

TOWN OF SOUTHEAST
John J. Dunford Civic Center
1360 Route 22, Brewster, New York 10509
August 21, 2008
Regular Meeting - 7:30 PM

Present: Supervisor Rights
Councilman Paul Johnson
Councilman Richard Honeck
Councilman Roger Gross
Councilman Dwight Yee

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

Notation of Exits
Pledge of Allegiance

CORRESPONDENCE

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

Correspondence Received

1. Notice of Petition against The Town of Southeast, The Assessor, and The Board of Assessment Review of The Town of Southeast, petitioners being:
Glafkos G. Keramidas and Vivianne L. Keramidas
Harry Allison
Heritage Island Plaza, LLC
Denise Quinn Powers Products III, Inc
Oak Ridge Partnership & Quantum Realty, Inc
John G. Gress Jr & Josephine Gress
High Ridge Development
Putnam Seabury Partners, LLC
John & Denise Goodlilffe
Judith B. Coco
Dalo Petroleum Inc
Verizon N Y Inc
Galt Automotive Warehouse Inc
B. O .S. Land Development
Brewster Realty Partners
David L. Nilsen & Jill M. Nilsen
Emgee Highlands Corp
Heritage Island Plaza, LLC
Videl Holding Corp

Martin Hellman
Collins Brothers Inc
5th Ave Investors
Barry Nesson
Joseph LoBuono
Robert C Bedicheck C/O Crown Atlantic Co LLC
Crown Atlantic Co. LLC/PMB
Vicky & Michael Luckower

1. Division of Environmental Health Services, County of Putnam, State of NY – Complaint Against Springhouse Water Supply
2. Liberty Mutual Certificate of Liability Re: Adams Fences Inc
3. Acord Certificate of Liability Re: Standard Construction Corp
4. Acord Certificate of Liability Re: Thuesen mechanical Corp
5. Acord Certificate of Liability Re: MD Drilling & Blasting Inc
6. Acord Certificate of Liability Re: T. Taylor Construction Co.
7. Certificate of NYS Workers Comp Ins Re: Durants LLC
8. Certificate of NYS Workers Comp Ins Re: De-Fence Inc c/o James Weakley
9. Putnam County Watershed Information Coordinator To Putnam County Executive Re: IMA between Putnam County and Town of Southeast
10. Cuddy & Feder To Members of The Southeast Planning Board Re: New Cingular Wireless
11. NYS Public Service Commission Notice of Soliciting Comments Re: Examine the Safety of Con Ed of NY
12. Franz & Franz to Michael Rights Re: Status report on Southeast Civic Center
13. Citizens Campaign for The Environment To The Town of Southeast Re: Canvassing in The Town of Southeast
14. Town of North Salem to The Town of Southeast Re: Peach Lake Sewer District
15. Certification and Disbursement Request to The Town of Southeast Re: Upgrade Contract : Blackberry Hills Sanitary Sewer District
16. Town of Southeast filing for No. 2008-23 Establishment of the Peach Lake Sewer District
17. Acord Certificate of Liability Re: FJB Associates LLC & Clearwater Gutter Protection
18. Acord Certificate of Liability Re: Hayden Building Maintenance Corp
19. Cancellation of Certificate of Workers Compensation Ins Re: New Castle Associates Inc
20. The Stephens Law Firm To Mr Anthony Baxendale Re: Route 312 Property
21. To The Town of Southeast Re: Complaint about discounted gas prices on Route 22
22. The Town of Southeast Recreation Dept Re: Monthly Revenue Report
23. To The Town Clerk Re: Liquor License Renewal for Brewster Lodge No. 2101
24. American Legion To The Town of Southeast Re: Donation for Flags
25. Acord Certificate of Liability Re: Reliable Glass & Door Corp

26. Town of Southeast Supervisor Re: Information on Grant for America's Historical & Cultural Organizations Grants Program

27. Memos:

- To All Department Heads from Levon Re: Facilities Work requests made via telephone, memo or e-mail
- To Bill, Ken, Joe, Town Board, & Town Attorney Re: Possible illegal Boarding house at 37 Blackberry Dr
- To Michael Rights from Bill Scorca Re: Response to complaint at 37 Blackberry Dr
- To Charles Tessmer from Michael Rights Re: tickets, letters or Warning regarding political signage
- To Supervisor, Town Board, & Town Courts from Levon Re: Two Proposals for sound system
- To Town Supervisor, Town Board, Counsel, Re: Volunteer Park Tractor Price

