

**TOWN CLERKS MINUTES
REGULAR MEETING
TOWN BOARD
July 12, 2007**

Present : Supervisor Dunford
Councilman Johnson
Councilman Honeck
Councilwoman Mitts
Councilman Bonanno

Also: Town Clerk Ruth Argo Mazzei
Town Attorney Willis H. Stephens Jr.

REGULAR MEETING

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

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

PUBLIC HEARING

MORATORIUM – ROUTE 22 CLOCKTOWNER COMMONS

Councilman Johnson made a motion to open the hearing and Councilman Honeck seconded. All in favor.

Councilman Honeck said this is a one story building with 3920 square feet. No comments from the Town Board were given. Supervisor Dunford made a motion to close the hearing and Councilman Johnson seconded; all in favor.

PROPOSED LOCAL LAW – MORATORIUM EXTENSION OF ROUTE 22

Supervisor Dunford made a motion to open the hearing and Councilwoman Mitts seconded; all in favor.

This proposed law only applies to Route 22 – north. Different parts of the town has expired at a different time. Supervisor Dunford made a motion to close the hearing and Councilman Honeck seconded. All in favor.

REVIEW OF MINUTES

Supervisor Dunford made a motion to approve the minutes of the June 7, 2007 and June 21, 2007 meeting and Councilman Bonanno seconded. All in favor.

CORRESPONDENCE

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

Correspondence Received

1. Putnam Count Board of Elections Re: Notice of General Election on Tuesday November 6, 2007
2. NYS Department of Public Service to the Supervisor Re: Summer Public Awareness Campaign “ Saving Energy is Cool”
3. NYS Unified Court System to the Supervisor Re: Action Plan for the Justice Courts
4. ACORD Certificate of Liability Insurance Re: Edward Wintle
5. NYS DEC to the Supervisor Re: Environmental Excellence Award Application Packets
6. NYS EFC to the Supervisor Re: Peach Lake Wastewater Project
7. Sprint Re: Proposed Sprint PCS Facility (NY73XC363)
8. David D. Collins Re: Request for Birth Record of his Great Grandfather
9. Peter Brewster Hansen, Village of Brewster Re: Crime Statistics
10. Comcast to the Supervisor Re: Comcast – Launch of New York State Legislative Channel
11. Cornell University Cooperative Extension Putnam County to the Supervisor Re: 36th Annual Putnam County 4-H Fair
12. NYS Office of the Comptroller to the Supervisor Re: IDA Failure to File Financial Report
13. Hahn Engineering to he Supervisor Re: Proposed Peach Lake Sewer Districts Towns of North Salem and Southeast
14. Franz & Franze Architecture, PLLC Re: Court House Town of Southeast
15. NYS Department of Agriculture & Markets to the Supervisor Re: Request for Proposal for Farmland Protection Implementation Projects
16. New York State Insurance Fund Cancellation of Certificate of Workers’ Compensation Insurance Re: J C Home Improvement Inc.
17. Appraisal Services Group to Supervisor Re: Proposed Peach Lake Sewer District Treatment Plant Site p/o Map 79 Block 1 Lot 40
18. ACORD Certificate of Insurance Re: Clearwater Building Corp. Clearwater Excavating Corp.
19. Jacobson to George Rohrman, Planning Board Re: Route 6 Business Plaza 4005 6E/Danbury Road Final Site Plan Review Bond Estimate
20. Jacobson to George Rohrman, Planning Board Re: Route 6 Business Plaza 4005 Route 6E/ Danbury Road Final Site Plan Review NLJ #0001-0855
21. Jacobson to George Rohrman, Planning Board Re: Maplewood North Group Subdivision Property of Green Chimneys Bradford Court Preliminary Review NLJ #0001-0384
22. Jacobson to George Rohrman, Planning Board Re: Root Ave. Subdivision Review for Final Approval Root Ave. & John Simpson Rd. NLJ #0001-0724
23. Jacobson to George Rohrman, Planning Board Re: Buonadonna Grading Plan 58 Indian Wells Road Sketch Site Plan NLJ #0001-0882
24. Michael Liguori Re: Foil Request for Copy of 2007 Local Law Extending Moratorium
25. Lynne Eckardt Re: Foil Request for Copy of any bids received for grading the new sports fields out at Terravest. Also, Certiorari settlements for Millennium were. All years
26. Matt Neuringer Re: Foil Request for Copy of All Inspections completed by the Code Enforcement Officer since 2004
27. John C. Strubing Re: Foil Request for Copy of Southeast Rental Registration Law
28. R. A. Gregory Re: Foil Request for Resolutions Peach Lake #4 & Pegasus #1
29. Ann Fanizzi Re: Foil Request for Millennium .
30. NYC DEP to Supervisor Re: Good Neighbor Payments – Account Balance, Expenditures, Annual Interest Accrued.
31. Jacobson to George Rohrman, Planning Board Re: Pegasus Therapeutic Riding, Inc. Peach Lake Road Final Review NLJ #0001869

