

**TOWN CLERKS MINUTES
REGULAR MEETING
TOWN BOARD
FEBRUARY 16, 2006**

Present: Supervisor John Dunford
Councilman Paul Johnson
Councilman Richard Honeck
Councilwoman Lorraine Mitts

Absent: Councilman Pat Bonanno

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

REGULAR MEETING

Councilman Honeck 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

PUBLIC HEARING – RENTAL REGISTRATION

Councilwoman Mitts made a motion to open the public hearing and Councilman Johnson seconded. All in favor. Town Clerk Mazzei read the legal notice. Town Counsel Stephens explained that there was no substance being added. A line was dropped from the law and there was an incorrect reference to the Town Code. Supervisor Dunford made a motion to close the public hearing and Councilman Honeck seconded. All in favor.

REVIEW OF MINUTES

Councilman Johnson made a motion to approve the following minutes and defer the minutes of January 26, 2005. Councilwoman Mitts seconded. All in favor.

January 19, 2006	Regular Meeting
February 2, 2006	Special Meeting

CORRESPONDENCE

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

Correspondence Received

1. New York State DEC Re: State Assistance Municipal Landfill Closure Program (6 NYCRR Subpart 360-9, Effective September 1, 1990) Town of Southeast Landfill Phase II-Putnam County
2. Town of North Salem Re: Intermunicipal Agreement
3. Stephens & Charbonneau Re: Peach Lake Sewer District – Town of Southeast

4. New York State DEC Re: Mountain Brook Water District; Adding Well #2 at 30 gpm DEC# 3-3730-00301-00001
5. AnnMarie Repanti Re: Year End Summary of Animal Control Seizures for Southeast
6. Cathy Croft Re: Baker Farm Public Hearing
7. NYS Workers' Compensation Board Re: Halstead Quinn Propane Co.
8. Malcolm Pirnie Re: Brewster Heights WWTP Upgrade Construction Field Order (H) #1 – Oil-Fired Heating System
9. New York State Environmental Facilities Corporation Re: NYC Watershed Upgrade Program, Brewster Heights Sewer District #1 – Disbursement Request #32
10. New York State DEC Re: Grant for Eradicate Aquatic Invasive Species
11. Putnam County Office of Emergency Services Re: Storm Damage
12. Richard Feuerman and Cherie Ingraham Re: Chapter 123 Subdivision of Land, Section 123-12 Preliminary Plat
13. Garden Homes Re: Proposed Zoning Amendments
14. Cathy Croft Re: Baker Farm Enoch Crosby Road Tax Map No. 55-1-5
15. Kevin Beall Re: Fox Lane Construction/Boatworks/Outfitters
16. Metro-North Railroad Re: Town of Southeast 2006 Parking Management Plan
17. Ann Fanizzi Re: Comments: Local Law Chapter 138
18. NYS DEC Re: Funding Availability
19. Putnam County Department of Planning Re: Referral 06-PC-2 Local Law Amendments
20. Putnam Engineering Re: Brewster Commercial Complex 577 North Main Street TM#56.19-1-40
21. NYS Assembly Re: Assistance with any Home Rule Legislation the Town may Require
22. Hogan & Rossi Re: Industrial Access Grant for International Blvd. and Route 312; Terravest International Corporate Park
23. Sterling Environmental Engineering Re: Town of Southeast Landfill
24. NYC DEP Re: WWTP Compliance Inspection Blackberry Hills WWTP (T) Brewster, Putnam County SPDES #NY-0062570 and Brewster Heights SPDES #NY-0110353
25. Ann Fanizzi Re: Flooding off Ice Pond Road and Rte. 312
26. Putnam County "Keep Putnam Beautiful" Re: Litter Bags
27. Putnam County Office for the Aging Re: Outreach Worker Position
28. New York State Department of Health Re: Springhouse Estates Southeast (T), Putnam Co.
29. Zarin & Steinmetz Re: Request for Establishment of Lower Speed Limit on John Simpson Road
30. Putnam county Legislature Re: "myspace.com"
31. Town of Carmel Town Board Re: Negative Declaration Notice of Determination of Non-Significance Re: Hotel Rezoning
32. Joseph Sabatella Re: News Items – Community Meetings Discussing Day Laborers
33. NYS Environmental Facilities Corporation Re: CW SRF Project No.: C3-5340-02-00, C3-5340-03-00 Series 1997A Town of Southeast
34. ACORD Certificate of Liability Insurance Re: The Roberts Filter Group, Red Wing Properties, Inc., Quality Environmental and Canale Electric Corp.
35. United Way of Westchester and Putnam Re: Human Care Issues Facing Putnam
36. Jacobson Re: Unilock New York, Inc. International Blvd. Amended Site Plan Review NLJ#0001-0308, Every Accessory Apartment 42 Enoch Crosby Road NLJ#0001-0862, International Blvd. & Geneva Road NLJ#0001-0863, Turk Hill Subdivision Bond Estimate NLJ#0001-0819, Root Avenue Subdivision NLJ#0001-0724, Brewster Honda Site Plan Review NLJ#0001-0865, Mont Ebo Lot 6 Preliminary Review NLJ #0001-0845, D'Uva Preliminary Site Plan Review NLJ #0001-0861, Tenth Jam Subdivision Preliminary Subdivision Review NLJ#0001-0859, Pine Ridge Subdivision Request for Road Acceptance NLJ #0001-0685, Penny Lane Discussion of Road Improvements NLJ #0054-0001 and Improvements Required #NLJ#0054-142, Stonecrest Sr. Residence Release of Performance Bond NLJ#0001-0773,