28 Foils:

- MacCartney Law Firm Re: copies of inspections for Hess gas Station
On Route 22
- Houlihan & Lawrence Re: copy of Survey 49-2-53
- Victor Grossman, Attorney at Law Re: any and all resolutions adopted by the Town of Southeast in reference to The Highway Department
- Larry Fitzpatrick Re: Town Zoning & Planning Board Meetings, 01,02,03
- Judith Reardon Re: Municipal Search, copy map of property, copy of C/O, copy of septic plan
- Meadows at Deans Corner Re: Final plat Showing Phase 1
- Michele Matthews Re: Drainage Specifications, Driveway Ordinances
- Insite Engineering Re: Copy of Certificate of Occupancy #8195, letter from John Dever dated 3/18/91, copy of partial survey dated 3/18/91 copy of building permit #8195
- Suzanne Pintavalle Re: copies of drawings for 147 Brewster Hill Rd shed
- Insite Engineering Re: All materials submitted to The Planning Dept for Dykes Lumber
- Century 21 Re: C/O's for 11 Tulip Dr
- BR Flooring Re: proposed SSDS Job No 99020 & copies of building Permits
- Northwest Builders Supply Re: Building Permits/Withdrawn

29 Emails:

- From Will Stephens to Michael Rights: Re: Landfill
- From Michael Liguori to Nanci K Re: D'Uva
- From Levon to Nanci K Re: Security Upgrade
- From Levon to Nanci K Re: Blackberry Capital Needs
- From Michael Liguori to Nanci K Re: D'Uva & Town Board Meeting

Correspondence Sent:

1. Supervisor & Town Board to Maria P. Kenneally Re: Mr Charles Tessmer Change of Waver Request Date

- 2. Town Clerk to Victor Grossman Re: Foil Request in reference to Highway Dept.
- 3. M. Rights to Mrs Gornert Re: Stoplight at Prospect Hill & 312

VOUCHERS

Councilman Johnson made a motion to pay the monthly vouchers totaling \$1,698,514.29. Councilman Honeck seconded and all in favor.

BUDGET TRANSFERS

Councilman Honeck made a motion to accept the following budget transfers and Councilman Gross seconded; all in favor. (see end of minutes).

SETTING OF MEETING DATES AND PUBLIC HEARING

All meetings are held at 1360 Route 22, Brewster, NY 10509 at 7:30 pm unless otherwise noted.

Councilman Honeck made a motion to set the following and Councilman Johnson seconded. All in favor except for the setting of the public hearing for September 18, 2008.(vote was 3 ayes and 2 nays- Rights and Yee).

September 4, 2008	Worksession
September 11, 2008	Worksession
September 18, 2008	Regular Meeting
September 18, 2008	Public Hearing – proposed local law 7:31

TOWN ADMINISTRATOR –deferred

RESOLUTION #43 /08 - RYDER FARMLAND PROTECTING IMPLEMENTATION GRANT

Introduced by Richard Honeck
Seconded by Councilman Johnson

Whereas, the Town Board of the Town of Southeast (the “Town”) Desires to preserves open space within the Tow; and

Whereas, the State of New York provides funding for the creation and protection of open space used for agricultural farming through the Farmland Implementation Protection Grand (the “Grant”); and

Whereas the Grant requires that local municipalities and entities contribute an amount equal to twenty-five percent of the total cost of any Grant awarded; and

Whereas, in exchange for the Grant, Ryder Farm agrees to relinquish any and all development rights to the Ryder Farm property; and

Whereas, on or before September 15, 2008 Ryder Farm intends to submit an application to the State of New York for the grand; and

Whereas, Ryder Farm consists of 129 acres within the Town that adjoin Peach Lake, a major natural resource, and are in close proximity to other protected open space owned by Save Open Space, creating a bio-diversity corridor beneficial to wildlife; and

Whereas, the Town's Open Space Advisory Committee has analyzed the Ryder Farm Property against its established fourteen point criteria; and

Whereas, the Town's Open Space Advisory Committee has recommended that the Town agree to support the Ryder Farm's application for the Grant thereby preserving 129 acres of land within the Town at a nominal cost to the Town; and

Whereas, the Open Space Institute has pledged \$150,000 in support of Ryder Farm's Grant application in order to protect the Ryder Farm

Therefore Be it Resolved:

That the Town of Southeast pledges one-half of the net contribution required from local municipalities and entities under the Grant, except that such amount shall not exceed Three Hundred Twenty-five Thousand Dollars (\$325,000).

