

**Town of Southeast
John J. Dunford Civic Center
1360 Route 22, Brewster, New York 10509
February 19, 2009
Regular Meeting - 7:30 PM**

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

Also: Town Clerk Ruth Mazzei
Town Attorney Willis Stephens

And: Approximately 85 persons

Notation of Exits
Pledge of Allegiance

REGULAR MEETING

Councilman Johnson made a motion to open the Regular Meeting and Councilman Honeck seconded. Three in favor (Johnson, Honeck, Gross)

CALL FOR THE ORDER OF THE DAY – Councilman Johnson

SWEARING IN OF JUDGE GREGORY L.FOLCHETTI – Town Clerk Mazzei

TOWN CLERK - Ruth A. Mazzei read the following statement in response to Mr. Yee's accusations:

I have prepared a written response regarding the unfounded and malicious criticism that has been leveled against me over the past several months. I would ask that Supervisor Rights and Councilman Yee please do not interrupt my statement and refrain from the use of the gavel. Mr. Yee publicly read a letter he had written to me and I will now answer his accusations since the Supervisor would not allow me to do so before. I would like to thank my family and friends for the support they have shown and to also thank the other town clerks from various areas in the state for being here.

First: Mr. Yee stated that “My title is Councilman. Failure to relate my name on Town Documents that way shows lack of respect. “

As for respect, remember it is something that is reciprocal. The way that I refer to Mr. Yee is the same way I refer each and every member of the Town Board. Never before has anyone made an issue of Mr. Yee’s concern. No disrespect has ever been given to any member of the board and I am sorry that Councilman Yee feels that way.

Second: Mr. Yee stated that not placing the CV Starr students first on the agenda was disrespectful to the students and to him

Other board members asked that a certain person be first on the agenda as he had a 2 hour ride. I only place the items on the agenda on the advice of a majority of the board.

Third: He also said that Minutes are posted on the website and are incorrect.

Hopefully Councilman Yee has now learned, the minutes are the Town Clerk Draft Minutes and should be made available to the public within 2 weeks notwithstanding a problem. Last month Mr. Yee sent 2 letters with various errors, which were not publicly broadcast. He certainly should not be so fast to criticize. I know what my position allows, I beg him to learn his. He accused me of hijacking the website which is too ridiculous to even respond to.

Fourth: Mr. Yee said that Town information on my home computer may place the Town in a compromising and possible legal position.

- Many Town Clerks in the State of New York have their offices in their homes and make their own hours. This **is** legal in NYS. He should research the job if he is so interested in being the Town Clerk. Mr. Yee should be pleased that I love my job as much as I do and that I use my personal time to work at home, instead of finding fault with me **again.**

Fifth: Councilman Yee said a Press Conference in front of Town Hall was an attempt to distract him from his role as Councilman.

- It is hard to even answer this as I can not understand the statement and I wonder why he feels this is distracting – It had nothing to do with him in his official capacity.

Sixth: Mr. Yee said “you misused your position and decided independently to increase the salaries of your deputies without Town Board approval. “

- Councilman Yee should make sure the information is correct before slandering himself. Let me help him. Salaries are open information and no one in my office received any more of an increase than any other employee including you. Since you are so concerned regarding salaries, you should take

issue with the fact that the Supervisor who recently hired a friend at \$18 per hour instead of the \$10-12 norm. When another employee found out about the salary, the Supervisor then took it upon himself to increase her salary 50% so that she too made \$18. Per hour. This increase of spending was done so without Town Board approval.

As for my attendance at meetings, Mr. Yee cannot have it both ways. When I did attend work sessions his comment was “Why the hell is she here when she doesn’t have to be” In the 200 plus years, there is no set of Worksession minutes in any official Southeast Minute books. Though I never took minutes at work sessions, I have always attended work session in the past, until the public, verbal abuse directed at me personally, my work ethics, and the job responsibilities of my office. I am proud of my service to the town for the past years and also the quality of work performed by my knowledgeable assistants. As I replay in my mind some of the attacks, I wonder if this is because of Mr. Yee’s hatred of me or is it hatred of all women. It appears that his sole goal is to harass me and try to bully me to cause a hostile workplace.

Supervisor Rights and Councilman Yee preach about Open Government, yet when Mr. Freeman of the The Committee on Open Government issued an advisory opinion of Section 30 saying “that though the clerk should be present at each meeting of the town board for the purpose of taking minutesit might not be reasonable to construe Section 30 to **require** the presence of the clerk at a workshop during which there are no motions, proposals, resolutions or votes taken. If those actions clearly will not occur during a workshop, it is in my view that it is unnecessary that a town clerk be present to take minutes.” If Councilman Yee continues to have a hard time understanding this, the Town Attorney can explain it to him once again.

