

**TOWN OF SOUTHEAST**  
**John J. Dunford Civic Center**  
**1360 Route 22, Brewster, New York 10509**  
**July 24, 2008**  
**Regular Meeting - 7:30 PM**

Notation of Exits  
Pledge of Allegiance

Present: Supervisor Rights  
Councilman Johnson  
Councilman Honeck  
Councilman Gross  
Councilman Yee

Also: Town Clerk Mazzei  
Town Attorney Stephens

And: approximately 58 persons

Councilman Honeck made a motion to call for the order of the Day

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

**PUBLIC HEARING - SPECIAL PERMIT/D'UVA SPECIAL PERMIT**

Supervisor Rights made a motion to open the hearing and Councilman Honeck seconded.  
Mailing submitted. The hearing is for a special permit for Carmine D'Uva General Contracting located on Fields Lane. They would like to construct a facility for storage/warehouse consisting of 80% warehouse and 20% office in an OP-1 zone.  
Supervisor Rights made a motion to close the hearing and Councilman Yee seconded.  
All in favor

**ACCOMPLISHMENTS TO DATE** – Councilman Gross read the following statement, to show to the residents that though the meetings are not harmonious that the Board does accomplish

Items as shown below.

1. Appointment of a Facilities Manager
2. Meetings and Inter-municipal agreements with the Village of Brewster
3. Peach Lake Sewer District
4. Approval of Cold War Veteran's Exemption
5. American Legion Funding-flags
6. Town of Southeast Website upgrade
7. Landfill Closure-Metro North Agreement
8. MS-4 Progress
9. Tonetta Lake Testing and Improvements – Dam
10. Lakeview Manor – Planning for facility Upgrade, parking
11. Volunteer Park – improvements, walking trails
12. Recreation Advisory Board – future planning
13. Volleyball Court – coming online
14. Springhouse Estates planning for test wells
15. Putnam County Humane Society – land sale for new facility
16. Green Building Code – Recommendations
17. Plans approval for various land developments (312, Fields Lane, Route 6)

**CORRESPONDENCE**

Supervisor Rights made a motion to waive the reading of the correspondence and Councilman Honeck seconded; all in favor.

**Correspondence Received**

1. Franz & Franz to Supervisor & Town Board Re: Lakeview Manor/Senior Addition
2. Franz & Franz to Supervisor & Town Board Re: Addition to Southeast Civic Center
3. Spain Agency Inc to Recreation Dept Re: Volleyball Courts Insurance Coverage
4. Jacobson to Planning Board Re: Alcon LLC Fields Lane Site Plan Review
5. Jacobson to Southeast Planning Board Re: Cerlich Re-Subdivision Pine Ridge Lot # 5
6. Jacobson to Town of Southeast Planning Board Re: Lyons Property Welfare Road
7. Jacobson to Town of Southeast Planning Board Re: Alcon LLC Fields Lane Bond Estimate
8. Jacobson to Town of Southeast Planning Board Re: Fisher Subdivision Nelson Blvd
9. Jacobson to Town of Southeast Planning Board Re: Durkin Water Company Fields Lane Bond Estimate
10. Jacobson to Town of Southeast Planning Board Re: Strazza Subdivision Doansburg Rd
11. Jacobson to Town of Southeast Planning Board Re: Arborscape 75 Fields Lane Amended Site Plan
12. Jacobson to Town of Southeast Planning Board Re: Fisher Subdivision Nelson Blvd
13. Jacobson To Town of Southeast Planning Board Re: Borowick Property Foggintown Rd Conceptual Review
14. Youth Bureau to Michael Rights Re: 2009 Program Applications
15. Putman County Board of Elections to Michael Rights Re: Election Information for Town Hall, 1360 Rt 22
16. Brewster Fire Dept Annual Firefighters' Parade On Wednesday July 23, 2008 at 7:00PM
17. Putman Family & Community Services Annual Meeting Thursday July 24, 2008
18. Putman County Mental Health Assoc Re: Update
19. Jacobson to Town of Southeast Re: R.D. Berco Office Building Preliminary Site Plan Review
20. Jacobson To Town of Southeast Planning Board Re: Putman Precision Bond Estimate
21. Jacobson to Town of Southeast Re: Putman Precision Products
22. Jacobson to Town of Southeast Planning Board Re: Sykes Lumber Co Preliminary Site Plan Review
23. Jacobson to Town of Southeast Re: Dykemans Corporate Park Site Plan Review
24. Jacobson to Town of Southeast Planning Board Re: Commercial Building 12 Old Route 6 Sketch Site Plan
25. Town of Southeast Planning Board Re: New Cingular Wireless Tower Extension and Co-Location
26. Severn Trent to Putman County Health Dept Re: 2<sup>nd</sup> quarter Coliform samples for Town of Southeast Town Hall
27. Acord Certificate of Liability Re: Chelsea Modular Homes
28. Acord Certificate of Liability Re: Conklin Services & Construction Inc
29. Acord Certificate of Liability Re: AmeriGas Propane LP
30. Public Hearing Notice Zoning Board of Appeals Re: Public Meeting On July 21, 2008 at 7:30 PM At 1360 Route 22, Brewster NY