37. The Putnam County Historian & Putnam County Archives Re: Meeting of the Putnam County History Roundtable on 2/22/06
38. Dr. Robert D. Schoenberg Re: Maple Road
39. Putnam County Bureau of Emergency Services Re: Storm Damage
40. Putnam County Press Re: Official Newspaper for the Town of Southeast
41. NYS Office of Real Property Services Re: Excellence in Equity Award
42. Comcast Re: FCC Form 394 Application
43. Lisa Shelly Re: Foil Request for Permits 577 N. Main Street, Planning Board Meeting Minutes for 11/28/05 and 12/12/05 and Town Hall Minutes 11/10/05
44. Peter Alexander Re: Foil Request for Rental Law
45. Cathy Croft Re: Foil Request for ARB Minutes 12/20/05
46. Ann Fanizzi Re: Foil Request for Building Department Records for 2567 Carmel Avenue
47. Martin Taublib Re: Foil Request for Exact Title, Name and Responsibility of the Town Engineer. Foil Request for Complete List of Construction Building Permits also Copy of Town Board Resolution Creating Position of Code Enforcement Officer
48. Kathleen Radigan Re: Foil Request to Review Documents Received Since 12/1/05 on Waterview Estates in Preparation of 2/13/06 meeting

Correspondence Sent

1. New York State EFC Re: Brewster Heights Sewer District #1 Certification and Disbursement Request Requisition Number 33 and Number 34
2. New York State EFC Re: Supplemental Certificate of Determination Advance Number 10
3. Ms. Jeanne Naclerio Re: Southeast Parking – Certificate of Compliance
4. Janet McSwain, P.E. Re: Brewster Heights WWTP Upgrade Change Order P-01
5. Mr. Alan Schumann Re: Southeast Parking Management Plan
6. Town Board From Michael Levine Re: Roll-Off Services for Buildings and Parks
7. Althea Nastasi Re: 187 Prospect Hill Road
8. Samuel V. Ricotta, Asst. Dir. Ed. Services Re: Code enforcement Official Database
9. Editor, Putnam county Press Re: Public Notice to be Published on Wednesday, February 8, 2006
10. New York State and Local Retirement System Re: Location Code: 30307 ERS
11. Ms. Siobhan O’Kane Re: Stormwater Shared Services Grant
12. Ms. Nicole Gordon, Ms. Michelle Mejia, Ms. Diane Hernandez, Ms. Jonnine Thomas, Ms. Kathryn Bloss, Ms. Carmela Surace, Ms. Mary Pfiel, Ms. Cathleen Burns, Ms. Meriea Aulabaugh, Ms. Christine Rupolo, Ms. Laura Schek Re: Available Position in the Town of Southeast Justice Court
13. Mr. John Alfonzetti Re: Starr Ridge Manor Water District Improvements
14. Robert H. Sammons, P.E. Re: Report #70 for the Brewster Heights Wastewater Treatment Plant Upgrade and Report #65 for the Blackberry Hill Sewer District Treatment Facility
15. Springhouse Water District Residents Re: Update on Water Quality Issue
16. Memo to the Highway Department from the Supervisor Re: Disposal of Vehicles
17. Memo to the Conservation Commission, Building Dept., Planning Board and Code Enforcement Officer from the Supervisor Re: Wetlands Permit – Turk Hill East Subdivision
18. Memo to the Town Board Re: Letter from Kevin Beall Dated 12/20/05
19. Memo to the Supervisor Re: Code Violations