Since the worksessions are broadcast on TV and they have their own cameraman taking videos and the Supervisors Secretary taking notes, I cannot understand why he needs another layer to remind you of what went on at a meeting. You, Councilman Yee, can also make notations to yourself as does every other board member.

In conclusion, if you have concerns about my job or my responsibilities, I would be happy to explain. I am an independent elected officer of the Town and I am not subject to the whims of certain individuals whose sole purpose in life is to try to embarrass me. Any questions please address my office, as you need not do it publicly and embarrass yourself.

INTERVIEW AND APPOINTMENT OF TOWN HISTORIAN

James Nixon spoke about his qualification and his desire to be Town Historian. He also made a suggestion to use the Southeast Museum as a depository of records. Councilman Yee made a motion to appoint James Nixon as Town Historian and Councilman Honeck seconded. All in favor.

REVIEW OF MINUTES

Dick Honeck made a motion to defer this due to a computer virus. Paul Johnson seconded. All in favor.

CORRESPONDENCE

Supervisor Rights made a motion to waive the reading of Correspondence. Councilman Honeck seconded. Councilman Johnson asked that the Union Grievance be put into the Correspondence. All in favor.

CORRESPONDENCE RECEIVED

1. Jacobson to Planning Board Re: Verizon Wireless Site Plan Review
2. Jacobson to Planning Board Re: Verizon Wireless Antenna
3. Jacobson to Planning Board Re: Brewster Ice Arena Site Plan Review
4. Franz & Franz Architecture to Town Board Re: Invoice- Old Town Hall
5. Agreement regarding Steven W. Coleman Environmental Consulting
6. Guastella Associates Inc. to Town Board Re: Putnam Hills Waste Water Co. Rate Compliance Submission
7. Glynn, Mercep & Purcell to Supervisor Rights Re: North Salem Volunteer Ambulance w/ Town of Southeast
8. NYS Board of Real Property Services Municipal Report of Special Franchise Activity
9. Board of Elections to Town Clerk Re: Certificate of Town Offices to be voted on at the 2009 Election
10. Board of Elections to Town Clerk Re: Certify Town Offices to be voted on
11. Friends of the Great Swamp to Honorable Ruth Mazzei Re: Upcoming Events
12. Eastern Copy Products, LLC to Town of Southeast Re: Formal request to be placed on Town's vendor list
13. Blackberry Hills Sanitary Sewer District Certification & Disbursement Request
14. Charles Acker to Town Clerk Re: Annual Report IDA
15. NYS Dept of Transportation Re: New Regional MS4 Coordinator
16. Town of Southeast Justice Court Re: James W. Borkowski's resignation
17. Brewster Heights Sewer District Certification & Disbursement Request
18. Acord Certificate of Liability Ins. Re: Mechanical Coordinators of NY
19. Acord Certificate of Liability Ins. Re: ABM Air Conditioning & Heating Inc.
20. Acord Certificate of Liability Ins. Re: Supervised Lifestyles Inc.
21. Liberty Mutual Certificate of Ins. Re: AWD
22. NYS Ins. Fund Cancellation of Certificate of Workers Compensation Ins. Re: CT Hunt & Sons

23. NYS Certificate of Workers Compensation Ins Coverage Re: Mechanical Coordinators of NY Inc.
24. Algonquin Gas Transmission to The Town of Southeast Re: Notice of Petition
25. Agreement between The Town of Southeast and The Putnam County Humane Society
26. NYS Insurance Fund Cancellation of Certificate of Workers' Compensation Ins Re: M & M Landscaping Masonry & Maintenance Inc
27. Putnam County Office of The Aging to The Town of Southeast Re: Contract for the Outreach worker position for 2009
28. The Putnam County Legislature to Supervisor Rights Re: Quadricentennial Celebration
29. PC Industrial Development Agency to Town of Southeast Re: Public Notice for Fox Ridge Hotel & Suites, LLC
30. Comcast to Town of Southeast Re: Franchise Fee Payment – Fourth Quarter 2008
31. Acord Certificate of Liability Ins Re: T.A.G. Rentals Inc
32. Jacobson to Town of Southeast Planning Board Re: Verizon Wireless Site Plan Review
33. Jacobson to Town of Southeast Planning Board Re: Millennium Bond Estimate
34. Jacobson to Town of Southeast Planning Board Re: Starr Ridge Farm Equestrian Center Request of Release of Performance Bond
35. Jacobson to Town of Southeast Planning Board Re: Millennium Final Site Plan
36. Jacobson to Town of Southeast Planning Board Re: JVF Management Site Plan Sketch Review
37. **Foils:**
 - Wilder Balter Partners Re: Longridge Associates-Connector Rd
 - Anthony Loscalzo Re: Building Department Permits
 - Randy Calano Re: 210 Salmons Hollow Rd
 - Caryl Stabin Re: Application for Deans Corner Rd & 121
 - Stern, Adler & DeRossi Re: Professional Engineer's License
 - Three Lakes Mgmt Corp Re: Verizon Tower Site Plan
 - Axinn, Veltrop, Harkrider, LLP Re: Employee Health Benefits
 - Helen Re: Environmental Development Zone definition
 - Mitchell Morra Re: All information on Lot 49 Salmons Daily Brook Farm
 - Ward Norris Heller & Reidy LLP Re: Records relating to 2201-2005 Dunhill Drive, Brewster, NY
 - Stern, Adler & DeRossi, LLP Re: 330 Daisy Lane, Carmel, NY 10512
 - Robert DiBiase Re: All information on Milltown Estates Subdivision
38. **Memos:**
 - Highway Superintendent to Town Board, Town Clerk & Town Attorney Re: Winter 2008/2009 Snow Budget Update
 - Fire Inspector to Supervisor Rights Re: Strazza Subdivision

