

**TOWN CLERKS MINUTES
REGULAR MEETING
TOWN BOARD
DECEMBER 16, 2004**

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

And: Town Clerk Ruth A. Mazzei
Town Counsel Willis H. Stephens

Also: Approximately 10 persons

REGULAR MEETING

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

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

PUBLIC HEARINGS

Councilwoman Mitts made a motion to call for the following public hearings. Councilman Honeck seconded. All in favor.

ROMA POOLS - RELEASE OF PERFORMANCE BOND

Councilwoman Mitts made a motion to open the public hearing. Councilman Honeck seconded. All in favor. Counsel Stephens read the legal notice, due to the fact that the Town Clerk has laryngitis. There were no comments from the board or the audience. Councilman Johnson made a motion to close the hearing and Councilman Honeck seconded. All in favor.

MIDDLEBRANCH MANOR SUBDIVISION - RELEASE OF PERFORMANCE BOND/DEDICATION OF ROAD

Councilman Honeck made a motion to open the public hearing and Councilwoman Mitts seconded. All in favor. Legal notice was read by Town Counsel Stephens. No comments from the board or the audience. Supervisor Dunford made a motion to close the hearing and Councilman Johnson seconded. All in favor.

AMENDMENT OF LOCAL LAW 1 OF 2001

Supervisor Dunford made a motion to open the public hearing and Councilwoman Mitts seconded. All in favor. Legal notice was read by Town Counsel Stephens. No comments from the board or the audience. Councilman Bonanno made a motion to close the hearing and Councilman Johnson seconded. All in favor.

REVIEW OF MINUTES

Councilman Honeck made a motion to review the minutes of October 5, 2004 - Special Meeting; October 14, 2004 - Special Meeting; October 28, 2004 - Regular Meeting and November 18, 2004 - Regular Meeting. Councilwoman Mitts seconded. All in favor.

CORRESPONDENCE

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

Correspondence Received

1. Accord Certificate of Liability Insurance Re: Meenan Oil Co., L.P. DBA Burke Fuel Oil Co.
2. New York State Thruway Authority Re: Snow & Ice on Overhead Bridges
3. Amy E. Campanaro, Southeast Museum Re: Annual Brewster Holiday Lighting and Caroling Festival
4. Sterling Re: Town of southeast Landfill 4th. Quarter 2004 Monitoring Event Notification Sterling File #E99016
5. Pasquale Carrozza Re: Foil Request for Planning Board Minutes Regarding Lakeview Estates and Rebentisch from 1996 or 1997
6. Town of North Salem Town Board Re: Positive Declaration Notice of Determination of Significance & Circulation of Applicant's Draft Proposed Scoping Outline for the SEIS
7. Veterans of Foreign Wars Brewster Post 672 Re: Southeast Honor Roll Project
8. Spain Agency Re: Employee Dishonesty
9. Chazen Engineering and Land Surveying Co., P.C. Re: Blackberry Hill and Fox Hill Wells Job #89845.00 & 89847.00
10. NYMIR Re: Recommendations for the Town of Southeast
11. Putnam Symphony Orchestra Re: Fall Concert
12. James Feder Re: Southeast Zoning Regulations
13. Larry Natoli, CSEA Re: Negotiations
14. Jody T. Cross, Zarin & Steinmetz Re: Negative Declaration for Zoning Amendments
15. Metro-North Railroad Re: Town of Southeast 2005 Parking Management Plan
16. Jacobson Re: Crossroads School Request for Bond Release NLJ #0001-0673, Campus at Field Corners Improvement Plan Review NLJ #0001-0432, Landau Subdivision 299 Joe's Hill Road Revised Sketch Plan Review NLJ #0001-0836, High Meadow Farm Welfare Road Sketch subdivision Review NLJ #0001-0667, Old Milltown road 3-Lot Subdivision J.P. International Development Corp. Preliminary Subdivision Review NLJ #0001-0820, DeLisi/Moffatt Residence 19 Cameo Court Conditional Use Permit Review NLJ #0001-0839, The Highlands-Building 5 Independent Way amended Site Plan NLJ #0001-0828, Perry Palazetti Proposed Office/Warehouse Hardscrabble Heights Drive Final Site Plan Review NLJ #0001-0797, Alcon, LLC Fields Lane Sketch Plan Review NLJ #0001-0833, Back O' Beyond 2-Lot Subdivision Federal Hill Road Sketch Subdivision Review NLJ #0001-0841, Waterview Estates Subdivision 1569 Allview Avenue & N.Y.S. Route 22 NLJ #0001-0817
17. The Putnam County Legislature Re: Resolution #245 of 2004
18. Putnam County Economic Development Corporation Re: Terravest Commerce Park Access Project PIN 8758.94, Town of Southeast
19. Putnam County Department of Health Re: Flu Vaccine
20. State Environmental Assessment Form Re: Proposed 3 - Lot Residential Subdivision, Old Milltown Road
21. Spain Agency Re: Complimentary Workshop December 7th on Preventing Law Enforcement Claims