The net local requirement shall be calculated as twenty-five percent of the project cost, less all other funding sources including Putnam County, Open Space Institute and other grants or donations that may become available prior to conclusion of the transfers to the State of New York;

The funds contributed by the Town in support of Ryder Farm's Grant shall be provided through the Open Space Bond made available through the vote of the general public in November 2007;

The Town's obligation to contribute the funds as set forth herein is contingent on New York State granting the Ryder Farm's Grant application. The Ryder Farm will make a good faith effort to the residents of the Town of Southeast.

The Town Board directs and authorizes the Supervisor and Town Attorney to complete the necessary applications and notices to expedite the matter.

Upon Roll Call Vote:

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

Passed by a vote of 5 ayes, 0 nays.

RESOLUTION #44 /08 ELKS LODGE– SITE PLAN ARCHITECTURAL REVIEW BOARD

INTRODUCED BY: Councilman Yee
SECONDED BY: Councilman Gross

WHEREAS, the Town Board is in receipt of a Report of the Architectural Review Board of the Town Southeast dated July 15, 2008 in connection with the application of the ELKS LODGE PBOE # 2101, to reconstruct the fraternal organization’s headquarters situated on property known as 1430-1432 Route 22, Tax Map No. 57.-1-17, 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 with the “rounded transom option” as depicted on Elevation Plans (A-6, A-7) dated August 20, 2007 prepared by Joseph N. Prezzano, PE ; 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 July 15, 2008, a copy of which is annexed hereto and made part hereof, in connection with Brewster Elks Lodge – Addition & Renovations 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:

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

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

**RESOLUTION #45 /08 - D'UVA WAREHOUSE / OFFICE – FIELDS
LANE SPECIAL PERMIT / ARCHITECTURAL REVIEW / WETLANDS
PERMIT**

INTRODUCED BY: Councilman Johnson

SECONDED BY: Councilman Gross

WHEREAS, Carmine D'Uva General Contracting, Inc (“Applicant”), owner of premises located on Fields Lane Tax Map Nos.78.-2-90 and 78-2-91, (the “Subject Premises”) has made application to this Town Board for a Special Permit to allow the use of the structure to be constructed on the Subject Premises for 80% Warehouse and 20% office; and

WHEREAS, the Subject Premises are located in an OP zone; and

WHEREAS, an 80/20 warehouse/office configuration is only permitted in an OP Zone upon the grant of a Special Permit by the Town Board; and

WHEREAS, the Town Board is in receipt of a report and recommendation from the Southeast Planning Board wherein the Planning Board has recommended the grant of the Special Permit and has found the proposal of Carmine D'Uva General Contracting, Inc. to be in compliance with all applicable general and special standards of Article X of Chapter 138 of the Town Code; and

WHEREAS, the Planning Board, as Lead Agency for purposes of State Environmental Quality Review Act (“SEQRA”) adopted a Negative Declaration, thereby determining that the project is not likely to have a significant effect on the environment and, thereby, concluded review under SEQRA; and

WHEREAS, a duly noticed public hearing was held by the Town Board on July 24, 2008 in connection with this application and all interested parties have been given an adequate opportunity to be heard in this regard,

NOW, THEREFORE, BE IT

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

1. The proposed use is in such location and is a size and character that it will be in harmony with the appropriate and orderly development of the surrounding district and will not be detrimental to the immediate site or adjacent properties;
2. The location and size of the proposed use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout, and its relation to access streets will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous;

- 3. The proposed exterior appearance of the building, having been reviewed by the Southeast Architectural Review Board will not hinder or discourage the development and use of adjacent land and buildings; and
- 4. The proposed use will not require such additional public facilities or services or create fiscal burdens upon the Town greater than those which characterize uses permitted as of right.