- Highway Superintendent to Town Board, Town Clerk, & Town Attorney Re: Sweeping of Brewster Schools Lots
- Ron Hund, Accounting to all Departments Re: Fixed Assets
- Michael Levine to Town Board Re: Landfill Closure Fill Material
- Robert Zubrycki to Town Board & Town Clerk Re: Letter from C.V. Starr
- Michael Levine to Town Board, Town Attorney & Town Clerk Re: Property at 53-55 Sodom Road
- Planning Board to ZBA Re: 100 Executive Drive Site Plan
- Town Clerk to Town Board & Town Council Re: Liquor License Application/Renewal Re: Mezza Luna Due
- Town Clerk to Town Board & Town Council Re: Liquor License Application/Renewal Re: Sinapi's Pizzeria
- Town Clerk to Town Board & Town Council Re: Liquor License Application/Renewal Re: O'Connors Brewery Inc
- MaryAnne Gallipani to Town Board Members Re: CSEA Grievances

39. Emails:

- Levon Bedrosian to Tom Roth Re: Well Drilling
- Paul Johnson to Dwight Yee Re: Your Behavior
- Dwight Yee to Mr. Honeck, Mr. Gross, Mr. Johnson Re: Your Behavior
- Michael Rights to Ruth Mazzei Re: Crocodile tears
- Paul Johnson to Town Board Re: Stormwater Drainage District
- Michael Rights to Town Board, Town Attorney, Town Clerk, Town of Southeast Re: Regional Stormwater Entity
- William Harding to Supervisor Rights Re: Regional Stormwater Entity
- Michael Rights to Paul Johnson Re: Safe Driving Program
- Willis Stephens to Michael Rights Re: Carmel's arrangement with the North Salem Ambulance Service
- Michael Rights to Paul Johnson Re: agenda items for Feb. 5 Work Session from Supervisors' Office
- Paul Johnson to Brian Doherty Re: Route 22 Town of Southeast
- Paul Johnson to Recreation Dept Re: Safe Driving Program
- Paul Johnson to Town Board, Town Clerk, Town Attorney Re: Agenda items for Feb. 5 Work Session
- Michael Rights to Brewster 10509 Re: Video Services
- Paul Johnson to Franz & Franz & Town Board Re: A.R.B.
- Franz & Franz to Town Board Re: A.R.B.
- Paul Johnson to Ruth Mazzei Re: 2010 Library Budget
- Michael Rights to Willis Stephens Re: Attendance of Town Clerk at all meetings wherein Town Board votes are cast
- Willis Stephens to Michael Rights Re: Attendance of Town Clerk at all meetings wherein Town Board votes are cast
- Paul Johnson to Paul McGrath Re: Proposed Water Rates
- Paul Johnson to Levon Bedrosian Re: Meeting Room

- NYS Department of Open Government to Ruth Mazzei Re: Emailing & Minutes
- Levon Bedrosian to Town Board, Town Council, & Ruth Mazzei Re: Upcoming Bids
- Paul Johnson to Ruth Mazzei Re: Constituent Meeting
- Willis Stephens to Michael Rights Re: Proposed Expenditure of public monies for private use

CORRESPONDENCE SENT

1. Town Clerk to State Comptroller Re: Resignation of James W. Borkowski and Appointment of Gregory Folchetti as Town Justice of the Town of Southeast
2. Ruth Mazzei to Board of Elections Re: Appointment of Gregory Folchetti as Town Justice
3. Levon Bedrosian to Potential Bidders for 2009 Swimming Pool Services
4. Dwight Yee to Lake Tonetta Advisory Board Re: Invitation to Presentation
5. Michael Rights to Peaceable Hill Water District Re: Meeting on February 12, 2009
6. Planning Department to Town Board Re: Millennium
7. Levon Bedrosian to Bidders Re: Sludge Hauling

APPROVAL OF THE VOUCHER LIST

Supervisor Rights made a motion to approve the vouchers for February 2009 in the amount of \$2,200,398.21. Councilman Gross seconded. All in favor.