31. To Ruth Mazzei from Barnes, Iaccarino, Virginia, Ambinder & Shepherd, PLLC Re: District Council 9, Local 113, FOIL Request
32. Town of Southeast Recreation Dept Re: Monthly Revenue Report
33. Notice of Petition Re: Linens 'N Things Against The Assessor and The Board of Assessment Review of The Town of Southeast
34. Notice of Petition Re: Fox Ridge Motor Inn Inc. Against The Assessor and the Board of Assessment Review of The Town of Southeast
35. Notice of Petition Re: Verizon Against The Assessor and The Board o Assessment Review of the Town of Southeast
36. Blackberry Hills Sanitary Sewer District Re: Certification and Disbursement Request
37. Brewster Heights Sewer District Re: Certification and Disbursement Request
38. Putman County Legislature to Michael Rights Re: Letter of Support regarding the action of removing an offending parcel of land from the Putman Valley District
39. De-Fence Inc c/o James Weakley Re: Cancellation of Certificate of Workers Comp Ins
40. Franz & Franz to Members of The Town Board Re: Proposal for Lakeview Manor
41. Jacobson to Town of Southeast Planning Board Re: Strazza Subdivision Doansburg Rd
42. Jacobson to Town of Southeast Planning Board Re: Borowick Property Foggingtown Rd
43. Jacobson to Town of Southeast Planning Board Re: Envirostar Corporation
44. Light The Night Walk Re: Raising Money and Awareness for The Leukemia & Lymphoma Society
45. Franz & Franz To The Town of Southeast Re: HVAC Contractors
46. Notice of Petition Re: Home Depot against Town of Southeast Board of Assessment Review
47. Notice of Petition Re: Simon Auto Wreckers Against Town of Southeast Board of Assessment Review
48. To P. Johnson, R. Mazzei, R. Gross, And D. Honeck Re: Thank you for your help with The Humane Society
49. Paul Gregory to Hon. James Borkowski Re: Traffic Ticket
50. Putman County Cooperative Extension Re: 37<sup>th</sup> Annual Putnam County 4-H Fair July 25<sup>th</sup> –July 27<sup>th</sup> at Veterans Memorial Park
51. Spain Agency to Southeast Recreation Re: insurance coverage on the two Volleyball Courts
52. Jacobson & Associates to Malcolm Pirnie Inc Re: Croton Falls Reservoir, Stormwater Remediation Project
53. Notice of Petition Re: The City of New York against The Town of Southeast Board of Assessment Review
54. Journal News Re: Notice of Public Hearing Parking Rules And Regulations On July 16, 2008
55. Notice of Petition Re: Brewster Sports Center against Town of Southeast Board of Assessment Review
56. Notice of Petition Re: Somchai Realty against The Town of Southeast Board of Assessment Review
57. The Stephens Law Firm to The Office of The State Comptroller Re: Peach Lake Sewer District
58. MEMOS:
  - To Dept Heads from Ron Hund Re: Reduction In Spending
  - To Town Supervisor, Town Board, and Town Counsel from Michael Levine Re: Landfill Closure
  - To Ron Hund from Michael Rights Re: Certain Highway Dept Vouchers
  - To Supervisor Rights from William Ford , Assessor Re: Exemptions available to homeowners
  - To Supervisor Rights from Willis Stephens Re: landfill
  - Councilman Johnson from DM Rights Re: Charbonneau Voucher
  - To Ruth Mazzei from Ron Hund Re: Foil request Standard Construction Corp.

- To Michael Rights from Town Clerk Mazzei Re: Foil of June 9, 2008 from P. Johnson
- To Ruth Mazzei from Ron Hund Re: Foil Request Adams Fence Inc
- To Ruth Mazzei from C. Tessmer Re: Review of Brewster Auto Inc. Junk Yard License Application
- To All Employees from Mike Rights Re: Mileage
- To Supervisor's Secretary from Town Clerk Re: Web Postings
- To Supervisor Rights from Town Clerk Mazzei Re: Abusive Treatment
- To Mike Fila Highway Superintendent from The Town of Southeast Re: Town of Southeast Departmental Protocol Practice and Procedures
- To Town Supervisor, Town Board, & Town Counsel from Michael Levine Re: Landfill Closure
- To Michael Rights from Ron Hund Re: Highway Vouchers
- To Town Board, Town Clerk, Town Supervisor, and Town Accountant from W Stephens Re: Counters
- To Town Board, Town Council, Town Supervisor, Town Clerk from Levon Bedrosian Re: date for meeting on Village Drinking Water
- To Town Board, Town Council, Town Clerk, and Town Supervisor from Re: Lakeview Manor
- To Town Board, Town Clerk, Town Supervisor from Willis Stephens Re: Stormwater Annual Report
- To Bill Ford from Michael Rights Re: Memo for property tax exemptions
- To Town Board, Town Supervisor, Town Clerk from Charles Tessmer Re: Tickets issued by ZEO
- To Town Supervisor, Town Board, Town Clerk, Town Attorney from Paul Johnson Re: Agenda items from the Supervisor's Office
- To Brewster 10509 from Paul Johnson Re: Charbonneau
- To Town Supervisor, Town Board, Town Clerk, Town Attorney from R. Gross Re: Budget
- To W. Stephens from DM Rights Re: NYMTC AQ Public Meeting & Comment Period

59. FOILS:

- Prudential Homes Re: 45 Lincoln Rd Property Survey
- Kevin Boland Re: Survey of 30 Larkspur Dr
- David Bodisher Re: Copy of CO for 22 Sager Lane
- Hogan & Rossi Re: Copy of Site Plane for 11 Sodom Rd
- Houlihan Lawrence Inc Re: Survey & Septic Plan for 9 Tea House Lane
- Shirley Marie Realty Re: CO & Permit on 1601 and 5503 Nutmeg Dr
- Ann Fanizzi Re: Response to Stateline Application & Response to DEP concerns for 100 Executive Dr
- Suzannah Gliddeu Re: 1990 to Present file on Durkin Water Co. Fields Lane
- Matthew Stoddard Re: Information on Standard Construction Corp
- John Buonarobo Re: Survey & Permits on 58 Bloomer Rd
- GC Environmental Re: Information regarding tanks, hazardous material, & building violations

