

**TOWN CLERKS MINUTES  
REGULAR MEETING  
TOWN BOARD  
DECEMBER 22, 2005**

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

Also: Deputy Town Clerk Bernadette Kerbe  
Town Counsel Willis H. Stephens

Also: Approximately 10 persons

**REGULAR MEETING**

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

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

**REVIEW OF MINUTES**

Councilman Johnson made a motion to review the minutes of October 27, 2005 Regular Meeting, November 10, 2005 Special Meeting and November 17, 2005 Regular Meeting. Councilman Honeck seconded. All in favor.

**CORRESPONDENCE**

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

**Correspondence Received**

1. The Putnam County Legislature Re: East of Hudson Ms4 General Permit
2. Ralph T. Sciaruto Re: Resume and Exam Results Letter for Assistant Building Inspector for Putnam County and Westchester County
3. New York Municipal Insurance Reciprocal Re: Belmont Eagles Ridge, LLC Town of Southeast TSOUT-05-005
4. Zarin & Steinmetz Re: Putnam Seabury Partners, L.P.—Campus at Fields Corners Project at 312 and Pugsley Road Section 45, Block 1, Lots 4, 5, 8, 12 and 13
5. NYS Environmental Facilities Corporation Re: NYC Watershed Regulatory Upgrade Contract for Brewster Heights Sewer District #1 – Disbursement Request #31
6. NYS DEC Re: Proposed Enhanced Requirements for the East of Hudson Municipal Separate Storm Sewer Systems General Permit
7. Malcolm Pirnie Re: Brewster Heights WWTP Upgrade Water Supply for Eyewash and Shower Station
8. Insite Engineering Re: Turk Hill East Subdivision and Quinn Subdivision
9. Keane & Beane, P.C. Re: Nelson Boulevard
10. Sterling Re: Project #E99016 – Town of Southeast Landfill
11. Malcolm Pirnie Re: Upgrade Contract – Brewster Heights Sewer District #1
12. Jacobson Re: Vail's Grove Golf Course 230 Peach Lake Road Sketch Plan Review NLJ#0001-0850, Pine Ridge Subdivision, Guinea Road Request for Bond Release NLJ#0001-0685, Unilock New York, Inc. International Blvd. Amended Site Plan Review NLJ #0001-0308 and Triple J Subdivision Welfare Road, Removal of Barns NLJ #0001-0754