SETTING OF MEETING DATES

Councilman Honeck made a motion to set the following dates and Supervisor Rights seconded. All meetings will be held at 1360 Route 22, Brewster New York at 7:30 PM. All in favor.

- a. March 5, 2009 – Work Session
- b. March 12, 2009 – Work Session
- c. March 19, 2009 – Regular Meeting
 - Public Hearing 7:30 Water Meters & Repairs – Peaceable Hill
 - Informational Meeting 7:31 – Town Wide Drainage District

REFUSE DISTRICT

Councilman Johnson made a motion to update the Refuse Bid Package. Councilman Honeck seconded. Vote carried by a vote of 4 in favor and 1 against (Yee).

RESOLUTION #06/09 – RULES OF PROCEDURE

Councilman Honeck made a motion to adopt Rules of Procedure Resolution. Councilman Johnson seconded. Vote passed by a vote of 3 in favor, 2 against (Councilman Yee and Supervisor Rights).

INTRODUCED BY: Councilman Honeck
SECONDED BY: Councilman Johnson

WHEREAS, it is the sense of this Town Board that the orderly and effective conduct of public meetings and the open, orderly and transparent transaction of the people’s business is reliant upon the adoption of formal rules of procedure and order for all work sessions, regular and special meetings of the Town Board.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby adopts rules of order and procedure for the conduct of Town Board meetings as follows:

1. **DEFINITIONS.**

A. “Regular Meeting or Special Meeting” - A gathering of a quorum of the Southeast Town Board at which time motions, proposals, resolutions, and any other matter may be formally voted upon and a vote taken thereon.

B. “Work Session” or “workshop” - A gathering of a quorum of the Southeast Town Board at which time matters will be discussed but no vote taken on such matters.

2. **WORK SESSIONS.** Work sessions of the Town Board shall be held on the first and second Thursdays of each month, except when such evening is an official Town Holiday or such other day as designated by a majority of the Town Board at a preceding Regular or Special Meeting duly called for the purpose of setting meeting dates. Work sessions shall be informal and shall commence at 7:30 PM. There shall be a written agenda of each work session, but no minutes of such meeting shall be kept.

3. **REGULAR MEETINGS.** A. Regular Meetings of the Town Board shall be held on the third Thursday of each month, except when such evening is an official Town Holiday in which case the Regular Meeting shall be held on such other evening(s)

as designated by a majority of the Town Board at a preceding Regular or Special Meeting duly called for the purpose of setting meeting dates.

B. Each Regular Meeting and all adjourned meetings shall be open for consideration of any matter which, in accordance with these rules, may be properly brought to the attention of the Town Board.

C. The Southeast Town Board shall conduct its Regular monthly meeting at 7:30 PM and the Board shall consider any and all scheduled items on its agenda, unless a majority of the Board votes otherwise. Any unfinished items shall be carried over to the next meeting.

4. **SPECIAL MEETINGS.** Special Meetings may be called for business of a truly urgent nature and shall be held at the call of the Town Clerk upon the direction of the Supervisor or upon filing with the Town Clerk a written request by any two members of the Town Board. Only business specified in the public notice thereof may be transacted at a Special Meeting. Notice of such Special Meeting shall be given as soon as practicable after such meeting is scheduled but in no event less than 24 hours prior to the commencement thereof.

5. **CONDUCT OF MEETINGS.** A. All regular and special meetings and all work sessions of the Town Board shall be held in the John J. Dunford Civic Center, 1360 Route 22, Brewster, NY, or at such other place within the Town as may be specified in the notice thereof. All meetings shall be conducted in accordance with the New York State Open Meetings Law. Formal minutes, however, shall only be kept for Regular or Special Meetings of the Town Board.

B. **ORDER OF BUSINESS** – The Order of Business of each Regular meeting shall be:

1. Call to Order / Notation of Exits
2. Pledge of Allegiance
3. Call for the Order of the Day
4. Roll Call
5. Description of Town Board Decision Making Process
6. Public Hearings
7. Discussion / Approval of Minutes
8. Correspondence / Communications

9. Memorials and Proclamations
10. Approval of Voucher Abstract
11. Budget Transfers
12. Reports of Boards and Committees
13. Reports of Department Heads
14. Action Items:
 - a. Motion to etc.
 - b. Resolution to etc.
15. Unfinished Business (actual agenda items to be spelled out)
16. New Business
17. Public Comment Period
18. Adjournment.