22. Sterling Environmental Engineering, P.C. Re: Town of Southeast Landfill Closure Sterling File #E99016
23. Putnam County Division of Planning and Development Re: The Putnam County Groundwater Protection and Utilization Plan.
24. Hogan & Rossi Re: Putnam County Industrial Development Agency; Ace Endico Corporation Project – Terravest Corporate Park; Industrial Development Revenue Bond Issue (“the Project”)
25. Richard I. Goldsand Re: Eagles Ridge
26. Timothy J. Radigan Re: Waterview Estates Subdivision
27. Tim Radigan and Kathleen Radigan Re: Waterview Estates Subdivision
28. David Kelly Re: Foil Request for a Copy of the 2005 Budget
29. Mrs. Gertrude Yourke Re: Waterview Estates Subdivision
30. Mr. George Yourke Re: Waterview Estates Subdivision
31. William J. Carlin Re: Putnam County Expenditures for the Town of Southeast through 10/31/04
32. Michael McCormack Re: Public Comment Period on the Draft Generic Environmental Statement Extended to December 15, 2004
33. Richard Williams, Town Planner- Patterson Re: Stormwater Management Program
34. Stuart W. Stein Re: Rates for Electricity and Natural Gas
35. New York Metropolitan Transportation Council Re: Upcoming Ped-Bike Meeting
36. Paul Eldridge, Putnam County Personnel Director Re: New RPC Forms
37. US Nuclear Regulatory Commission Re: Indian Point Nuclear Generating Units 2 and 3 – government to government Meeting
38. Malcolm Pirnie Re: Brewster Heights WWTP Upgrade Construction – Temporary Construction Facilities
39. Peg Routhier Re: Eagles Ridge Condominiums
40. NYS Environmental Facilities Corporation Re: Upgrade Contract for Brewster Heights Sewer District #1 Disbursement Request Number 24
41. Putnam County Legislature Re: Representative for the Environmental Management Council
42. Jett Industries Re: Brewster Heights WWTP Microfiltration Power/Control Work
43. Cherie Ingraham Re: Open Space Committee
44. Jacobson Re: Quinn Subdivision & Lot Line Adjustment Turk Hill Road – Sketch Plan Review NLJ#0001-0842, Barnes Office/Storage Warehouse, 87 Fields Lane – Revised Sketch Plan Review NLJ #0001-0804, Back O, Beyond 2-Lot Subdivision Federal Hill Road – Preliminary Subdivision Review NLJ #0001-0841, Terravest International Corporate Park – T3, Senior Housing, Zimmer Road Final PDP Review NLJ #0001-0744
45. C. Croft Re: Foil Request for Minutes for the Planning Board Meeting on November 22, 2004 and Town Board Minutes of November 18, 2004
46. Rock Work Unlimited Re: Notice of Blasting – 2 Townsend Lane, Brewster, New York
47. Frank Paukner Re: Storm Water Management
48. Dorothea Toffolo Re: Fischer Sub-Division
49. Zarin & Steinmetz Re: Putnam Seabury Partners, L.P. – Campus at Field Corners Project, Property Location: Route 312 and Pugsley Road Section 45, Block1, Lots 4, 5, 8, 12 and 13
50. Ira S. Goldenberg Re: Eagles Ridge Condominiums Performance Bond Reduction NIJ #001-72-272
51. Sterling Environmental Engineering, P.C. Re: Town of Southeast Landfill 3rd Quarter 2004 Monitoring Results Sterling File #E99016
52. Putnam County Department of Finance Re: Mortgage Tax Payments
53. Janet Sullivan Re: Foil Request for Local Laws 12-16
54. Daniels & Porco Re: Foil Request for the Proposed Revisions to Ch. 123 of the Code – Decided at Sept. 30, 2004 Meeting
55. Liberty Mutual Certificate of Insurance Re: Nature’s Trees, Inc. D/B/A Sav A Tree/Savalawn
56. Brewster Ice Arena Re: Liquor License for 63 Fields Lane, Brewster, New York

