

**TOWN OF SOUTHEAST
JOHN J. DUNFORD CIVIC CENTER
1360 ROUTE 22, BREWSTER, NEW YORK 10509
FEBRUARY 18, 2010
REGULAR MEETING 7:30 PM**

Notation of Exits
Pledge of Allegiance

Present: Supervisor Rights
Councilman Gross
Councilman Yee
Councilwoman Hudak
Councilman Cullen

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

And: Approximately 50 persons

CALL FOR THE ORDER OF THE DAY – Councilwoman Hudak

Supervisor Rights made a motion to open the meeting. Councilman Gross seconded. All in favor.

PUBLIC HEARING – BREWSTER HONDA REZONING – CONTINUATION

This is a continuation of a hearing regarding Brewster Honda from January, 2010. The mailings were submitted to the Town Clerk by Mr. Richard O'Rourke. A full presentation was made at the first public hearing on January 21, 2010. There has been a change since the last meeting as requested. A conservation easement is in place to limit the use and disturbance of the property; more than half the land is conserved. There was a letter from Putnam County Planning on 2/9/10 and they are in agreement with the Southeast Planning Board. A letter from Mr. O'Rourke was emailed and hand-delivered which address some of the concerns from the last meeting on January 21. The property has been commercial for at least 30 years and there were also several commercial uses permitted as of right. He, O'Rourke spoke of the concerns that he addressed in the letter. There are exhibits to show that the property has never been abandoned. The case law is the Master Plan. A copy of Mr. O'Rourke's letter is attached at the end of the minutes. Councilman Gross asked about the fencing. Tim Allen from Bibbo Associates said there will be a full tree barrier and will try to go as close to the payment area as possible. The conservation line is the septic area. This is an R-60 zone and half of the property is never to be developed. Until recently there was a daycare center, but until 2008 the site was operated by Dill's Best as a distribution center with trucks being used. A resident said that they moved in 5 years ago and never saw one.

Mr. Ito said that the meeting was not properly noticed to the residents and that there was no sign on the property as required. He said that the town has to be satisfied that these requirements have been met. He said that the sign was posted 16 months after the application was filed. Any zoning amendment has to be in accordance with the comprehensive plan. Mr. O'Rourke said that the sign was up in advance of the first zoning public hearing as required. The water source is within 300 Feet and 100 feet from the intersection. Mr. Ito said that they should look at the code and the comprehensive plan in its entirety and to make sure each piece fits together. Mr. Ito said that this operation can go anywhere except for the special zone that the town created. Mr. O'Rourke said the referral went to the Putnam County Planning Department and that they are in agreement with the Southeast Planning Department and report. Everything has to be done as required by law.

Richard. Reinhardt asked if a contract to buy had a clause in that it was subject to these approvals. The answer was no. Keith Green spoke for the Allview Avenue/Meadow Lane Coalition which has 50 homes within the area. He feels that Brewster Honda should not be trusted. They also feel it is a Motor Vehicle Service Station and that the Planning Board did not take a hard look at the application. He then went over their application. Ann Fanizzi said she thinks that this is a bad project and everyone including applicant will get confessed by the

process. She also said that she feels that their property valuations will be effected. Supervisor Rights made a motion to close the meeting and Councilman Cullen seconded; all in favor.

PUBLIC HEARING – NORTH SALEM AMBULANCE SPECIAL DISTRICT – CONTINUATION OF PUBLIC HEARING

Kurt Guldan appeared for the Ambulance Corp –no correspondence was received regarding this matter. He was asked to furnish copies of contracts that he has with all other districts. Town Counsel advised that once they find the assessment per tax lot then there must be another public hearing and a notification to each household. Supervisor Rights made a motion to close and Councilwoman Hudak seconded. All in favor.

PUBLIC HEARING - VALLEJO KENNEL SPECIAL PERMIT

Supervisor Rights made a motion to open the public hearing and Councilman Cullen seconded – all in favor. Town Clerk Mazzei read the legal notice. Mr. and Mrs. Vallejo appeared accompanied by their attorney Mr. Lusardi – they did not do the proper notifications but said that Supervisor Rights and his secretary had told them that they did not have to do anything else. Councilman Stephens explained that they must follow the requirements and quoted the section of law that they must follow. They will return for the public hearing on March 18, 2010. The motion to open and second was withdrawn.

PUBLIC HEARING – CANVAS/FABRIC STRUCTURES – REPEAL OR AMEND LOCAL LAW

Supervisor Rights made a motion to open the public hearing and Councilman Yee seconded. All in favor. Town Clerk Mazzei read the legal notice. This hearing would seek to appeal or amend Local Law No. 2 of 2009 which amended Chapter 138, Section 138-13 of the Southeast Zoning Code to prohibit the use of fabric covered storing structures. Bradley Swartz appeared and explained that in past meetings that it was suggested that existing structures be permitted but also asked about replacing the current fabric-covered structure. Certain aesthetics were addressed and the law needs to be improved. Paul Guidotti said that enough is enough and he feels that this law is stepping on people’s property rights. He thought this law was a little too broad and controlling. Supervisor Rights made a motion to close the hearing and Councilwoman Hudak seconded; all in favor.

PUBLIC HEARING – DOG – LOCAL LAW INCONSISTENCIES

Supervisor Rights made a motion to open the public hearing and Councilwoman Hudak seconded. All in favor. Town Clerk Mazzei read the legal notice. This proposed law would amend chapter 60 entitled “dogs” and Chapter 138, Section 138-17 “General Use Requirements” to correct inconsistencies and coordinate the permissible number of domestic animals permitted in residential districts as of right or by special permit. Town Counsel provided copies of the laws in question, and feels that this could be corrected quite easily by redacting some items. This would make the code consistent with the law that was earlier adopted. Supervisor Rights made a motion to close the meeting and seconded by Mr. Yee.

