 20, 2008 in connection with the application of ALCON, LLC, to construct a warehouse/office building on property located at 14 Fields Lane, Tax ID 78.0-2-18, 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 May 20, 2008, a copy of which is annexed hereto and made part hereof, in connection with Alcon LLC Site Development Plan and that such Report shall be incorporated in any 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.

UPON A ROLL CALL VOTE:

Upon Roll Call Vote:

Supervisor Rights - aye	Councilman Johnson- aye
Councilman Honeck - aye	Councilman Gross - aye
Councilman Yee - aye	

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

RESOLUTION #/08 - DURKIN WATER SITE PLAN - ESTABLISHING PERFORMANCE BOND

INTRODUCED BY Councilman Yee
SECONDED BY: Councilman Honeck

WHEREAS, the Town Board is in receipt of a recommendation from the Town Engineer dated June 3, 2008 with respect to the establishment of a performance Bond for the DURKIN WATER CO. amended site plan for premises located on Fields Lane (Tax 78.0-2-6); and

WHEREAS, upon review of such recommendation, the 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:

<u>PROJECT NAME:</u>	<u>BOND AMOUNT:</u>
Durkin Water Co.-Amended Site Plan	Soil & Erosion: \$ 1,635.00
	Site Improvements: \$ 1,465.00
	Total: \$ <u>3,100.00</u>

And be it further

RESOLVED, that a certified copy of this resolution shall be transmitted by the Town Clerk to the Planning Board Secretary forthwith.

UPON A ROLL CALL VOTE:

Supervisor Rights - aye	Councilman Johnson - aye
Councilman Honeck - aye	Councilman Gross - aye
Councilman Yee - aye	

Carried by a vote of 5 ayes, 0 nays, 0 abstained.

RESOLUTION - FISHER SUBDIVISION AND LOT LINE ADJUSTMENT
ESTABLISHING PERFORMANCE BOND

RESOLUTION NO. / 08

June 19, 2008

INTRODUCED BY: Councilman Yee
SECONDED BY: Councilman Gross

WHEREAS, the Town Board is in receipt of a recommendation from the Town Engineer dated June 10, 2008 with respect to the establishment of a performance Bond for the application of Susan Fisher for a subdivision approval and lot line adjustment for premises located on Nelson Boulevard (Tax 67.0-1-33.2); and

WHEREAS, upon review of such recommendation, the 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:

Fisher Subdivision

Soil & Erosion:	\$	1,915.00
Site Improvements:	\$	4,485.00
Total:	\$	<u>6,400.00</u>

And be it further

RESOLVED, that a certified copy of this resolution shall be transmitted by the Town Clerk to the Planning Board Secretary forthwith.

UPON A ROLL CALL VOTE:

Supervisor Rights - aye
Councilman Honeck - aye
Councilman Yee - aye

Councilman Johnson - aye
Councilman Gross - aye

Carried by a vote of 5 ayes, 0 nays, 0 abstained.

RESOLUTION # /08 - GOLAY - SUBDIVISION - RELEASE OF PERFORMANCE BOND

INTRODUCED BY: Councilman Yee
SECONDED BY: Councilman Honeck

WHEREAS, the Town Board of the Town of Southeast is in receipt of a report and recommendation from the Town Engineer and referral from the Planning Board with respect to the release of Performance Bond for the Golay Subdivision located on Minor Road; and

WHEREAS, such report recommends the release of the balance of the performance bond held in connection with this project.

NOW, THEREFORE, BE IT

RESOLVED, that the remaining performance bond in the amount of \$14,000.00 for the Golay Subdivision is hereby released and the Town Clerk is hereby authorized to return any and all original bonds, deposits, letters of credit or other indicia of security posted in connection with this project.

Upon Roll Call Vote:

Supervisor Rights - aye	Councilman Johnson - aye
Councilman Honeck - aye	Councilman Gross - aye
Councilman Yee - aye	

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

MS-4 REPORT

Supervisor Rights made a motion to adopt the MS-4 Report; Dwight Yee seconded and all in favor.

LANDFILL CLOSURE ENTRY PERMIT

Supervisor Rights made a motion to use \$250,000 from the Good Neighbor fund from NYCDEP for phase 1 of the Landfill Closure and Capping. The estimated cost is about \$650,000. Councilman Yee seconded and all in favor.

GRIFFEN CONSTRUCTION

Councilman Yee is to write a letter to Griffen Construction to ask them to explain the construction of the backstops.

RESOLUTION # /2008 AUTHORIZING EXPENDITURE OF FUNDS TO ACQUIRE SPEED REGULATION ENFORCEMENT DEVICES

Introduced By: Councilman Yee
Seconded By: Supervisor Rights

WHEREAS, the Town of Southeast is provided law enforcement services by the New York State Division of State Police (“State Police”); and

WHEREAS, as part of that service the State Police provide speed interdiction and enforcement of traffic laws on local, county and state highways within the Town of Southeast; and

WHEREAS, there have been technological advancements to assist law enforcement in regulating the speed of motorists on our streets and highways including, but not limited to, radar and laser speed detection and enforcement devices; and

WHEREAS, the people of the Town of Southeast benefit from enhanced enforcement of our traffic laws through an improved quality of life, as well as through revenue from fines and penalties assessed upon motorists who choose to violate our laws; and

WHEREAS, the State Police have sought the financial assistance of the Town to acquire new and advanced laser speed detection and enforcement devices for use by State Police officers.