VOUCHERS

Supervisor Dunford made a motion to approve the voucher list in the amount of \$1,838,716.85. Councilman Honeck seconded. All in favor

MEETING DATES

Councilman Honeck made a motion to set the following meeting dates. Councilman Johnson seconded. All in favor.

February 23, 2006	7:30PM Civic Center	Informational Meeting- Peaceable Hill Water District
March 2, 2006	7:30PM Civic Center	Work Session
March 9, 2006	7:30PM Civic Center	Work Session
March 16, 2006	7:30PM Civic Center	Regular Meeting

SETTING OF PUBLIC HEARINGS:

Councilwoman Mitts made a motion calling for the following Public Hearings. Councilman Johnson seconded. All in favor.

March 16, 2006	7:30PM Civic Center	Brewster Commercial Complex-Special Permit
March 16, 2006	7:30PM Civic Center	Stonecrest Senior Housing- Reduction of Performance Bond

RESOLUTION # /2006 ROUTE 312 RETAIL CENTER/SPECIAL PERMIT REQUEST

Introduced By: Councilman Johnson
Seconded By: Councilwoman Mitts

WHEREAS, Michael Burdick, an owner of premises located at 509 Route 312, Town of Southeast, also known as Tax Map No. 45.12-1-39 (the “Subject Premises”) has made application to this Town Board for a Special Permit to allow a portion of the Subject Premises to be used and utilized for “General Business” purposes; and

WHEREAS, the Subject Premises are located in an NB-1 zone; and

WHEREAS, “General Business” uses are only permitted in an NB-1 zone as a principle use upon the grant of a Special Permit by the Town Board; and

WHEREAS, the Subject Premises is pre-existing, multi-user building consisting of retail/office uses; and

WHEREAS, the applicant desires to let a portion of the Subject Premises to a general business occupant-tenant, to wit: a general or trade contractor; and

WHEREAS, the Town Board is in receipt of a report from the Planning Board which recommends the grant of the Special Permit and has found that the proposal is in compliance with all applicable general and special standards of Article 10 of Chapter 138 of the Town Code; and

WHEREAS, the proposal constitutes a “Type 11” action under the State Environmental Quality Review Act in that there is no new construction proposed and that the intensity of the use proposed does not meet or exceed any of the necessary thresholds; and

WHEREAS, a duly noticed public hearing was held by the Town Board on January 19, 2006 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 person in connection therewith will not be hazardous;

3. As there will be no changes to the existing exterior appearance of the buildings, the proposal 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 Michael Burdick, owner, to allow the use of a portion of the Subject Premises to accommodate the needs of a general or trade contractor, including the outdoor parking of trade vehicles to be limited to the rear parking area of the Subject Premises. Said use shall not include the outside storage of construction or trade materials anywhere on the Subject Premises.

UPON ROLL CALL VOTE:

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

VOTE: carried by a vote of 3 in favor, 1 against, 0 abstained.