57. John P. McNamara Re: Foil Request for Local Law #16
58. State of New York Board of Real Property Services Re: Schedule for Putnam County Allocation in the 2004 State Budget
59. The City of New York DEP Re: Town of Southeast Landfill – Closure Plan (T) Southeast; Lower Mine Road Muscoot Reservoir Drainage Basin DEP Log #14011-SP
60. Sterling Environmental Engineering, P.C. Re: Town of Southeast Landfill 4th Quarter 2004 Monitoring Event Notification – Reschedule Sterling File #E99016
61. Empire State Development Re: Town Hall Restoration Southeast, Putnam County Community Projects Fund (007), Project #T005
62. The Association of Towns Re: Law S.7757/A.11845
63. Jeremy Griffiths Re: Conflict of Interest with the Town of Southeast Planning board
64. Ann Fanizzi Re: Foil Request for SPDES Permit for Mt. Ebo
65. Craig Tamboir Re: Foil Request for Mt. Maya Car wash Law Suit
66. Judy T. Cross Re: Foil Request for Minutes for August 19, 2004 Minutes
67. Adel N. Rezckalla Re: Mother/Daughter Home
68. State of New York Office of the State Comptroller Re: Town of Southeast Establishment of the Weston Chase Drainage District
69. Putnam County Office for the Aging Re: Employment-Contract-Town of Southeast Agreement
70. George Yourke Re: Foil Request for Copy of Applicant's Intersection Sight Distance Plan & Profiles as per Town Engineer's Reference, Item 8. P.3, Latter to Planning Board Dated 10/28/04 and Review of Applicant's Storm Water Management Report as per Item 9 of Tom Fenton's Letter of 10/28/04
71. Shelly & Gerard Pettit Re: Waterview Estates Public Hearing
72. Putnam County Department of Health Re: Radiological Sampling Frequency
73. Putnam County Bioterrorism Disaster Preparedness Task Force Re: Special Program December 2, 2004
74. Putnam County Personnel Department Re: Putnam County Civil Service Rules and Appendices
75. NYS Assembly Re: Implementation of the Pension Relief Legislation
76. NYS Environmental Facilities Corporation Re: NYC Watershed – WWTP Upgrade Program Brewster Heights Sewer District #1 Change Order Approval
77. Rock Work Unlimited Re: Notice of Blasting at 88 Ice Pond Road, Brewster, NY