C. The Town Board, in its discretion, may change the Order of Business at any meeting by a vote of the majority present and voting at such meeting.

6. **AGENDA PROCEDURES.**

A. **PUBLIC HEARINGS.** Public Hearings will be scheduled on the agenda and noticed at staggered intervals in the order set by the Town Board at a preceding Regular Meeting or Special Meeting called for the purpose of setting such public hearing.

B. **WORK SESSION AGENDA.** Every item to be discussed at a particular Work Session shall be submitted by members of the Town Board to the Town Clerk by 4:30 PM Monday for that week's Work Session. Such submission may be made either in writing or by electronic transmission (fax or email) at the telephone number or address designated by the Town Clerk for such purpose. Items may be added to a Work Session agenda after the deadline for submission by approval of a majority of the Town Board.

C. **REGULAR MEETING AGENDA.** Every item to be considered under "New Business" or "Unfinished Business" shall be submitted by the members of the Town Board by 4:30 PM Monday prior to the scheduled Regular Meeting. Such submissions may be made either in writing or by electronic transmission (fax or email) at the telephone number or address designated by the Town Clerk for such purpose. To the extent that any action item requires the preparation of a formal resolution by the Town Attorney's office, a request for such formal resolution shall be made to the Town Attorney's office by no later than Noon on Friday prior to the scheduled Regular Meeting

and such drafts of such resolutions shall be provided to Town Board members by Noon of the Tuesday prior to the scheduled Regular Meeting..

D. **POSTING AGENDA.** The Town Clerk shall prepare and use best efforts to post the agenda, no later than 5:00 PM on Tuesday prior to the scheduled Regular Meeting. Posting shall be deemed sufficient if placed on the Official Sign Board outside the Town Clerk's office. Effort should be made to post the agenda on the website for the Town of Southeast no later than Noon on Wednesday prior to the scheduled Meeting or Work Session.

E. **YEAR END REMOVAL OF PENDING ITEMS.** Any proposed local law, resolution or other item other than land use applications still pending on the agenda of the Town Board that was first introduced, submitted or filed in any calendar year is automatically removed there from as of and effective December 31 of that same calendar year.

F. **CONSENT FOR UNLISTED ITEMS.** No local law, ordinance, petition, resolution, communication or item can be acted upon unless it physically appears on the agenda, and this includes committee reports, unless there is the consent of the majority of the Town Board. However, nothing in this rule will prevent a member of the Town Board from making announcement or reports during committee reports.

G. **PREPARATION OF MEETING FOLDERS.** The Supervisor's confidential secretary shall use best efforts to prepare meeting folders for each Work Session, Regular and Special Meeting which shall contain copies of all available documentation, draft resolutions, communications or other materials in the Supervisor's possession associated with particular agenda items and shall lay such folders on the desks of Town Board members prior to the meeting.

7. **MEETING PROCEDURES.**

A. **QUORUM.** The majority of the duly constituted membership of the Town Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

B. **SUPERVISOR TO SECURE A QUORUM.** In the absence of a quorum during the meetings of the Town Board, the Supervisor may take such measures as provided by law and as he or she may deem necessary to secure the presence of a quorum.

C. **ROLL CALL; RECORDING OF ABSENCES.** At every Regular and Special Meeting of the Town Board, the Supervisor (or if the Supervisor be absent, the most senior Town Board Member present or the person designated by a majority vote) shall call the meeting to order. The roll of members shall be called by the Town Clerk, and the names of those absent shall be inserted in the Minutes of the meeting.

D. **MINUTES.** (1) Minutes of all Regular and Special Meetings of the Town Board shall be taken by the Town Clerk in accordance with New York State Town Law and the New York State Public Officers Law. Minutes shall consist of a record or summary of all motions, proposals, resolutions, and any other matter formally voted upon and shall include the vote thereon. Minutes shall be taken at any executive session of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary need not include any matter which is not required to be made public by the New York State Freedom of Information Law.

2. Content. Minutes shall include the following:

- Name of the Board
- Date, place, and time of the meeting
- Notation of presence or absence of Board members and time of arrival or departure if different from the time of call to order and adjournment
- Name and title of other Town officials and employees present and approximate number of attendees
- Record of communications presented to the Board
- Record of reports made by Board members, other Boards, Departments or Committees
- Name, Town/Village and State of persons who commented during public comment period
- Time of adjournment
- Signature of Town Clerk or person designated by Town Clerk to keep minutes if not the Town Clerk

3. Minutes may contain a summary of discussions as determined appropriate by the Town Clerk or her representative but shall not contain verbatim comments unless a majority of the Board shall resolve to have the Town Clerk do so in each instance.