RESOLUTION 3 /06 RELEASE OF PERFORMANCE BOND
PINE RIDGE SUBDIVISION

INTRODUCED: Councilman Honeck
SECONDED BY: Councilman Johnson

WHEREAS, the Town Board of the Town of Southeast has a recommendation from the Town Engineer with respect to the Release of Performance Bond for Pine Ridge Subdivision, Guinea Road Avenue, Southeast, NY;

WHEREAS, upon review of such recommendation, the Southeast Town Board agrees to accept this recommendation;

NOW, THEREFORE, BE IT

RESOLVED, that the bond amount for the following project is set forth below:

<u>PROJECT NAME</u>	<u>PRESENT AMOUNT</u>	<u>RECOMMENDED TO</u>
PINE RIDGE SUBDIVISION	\$307,000.00	\$00.00

UPON ROLL CALL VOTE:

Supervisor Dunford - aye
Councilman Bonanno - absent
Councilman Johnson - aye

Councilman Honeck - aye
Councilwoman Mitts - aye

VOTE: Carried by a vote of 4 ayes, 0 nays.

RESOLUTION # /2006 PINE VIEW DRIVE - ACCEPTANCE OF OFFER OF DEDICATION - RELEASE OF PERFORMANCE BOND

Introduced By: Councilman Honeck
Seconded By: Councilman Johnson

WHEREAS, Skeeter Developers, Inc., the owner and developer (hereinafter the “Developer”) of the Pine Ridge Subdivision, has requested the Town of Southeast to accept the dedication of certain lands upon which a certain roadway has been constructed in connection with a residential subdivision consisting of the road designated as Pine View Drive (the “Road”) as shown on a certain Filed Map entitled “Final Subdivision Plat of Pine Ridge Estates” prepared by Terry Bergendorff Collins, dated July 24, 2000, last revised November 21, 2000, which was filed in the Putnam County Clerk’s Office on November 30, 2000 as Map Nos. 2847 and 2847A; and

WHEREAS, the Town Consulting Engineer and the Town Highway Superintendent have inspected said Road and have found it to be constructed generally according to plan and in accord with the Town highway specifications; and

WHEREAS, it is deemed to be in the best interest of the residents of the Town of Southeast to accept the dedication of the aforementioned roadways.

NOW, THEREFORE, the Supervisor of the Town of Southeast is hereby authorized to accept the deed or deeds dedicating and releasing the necessary lands for the road known as Pine View Drive, in connection with the residential development known as the Pine Ridge Estates Subdivision, upon the Developer having fulfilled the following terms and conditions:

1. The Developer shall provide a deed or deeds of dedication and release for all Portions of such Road being dedicated to the Town, necessary to convey fee simple title to the lands underneath the road to the Town of Southeast, free and clear of all liens or encumbrances, except for utility easements;
2. The Developer shall provide the Town with all necessary and proper Easements, if any, across adjoining lands for the purpose of drainage or discharge of storm water over such lands;
3. The Developer shall provide a title insurance policy issued by a company Which is a member of the New York Board of Title Underwriters in good standing insuring the Town’s fee simple title in and to such Road in the amount of Fifty Thousand (\$50,000.00) dollars; and
4. The Developer shall first post a maintenance bond or other security in favor Of the Town in the amount equal to ten percent (10%) of the original construction cost of the improvements, as determined by the Town’s Consulting Engineer and Highway Superintendent. Said Bond shall be for a period of one(1) year from the date such bond is filed with the Town Clerk in accordance with the Town’s subdivision regulations. Upon posting of said maintenance bond with the Town Clerk in a form acceptable to the Town Attorney, the original performance bond in the amount of \$307,000.00 is released; and it is further

RESOLVED that, upon compliance with the foregoing conditions, and in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent is hereby given that the Highway Superintendent of the Town of Southeast make an order laying out the aforesaid town highway, the town highway to consist of the lands described in the deed of dedication, and it is further

RESOLVED, that upon compliance with the aforesaid conditions and upon posting the appropriate maintenance bond, the Town Clerk is authorized to record the deed or deeds of dedication in the Putnam County Clerk's office.

UPON ROLL CALL VOTE:

Supervisor Dunford – Aye
Councilman Bonanno – Absent
Councilwoman Mitts – Aye

Councilman Johnson – Aye
Councilman Honeck – Aye

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

SPRINGHOUSE ESTATES WATER

Supervisor Dunford made a motion awarding Engineering Services for Springhouse Water District to Malcolm Pirnie. Councilman Honeck seconded. All in favor.