Correspondence Sent

1. Southeast Planning Board Re: Notice of Public Hearing on 8/11/08  
At 8:00pm at Southeast Town Offices
2. Town of Southeast Planning board to Insite Engineering Re:  
Escrow Account – ALCON, LLC Site Plan
3. Town of Southeast to Mr. David G. Pollock NYSDEC Re: Town  
Of Southeast Landfill Closure Project
4. Town of Southeast Planning Dept to Mr. Michael L. Irwin Re:  
Escrow Account – 100 Executive Dr Site Plan
5. Town of Southeast Highway Dept to Robert D. Schoenberg Re:  
Foil request for Maple Rd
6. Town of Southeast Planning Dept to Mr. Joseph Buschynski Re:

- Escrow Accounts – Dykes Lumber Site Plan R.D. Berco Office Building
7. Levon Bedrosian Special Districts to residents of Springhouse Water District Re: Springhouse Water District Resolution
  8. Michael Rights to Joe Charbonneau Re: Anan Estates

**VOUCHERS**

Councilman Johnson made a motion to approve the vouchers for \$99,432.36 Supervisor rights seconded and the vote taken was 4 ayes and 1 nay (Yee).

**MEETINGS**

Councilman Honeck made a motion to approve the following meeting dates and public hearing dates; Councilman Johnson seconded and all in favor.

- |   |              |
|---|--------------|
| August 7, 2008 – Worksession - 7:30 PM      | 1360 Rte. 22 |
| August 14, 2008 – Worksession - 7:30 PM     | 1360 Rte. 22 |
| August 21, 2008 - Regular Meeting - 7:30 PM | 1360 Rte. 22 |
| Public Hearing – 7:30 Pm - Old Route 6      |              |

**RESOLUTION #37 – CONTRACTOR LOCAL LAW**

RESOLUTION ADOPTING LOCAL LAW TO REQUIRE COMPANIES DOING BUSINESS WITH THE TOWN TO CERTIFY COMPLIANCE WITH FEDERAL LAW WITH RESPECT TO LAWFUL HIRING OF EMPLOYEES

INTRODUCED BY: Councilman Johnson  
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 require companies doing business with the Town to certify compliance with Federal Law with respect to lawful hiring of employees; 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 opened and held on May 15, 2008; and

**WHEREAS**, the public hearing was continued to June 19, 2008 whereupon it was closed after all interested parties had an opportunity to be heard in favor of or in opposition to such proposed local law; and

**WHEREAS** the proposed local law will enhance the health, safety and welfare of the citizens of the Town of Southeast by having the Town lead by example in encouraging the use of legal labor by all persons and entities that contract and do business with the Town of Southeast.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Southeast hereby adopts Local Law No. 3 of 2008 pursuant to the Municipal Home Rule Law 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 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 be it further

**RESOLVED**, that the Town Clerk be and hereby is authorized and directed to provide a copy of this Resolution, together with the Local Law enacted hereby, to all departments and department heads within the Town of Southeast.

Upon Roll Call Vote:

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

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

**LOCAL LAW NO. 3/2008, TOWN OF SOUTHEAST, NEW YORK**

A LOCAL LAW TO REQUIRE COMPANIES DOING BUSINESS WITH THE TOWN TO CERTIFY COMPLIANCE WITH FEDERAL LAW WITH RESPECT TO LAWFUL HIRING OF EMPLOYEES

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF SOUTHEAST, as follows:

Section 1. Legislative Intent.

This Town Board hereby finds that there has been an ongoing national debate regarding the unfairness and inequities between employers that comply with all federal, State, and local laws and regulations in connection with the hiring of their employees and employers that fail to comply with such laws and regulations.

This Town Board further finds and determines that these inequities provide a financial disadvantage to those employers who comply with all federal, State, and local laws and regulations in connection with the hiring of their employees while, in turn, providing an unfair financial advantage to those employers who do not comply with the law.

This Town Board further finds and determines that, since there has been a lack of enforcement of a twenty (20) year old federal law (Simpson-Mazzoli) that requires businesses to verify that their employees are legally eligible to be employed in the United States, the Town of Southeast has an opportunity to lead by example in an effort to prod the federal government to undertake such enforcement action.

This Town Board also finds and determines that employer non-compliance with federal, State, and local laws and regulations that regulate the hiring of employees results in diminished protections of employees from unfair labor practices and fosters the circumvention of prevailing wage and health insurance coverage requirements.

This Town Board further finds and determines that the Town of Southeast at present has no jurisdiction to enforce Simpson-Mazzoli.

This Town Board also finds and determines that the Town of Southeast has a finite amount of scarce taxpayer resources to expend, which resources shall be spent wisely and prudently.

This Town Board further finds that the Town of Southeast provides contracts, license agreements, leases and other forms of financial assistance to businesses that result in the creation and maintenance of a wide variety of employment opportunities in Southeast, thereby affording the Town the opportunity to utilize its economic and financial leverage to compel local businesses to comply with the federal law requiring businesses to verify that their employees are legally eligible to be employed in the United States.

Therefore, the purpose of this law is to provide a means of assisting the enforcement of the federal law requiring businesses to verify that their employees are legally eligible to be employed in the United States, by providing an enforcement mechanism at the Town level against non-compliant businesses that do business with the Town of Southeast, by

helping to promote the federal policy of requiring employers to verify the employment status of potential employees;

helping to eliminate unfair competitive advantages between businesses;

helping to eliminate unfair labor practices and worker exploitation; and

helping to assure taxpayers that employers and employees are paying their fair share of taxes by complying with tax laws.