NOW, THEREFORE, BE IT

RESOLVED, that the Town board hereby finds that the acquisition of speed detection and speed enforcement devices will improve the health, safety and welfare of the residents of the Town of Southeast; and be it further

RESOLVED, that the Supervisor is hereby authorized to order two (2) Laser Technology, Inc. Model 7004790 LTI 20-20 Ultralyte LRB (Speed Detection Laser) devices and to expend an amount not to exceed \$6,800.00, said funds to be debited to contingency; and

RESOLVED, that the Town Attorney is hereby authorized and directed to prepare an agreement wherein and whereby the devices will remain the property of the Town and trained personnel of the State Police shall be authorized to use and maintain these devices within the corporate limits of the Town of Southeast for speed interdiction and enforcement.

UPON ROLL CALL VOTE

Supervisor Rights – Aye
Councilman Johnson - Nay
Councilman Honeck - Nay

Councilman Gross - Nay
Councilman Yee - Aye

VOTE: defeated by a vote of 2 in favor, 3 against; 0 abstained.

LIBRARY BOARD

Councilman Johnson made a motion to ratify the Brewster Library Board Appointments and Supervisor Rights seconded. All in favor.

FENCING BUDGET – TABLED

BOARD OF ETHICS

Supervisor Rights made a motion to table the item. Councilman Yee seconded and the vote was defeated with Johnson, Honeck and Gross voting Nay.

Councilman Johnson made a motion and Councilman Honeck seconded to send a letter to the Board of Ethics regarding the Supervisor's conversation with Code Enforcement. The Supervisor was formally requested to cease and desist in any further communication that would be considered intimidation. The vote did not carry with a vote of 2 ayes, 2 nays and 1 abstain.

CREDIT CAR FOR TOWN HALL PURCHASES – Tabled

RESOLUTION # /2008 SUPPORT OF STATE LEGISLATION TO EXPAND RETURNABLE CONTAINER ACT

Introduced By: Councilman Johnson
Seconded By: Councilman Honeck

WHEREAS, New York State's Returnable Container Act (the "Bottle Bill") has been in effect since July 1983; and

WHEREAS, this law requires a minimum five cent refundable deposit on carbonated soft drinks and other beverages, thereby creating an economic incentive for the collection, return and recycling of these beverage containers; and

WHEREAS, it is estimated that the Bottle Bill has resulted in a seventy-five percent average return rate over the past twenty-five years; and

WHEREAS, this law has reduced litter resulting in safer, more attractive streets, parks, playgrounds, beaches and roadsides and has prevented injuries and property damage which could have resulted from broken glass; and

WHEREAS, non-carbonated beverages such as bottle water, tea, juice and sports drinks now make up more than twenty percent of the beverage market in New York State; and

WHEREAS, the current law does not provide for the disposition of unclaimed deposits; and

WHEREAS, Senate Bill S5850A and Assembly Bill A8044A would expand the Bottle Bill to include bottled water, tea, juice, and sports drinks and would require that the unredeemed deposits be submitted to the State Environmental Protection Fund to support municipal recycling projects and waste prevention programs and other critical environmental needs, thereby creating a valuable source of new revenue to help fund these important causes.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast does/does not urge state lawmakers to enact S5850A/A8044A, which would expand and update the Bottle Bill to increase recycling, curb litter, reduce costs for municipalities, and provide a steady stream of funding for recycling, waste prevention, and other environmental programs; and be it further

RESOLVED, that the Clerk of the Town of Southeast is hereby directed to forward copies of this resolution to Governor David Patterson, Senate Majority Leader Joseph L. Bruno, Assembly Speaker Sheldon Silver, State Senator Vincent Leibell and Assemblyman Greg Ball.

UPON ROLL CALL VOTE:

Supervisor Rights - Nay
Councilman Honeck - Nay
Councilman Yee - Nay

Councilman Johnson - Nay
Councilman Gross - Nay

Carried by a vote of 0 ayes, 5 nays, 0 abstained.

NEW BUSINESS

Spending - Councilman Gross made a motion have all departments reduce spending by 2.5% in 2008 and reduce 5% in spending for 2009. Supervisor Rights seconded and all in favor.

Firemans Parade – Wednesday July 23.

Town Clerk Mazzei read a statement:

As many of you are aware, when Supervisor Rights first came into office, on or about January 2, I offered him the olive branch. As anyone witnessing the Town Board Meetings either in person or on Channel 8, have realized the problem has only worsened. The first few months, I would receive vicious and nasty emails at 3:00 a.m. Then it

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progressed to verbal assaults and arrogant tones. This month it is at an all time low. The beginning of the month in front of the Town Accountant, he barked commands at me and spoke in condescending tones. Now, this week in front of his daughter and secretary, he proceeded to make fun of my personal appearance as he and his daughter laughed at me. I find this behavior totally inexcusable and unprofessional to say the least and am requesting that should he need to communicate with me, to please do so in writing. As stated in Councilman Honeck's prayers regarding persecution "I will try to forgive those who have done me harm"

Supervisor Rights accused the Town Clerk of wild ranting and ravings.

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

Respectfully submitted,

Ruth Argo Mazzei
Southeast Town Clerk