SEQRA

Councilman Honeck made a motion to accept the SEQRA Amendments to Chapter 83 – Historic Sites. Councilwoman Mitts seconded. All in favor. (posted at end of minutes)

Councilwoman Mitts made a motion to accept the SEQRA Amendments to Chapter 123 - Subdivision of Land. Councilman Johnson seconded and all in favor. (posted at end of minutes.)

Supervisor Dunford made a motion to accept the SEQRA Amendments to Chapter 138 – Zoning, Councilman Johnson seconded and all in favor. (posted at end of minutes).

**RESOLUTION # /2006 ADOPTING LOCAL LAW/AMENDING CHAPTER 83-
“HISTORIC SITES”**

Introduced By: Councilwoman Mitts
Seconded By: Councilman Johnson

WHEREAS, a resolution having been adopted by the Town Board of the Town of Southeast for a public hearing to be held by said Town Board to hear all interested parties on a proposed local law to amend the Southeast Town Code to amend Chapter 83 of the Code of the Town of Southeast entitled “Historic Sites”; and

WHEREAS, notice of said public hearing was advertised in an official newspaper of the Town of Southeast in the manner prescribed by law and such public hearing was held on January 26, 2006; and

WHEREAS, it is the sense of this Town Board that the proposed local law will help to identify and preserve historic structures and sites within the Town and thereby promote the better health, safety and welfare of the public.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Southeast hereby adopts Local Law No. 1 of 2006 pursuant to the Municipal Home Rule Law amending Chapter 83 to the Southeast Town Code, a copy of which is annexed hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and hereby is authorized and directed to enter said Local Law in the minutes of this meeting and in the Code Book of the Town of Southeast, and to give due notice of the adoption of said local law to the Secretary of State of New York within the time required by law.

UPON ROLL CALL VOTE:

Supervisor Dunford – Aye Councilman Johnson – Aye
Councilman Bonanno – Absent Councilman Honeck – Aye
Councilwoman Mitts – Aye

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

LOCAL LAW #1 OF 2006 – HISTORIC SITES

Section 1. Legislative Intent

The Town Board of the Town of Southeast has embarked upon a process of updating its inventory of local historic resources to ensure that all structures deemed historic within the town are preserved. On November 18, 2004 the Town Board amended Chapter 83 which included the adoption of a list of Historic Sites. This Local Law would add several additional resources to that list.

Section 2. Amendments to Chapter 83

Chapter 83 is amended in part, to read:

Section 83-2, “Delineation of Sites are designated as local landmarks:

- Add: Fanny Crosby House
- Fowler House
- Drewslift
- Edith Diehl House
- Lily Forepaugh’s House

Section 3. validity

The invalidity of any work, section, clause, paragraph, sentence, part, provision of this Local Law shall not affect the validity of any other part of this Local Law that shall be given effect without such invalid part or parts.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

**RESOLUTION # /2006 ADOPTING LOCAL LAW /AMENDING CHAPTER 123-
“SUBDIVISION OF LAND”**

Introduced By: Supervisor Dunford
Seconded By: Councilwoman Mitts

WHEREAS, a resolution having been adopted by the Town Board of the Town of Southeast for a public hearing to be held by said Town Board to hear all interested parties on a proposed local law to amend the Southeast Town Code to amend Chapter 123 of the Code of the Town of Southeast entitled “Subdivision of Land”; and

WHEREAS, notice of said public hearing was advertised in an official newspaper of the Town of Southeast in the manner prescribed by law and such public hearing was held on January 26, 2006; and

WHEREAS, it is the sense of this Town Board that the proposed local law will ensure a more thorough review of potential impacts of proposed subdivision applications within the Town and thereby promote the health, safety and general welfare of the public.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Southeast hereby adopts Local Law No. 2 of 2006 pursuant to the Municipal Home Rule Law amending Chapter 123 to the Southeast Town Code, a copy of which is annexed hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and hereby is authorized and directed to enter said Local Law in the minutes of this meeting and in the Code Book of the Town of Southeast, and to give due notice of the adoption of said local law to the Secretary of State of New York within the time required by law.