Correspondence Sent

1. Mr. Michael D. Merriman Re: Modification to SPDES No. NY-0062570
2. Mr. Charles J. Acker Re: Putnam County Industrial Development Agency; Ace Endico Cooperative Project, Terravest Corporate Park Industrial Development Revenue Bond Issue
3. Mr. Frank Paukner Re: Drainage Improvement Project
4. Ms. Amy Campanaro Re: Backup Schedules and Exhibits for Financial Reports
5. Best Web Corporation Re: Town of Southeast
6. Mr. Frank Cuoco Re: Contracted Work at Brewster Heights Wastewater Treatment Plant
7. Mr. Bruce Ettinger Re: Termination of Employment
8. Mr. Paul Eldridge Re: Assistant Building Inspector
9. Memo to Supervisor Dunford from Michael Levine Re: Award of Contracts for Well Connection at Foxhill and Blackberry Water Districts
10. Ms. Barbara Devolve Re: 2005 Contract for Shelter Services Between the Town of Southeast and the Putnam Humane Society
11. Pamela Phillips-Zeller Re: New York State Office of Children and Family Services for 2005
12. Hon. Regina C. Morini Re: Reappointment of Stephen Fasano on the Environmental Management Council

13. Mr. Mr. Howard Protter Re: Town of Southeast with Village of Brewster Water Supply and Service
14. Building Department File Tax Map #46.69-1-2,23 Sunset Drive – Kitchen #2, File #79.-1-50; 348 Peach Lake Road – Kitchen #2
15. Village of Brewster - Hon. John Cesar Re: North Main Street “Adult” Use
16. Mr. Jeremy Griffiths Re: Conflict of Interest with the Town of Southeast Planning Board
17. Mt. Brook Water District Residents Re: Startup of New Water System
18. Peg Routhier Re: Eagles Ridge Condominiums
19. Memo from the Highway Department to the Supervisor Re: Town’s Request for Improvements to State Roads
20. Ms. Marie DePalo, NYMAC Re: Updated Financial Document for the Town’s Continuing Disclosure Requirement
21. Janet McSwain, P.E. Re: Brewster Heights WWTP Upgrade Change Orders
22. Robert H. Sammons, P.E. Re: Report #56 for the Brewster Heights Wastewater Treatment Plant Upgrade and Report #51 for the Blackberry Hill Sewer District Treatment Facility

VOUCHERS

Councilman Bonanno made a motion to approve the voucher list in the amount of \$433,704.13. Councilman Honeck seconded; all in favor.

MEETING DATES

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

January 6, 2005	7:30PM Civic Center	Organization Meeting/ Work Session
January 13, 2005	7:30PM Civic Center	Work Session
January 20, 2005	7:30PM Civic Center	Regular Meeting

SETTING OF PUBLIC HEARINGS

Councilman Bonanno made a motion to set the following public hearings. Councilman Johnson seconded. All in favor.

January 20, 2005	7:30PM Civic Center	Special Permit/Palazetti Moratorium Variance/ Garden Homes Mgmt.
	7:31PM Civic Center	
	7:32PM Civic Center	Release of Performance
Bond		
	7:33PM Civic Center	Crossroads School Special Permit/Terra 9

BUDGET TRANSFERS

Supervisor Dunford made a motion authorizing Budget Transfers. Councilman Johnson seconded. All in favor. (See attached)

MOTION TO REJECT BIDS

Councilman Johnson made a motion to reject all bids for the Foxhill and Blackberry Water Districts Well Connection. Councilman Honeck seconded. All in favor.

RESOLUTION # /2004 REPEAL OF SIGN MORATORIUM

Introduced By: Councilman Honeck
Seconded By: Councilman Johnson

WHEREAS, on September 12, 2002 the Town Board of the Town of Southeast adopted Local Law No. 5 of 2002 entitled "A Local Law Regulating For an Interim Period, The Approval or issuance of Permits for the Construction and Display of Commercial Signs" (hereinafter, the Sign Moratorium"); and

WHEREAS, said local law was modified and extended from time to time; and

WHEREAS, on November 18, 2004 the Town Board of the Town of Southeast enacted comprehensive amendments to the Town Zoning Code, including amendments to such code pertaining to the construction and display of signs within the Town; and

WHEREAS, it is the sense of this Town Board that, given this enactment, there is no longer a need for the moratorium on approval or issuance of sign permits to remain in effect.