AND BE IT FURTHER

RESOLVED, that based upon the foregoing findings, the Town Board of the Town of Southeast hereby grants a Special Use Permit to Carmine D’Uva General Contracting, Inc. in connection with the Subject Premises in accordance with the Statement of Use prepared and submitted to the Planning Board in connection with this Project Development Plan application, on condition that the applicant shall construct and operate the facility in compliance with all conditions set forth in Article X of the Zoning Code; and be it further

RESOLVED, that the recommendation of the Town of Southeast Architectural Review Board is hereby ratified and approved; and be it further

RESOLVED, that the Wetlands Inspector is hereby authorized and directed to issue the Applicant a Wetlands Permit to allow the construction activity contemplated by this application on the Subject Premises to proceed; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Applicant, the Secretary of the Town of Southeast Planning Board and the Southeast Wetlands Inspector forthwith.

UPON A ROLL CALL VOTE:

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

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

RESOLUTION #46 /08 B.O.S. LAND DEVELOPMENT, INC PETITION TO AMEND ZONING

INTRODUCED BY: Councilman Gross
SECONDED BY: Supervisor Rights

WHEREAS, a petition having been filed with the Town Board of the Town of Southeast by B.O.S. Land Development, Inc., owner of property

located within the Town of Southeast and known generally as 61 Allview Avenue, Tax Map No. 67.12-1-28 (the “Subject Premises”); and

WHEREAS, such Petition seeks to amend the Zoning Map to change the current zoning of the Subject Premises from R-160 (Single family residential – 4 acre minimum lot size) to RMF (Residential multi-family); and

WHEREAS, it is appropriate for the Town Planning Board to review the application, consider the environmental significance thereof and to render a report and recommendation on the requested zone change to the Town Board

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Southeast that the Petition of B.O.S. Land Development Inc. is hereby formally referred to the Planning Board for consideration of the requested relief in accordance with the Town’s Comprehensive Plan, together with the environmental significance thereof pursuant to the State Environmental Quality Review Act and to render a report thereon as to the advisability of the requested relief; and be it further

RESOLVED, that the Planning Board shall engage necessary professional consultants to allow the Board to adequately and thoroughly review the application; and be it further

RESOLVED, that the cost of the review of this application shall be borne by the Applicant and the Planning Board shall establish an escrow account to ensure the payment of professional fees incurred in connection herewith, said escrow account to be adequately funded by the Applicant prior to the commencement of any review thereof by the Planning Board; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Applicant and the Chairman of the Planning Board forthwith.

UPON A ROLL CALL VOTE:

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

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

RESOLUTION ESTABLISHING PERFORMANCE BOND#47/08 - ARBORSCAPE

INTRODUCED BY: Councilman Honeck

SECONDED BY: Councilman Yee

WHEREAS, the Town Board of the Town of Southeast is in receipt of a recommendation from the Town Engineer dated August 7, 2008 with respect to the establishment of a performance Bond for Arborscape, located 75 Fields Lane (Tax Map No. 78.-2-77); 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:
Arborscape	Soil & Erosion: \$ 1,500.00 Site Improvements: <u>\$ 14,000.00</u> Total: \$ 15,500.00

UPON A ROLL CALL VOTE:

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

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

RESOLUTION #48 /08 - SMOKE-FREE MOVIES CAMPAIGN

INTRODUCED BY: Councilman Gross
SECONDED BY: Councilman Honeck

WHEREAS, tobacco use is responsible for nearly 5,000,000 deaths every year worldwide; and

WHEREAS, more than 5,000 youth under the age of 18 try a cigarette for the first time each day in the United States; and

WHEREAS, more than 3.5 million youth between the ages of 12 and 17 are current smokers in the US and 1/3 of them will eventually die from a tobacco related disease; and

WHEREAS, the 1998 Master Settlement Agreement with the Tobacco Industry was intended to prohibit tobacco companies from marketing their products to youth – including the use of movies as a means of marketing; and

WHEREAS, tobacco shots in the top-ten grossing movies released from May 2002 to May 2003 were in youth accessible and youth-marketed G, PG, and PG-13 films; and

WHEREAS, exposure to smoking in movie recruits more than half of new adolescent smokers; and