4. Minutes shall be made available to the public not more than two (2) weeks from the date of the meeting. Minutes kept in executive session shall be made available to the public not more than one (1) week from the date of executive session. Such minutes shall be marked "DRAFT" until such time as they are subsequently approved by a majority vote of the Town Board.

5. The Town Clerk shall submit the draft minutes of a Regular or Special Meeting or of an Executive Session at which minutes were taken to members of the Town Board no less than one week prior to the Regular Meeting at which they are to be discussed and/or approved. Delivery shall be sufficient if the Town Clerk deposits a hard copy in the Board member's mail box in the Town offices or transmits an electronic copy to the Board member at the email address designated by each for such purpose by the Friday prior to the Regular Meeting that they are scheduled to be discussed.

6. Minutes shall be approved at the next regular meeting of the Board. Any amendments shall require approval of a majority of the Board. If the Board fails to approve the minutes at the next Regular Meeting and such draft minutes were submitted by the Town Clerk for review in a timely manner, the minutes shall be deemed approved.

7. No minutes of Town Board meetings shall be posted on the Town Web Site until the procedures for approval thereof as set forth above shall been fulfilled.

E. DECORUM.

1. The Supervisor shall convene the Town Board promptly at the hour specified for the convening of the Town Board, and shall preserve order and decorum. The Supervisor shall recognize council members for the purpose of debate on any question under consideration, in the order in which the members have requested recognition. The Supervisor shall decide all questions of order, which decision shall be final, unless an appeal is taken to the Town Board and sustained.

2. Speakers from the audience shall address the Town Board as a whole, in an orderly manner. All speakers, including the Supervisor and members of the Town Board shall refrain from partisan political commentary, personal, impertinent, slanderous or profane remarks directed at any member of the Board, staff or general public that disrupt the meeting. Any person who makes such remarks or otherwise disrupts the meeting with loud outbursts, shouting, threats or other disruptive conduct or behavior shall, at the direction of the Supervisor or after a motion and majority consensus of the Board, be ruled out of order. If, after receiving a warning, any person persists in disrupting the meeting, the Supervisor or the Town Board Majority shall order that person to leave and may utilize law enforcement to enforce such order if necessary.

3. The Town Attorney shall act as the Parliamentarian to assist with procedural questions, upon the request by any member of the Town Board.

4. Commentary, debates and arguments initiated by Town Board members during public hearings or during Public Comment portions of the Agenda are prohibited. Town Board members, who expand their comments in Public Hearings portion of the Agenda beyond the simple statement of questions, shall be ruled out of order by the Supervisor.

F. APPEAL FROM THE SUPERVISOR’S RULING.

1. On every appeal, the Supervisor shall have the right to assign the reasons for his or her decision. If the question on which the appeal is taken was not debatable, the Town Board shall decide the case without debate. If the question was debatable, no member shall speak more than once concerning an appeal for the Supervisor’s ruling. The Supervisor shall put the question: “Shall the ruling of the Supervisor be overturned?”

2. A motion to overrule a ruling or decision of the Supervisor shall require approval by a majority vote of the Town Board.

G. MAJORITY VOTE. A majority of the total vote of the entire membership of the Town Board shall be necessary to carry any local law, ordinance, question, proposition, resolution, motion, or any other matter, except where it is otherwise provided herein or required by general law that a two-thirds vote or a unanimous vote is required.

H. RECORDING AYES AND NAYS. On a roll call, the ayes and nays shall be entered in the minutes of the Town Board, and the Town Clerk shall record the names of the members and the way each will have respectively voted. Each member, as his or her name is called, shall respond affirmatively or in the negative, as the case may be. At the conclusion of the call of the roll, the Town Clerk shall announce the vote thereon and whether the measure was passed or defeated. To verify the vote and to correct possible errors, the Town Clerk may repeat the call of the roll. The only exception to this procedure is if the member abstains from voting in accordance with Rule I “Abstentions”.

I. WITHDRAWAL OF RESOLUTION OR MOTION. Any resolution or motion offered by a member of the Southeast Town Board may be withdrawn by the member presenting it at any time before an announcement by the Town Clerk of the vote thereon, or before an amendment to such resolution or motion has been adopted, provided that the member seconding such resolution or motion shall also withdraw his or her second to the same.

J. MOTIONS NOT AMENDABLE OR DEBATABLE.

1. All motions for an adjournment, for a recess, for the previous question, or to lay on the table shall be neither amended nor debated.

2. After the roll call on any question has begun, no member shall speak on the question nor shall any motion be made until after the results are declared.