NOW, THEREFORE,

BE IT RESOLVED, that Local Law No. 5 of 2002 e and hereby is REPEALED.

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 # /2004 GRANTING A WETLANDS PERMIT FOR 59 ENOCH CROSBY ROAD

Introduced By: Councilwoman Mitts
Seconded By: Councilman Honeck

WHEREAS, the Conservation Commission of the Town of Southeast rendered a decision dated November 9, 2004 with the application of Dionissios Sarkas, to (a) Allow the septic field fill pad and expansion area to fall within the wetland buffer area. All of these activities are located in watercourse buffer areas. The property is located at 59 Enoch Crosby Road, Tax Map No. 55.-1-4, in the Town of Southeast, Putnam County, New York.

WHEREAS, the Town Board finds that there is no reason to upset the determination of the Conservation Commission in connection with said application,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby declines to exercise its power to overturn the November 9, 2004 determination of the Conservation Commission regarding the application from Dionissios Sarkas for a wetlands permit for property located on 59 Enoch Crosby Road, Town of

Southeast, Putnam County, subject to the terms and conditions imposed by the Town of Southeast Conservation Commission.

UPON ROLL CALL VOTE:

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

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

MOTION-2004 BUDGET LINES

Councilman Bonanno made a motion for Supervisor and Town Accountant to Balance the 2004 Budget Lines. Councilman Honeck seconded. All in favor.

RESOLUTION # /2004 CONSENT TO ALLOW INCORPORATION OF UTILITY COMPANIES – DEANS CORNERS WATER WORKS, INC.

RESOLUTION GRANTING PETITION TO ESTABLISH
MEADOWS AT DEANS CORNERS WATER WORKS, INC.
UNDER THE TRANSPORTATION CORPORATIONS
LAW OF THE STATE OF NEW YORK

RESOLUTION NO. _____/2004

DATE: December 16, 2004

INTRODUCED BY: Supervisor Dunford
SECONDED BY: Councilman Johnson

WHEREAS, a Petition on behalf of Meadows at Deans Corners Water Works, Inc., a proposed New York corporation was presented and duly filed with the Clerk of the Town of Southeast; and

WHEREAS, such petition seeks the approval of this Town Board for the incorporation and establishment of a water works corporation pursuant to Section 41 of the Transportation Corporation Law of the State of New York; and WHEREAS, it appears from the petition that such proposed water works corporation would own and operate the water supply facilities to be constructed in connection with and to service a proposed development known generally as "The Meadows at Deans Corners" located on County Route 55; and

WHEREAS, it appears from the records of the Planning Board of the Town of Southeast that such proposed development has obtained the requisite approvals from said Planning Board; and

WHEREAS, its appears from the face of the Petition that the plan and design of the proposed water works facilities has received approval from the Putnam County Department of Health.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby grants its consent to the incorporation of Meadows at Deans Corners Water Works, Inc. and authorized the Town Supervisor to execute a Certificate to be appended to the Certificate of Incorporation of Meadows at Deans Corners Water Works, Inc., consenting to its incorporation.

Upon Roll Call Vote:

Supervisor Dunford - aye

Councilman Johnson- aye

Councilman Bonanno- aye

Councilman Honeck - aye

Councilman Mitts - aye

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

**RESOLUTION # /2004 CONSENT TO ALLOW INCORPORATION OF
UTILITY COMPANIES – DEANS CORNERS SEWER WORKS, INC.**

RESOLUTION GRANTING PETITION TO ESTABLISH
MEADOWS AT DEANS CORNERS SEWAGE WORKS, INC.
UNDER THE TRANSPORTATION CORPORATIONS
LAW OF THE STATE OF NEW YORK

RESOLUTION NO. _____/2004

DATE: December 15, 2004

INTRODUCED BY: Councilman Johnson

SECONDED BY: Supervisor Dunford

WHEREAS, a Petition on behalf of Meadows at Deans Corners Sewage Works, Inc., a proposed New York corporation was presented and duly filed with the Clerk of the Town of Southeast; and