**Section 2. Definitions.**

As used in this law, the following terms shall have the meaning indicated:

- A.) ALIEN – Any person who is not a citizen or national of the United States.
  - B.) AWARDING AGENCY – The Town Board or the subordinate or component entity or person of the Town of Southeast that is responsible for solicitation of proposals or bids and responsible for the award and administration of contracts, license agreements, leases and other financial compensation agreements.
  - C.) COMPENSATION –
    - 1.) Any loan, tax incentive funding, appropriation, payment, subsidy or other form of financial assistance which is realized by or provided to a covered employer, or the owners thereof, by or through the authority or approval of the Town of Southeast including, but not limited to Industrial Development Agency (IDA) loans, and
    - 2.) Any contract, subcontract, license agreement, lease or other financial compensation agreement let to a person with or by the Town of Southeast for the furnishing of services, goods, equipment, supplies, materials, public works, or other property to or for the Town of Southeast.
  - D.) CONTRACTOR – A person who contracts to do work for another. This term does not include wholesalers.
- COVERED EMPLOYEE – An individual employed on either a full-time, part-time, temporary or seasonal basis, by a covered employer to perform work on or for the project or matter for which the recipient has received compensation.
- F.) COVERED EMPLOYER – A recipient of, or an applicant for, compensation that is not exempt from this law, and who has at least one (1) Covered Employee working within the Town of Southeast.
  - G.) PERSON – One or more of the following or their agents, employees, representatives and legal representatives: individuals, corporations, partnerships, joint ventures, associations, labor organizations, educational institutions, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, fiduciaries and other entities recognized at law by this Town.
  - H.) PROTECTED INDIVIDUAL – An individual who: a) is a citizen or national of the United States; or b) is an Alien who is lawfully admitted for permanent residence, is granted the status of an Alien lawfully admitted for temporary residence under Title 8 U.S.C. Section 1160(a) or Section 1255a(a)(1), is admitted as a refugee under Title 8 U.S.C. Section 1157, or is granted asylum under Title 8 U.S.C. Section 1158; but does not include: (i) an Alien who fails to apply for naturalization within six months of the date the alien first becomes eligible (by virtue of period of lawful permanent residence) to apply for naturalization or, if later, within six months after the date of the enactment of

Title 8 U.S.C. Section 1324b; and (ii) an Alien who has applied on a timely basis, but has not been naturalized as a citizen within 2 years after the date of the application, unless the Alien can establish that the Alien is actively pursuing naturalization.

RECIPIENT – Any person or entity that is a recipient of compensation, as defined in this law, and any contractor or subcontractor of a recipient producing or providing goods, materials, supplies, public works, or services to a recipient that are used by that recipient in the project or matter for which the recipient has received compensation.

J.) SEASONAL – A period of time not to exceed ninety (90) consecutive days at any given time within a six-month period.

K.) SUBCONTRACTOR – A person who takes portions of a contract from a Covered Employer, a Contractor or another Subcontractor. This term does not include wholesalers.

L.) TOWN – The Town of Southeast, any agency, office, position, administration, department, division, bureau, board, commission, corporation, public authority, special district or unit of government, the expenses of which are paid in whole or in part by the Town of Southeast, or over which majority control is exercised by officers of the Town of Southeast or of a Town-affiliated agency or their appointees.

M.) WHOLESALER – A person who buys in comparatively large quantities, and then resells, usually in small quantities, to a middleman or retailer, but never to the ultimate consumer.

### **Section 3. Requirements.**

A.) 1.) All Covered Employers, and the owners thereof, as the case may be, that are recipients of Compensation from the Town through any grant, loan, subsidy, funding, appropriation, payment, tax incentive, contract, subcontract, license agreement, lease or other financial compensation agreement issued by the Town or an awarding agency, where such compensation is one hundred percent (100%) funded by the Town, shall submit a completed sworn affidavit (under penalty of perjury), the form of which is annexed hereto as Appendix A, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code (U.S.C.) Section 1324a (Aliens and Nationality) with respect to the hiring of Covered Employees and with respect to the alien and nationality status of the owners thereof. The affidavit shall be executed by an authorized representative of the Covered Employer or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement with the Town; and shall be made available to the public upon request.

2.) All such Covered Employers, and the owners thereof, as the case may be, shall not discriminate against any Covered Employee or applicant for employment with respect to the hiring, or recruitment or referral for a fee, of such Covered Employee or applicant for employment, nor shall such Covered Employers, and the owners thereof, as the case may be, discriminate against any Covered Employee with respect to the discharge of such Covered Employee, because of race, creed, color, national origin, sex, age, gender, disability, sexual orientation, military status, or marital status, or in the case of a protected individual, because of such individual's citizenship status.

3.) All such Covered Employers, and the owners thereof, as the case may be, shall not intimidate, threaten, coerce, or retaliate against any Covered Employee or applicant for employment for the purpose of interfering with any right or privilege secured under Title 8 U.S.C. Section 1324b or because the covered employee or applicant for employment intends to file or has filed a charge or a complaint, testified, assisted, or participated in a manner in an investigation, proceeding, or hearing under Title 8 U.S.C. Section 1324b. A Covered Employee or applicant for employment so intimidated, threatened, coerced, or retaliated against shall be considered to have been discriminated against for purposes of Section 3(A)(2) of this law.