3. While the Supervisor is stating any question, or while the roll is being called, no debate or discussion shall be in order. Any member desiring to explain his vote must do so before the start of the roll call, provided that, before the roll call begins, all members of the Southeast Town Board shall have a right to avail themselves of the provisions of Rule 7 L (Previous Question).

K. PREVIOUS QUESTION – MOTION TO END DEBATE. The call for the previous question after reasonable debate shall be as follows: “I move to call the previous question.” Such motion may be made by any member without recognition from the Chair. Until it is decided, all amendments and debate are suspended. When the Town Board shall order the previous question called and amendments are pending, the

question shall first be taken upon the amendment(s), and then upon the main question without further debate.

L. **MOTION TO END MEETING.** A motion to end or adjourn the meeting may be made by any Member at any time during the conduct of such meeting without recognition from the Chair. Such a motion is not subject to amendment and until such motion is decided, all debate is suspended. In the event such motion carries by a majority vote of members present and voting, the meeting shall stand adjourned until the next Regular or Special Meeting.

M. **MOTION TO RESCIND.** A motion to rescind can only be entertained when moved by a Board Member who voted with the majority in the action which is proposed to be rescinded, and requires the affirmative vote of a majority of the total members of the Town Board.

N. **MOTIONS FOR RECONSIDERATION AND CHANGING ONE'S VOTE.**

1. A motion for reconsideration or a motion to change one's vote shall not be in order unless made on the same meeting day.

2. A motion to reconsider must be made by a Board Member who voted with the prevailing side on the action proposed to be reconsidered. A member has the right to change his or her vote up to the time the result is announced. Afterward, a change in vote can only be made by permission of the Town Board. Such permission can be given by general consent, or by adoption of a motion to grant permission.

3. When a motion to reconsider or a motion to change one's vote has been defeated, it shall not be submitted to the Town Board without unanimous consent for a period of at least thirty (30) days.

O. **RESOLUTION AMENDMENTS.** The Town Board shall not vote on any proposal or resolution unless each Town Board member and the Town Clerk have possession of the proposal or resolution in writing prior to the commencement of the meeting. Any amendment during a meeting must be presented to the Town Clerk and the Town Board in writing by the sponsor of the amendment.

P. **SECOND REQUIRED FOR DISCUSSION.** At any Work Session, Regular or Special Meeting, the Town Board shall not discuss any agenda item that does not receive a second.

Q. **PUBLIC HEARINGS.** The Town Board may vote on any public hearing matter for which all speakers have been accommodated. All other hearing decisions shall be delayed until the next Regular Meeting of the Board to afford sufficient time to allow public comment to be submitted and evaluated.

R. **AMENDMENTS OF THES RULES OF ORDER.** These Rules shall not be rescinded, altered, or amended, nor shall any additional Rule be added hereto except by majority vote of the total members of the Southeast Town Board, and only after at least one (1) week’s notice filed with the Town Clerk.

S. **ALL POINTS OF ORDER NOT COVERED BY THESE RULES.** On all points of order not governed by these rules of the Southeast Town Board, Robert’s Rules of Order (Revised) shall prevail.

And be it further,

RESOLVED, that these Rules shall take effect immediately.

UPON ROLL CALL VOTE:

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

VOTE: Resolution carried by a vote of 3 Ayes and 2 Nays.

REPORT OF COMMITTEES

Ed Colello, a member of the Zoning Board, gave a brief overview of the duties of the ZBA and his concerns about the future changes. Tom Frasca explained the duties of the ARB and his concerns about the new fees.

**RESO # 0 7 /09 WETLANDS PERMIT 573 NORTH MAIN STREET, INC. /
SOUTHEAST MEMORIAL PARK**

INTRODUCED BY: Councilman Johnson

SECONDED BY: Councilman Honeck

WHEREAS, the Town of Southeast Wetlands Consultant issued a report and recommendation in connection with the site plan application of 573 North Main Street, Inc. and John Petrillo, owner of premises located 573 North Main Street, Tax Map No. 56.19, Block 1, Lot 40.1, (the “Subject Premises”); and

WHEREAS, the Town of Southeast Planning Board adopted a resolution confirming the Wetlands Inspectors conclusions and finding that the proposed project would not have a significant negative impact on site hydrology and the Town Board finds

that there is sufficient reason in the record to support the grant of a wetlands permit in connection with said application,

NOW, THEREFORE, BE IT

RESOLVED, that after reviewing the maps, plans and submissions of the Applicant, together with the Report and Recommendation of the Wetlands Consultant dated December 3, 2008, as well as the Southeast Planning Board Resolution dated December 8, 2008, all of which are incorporated herein by reference, the Town Board of the Town of Southeast hereby GRANTS a permit to allow Regulated Activity within the wetland/wetland buffer area as shown on the proposed site plan on file with 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 573 North Main Street, Inc, owner of the Subject Premises and to the Secretary of the Town of Southeast Planning Board and forthwith.