13. State of New York DOH Re: DOH Log No. 17144; WSA No. 9345 Approval of Plans for the Creation of New Water Supply the Campus at Fields Corner (T) Southeast
14. Malcolm Pirnie Re: Brewster Heights WWTP Upgrade Construction UV Disinfection System Startup Report
15. ACORD Certificate of Liability Insurance Re: Cascade Mountain Winery
16. Malcolm Pirnie Re: Brewster Heights WWTP Upgrade Construction Microfiltration System Startup & Acceptance and Performance Testing Report
17. Peter Prey Re: Foil Request for Zoning Violations at 1024 Route 22
18. Cathy Croft Re: Foil Request to Inspect Meadows at Dean's Corners Subdivision File, Crosby Hill Subdivision File and Baker Farm Subdivision File
19. Cathy Croft Re: Foil Request to View all ARB Meetings Held After March 2005 and Copy of ARB Minutes for July and August of 2005
20. State of New York Department of State Re: Shared Municipal Services Incentive (SMSI) Grant Program
21. NYS Assembly Re: Public Forum on What Voting Equipment Should Replace the Current Lever Models on December 13, 7:00 p.m., at the Garrison Firehouse, Route 9, Garrison.
22. Jacobson Re: Route 312 Centre Amended Site Plan NLJ #0001-0375, Brewster Commercial Complex 577 North Main Street Amended Site Plan NLJ #0001-0840, Medical Office Site Plan 341 Route 312 Sketch Plan Review NLJ #0001-0860, Panella, LLC 261 Fields Lane Continued Preliminary Review NLJ #0001-0843, Terravest International Corporate Park-T3, Senior Housing, Zimmer Road Bond Estimate NLJ #0001-0744
23. Putnam County Re: Putnam County Septic Repair Program, (SRP) 12/5/05
24. Sterling Re: Town of Southeast Landfill 4<sup>th</sup> Quarter 2005 Monitoring Event Notification Sterling File #E99016
25. Liberty Mutual Re: Natures Trees, Inc.
26. Holland Company Inc., Re: Bid on Chemical Supplies for 2006
27. NYS Environmental Facilities Corporation Re: Annual Budget Estimate for Blackberry Hill Sanitary Sewer District STP, Annual Budget Estimate for Brewster Heights Sewer District #1
28. New York State Insurance Fund Re: Tremson Recycling LLC
29. Lynne Eckardt Re: High Meadow Farm
30. Memo to the Supervisor from Ron Harper Re: Various Updates for 11-7-05 thru 11-18-05
31. Domenic Chiera Re: Liquor License for Southeast Grill House (Paul's Place Restaurant, Inc.) 2459 Route 6, Brewster, New York
32. Comcast Re: Form 394 Application
33. Ann Fanizzi Re: Mt. Ebo Senior Housing
34. Michele Peterson Re: High Meadow Farms
35. ACORD Certificate of Liability Insurance Re: Aquarion Services Company
36. Bettina Vom Saal Re: Welfare Road
37. Tom Regan Re: Garden Street School Problem
38. Eric W. Peterson Re: High Meadow Development
39. NYC DEP Re: Non-Compliance With Discharge Monitoring Report Requirements Blackberry Hills WWTP (T) Brewster, Putnam County SPDES #NY-0062570
40. NYS Environmental Facilities Corporation Re: NYC Watershed – WWTP Upgrade Program Brewster Heights Sewer District #1 Change Order Approval
41. Paul Pasquantonio Re: Foil Request for Resolution/Special Permit Fox Lane
42. Cathy Croft Re: Foil Request for Town Board Minutes – 11/17/05
43. Barbara Lee Parsons Re: Foil Request for All CO's for Alterations and Construction at Reed Farm

#### Correspondence Sent

1. Mr. Gary Prinz Re: Men's Softball
2. Ms. Peggy Brady Re: Woman's Softball
3. Memo to the Supervisor From Michael Levine Re: Special District Survey Results - Rehabilitation of Sand Filters at Brewster Heights WWTP – Brewster Heights Water District Source of Supply
4. Memo the Planning Board, Building Dept. and Zoning Enforcement Officer from the Supervisor Re: Fox Lane Boatworks – Special Permit
5. Memo to the Building Department from the Supervisor Re: Demolition Permit
6. Sheriff Donald Smith Re: Garden Street School
7. Mr. Timothy Conway Re: Garden Street School
8. Hon. Mayor John Cesar Re: Garden Street School
9. Resource Management Section Re: Contract # C300878

10. Dr. Mark Lewis Re: Garden Street School
11. Mr. John Handy Re: Interest in the Zoning Board of Appeals
12. Mr. John H. Goudey Re: Interest in the Zoning Board of Appeals
13. Mr. Michael Cavalieri Re: Interest in the Zoning Board of Appeals
14. Mr. Richard Feuerman Re: Meadows at Dean's Corners
15. Memo to the Supervisor Re: DWI Monies
16. Mr. Rob Cameron Re: Escrow Account – Drewville Realty
17. Harry Nichols Re: Escrow Account- Ficarra Grading Plan J.P. International Subdivision High Meadow Farm Subdivision
18. Janet McSwain, P.E. Re: Brewster Heights WWTP Upgrade Amendment #5
19. Memo to All Departments from Ron Hund Re: Fixed Assets
20. Mr. Robert H. Sammons, P.E. Re: Report #63 for the Brewster Heights Wastewater Treatment Plant Upgrade and report #63 for the Blackberry Hill Sewer District Treatment Facility
21. Editor, Putnam County Press Re: Public Notice to be Published on Wednesday 12/14/05

**VOUCHERS**

Supervisor Dunford made a motion to approve the voucher list in the amount of \$795,755.66. Councilwoman Mitts seconded. All in favor.