Correspondence Sent

1. Ms. Susan Spiegel Re: Request for Correction on a Death Certificate

2. NYS EFC Re: Certificate of Disbursement Request # 39
3. Town of Southeast Distribution List from Laurie Fricchione Re: Nextel of New York Amended Site Plan Independent Way
4. Town Supervisor, Town Board, Severn Trent, Town Attorney CC: Town Clerk from Michael Levine Re: Brewster Heights WWTP And Metro North Railroad
5. Town Supervisor, Town Board CC: Town Clerk from Michael Levine Re: Springhouse Water District
6. Stephen LaRocca, from Town Attorney Re: Contract Town of Southeast Recreation Center
7. Mr. Geoffrey A. Dopsch from Michael Levine Re: Invoice to Metro-North for 2006 O & M Expense at Brewster Heights Wastewater Treatment Plant
8. Mr. Michael Meyer from Supervisor Re: Good Neighbor Payments

VOUCHER LIST

Councilman Honeck made a motion to approve the voucher list in the amount of \$755,395.00. Councilwoman Mitts seconded. All in favor.

SETTING MEETING DATES

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

August 2, 2007	7:30PM Civic Center	Work Session
August 9, 2007	7:30PM Civic Center	Work Session
August 16, 2007	7:30PM Civic Center	Regular Meeting

PUBLIC HEARINGS

Councilman Bonanno made a motion calling for the following public hearings. Councilman Johnson seconded. All in favor.

August 16, 2007	7:30PM Civic Center	Bond Reduction Brewster Transit Mix
August 16, 2007	7:31PM Civic Center	Local Law Rt. 22 Zoning

BUDGET TRANSFERS

Supervisor Dunford made a motion approving Budget Transfers. Councilman Honeck seconded. All in favor (attached).

SEORA – GATEWAY ZONING

Councilman Johnson made a motion for the SEQRA proceeding regarding the Gateway Zoning. Councilwoman Mitts seconded. All in favor.

**RESOLUTION # 32/2007 MORATORIUM/VARIANCE REQUEST 800
CLOCKTOWER COMMONS**

Introduced By: Councilman Honeck
Seconded By: Councilwoman Mitts

WHEREAS, on February 28, 2002 this Town Board adopted Local Law No. 1 of 2002, which imposed a moratorium on certain residential subdivision and commercial projects in specified areas of the Town of Southeast; and

WHEREAS, said local law has been amended and extended and remains in full force and effect with regard to commercially zoned properties in specified areas of the Town; and

WHEREAS, pursuant to Article IV of said Local Law, Clock Tower Associates, L.P. and Royal Realty Corp. (the “Applicant”) have filed a written request for relief from the restriction of such moratorium in connection with the proposed construction of an additional free standing building within the commercial development known as Clock Tower Commons, in an area known as 800 Clock Tower Commons (the “Premises”);and

WHEREAS, the Applicant, has appeared before the Town board and presented arguments in support of its request for a variance to allow the addition of an additional office building within the Clock Tower Commons facility while the moratorium remains in effect; and

WHEREAS, a duly noticed public hearing was held by this Town Board on July 12, 2007 to consider the application for relief from the moratorium.