B.) 1.) All Contractors and Subcontractors of Covered Employers, and the owners thereof, as the case may be, that are assigned to perform work in connection with a Town contract, subcontract, license agreement, lease or other financial compensation agreement issued by the Town or awarding agency, where such compensation is one hundred percent (100%) funded by the Town, shall submit to the Covered Employer a completed sworn affidavit (under penalty of perjury), the form of which is annexed hereto as Appendix A, certifying that they have complied, in good faith, with the requirements of Title 8 U.S.C. Section 1324a with respect to the hiring of Covered Employees and with respect to the alien and nationality status of the owners thereof, as the case may be. The affidavit shall be executed by an authorized representative of the Contractor, Subcontractor, or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement between the covered employer and the Town; and shall be made available to the public upon request.

2.) All such Contractors and Subcontractors of Covered Employers, and the owners thereof, as the case may be, shall not discriminate against any employee or applicant for employment with respect to the hiring, or recruitment or referral for a fee, of such employee or applicant for employment, nor shall such Contractors and Subcontractors of Covered Employers, and the owners thereof, as the case may be, discriminate against any employee with respect to the discharge of such employee, because of race, creed, color, national origin, sex, age, gender, disability, sexual orientation, military status, or marital status, or in the case of a protected individual, because of such individual's citizenship status.

3.) All such Contractors and Subcontractors of Covered Employers, and the owners thereof, as the case may be, shall not intimidate, threaten, coerce, or retaliate against any employee or applicant for employment for the purpose of interfering with any right or privilege secured under Title 8 U.S.C. Section 1324b or because the employee or applicant for employment intends to file or has filed a charge or a complaint, testified, assisted, or participated in a manner in an investigation, proceeding, or hearing under Title 8 U.S.C. Section 1324b. An employee or applicant for employment so intimidated, threatened, coerced, or retaliated against shall be considered to have been discriminated against for purposes of Section 3(B)(2) of this law.

C.) Covered Employer and owner sworn affidavits shall be submitted to the awarding agency at the following times:

1.) upon application made to the Town for any grant, loan, subsidy, tax incentive funding, appropriation, payment, or other form of financial assistance;

2.) upon submission to the Town of any response to a Town bid, request for proposals (RFP), request for qualifications (RFQ), request for expressions of interest (RFEI), or similar contract letting process, including but limited to letting for license agreements, leases and other financial compensation agreements;

3.) on January 1<sup>st</sup> of each year for the duration of the Town contract, subcontract, license agreement, lease or other financial compensation agreement; and

4.) upon renewal and amendment of any Town contract, subcontract, license agreement, lease or other financial compensation agreement.

D.) Contractor and Subcontractor sworn affidavits shall be submitted by the Covered Employer to the awarding agency at the following times:

1.) within one (1) week after the Contractor or Subcontractor is hired by the covered employer to perform the work in connection with the Town contract, subcontract, license agreement, lease or other financial compensation agreement;

2.) in the event of a Town contract, subcontract, license agreement, lease or other financial compensation agreement that is being renewed or amended where a Contractor

or Subcontractor was previously hired by a Covered Employer to perform work in connection with such contract, subcontract, license agreement, lease or other financial compensation agreement, upon such renewal or amendment; and

3.) on January 1<sup>st</sup> of each year for the duration of the Town contract, subcontract, license agreement, lease or other financial compensation agreement, provided that the Contractor or Subcontractor was previously hired by the covered employer to perform work in connection with such contract, subcontract, license agreement, lease or other financial compensation agreement and is continuing to perform such work.

**Section 4. Affirmative Defense.**

A.) Any Covered Employer and the owners thereof, as the case may be, that establish that they have complied in good faith with the requirements of Title 8 U.S.C. Section 1324a with respect to the hiring of Covered Employees and with respect to the alien and nationality status of the owners thereof, as the case may be, have established an affirmative defense that such covered employer and the owners thereof, as the case may be, have not violated Section 3(A)(1) of this law with respect to such hiring and alien and nationality status of the owners thereof.

B.) Any Contractor and Subcontractor of a Covered Employer and the owners thereof, as the case may be, that establish that they have complied in good faith with the requirements of Title 8 U.S.C. Section 1324a with respect to the hiring of Covered Employees and with respect to the alien and nationality status of the owners thereof, as the case may be, have established an affirmative defense that such Contractor and Subcontractor of the Covered Employer and the owners thereof, as the case may be, have not violated Section 3(B)(1) of this law with respect to such hiring and alien and nationality status of the owners thereof.

**Section 5. Maintenance of Records.**

A.) All Covered Employers and the owners thereof, as the case may be, shall verify that they have complied with the requirements of Section 3 of this law based upon the categories of records, set forth below, copies of which shall be maintained by the Covered Employer to evidence compliance with this law:

United States passport; or

resident alien card or alien registration card; or

(iii) (a) driver's license, if it contains a photograph of the individual; and

(b) a social security account number card (other than such a card which specifies on its face that the issuance of the card does not authorize employment in the United States); or

(iv) employment authorization documents, such as an H-1B visa, H-2B visa, and L-1 visa, or such other work visa as may be authorized by the United States Government at the time the Town contract is awarded for all covered employees; or

(v) birth certificate indicating that person was born in the United States;

B.) The documents reviewed and relied upon by the Covered Employer, or the owners thereof, as the case may be, must appear on their face to be genuine. Copies of such documents relied upon by the Covered Employer, or the owners thereof, as the case may be, shall be maintained by the Covered Employer for all Covered Employees for the periods set forth below.