**BUDGET TRANSFERS**

Councilman Honeck made a motion authorizing Budget Transfers. Councilwoman Mitts seconded. All in favor. (See Attached)

**MEETING DATES**

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

January 5, 2006	7:30PM Civic Center	Special Meeting/ Organizational Mtg/ Work Session
January 12, 2006	7:30PM Civic Center	Work Session
January 19, 2006	7:30PM Civic Center	Regular Meeting
January 26, 2006	7:30PM Civic Center	Special Meeting

**SETTING OF PUBLIC HEARINGS**

Councilman Bonanno made a motion calling for the following Public Hearings. Councilman Honeck seconded. All in favor.

January 19, 2006 7:30PM	Special Permit – M. Burdick
7:31PM	Release of Performance Bond – Pine Ridge
7:32 PM	Section 280a – Waterview Estates
January 26, 2006 7:30PM	Zoning Amendments-Chapter 83, Chapter 123
	Chapter 138
7:31PM	Route 22 Commercial Moratorium Extension

**MOTION-AUTHORIZING AGREEMENT WITH PUTNAM COUNTY HUMANE SOCIETY**

Councilman Honeck made a motion authorizing Supervisor to sign 2006 Putnam County Humane Society. Councilwoman Mitts seconded. All in favor.

**MOTION- AUTHORIZING 2006 AGREEMENT WITH PUTNAM COUNTY OFFICE OF THE AGING**

Councilman Johnson made a motion authorizing the Supervisor to sign 2006 Agreement with Putnam County Office of the Aging. Councilwoman Mitts seconded. All in favor.

**MOTION-EXTENSION OF CONTRACT WITH SEVERN TRENT**

Supervisor Dunford made a motion to extend the contract with Severn Trent for 1 Year for Water and Wastewater Operational Services. Councilman Honeck seconded. All in favor.

**MOTION-CLOSE OUT OF CAPITAL PROJECTS ACCOUNTS**

Supervisor Dunford made a motion authorizing the Accounting Department to Close out of Capital Projects Accounts. Councilman Bonanno seconded. All in favor.

**MOTION -TO CLOSE OUT INACTIVE ACCOUNTS**

Councilman Bonanno made a motion authorizing the Accounting Department to Close out Inactive Accounts. Councilwoman Mitts seconded. All in favor.

**MOTION-RECLASSIFICATION OF INTERFUND ADVANCES**

Councilman Honeck made a motion authorizing the Accounting Department to Reclassification of Interfund Advances to Interfund Transfers. Councilwoman Mitts seconded. All in favor.

**RESOLUTION #60 /2005 APPROVAL FOR COUNTY EXECUTIVE TO FILE QUALITY COMMUNITIES GRANT APPLICATION**

Introduced By: Councilman Johnson  
Seconded By: Councilwoman Mitts

**WHEREAS**, NYS has announced the availability of \$3 million for community development grant programs under the Quality Communities Program of the Environmental Protection Fund; and

**WHEREAS**, eligible activities under this grant program include collaborative community center revitalization activities; and

**WHEREAS**, Putnam County has a long tradition of partnering with local municipalities and not for profit organizations on projects to enhance Putnam's hamlet and village centers; and

**WHEREAS**, Putnam County is encouraging collaborations among communities for planning, design and pre-construction activities; and

**WHEREAS**, the County desires to work closely with all its municipalities to review existing design recommendations, share strategies of successful projects and address common problems (i.e. traffic flow improvements, pedestrian access, vacancy rates, business retention and expansion) in all our downtown commercial core areas; and

**WHEREAS**, the required 20% match for this grant application will be provided by Putnam County,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Southeast supports the County efforts and acknowledge our joint application as an interested Putnam municipality or a Quality Communities Grant to be applied to a countrywide community center revitalization project deemed eligible under this grant program.