NOW, THEREFORE, BE IT RESOLVED that the Town Board finds and determines, that the proposed new construction is located within an existing commercial development; that the proposed new building will be used for office purposes, the same use that is presently employed in the majority of the Clock Tower Commons; that the proposed new construction is in keeping with the Comprehensive Plan; and that, based upon submissions dated March 20, 2007, April 5, 2007, May 9, 2007 and June 4, 2007, the Board is satisfied that substantial evidence exists to support a finding of real financial hardship if the waiver to the moratorium were not granted; and be it further

RESOLVED, that based upon the foregoing findings of fact, the application for a variance or waiver of the provision of Local Law NO. 1 of 2002 by Clock Tower Associates, L.P., is hereby GRANTED and, therefore, the applicant shall hereby be permitted to prosecute a project development plan application for the Premises notwithstanding the prohibitions contained Local Law NO. 1 of 2002 as amended; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Secretary of the Planning Board, the Building Inspector and the Zoning Enforcement Officer forthwith.

UPON ROLL CALL VOTE:

Supervisor Dunford – Aye
Councilman Johnson – Aye
Councilman Bonanno – Aye

Councilman Honeck – Aye
Councilwoman Mitts – Aye

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

RESOLUTION #33/2007 ROUTE 6 BUSINESS PLAZA - PERFORMANCE BOND

Introduced By: Supervisor Dunford
Seconded By: Councilwoman Mitts

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 Route 6 Business Plaza, located at Route 6 East, Danbury-Brewster Road; 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:

Route 6 Business Plaza

Soil & Erosion:	\$ 4,151.00
Site Improvements:	\$268,149.00
Total:	\$272,300.00

UPON ROLL CALL VOTE:

Supervisor Dunford – Aye
Councilman Bonanno – Aye
Councilman Mitts – Aye

Councilman Johnson – Aye
Councilman Honeck – Aye

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

APPOINTMENT – PLANNING BOARD

Councilwoman Mitts made a motion to appoint Tom LaPerch as Planning Board Chairman, effective August 4th, 2007 until December 31st, 2007. Councilman Johnson seconded. All in favor.

RESOLUTION #34 /2007 ADOPTION OF LOCAL LAW TO AMEND CHAPTER 138 OF THE TOWN CODE

Introduced By: Councilwoman Mitts
Seconded By: Councilman Bonanno

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 amend Chapter 138 of the Southeast Town Code entitled “Zoning”, 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 April 19, 2007; and

WHEREAS, notice of such proposed amendments to the Zoning Code of the Town of Southeast, including the text thereof, was duly submitted to the Putnam County Planning agency in compliance with Section 239-m of the General Municipal Law and such agency has reviewed same and provided comments and recommendations in connection therewith; and

WHEREAS, this Town Board acting as Lead Agency pursuant to the State Environmental Quality Review Act has analyzed the environmental and related impacts of the proposed amendments and have, this date, issued a Negative Declaration of Environmental Significance in connection with this action; and

WHEREAS, it is the sense of this Town Board that the adoption of the proposed amendments to Chapter 138 of the Code of the Town of Southeast will further enhance the health, safety and general welfare of the people of the Town of Southeast.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Southeast hereby adopts Local Law No. 4 of 2007, amending Chapter 138 of the Southeast Town Code, a copy of which is annexed hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and hereby is authorized and directed to enter said Local Law in the minutes of this meeting and in the Code Book of the Town of Southeast, and to give due notice of the adoption of said local law to the Secretary of State of New York within the time required by law.

UPON ROLL CALL VOTE:

Supervisor Dunford – Aye
Councilman Johnson – Aye
Councilwoman Mitts – Aye

Councilman Honeck – Aye
Councilman Bonanno – Aye

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

NEW BUSINESS

Landfill – The town is waiting for the contractor to build the road and also the berms for the water. The costs have not yet gone out to bid.

Courthouse - there are no plans for offices on the second floor.

Identification Cards – the criteria for cards and residency requirements will have to be checked according to the policy. There will be 2 forms of ID and the consulate card does not qualify as a form of ID

Synagogue – Bid specs will be finalized hopefully by September 1st. Hopefully the project will be finished by the first of the year.

EXECUTIVE SESSION

Supervisor Dunford made a motion to enter into Executive Session for pending possible litigation. Councilman Johnson seconded and all in favor.

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

Supervisor Dunford made a motion to close the Regular Meeting and Councilwoman Mitts seconded.

Respectfully submitted,

Ruth Argo Mazzei
Southeast Town Clerk