C.) Such records shall be maintained by the Covered Employer, or owners thereof, for the following minimum periods of time:

1.) one (1) year for a tax incentive;

2.) two (2) years for a Town grant, subsidy or other financial assistance;

- 3.) until such time the IDA loan is paid back in full; and
- 4.) six (6) years after the Town contract, subcontract, license agreement, lease or other financial compensation agreement either expires or is terminated.

Authorized Town employees shall be entitled to review such records on a periodic basis as requested by the Town or awarding agency.

The Town shall ensure that employees reviewing such records are briefed by Town counsel in order to ensure that such audits are done in compliance with all applicable law. Procedures should be adopted by the Town to ensure that such audits are not discriminatory and to ensure that sensitive personal information is not released unlawfully.

**Section 6. Town contracts; subcontractor contracts.**

A.) No grant, loan, subsidy, tax incentive, funding, appropriation, payment, other financial assistance, contract, subcontract, license agreement, lease or other financial compensation agreement shall be awarded to a Covered Employer, or the owners thereof, as the case may be, that does not certify that it has complied with Title 8 U.S.C. Section 1324a and Sections 3 and 5 of this law, with respect to its Covered Employees or with respect to the alien and nationality status of the owners thereof, as the case may be. All Town contracts, subcontracts, license agreements, leases and other financial compensation agreements awarded shall set forth the obligations of the covered employer and owners as enumerated in this law.

B.) All Covered Employers, or the owners thereof, as the case may be, shall inform their Contractors and Subcontractors to comply with the provisions of this law for as long as the Covered Employer or owner, as the case may be, is in receipt of compensation. Language indicating the Contractor's and Subcontractor's requirement to comply shall be included in any contract or agreement between a Covered Employer and its Contractors and Subcontractors. A copy of such subcontracts or other agreements shall be submitted to the Town and made available to the public upon request.

**Section 7. Applicability.**

A.) This law shall apply to all actions occurring on or after June 1, 2008, and shall apply to:

- (i) All Town contracts, subcontracts, license agreements, leases and other financial compensation agreements entered into or renewed after the applicability date of this law;
- (ii) Amendments to all Town contracts, subcontracts, license agreements, leases and other financial compensation agreements entered into after the applicability date of this law;
- (iii) All loans, subsidies, tax incentives funding, appropriations, payments, and other financial assistance provided by the Town after the applicability date of this law; and
- (iv) A Covered Employer, or the owners thereof, as the case may be, who is constructing public works for the Town under a loan agreement and pursuant to Town plans and specifications, even though the project may not be 100 per cent County funded due to federal and/or State aid that may be available.

B.) This law shall not apply as follows:

- (i) Section 3(B) of this law shall not apply to the Subcontractors of not-for-profit corporations or the Subcontractors or the owners thereof, as the case may be, as that term is defined in the NEW YORK NOT-FOR-PROFIT CORPORATION LAW.

**Section 8. Enforcement; penalties for offenses.**

A.) Notwithstanding any provision of law to the contrary, any Covered Employer, or the owners thereof, as the case may be, who submits a false, fictitious or fraudulent affidavit to the Town or awarding agency in connection with Sections 3 or 6 of this law shall, upon conviction, be guilty of a Class A misdemeanor, punishable by a fine of not less than \$250.00 nor more than \$2,000.00, or up to six (6) months imprisonment, or both. Each such violation shall constitute a separate and distinct offense.

B.) Notwithstanding any provision of law to the contrary, any Covered Employer, or the owners thereof, as the case may be, who violates any of the provisions of Sections 3 or 6 of this law, upon a first violation shall be subject to a civil penalty, in an amount not less than \$250.00 nor more than \$1,000.00, for each day such Covered Employee remains employed by the

Covered Employer, or for each day the owners thereof shall remain an owner, as the case may be. Any Covered Employer, or the owners thereof, as the case may be, who violates any of the provisions of Sections 3 or 6 of this law as set forth herein within the period of one (1) year immediately subsequent to the first violation, shall result in a second violation, the civil penalty of which shall be in an amount not less than \$1,000.00 nor more than \$2,500.00 for each day such Covered Employee remains employed by the Covered Employer, or for each day the owners thereof shall remain an owner, as the case may be. Each such violation shall constitute a separate and distinct offense.

C.) Notwithstanding any provision of law to the contrary, any Covered Employer, or the owners thereof, as the case may be, who violates the provisions of Section 5 of this law shall be subject to a civil penalty, in an amount not less than \$250.00 nor more than \$2,000.00.

D.) Any Covered Employer, or the owners thereof, as the case may be, who violates the provisions of Sections 3, 5, or 6 of this law, more than two (2) times, shall have its contract, subcontract, license agreement, lease or other financial compensation agreement terminated immediately; and, in the case of a Town IDA loan, subsidy or other form of financial assistance, same shall be declared in default for purposes of the Town collecting on the full amount of the loan, subsidy or other form of financial assistance. In addition, such Covered Employers shall be barred from bidding on future Town contracts and shall be ineligible to receive any future loans, subsidies or other financial assistance from the Town.

E.) Any determination made hereunder by the Town shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.

**Section 9. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 10. Effective Date.**

This law shall take effect immediately upon filing in the Office of the Secretary of State.

APPENDIX A

**CONTRACTOR'S AFFIDAVIT**

The undersigned hereby swears or affirms that the following statements are true to the best of his/her knowledge under penalty of perjury:

A. All persons employed by the undersigned and providing work, labor, materials or services to or on behalf of the Town of Southeast (the "Town") are duly licensed to the extent required by federal, state, county and/or local laws.