**UPON ROLL CALL VOTE**

Supervisor Dunford – Aye  
Councilman Johnson-Aye  
Councilman Honeck-Aye

Councilman Bonanno – Aye  
Councilwoman Mitts-Aye

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

**MOTION- REMOVAL OF OLD TOWN VEHICLES**

Councilman Honeck made a motion authorizing Highway Superintendent to advertise for the removal of old Town vehicles. Councilwoman Mitts seconded. All in favor.

**MOTION-BALANCE ACCOUNTS FOR 2005 BUDGET**

Supervisor Dunford made a motion authorizing Town Accountant to embumber funds and balance accounts for 2005 Budget. Councilman Bonanno seconded. All in favor.

**MOTION-HISTORIC SITES, SUBDIVISION OF LAND AND ZONING**

Councilwoman Mitts made a motion to declare the Town Lead Agency under SEQRA for proposed amendments to Chapter 83, "Historic Sites", Chapter 123, "Subdivision of Land", and Chapter 138, "Zoning". Councilman Bonanno seconded. All in favor.

**MOTION-REFER PROPOSED AMENDMENTS TO PLANNING BOARD AND HISTORIC SITES**

Councilman Bonanno made a motion authorizing the Supervisor to refer the proposed Amendments to Chapter 123 and 138 to the Planning Board and Chapter 83 to the Historic Sites Commission. Councilwoman Mitts seconded. All in favor.

**RESOLUTION #61 /2005 WETLANDS PERMIT TURK HILL EAST SUBDIVISION**

Introduced By: Supervisor Dunford  
Seconded. By: Councilman Honeck

**WHEREAS**, the Conservation Commission of the Town of Southeast rendered a decision dated December 12, 2005 with the application of Turk Hill East Subdivision to allow (a) reconstruct a portion of a stormwater basin, an outlet structure, a discharge pipe and a discharge pipe and swale in the wetland buffer; (b)construct entire common driveway and portions of the Lots 1 and 2 driveways in the wetland buffer. All of these activities are located in wetlands buffer area. The property is located at Turk Hill Road and Allview Avenue, Tax Map #67.12-1-22, 67.16-1-17, 67.16-1-18, 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 December 12, 2005 determination of the Conservation Commission regarding he application from Turk Hill East Subdivision for a wetlands permit for property located at Turk Hill Road and Allview Avenue, 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 Johnson-Aye  
Councilman Honeck-Aye

Councilman Bonanno-Aye  
Councilwoman Mitts-Aye

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

**MOTION-AWARD CONTRACT TO ROBERTS FILTER GROUP**

Councilman Johnson made a motion to award contract to Roberts Filter Group for Engineering, Plans, Specifications, and Filter Rehabilitation at Brewster Heights WWTP the cost of the work

is \$108,000 to be financed through a Bond Anticipation Note. Councilwoman Mitts seconded. All in favor.

**EXECUTIVE SESSION**

Councilman Johnson made a motion to enter into executive session for litigation matters and Councilman Honeck seconded. All in favor. At 8:40 P.M. Supervisor Dunford made a motion to leave executive session and return to the Regular Meeting and Councilwoman Mitts seconded. All in favor. There were no minutes taken at the executive session as no vote was made during it.