WHEREAS, youth in Putnam County and across the state have collected petitions and postcards calling on major movie studios to adopt the recommendations of the Smoke Free Movie Project; and

WHEREAS, the World Health Organization, American Medical Association, American Academy of Pediatrics, American Legacy Foundation, American Academy of Allergy, Asthma, and Immunology, Society of Adolescent Medicine and others – including the Los Angeles Department of Health Services, US Public Interest Research Group and Interfaith Center for Corporate Responsibility – have endorsed the smoke free movies solution; and

WHEREAS, Reality Check, a statewide youth-led and adult-sponsored movement out to expose the truth about tobacco and the manipulative marketing practices of the tobacco industry, is involved raising awareness about the impact of tobacco uses in films and to call on the motion picture industry to adopt two simple actions:

1. No Tobacco in Youth Rated Films – No new film which is rated G, PG or PG-13 should depict or imply any tobacco products, brand names of tobacco, or tobacco use.
2. Stop Identifying Tobacco Brands – There should be no tobacco brand identification nor the presence of tobacco brand imagery (such as billboards) in the background of any movie scene.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Southeast endorses the four goals of the Realty Check Smoke-Free Movie Campaign; and be it further

RESOLVED, the Town Clerk is hereby authorized and directed to transmit a certified copy of this resolution to the Putnam County Youth Bureau on behalf of Reality Check for further distribution to the Motion Picture Association of America; to major motion picture studios and their parent corporations including Warner Bros., owned by Time Warner; Disney and Miramax, owned by The Walt Disney Corporation; and Columbia Pictures, owned by Sony Corporation of America; the National Association of Theater Owners; New York State Attorney General Andrew Cuomo; New York State Commissioner of Health; United States Senators Schumer and Clinton; United States Congressman John Hall.

UPON A ROLL CALL VOTE:

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

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

RESOLUTION - DEPUTY SUPERVISOR/ESTABLISHMENT OF OFFICE

INTRODUCED BY: Supervisor Rights

SECONDED BY: Councilman Yee

WHEREAS, the position of Deputy Supervisor having been abolished on December 20, 2007 by a resolution on the Town Board duly adopted; and

WHEREAS, Section 42 of the Town Law permits the Town Board to establish the office of Deputy Supervisor and to fix compensation there for;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Southeast that the position of Deputy Supervisor of the Town of Southeast is hereby established, and be it further

RESOLVED, this resolution shall take effect immediately.

UPON A ROLL CALL VOTE:

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

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

DEPUTY SUPERVISOR

Councilman Johnson made a motion to table the Deputy Supervisor and Councilman Honeck seconded and all in favor except Supervisor Rights.

PROTOCOL OFFICER

Councilman Johnson made a motion to appoint a new protocol Officer. The Appointee should be the person with the most seniority at the time. No compensation for salary. Vote carried by a vote of 3 ayes, and 2 nays (Rights and Yee). 0 abstained.

REMOVAL OF RESIDENT

Supervisor Rights asked the Deputy Sheriff to remove a resident from the audience; Councilman Johnson objected. Resident removed.

SOUND BARRIERS

Supervisor Rights made a motion to authorize the Supervisor to dispatch a letter to all appropriate authorities towards the goal of putting a motion for the construction of sound barriers along Interstate 684 as requested by the residents. Councilman Yee seconded and the vote carried by a vote of 3 ayes and 2 nays (Johnson and Honeck).

TAPING OF WORKSESSIONS

Supervisor Rights made a motion to stop taping the Town Board Worksessions. Councilman Yee seconded and vote was 2 ayes and 3 nays (Johnson, Honeck, and Gross). Vote did not carry.

PUTNAM COUNTY FEE WAIVER

Councilman Johnson made a motion to refund twenty-five dollars (\$25) to Marie Natell for the one night stay at the Putnam County Humane Society. Councilman Gross seconded and the vote carried 5-0.

HIGHWAY DEPARTMENT & RECREATION ADVISORY LIAISON

Supervisor Rights made a motion to appoint Roger Gross as the Highway Department & the Recreation Advisory Liaison. Councilman Johnson seconded and all in favor.

Councilman Gross made a motion to appoint Paul P. Johnson as Recreation Advisory Liaison to supersede the appointment of Councilman Gross. Councilman Honeck seconded and all in favor.