WHEREAS, such petition seeks the approval of this Town Board for the incorporation and establishment of a sewer works corporation pursuant to Section 115 of the Transportation Corporation Law of the State of New York; and

WHEREAS, it appears from the petition that such proposed sewage works corporation would own and operate the waste water disposal facilities to be constructed in connection with and to service a proposed development known generally as "The Meadows at Deans Corners" located on County Route 55; and

WHEREAS, it appears from the records of the Planning Board of the Town of Southeast that such proposed development has obtained the requisite approvals from said Planning Board; and

WHEREAS, it appears from the face of the Petition that the plan and design of the proposed sewage or waste water disposal facilities has received approval from the Putnam County Department of Health.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby grants its consent to the incorporation of Meadows at Deans Corners Sewage Works, Inc. and authorized the Town Supervisor to execute a Certificate to be appended to the Certificate of Incorporation of Meadows at Deans Corners Sewage Works, Inc., consenting to its incorporation.

Upon Roll Call Vote:

Supervisor Dunford - aye

Councilman Johnson - aye

Councilman Bonanno - aye

Councilman Honeck - aye

Councilman Mitts – aye

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

NEW BUSINESS

Lyn Ekhardt, who introduced herself as the Democratic Chairman, questioned a letter that the Town sent to the Village in early December offering assistance to them regarding Club Verona, a new club that open within the Village limits. She questioned how the Town Board came to this decision and Supervisor Dunford explained that the Town Board had not had a meeting on this topic, rather he had separate conversations with each Town Councilman, by phone. Supervisor Dunford clarified that the letter contained a general offer to help the Village in any way possible to enforce its zoning and land use laws and that the letter expressed the Town Board's concern over the Club Verona matter. She continued to pursue the meaning of the letter even though she was told numerous times it was an offer to the Village for “any” services they need. She also admitted that she had not read the letter that the Town sent to the Village. She repeatedly asked if this would include legal services and was told whatever the Village needed, would be considered whether it be building inspector, zoning enforcement, etc. Mr. Dunford added that before the Town could spend money for any specific support that the Town Board would have to take action at a Regular Meeting. Ms. Eckhardt said she was concerned about violations under the open meetings law. Town Clerk Mazzei explained to her that in the 13 years that she has been Town Clerk there has never been a time when there was action taken in a meeting without minutes being taken and at no time was the open meeting law violated while she was the Town Clerk. She told her that if any actions were taken then she would be required by law to take minutes. Councilman Honeck asked Ms. Ekhardt if there was something special that she wanted the Town Board to say since she was continually asking the same question.

Supervisor Dunford told Ms. Ekhardt that since she had announced she was representing herself as the Democratic Chairman, she was in fact stating that her questions were of a political nature. Supervisor Dunford also said that at a recent public hearing, Ms. Eckhardt also had identified herself as Democratic Chairwoman and announced that her intention was to replace all the boards in the Town, including the Town Board. He stated that her concerns over the Town's expression of support of the Village appeared to be partisan in nature. Councilman Johnson said that the Town would do anything it could to help the Village as it has always done in the past and then asked Ms. Ekhardt if she had a problem helping the village. She said that she was not sure at this time and would like to review the costs before she made her decision. In response to a question from Councilman Bonanno, Town Counsel Stephens said that any and all expenditures in executive session had to be reflected in minutes.

At this time a very inebriated man came into the meeting and Village Trustee Schoenig who was part of the audience, escorted him out of the building.

Councilman Johnson spoke of the moratorium and said that the residential moratorium was now lifted. Commercial Property will probably be lifted except for Rte. 22 - North of 684 or any commercial property that abuts Route 22 or has sole access to Route 22.. The Southern part towards North Salem will also probably be lifted. The whole footprint of Route 22 has changed. The current code reads the same as the previous code referring to the moratorium.

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

Respectfully submitted,

Ruth Argo Mazzei
Southeast Town Clerk