UPON ROLL CALL VOTE:

Supervisor Dunford – Aye	Councilman Johnson – Aye
Councilman Bonanno – Absent	Councilman Honeck – Aye
Councilwoman Mitts – Aye	

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

LOCAL LAW #2 OF 2006

Section 1. Legislative Intent

The town Board of the Town of Southeast intends to make certain additions to the Subdivision of Land regulations to ensure orderly development within the community.

Section 2. Amendments to Chapter 123

Section 123-12' Preliminary plat.”

D(1) Requirements for complete application

(q) an aerial photograph at a scale of no less than one (1) inch to two-hundred (200) feet showing the project site and surrounding areas within three-hundred (300) feet of the property.

(3) Photo-Simulation/Rendering Requirement. To assist in review and understanding of a proposed subdivision or resubdivision, the Planning Board may require the subdivider to submit a photo-simulation or 3-D rendering or model of the proposed project, in context with the proposed gradings and landscaping.

Section 123-17, “Modifications”

If, at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the Planning Board that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements or that structures or group of trees (defined as 10 to 20 trees within an area of 500 square feet) indicated on the approved plans to remain must be removed, the Planning Board may authorize modifications provided that these modifications are within the spirit and intent of the Planning Board’s approval of the final plat or section thereof and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board.. Such authorization must be received prior to commencement of any such modifications. The Planning Board or its duly authorized representative shall issue any authorization for modification in writing to the subdivider and shall transmit a copy of such authorization to the Town Board, the Building Inspector, and the Town Highway Superintendent.

Section 3. Validity

The invalidity of any work, section, clause, paragraph, sentence, part, provision of this Local Law shall not affect the validity of any other part of this Local Law that shall be given effect without such invalid part or parts.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION – LOCAL LAW EXTENDING TERM OF INTERIM DEVELOPMENT LAW

Introduced by Councilwoman Mitts

Seconded by Councilman Johnson

Whereas, a resolution was adopted by the town Board of the town of Southeast for a public hearing to be held by said Town Board to hear all interested parties on a proposed local law to enact an amendment to Local Law No. 1 of 2002 known as the “Interim Development of the Town of Southeast; and

Whereas, notice of said public hearing was duly advertised in an official newspaper of the town of southeast in the manner prescribed by law; and

Whereas, said public hearing was duly held on January 26, 2006 at the civic Center, 67 Main Street, Brewster, NY and all parties in attendance were permitted a opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

Whereas, the Town Board of the Town of Southeast, after due deliberation, finds it in the best interest of the Town to adopt such local law.

Now, therefore, be it resolved that the Town Board of the town of southeast hereby adopts Local Law No. 3 of 2006 amending Local Law No. 1 of 2002 of the Town of Southeast entitled “ A Local Law Extending the term of Local Law No. 1 of 2002 (the “Interim Development Law”) a copy of which is annexed hereto and made a part of this resolution, and be it further

Resolved, that the Town Clerk be and hereby is authorized and directed to enter said Local Law in the minutes of this meeting and in the Code Book of the Town of Southeast and to give due notice of the adoption of said local law to the Secretary of state of New York within the time required by law.

Upon roll call vote:

Supervisor Dunford – aye
Councilman Johnson - aye
Councilman Honeck – aye
Councilman Bonanno – absent
Councilwoman Mitts – aye

Vote carried by a vote of 4 ayes, 0 nays, 0 abstained.

LOCAL LAW #3 OF 2006

Section XI – Effective Date

This local law shall take effect immediately as provided by law and shall remain in force for a eighth consecutive period of six (6) months from its original effective date,

unless extended by local law adopted after public hearing upon no less than ten (10) days notice published in the official newspaper of the Town of Southeast.

APPOINTMENT – PLANNING BOARD

Supervisor Dunford made a motion to appoint Thomas LaPerch to the Planning Board until December 31, 2012. Councilman Honeck seconded and all in favor.

SEIZE AND IMPOUNDMENT PROCEDURE

Councilman Honeck made a motion to approve the following procedures and Councilwoman Mitts seconded. All in favor. (see end of minutes).