UPON ROLL CALL VOTE:

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

VOTE: Resolution carried by a vote of 3 aye to 2 nays.

RESOLUTION #08 /09 STRAZZA SUBDIVISION RESOLUTION ESTABLISHING ROAD NAME

INTRODUCED BY: Councilman Honeck
SECONDED BY: Councilman Gross

WHEREAS, the Town Board of the Town of Southeast is in receipt of a proposed plat for a residential development known generally as the STRAZZA SUBDIVISION, located on Doansburg Road (County Route 65), Tax Map Nos. 46.-5-16, 17, 19 & 21, which shows a private common driveway servicing several residential lots thereon; and

WHEREAS, the Town Board of the Town of Southeast is charged with the authority to approve names of roads, streets, highways, courts, lanes, public and private ways consistent with appropriate protocols for the naming of streets established in

connection with the system of enhanced emergency response employed in Putnam County and the Town of Southeast; and

WHEREAS, the naming of such street has been discussed with the Town of Southeast Fire Inspector and the Historic Sites Commission; and

WHEREAS, it is found and determined to be in the best interest of the people of the Town of Southeast to adopt the following road name in connection with the development known as the Strazza Subdivision, all in an effort to further protect the health, safety and general welfare of the citizens of this Town.

NOW, THEREFORE, BE IT

RESOLVED, that the plat of Strazza Subdivision a/k/a Rocky Farm Estate, Inc. (Tax Map Nos. 46.-5-16, 17, 19 & 21) shall be inscribed with the following road or street name:

Running from the northerly side of Doansburg Road: **DELL FARM LANE**

RESOLVED, that in connection with the road construction contemplated as part of this development, the developer is hereby directed to acquire and install the necessary and appropriate street signs in accordance with applicable regulations and approved by the Town Highway Superintendent identifying the aforesaid road name.

UPON ROLL CALL VOTE:

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

VOTE: Resolution carried by a vote of 5 Ayes and 0 Nays.

WETLANDS PERMIT # 09 /09 DETERMINATION STRAZZA SUBDIVISION – DOANSBURG ROAD

INTRODUCED BY: Councilman Honeck

SECONDED BY: Councilman Yee

WHEREAS, the Town of Southeast Wetlands Consultant issued a report and recommendation dated August 6, 2008 in connection with the subdivision application of Rock Farm Estate, Inc., owner of premises located on Doansburg Road (CR 65), Tax

Map Nos. 46.-5-16, 17, 19 & 21 and commonly referred to as the Strazza Subdivision (the “Subject Premises”); and

WHEREAS, on August 11, 2008 the Town of Southeast Planning Board adopted a resolution making a positive recommendation that a permit be granted regarding Regulated Activity within a wetland buffer area.

NOW, THEREFORE, BE IT

RESOLVED, that after reviewing the maps, plans and submissions of the Applicant, together with the Report and Recommendation of the Wetlands Consultant dated August 6, 2008, as well as the Southeast Planning Board Resolution dated August 11, 2008, all of which are incorporated herein by reference, the Town Board of the Town of Southeast hereby GRANTS a permit to allow Regulated Activity within the wetland buffer area as shown on the proposed subdivision plat on file with 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 Rocky Farm Estate, Inc., owner of the Subject Premises and to the Secretary of the Town of Southeast Planning Board and forthwith.

UPON 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 ayes to 0 nays.

RESOLUTION # /09 - PUTNAM HILLS WASTE WATER CO., INC.ADOPTING INITIAL TARIFF – deferred

HONOR ROLL GRANT MONIES

Councilman Gross made a motion to fund the Streetscape Project for the Town of Southeast Memorial that will be totally reimbursed. Supervisor Rights seconded. All in favor. Councilman Johnson then made a motion authorizes the Supervisor to sign all the necessary paper work. Supervisor Rights seconded. All in favor.

STORMWATER DRAINAGE

Deferred to the March 19th Regular Meeting for more discussion.

TERRAVEST WASTE WATER TREATMENT - deferred

WAVIER OF BUILDING FEES REGARDING PEACH LAKE SEWER TREATMENT

Councilman Yee made a motion to waive the building fees regarding Peach Lake Sewer Treatment. Michael Rights seconded. All in favor.

LANDSCAPING BID

Supervisor Rights made a motion to award the landscaping bid to the lowest bidder, Colonialtown a one year term. Councilman Yee seconded. All in favor.

NEW BUSINESS

A letter of resignation was submitted from Highway Superintendent James Lawlor effective February 28, 2009.

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

Respectfully submitted,

Ruth Argo Mazzei
Southeast's Town Clerk