B. I have complied, in good faith, with the requirements of Title 8 of the United States Code (U.S.C.) Section 1324a (Aliens and Nationality) with respect to the hiring of Covered Employees and with respect to the alien and nationality status of the owners thereof.

C. No officer or employee of the Town has any pecuniary interest in my firm or in any contract entered into between my firm and the Town.

D. I understand that any violation of these requirements could result in my contract with the Town being revoked and that I may be subject to incarceration, fines and civil penalties in the event I am found to have made false statements herein or in I have violated any of the provisions of Chapter \_\_\_\_ of the Code of the Town of Southeast (Local Law #3 /2008

Dated: \_\_\_\_\_  
\_\_\_\_\_

Witness:

\_\_\_\_\_

\_\_\_\_\_  
Signature of Contractor

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Print name

Forms should be delivered to:

\_\_\_\_\_  
Address

Town Clerk  
Town of Southeast  
1360 Route 22  
Brewster, NY 10509

\_\_\_\_\_  
Address

**RESOLUTION #38 /08 – FINAL ORDER FORMING PEACH LAKE SEWER DISTRICT**

Introduced my Supervisor Rights  
Seconded by Councilman Johnson

All in favor.  
\*\*See end of minutes for copy of the Final Order

**RESOLUTION #39/08 - BOND RESOLUTION FOR PEACH LAKE SEWER DISTRICT**

Introduced by Supervisor Rights  
Seconded by Councilman Johnson

A meeting of the Town Board of the Town of Southeast, Putnam County, New York, was convened in public session at the Town of Southeast, New York on the 24<sup>th</sup> day of July, 2008.

The meeting was called to order by Town Supervisor Michael Rights, and upon roll being called, the following were:

	<u>Present</u>	<u>Absent</u>
Michael Rights	X	
Paul P. Johnson	X	
Richard B. Honeck	X	
Roger Gross	X	
Dwight Yee	X	

The following resolution was offered by Supervisor Rights, who moved its adoption, seconded by Councilman Johnson, to-wit:

**Bond Resolution Dated July 24, 2008**

**A Resolution Authorizing Sewer System Improvements to the Town of Southeast Peach Lake Sewer District, Authorizing the Issuance of Serial Bonds of the Town of Southeast, Putnam County, New York in an Aggregate Principal Amount Not to Exceed \$4,860,866 Pursuant to the Local Finance Law to Finance**

**Said Purpose and Delegating the Power to Issue Bond  
Anticipation Notes in Anticipation of the Sale of Such Bonds to  
the Town Supervisor.**

BE IT RESOLVED, by the Town Board of the Town of Southeast, Putnam County, New York (the "Town") (by favorable vote of not less than two-thirds(not fewer than 4) of all the members of the Board) as follows:

**Section 1.** The class of objects or purposes (herein referred to as "Purpose") to be financed pursuant to this resolution is sewer system improvements to Town of Southeast Peach Lake Sewer District. The estimated maximum cost of said purpose is \$4,860,866.

**Section 2.** The Town Board plans to finance the total cost of said Purpose by the issuance of serial bonds of the Town in an amount not to exceed \$4,860,666, hereby authorized to be issued therefore pursuant to the Local Finance Law, and the cost of such improvement is to be paid by assessments upon benefited real property in an area less than the area of the Town.

**Section 3.** It is hereby determined that said Purpose is an object or purpose described in subdivision 4 of paragraph (a) of section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

**Section 4.** It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

**Section 5.** Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of such bonds by virtue of paragraph 3 (1) of subsection d. of Section 107.00 of the Local Finance Law, with respect to all objects and purposes authorized to be financed hereby.

**Section 6.** The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

**Section 7.** Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00, and 56.00, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and content, and the manner of execution of the same, of said serial bonds, and said bond anticipation notes, including the consolidation with other issues, and also the availability to issue bonds with substantially level or declining annual debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town.

Such bonds and bond anticipation notes shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Town Supervisor shall determine consistent with the provisions of the Local Finance Law.

**Section 8.** The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds

authorized by this resolution, and any notes issued in anticipation thereof, as “qualified tax-exempt obligations” in accordance with Section 265 (b)(3) of the Code.

**Section 9.** Pending the sale of bonds herein authorized, the temporary use of funds from the Town’s general fund, pursuant to the provisions of Section 165.10 of the New York Local Finance Law, is hereby authorized. The Town reasonably expects to reimburse itself from the proceeds of bonds or notes herein authorized for expenditures made for the purpose to be financed by this resolution prior to the issuance of such bonds or notes, and this resolution is intended to constitute a declaration of official intent to reimburse for the purposes of U.S. Treasury § 1.150-2.

**Section 10.** The Purpose hereby authorized, and for which bonds are hereby authorized, is part of a larger undertaking involving both the Town and the neighboring Town of North Salem. Pursuant to the State Environmental Quality Review Act (“SEQRA”), the Town of North Salem undertook a coordinated review of the environmental impacts of the larger undertaking, with the Town of North Salem serving as lead agency and the Town identified and noticed as an involved agency. Upon completion of such review, the Town of North Salem issued a negative declaration determining that the larger undertaking, including the sewer system improvements to Town of Southeast Peach Lake Sewer District, will not have a significant impact on the environment. No further action is required of the Town under SEQRA with respect to the matter addressed in this Resolution.

**Section 11.** The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

**Section 12.** The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in each of the official newspapers of the Town.

**Section 13.** The firm Hiscock and Barclay, LLP is hereby appointed Bond Counsel of the Town in connection with the bonds and notes herein authorized.