RESOLUTION # /2006 ROAD CLOSURE-RESOLUTION ORDERING CLOSURE OF PORTION OF “BARRETT ROAD”

Introduced By: Councilman Johnson
Seconded By: Councilman Honeck

WHEREAS, the Town Board is in receipt of a request from Putnam Seabury Partners owners of lands abutting Barrett Road which seeks to close a portion of Barrett Road which has not been used by the general public as a through road for many years; and

WHEREAS, the portion of Barrett Road which runs from its intersection with Pugsley Road in a westerly direction to a point where it becomes impassable has become a favorite spot for vandals, loitering and littering; and

WHEREAS, it appears that this portion of Barrett Road provides no current transportation purpose nor does it provide sole access to any parcels of real property having frontage thereon.

NOW, THEREFORE, BE IT

RESOLVED that the Town Board finds and declares that there is no current public purpose for this portion of Barrett Road to be open and passable; that the adjoining landowner has requested its temporary closure; and that this portion of Barrett Road has become an attractive nuisance area for loitering, littering and vandalism; and be it further

RESOLVED, on the foregoing findings, the Town Board hereby authorizes the Putnam Seabury Partners to cause the westerly section of Barrett Road to be gated at or near the point that it intersects with the Pugsley Road, such location to be approved by the Town of Southeast Highway Superintendent; that the Town Highway Superintendent, the Putnam County Sheriff’s Office and Brewster Volunteer Fire Department shall be provided with keys to any and all locks placed on such gate; and that such gate (s) shall remain in place until such time as the Highway Superintendent deems it appropriate to remove same or when Barrett road has been suitably improved to allow vehicular traffic to pass thereon.

UPON ROLL CALL VOTE:

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

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

NEW BUSINESS

A thank you was extended to the Highway Department for all the work they did for the snow storm.

Fred Cousens asked the Town Board if they could overrule the Zoning Board regarding Cell Towers. Town Counsel Stephens said that there was a hearing before the Judge on March 10, 2006 and the matter was also in front of the ZBA. It appears there is a discrepancy in the Zoning Code based upon Federal Law. A Tower could be placed anywhere. R-160 has permitted uses. Conditional Permit Uses was inadvertently left out. An application was filed with the ZBA. There is a question if cellular was supposed to be before them anyway. The coverage requirement is an issue of fact. The Supervisor said that a consultant could be hired to aid the Planning Board. Mr. Kelkininni said there is a glitch in the Town Code. He hopes that the Town Board would not settle the case. The ZBA acted properly but Cingular is trying to saddle the Town. They are using the wrong standards and many procedures are incorrect.

Ed LeStrange spoke of the January 4th meeting with the Supervisor, Superintendent of Schools, and the Mayor. This was to gather data regarding the Garden Street issue and see what options were available. He was told that there will be another meeting arranged.

Lynne ekhart inquired about Barrett Road and the decision to make it a temporary closing. Highway Superintendent Lawlor said that he asked the town to close it because of loitering and dumping. The improvement to Barrett road will not cost the town anything. The Supervisor said that the only area that has property is Putnam Seabury. The Town Counsel said that it was not abandoned. It is a mapped Highway and it must provide passable access to the property owners. Nelson Blvd. It was originally a cow pass. Regarding Pine Ridge which was adopted in 2001 there are no fees, the same applies to Indian Wells. The inspections were done and no repairs are needed.

The new code will hopefully be ready in a few months. The garbage fees are set under the contract. Questions were asked about the Route 22 overlay. The Supervisor said that they are working on the most critical parts first. Regarding road closures, it was stated that Nelson Boulevard is open to pedestrians.

Councilman Honeck said that the town is moving forward with the plans for the Senior Citizens Center. There were questionnaires that went out for residents input.

Supervisor Dunford made a motion to close the meeting and to enter into executive session. All in favor. Councilman Johnson seconded. All in favor.

Supervisor Dunford made a motion to close the executive session and also the Regular Meeting. Councilman Honeck seconded. All in favor.

Respectfully submitted;

Ruth Argo Mazzei
Southeast Town Clerk