**RESOLUTION #62/ 2005 AUTHORIZING EXECUTION OF CONSENT JUDGEMENT**

Introduced By: Supervisor Dunford  
Seconded By: Councilman Honeck

WHEREAS, on May 16, 2005, the Zoning Board of Appeals voted to deny a use variance request of Vails Grove Golf Course, Inc. ("Vails Grove") and New Cingular Wireless PCS, LLC ("New Cingular"), which sought permission to construct a 100 foot cellular telecommunications tower (monopole) in an R-160 Zone within the Town of Southeast; and

WHEREAS, New Cingular commenced an action in the United States District Court for the Southern District of New York, entitled New Cingular Wireless PCS, LLC v. The Town of Southeast and Town of Southeast Zoning Board of Appeals, Index No. 05 CIV 5554 (CLB) (MLS), seeking to enforce its rights pursuant to the Telecommunications Act of 1996; and

WHEREAS, after review of the record, and in consultation with counsel for the Town of Southeast, it is determined to be in the best interests of the Town to enter into a consent judgment which would, *inter alia*, allow the applicant to proceed before the Planning Board for site plan approval, under certain prescribed conditions.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Southeast hereby authorizes the Town's legal counsel, Stephens & Charbonneau, to enter into and execute a Consent Judgment on the Town's behalf in a form substantially similar to that annexed hereto authorizing the applicant to proceed to obtain site plan approval before the Planning Board of the Town of Southeast, upon condition that the applicant and Vails Grove Golf Course, Inc., and/or their successors in interest, resolve all outstanding notes and notices of violations of local building and zoning codes on the Subject Premises and, once resolved, completes the prosecution of the site plan applications of Vails Grove Golf Course, Inc. and New Cingular Wireless PCS, LLC. Roll Call Vote:

Supervisor Dunford-Aye

Councilman Johnson - Abstain

Councilman Bonanno- Aye

Councilman Honeck - Aye

Councilwoman Mitts - Aye

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

**NEW BUSINESS**

Councilman Bonanno commented on the need to address the volume of vouchers and a Town Constable or Code Enforcement Officer to enforce new housing laws.

Mr. Shruto from Hunters Glenn asked if the Town was going to hire a new Building Inspector in 2006. Supervisor Dunford's response was that the Town would interview and hire in 2006. Mr. Shruto said that there was some confusion in the Putnam County Personnel Department Office when Southeast residents live in Hunters Glenn as they have a Carmel Address and that it needed to be corrected. Supervisor Dunford said he would contact Putnam County Personnel Department to make the correction.

Cathy Croft questioned if the houses that are not on the historic sites list will be reinstated. Supervisor Dunford said that after the public hearing he would enact the legislation to update the Historic Sites Listing. She said that a three dimensional view of subdivisions would be more realistic. Ms. Croft asked if the 2006 budget would be on line as well as agendas and minutes for the ARB and Supervisor Dunford said that it would be. She asked if positions for departments i.e. Zoning Board are advertised and Supervisor Dunford said we placed advertisements in the newspaper. She asked if the length of each term could be posted as well.

Lynne Eckardt wished the Town Board a Merry Christmas. She commented on the feed back from the survey conducted in the town regarding all the water and sewer districts and Supervisor Dunford said she could FOIL and view it. She wanted to know if the Town Board has had any recent discussions regarding Maple Road and was told that they had not. Another question was when the Zoning Books would be available. Councilwoman Mitts explained that it was a very lengthy process to get General Code to codify the Zoning Book and we were working hard and might have it available within two months. Ms. Eckardt wanted to know if at the Organizational Meeting in January will the fees be increased for wetland violations for 2006 and Supervisor Dunford said that he would be looking at input from the various department heads for their recommendations by 12/30/05 and he would bring the results to the 1/05/06 meeting. Her last question was to inquire what would be discussed during the executive session and Town Counsel Willis Stephens, Jr. told her that they would be discussing litigation, New Cingular Wireless PCS, LLC vs. The Town of Southeast.

Mr. Dominic Gabbamonte from Hunters Glenn talked about having input from the Building Department to improve laws that are enacted. He commented on the need for additional input for the new code book. He said that it was very difficult for the public to understand what goes on in the town. Supervisor Dunford said that the Board does consult with the Town Planner and the Town Engineer after they meet on an issue and the Town Board attempts to do exactly what he was suggesting. .

DRAFT

Respectfully Submitted;

Bernadette Kerbe  
Southeast Deputy Town Clerk