APPOINTMENT OF SPECIAL COUNSEL

INTRODUCED BY: Councilman Honeck
SECONDED BY Councilman Johnson

WHEREAS, the Town of Southeast is in need of specialized legal representation and advice in connection with the negotiation and potential prosecution of eminent domain proceedings; and

WHEREAS, the Town Board has reviewed the resume of the law firm of Gelardi & Randazzo, LLP and the Town Attorney has consulted with members of that firm and is confident that the members thereof carry then necessary expertise to adequately represent the Town's needs in this regard.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Southeast hereby appoints the firm of Gelardi & Randazzo, LLP of Hawthorne, NY, to serve as Special Counsel to the Town of Southeast in connection with potential eminent domain proceedings and be it further.

RESOLVED, that no such specific proceeding shall be commenced unless and until authorized by further resolution of the Town Board; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to transmit certified copies of this resolution to James Randazzo, Esq. and to the Town Special Districts Administrator forthwith.

UPON A ROLL CALL VOTE:

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

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

UNKNOWN SPECIAL COUNSEL

Supervisor Rights made a motion to a special counsel to crack down of illegal issues regarding hiring and housing. Councilman Yee seconded.

UPON A ROLL CALL VOTE:

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

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

TRACTOR FOR VOLUNTEER PARK

Supervisor Rights made a motion to table the item and Councilman Yee seconded. All in favor.

PLAYGROUNDS EQUIPMENT

Supervisor Rights made a motion to table the item and Councilman Honeck seconded. All in favor.

COURTROOM SOUND SYSTEM

Supervisor Rights made a motion to table the item and Councilman Honeck seconded. All in favor.

VILLAGE CAUCUS

Councilman Johnson made a motion to allow the use of Old Town Hall, 67 Main Street, for a Village of Brewster caucus. The use is for any political party to be allowed to caucus there. Councilman Honeck seconded and the vote carried by 3 ayes and 2 nays (Rights and Yee).

FORENSIC AUDIT

Supervisor Rights made a motion to hire an accounting firm to audit the 2007 vouchers with a ceiling of \$25,000. No voucher is to be removed from the building. Councilman Yee seconded.

UPON A ROLL CALL VOTE:

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

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

PLANNING BOARD FEES - tabled

GOLD LOT

Supervisor Rights made a motion to allow the Brewster Coalition to use the Gold Lot for Founders Day October 5, 2008. Councilman Honeck seconded and all in favor.

**RESOLUTION #50/08 – PEACH LAKE- AMENDING PREVIOUS
RESOLUTION**

A Resolution Amending Resolution Adopted July 24, 2008 Entitled “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.”

INTRODUCED BY: Councilman Honeck

SECONDED BY: Councilman Yee

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 resolution of the Town Board of the Town adopted July 24, 2008 entitled “**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.**” (Referred to hereinafter as the “Bond Resolution”) is hereby amended as follows:

A. All references in the Bond Resolution (including in the title to the Bond Resolution) to the amount \$4,860,866 are hereby amended to read \$4,860,688; and

B. Section 2. of the Bond Resolution is hereby amended to read as follows:

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 \$4,860,688, hereby authorized to be issued therefore pursuant to the Local Finance Law, and \$2,500,000 of the cost of such improvement is to be paid from a contribution from Putnam County East of Hudson Funds and the balance, \$2,360,688 is to be paid by assessments upon benefited real property in an area less than the area of the Town.

Section 3. Except as hereby amended, the Bond Resolution is affirmed and remains in full force and effect.

Section 4. This resolution shall take effect immediately upon its adoption.

UPON A ROLL CALL VOTE:

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

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

12 OLD ROUTE SIX

A vote will be taken on September 18, 2008 regarding the Special Permit.

EXECUTIVE SESSION

Supervisor Rights made a motion to enter into an executive session with Councilman Yee seconding. Vote 2 ayes and 3 nays (Honeck, Johnson and Gross).

Councilman Johnson made a motion to close the meeting and Councilman seconded. Vote carried with 3 ayes and 2 nays (Yee and Rights)

Respectfully submitted,

Ruth Argo Mazzei
Southeast Town Clerk