**Section 14.** This resolution shall take effect immediately upon its adoption.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

	<b>YES</b>	<b>NO</b>	<b>ABSENT/ABSTAIN</b>
Michael Rights	VOTING	Yes	
Paul P. Johnson	VOTING	Yes	
Richard B. Honeck	VOTING	Yes	
Roger Gross	VOTING	Yes	
Dwight Yee	VOTING	Yes	

The foregoing resolution was thereupon declared duly adopted.

**RESOLUTION #40/08 - EAST OF HUDSON FUNDS – INTER-MUNICIPAL AGREEMENT AUTHORIZING RESOLUTION**

INTRODUCED BY: Councilman Johnson  
SECONDED BY: Councilman Gross

**WHEREAS**, on August 2, 2005, the Putnam County Legislature (the “County”) adopted a resolution authorizing the allocation of \$2.5 million in East of Hudson Water Quality Investment Program Funds (EOH WQIP) to be used toward the cost of designing and constructing a central sanitary waste water treatment plant together with the installation of appurtenant facilities in accordance with the Map, Plan and Report prepared in connection with the formation of the Peach Lake Sewer District in the Town of Southeast; and

**WHEREAS**, by Order dated July 23, 2008, the Office of the State Comptroller, Division of Audit and Control, approved the formation of the Peach Lake Sewer District in the Town of Southeast; and

**WHEREAS**, on July 24, 2004, this Town Board adopted a Final Order establishing the Peach Lake Sewer District in the Town of Southeast; and

**WHEREAS**, having received all the necessary approvals for the formation of the Peach Lake Sewer District, the Town and the County desire to enter into an inter-municipal agreement (the “Inter-Municipal Agreement”) to set forth the procedures and the respective responsibilities and obligations of the Town and the County with respect to the distribution of the EOH WQIP Funds to the Town for funding a portion of the Peach Lake Sewer District project.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor is hereby authorized to execute the Inter-Municipal Agreement between the Town of Southeast and the County of Putnam in a form approved by the Town Attorney.

Upon Roll Call Vote:

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

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

**LANDFILL CLOSURE PAYMENTS**

Supervisor Rights made a motion, seconded by Councilman Yee to pay to balance of approximately \$57,000. for the Landfill Closure .All in favor.

**LAKEVIEW MANOR** – Councilman Johnson made a motion to authorize the payment of \$2900. to Franz and Franze for the design of Lakeview Manor Addition. Supervisor Rights seconded and all in favor.

**TAPPING OF WORKSESSION**

Councilman Johnson made a motion to pay Paul Rotchford as of July 1, 2008 at the current rate as established. Councilman Honeck seconded and all in favor except 2 Town Board members (Rights; Yee).



**RESOLUTION #41 - D’VUA SITE PLAN ESTABLISHING PERFORMANCE BOND**

INTRODUCED BY: Councilman Honeck  
SECONDED BY: Councilman Gross

**WHEREAS**, the Town Board is in receipt of a recommendation from the Town Engineer dated June 18, 2008 with respect to the establishment of a performance Bond for the Site Plan of Carmine D’Uva General Contracting, Inc., owner of property located at Fields Lane, Tax Map No. 78.0-2-90.0; 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:

<b><u>PROJECT NAME:</u></b>	<b><u>BOND AMOUNT:</u></b>
D’Uva Site Plan	Soil & Erosion:       \$ 14,400.00
Site Improvements:   \$ 397,600.00	
Total:                   \$ <u>412,000.00</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 Roll Call Vote:

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

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

**RESOLUTION #42 - PUTNAM PRECISION SITE PLAN ESTABLISHING PERFORMANCE BOND**

INTRODUCED BY: Councilman Johnson  
SECONDED BY: Councilman Yee

**WHEREAS**, the Town Board is in receipt of a recommendation from the Town Engineer dated June 18, 2008 with respect to the establishment of a performance Bond for the Site Plan of Putnam Precision, Inc., owner of property located at Route 6, Tax Map No. 69.13-1-24; and

**WHEREAS**, upon review of such recommendation, the Town Board agrees to accept the recommendation of the Town consulting engineer.

**NOW, THEREFORE, BE IT**

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

<b>PROJECT NAME:</b>	<b>BOND AMOUNT:</b>
Putnam Precision Site Plan	Soil & Erosion:       \$ 4,477.00
Site Improvements:   \$ 150,623.00	

Total: \$155,100.00

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 Roll Call Vote:

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

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

**SPRINGHOUSE WATER DISTRICT – GRANT OPPORTUNITIES**

The Town Board spoke of hiring a grant writer for opportunities for the district to receive some relief.

**SMOKE FREE MOVIES** - Deferred

FOGGINTOWN ROAD ASPHALT

Councilman Honeck made a motion for the Supervisor to sign the papers regarding the Foggintown Road Asphalt. Councilman Yee seconded and all in favor.

SOUTHEAST SEWER FORMATION – previously discussed at the beginning of the meeting.

**STONE DUST – VOLUNTEER PARK**

Councilman Gross made a motion; seconded by Councilman Honeck to put the stone dust for Volunteer Park out to bid. All in favor.

**REPLACEMENT OF TONETTA LAKE PARK SLIDE**

There was an announcement that the slide at Tonetta Lake had to be replaced due to vandalism at the park.

**NEW BUSINESS**

There will be a Town/Village meeting at 67 Main Street on July 30<sup>th</sup> at 7:00.

A resident was glad to know of the taping of all town meeting and was hoping that soon the Planning Board, etc. would also be taped.

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

Respectfully submitted,

Ruth Argo Mazzei  
Southeast Town Clerk