REGULAR MEETING

CORRESPONDENCE

Supervisor Rights made a motion to waive the reading of the correspondence. Councilman Yee seconded. All in favor.

CORRESPONDENCE RECEIVED

1. Putnam County Humane Society to Town Clerk Re: 2010 Contract
2. Blackberry Hills Sanitary Sewer District Re: Certification and Disbursement Request
3. Willis Stephens to AAA Carting Re: Statement of Account
4. AAA Carting to Town Clerk Re: Amended License
5. NYMIR to Town Clerk Re: Property Damage
6. Utica First Ins Re: A to Z Building Maintenance Artisan Policy Reinstatement
7. Utica First Ins Re: Creative Solutions Artisan Policy Reinstatement
8. NYSIF Re: Madison Energy Corp Cancellation of Certificate of Workers Comp
9. Utica First Ins Co Re: Ins Coverage for Robison Plumbing
10. Utica First Ins Co Re: Nonrenewal for A to Z Building Maintenance

11. NYSIF Certificate of Worker's Comp Re: M & M Landscaping Masonry & Maintenance
12. Acord Certificate of Liability Ins Re: Town of Southeast
13. Acord Certificate of Liability Ins Re: Trefz Corporation
14. NYS Workers' Comp Re: Town of Southeast
15. Village of Brewster to Town Board & Planning Board Re: Petition of Route 22 Lia Realty, LLC
16. NYSDEC to Town of Southeast Re: MS4 Notice of Intent NYR20A320
17. PC Legislature to Town of Southeast Re: Grant Funding/Electronic Appearance Implementation
18. Dept of Health to Dennis Minella Re: Addition Approval 15 Gage Rd
19. Dept of Health to Nancy Schneider Re: Addition denied 163 N Brewster Hill Rd
20. PC Legislature to Supervisor Re: Implementation/Electronic Court Appearance
21. Goldenberg & Selker, LLP to Town Attorney Re: Reed Farm Homeowners Assoc /AAA Carting
22. State Comptroller to Supervisor Rights Re: Town of Southeast IDA assistance for State taxes is reinstated
23. The Putnam County Coalition to Preserve Open Space to Town Board Re: Brewster Honda : Proposed Zoning Code Changes
24. Putnam County Bureau of Emergency Services to Town of Southeast Re: Road Closure
25. Acord Certificate of Liability Ins Re: Tyree Service Corp
26. Southeast Museum To Town Board Re: Support of Renovation of Old Town Hall
27. AKRF to Town Board Re: Brewster Honda Proposed Comprehensive Plan And Zoning Amendments
28. Richard Klinger to Town Board Re: Resume
29. PC Legislature to Town of Southeast Re: Resolution modifying existing Agricultural Districts
30. Hogan & Rossi to Zoning Board Re: Request for Interpretation for Carl & Mari Pepi
31. US Dept of the Interior to Town Board Re: Springhouse Water –no impact to bog turtle
32. Jacobson to Planning Board Re: Brewster Towne Center Preliminary Review
33. NYSDOT to Town of Southeast Re: Road Closure
34. ARB to Town Board Re: Children's Station Review of Proposed Fencing
35. Daniels & Porco LLP to Supervisor Rights Re: Vallejo Special Permit Application
36. PC Legislature to Town Board Re: Support for Resolution/Disability Benefits for Law Enforcement
37. NYSDEC to Town of Southeast Re: Report Water Withdrawals
38. Putnam County Humane Society to Town of Southeast Re: 2010 Contract
39. Town of Southeast Negative Declaration Re: Quest Properties
40. Keane & Beane PC to Town Board Re: Quest Properties
41. PC Youth Bureau to Town of Southeast Re: Nomination Form
42. Spain Agency to Town of Southeast Re: Risk Management Seminar Series
43. Spain Agency to Town of Southeast Re: Workplace Violence Training
44. The Stephens Law Firm to Town Clerk Re: Metro North Agreement – Town Landfill
45. Herodes & Mole PC to Planning Board Re: Petition of Route 22 Lia Realty LLC
46. Keane & Beane PC to Putnam County Planning and Development Re: Brewster Honda, Lia Realty,
47. Keane & Beane to Town Board Re: 2-4 Allview Avenue, Brewster Honda
48. Leslie G. Kelley to Town Board Re: Vallejo property
49. **Foils:**
 - Empire State Research Re: Copy of Survey for 6 Bridey Lane
 - Empire State Research Re: C of O, permits, & violations for 39 Sodom Rd
 - Joseph Strazza Re: Resolution establishing bond for Strazza Subdivision
 - Superior Data Re: C of O, permits, & violations for 60 Minor Rd
 - Superior Data Re: C of O, permits, & violations for 402 Covington Pl
 - Billingsley Realty Re: Copy of Oil Tank Certificate for 37 Kirkham Rd
 - Superior Data Re: C of O, permits, violations for 48 Gage Rd
 - Superior Data Re: C of O, permits, & violations for 103 Farm to Market Rd
 - Stearns & Wheeler Re: Final plot for Peach Lake WWTP
 - Christina Martarano Re: Copy of septic survey for 5 Farmstead Lane
 - Statewide Abstract Re: Survey for 26 Oak St
 - SaniPro to Town Clerk Re: Copy of DVD
 - Keller Williams Re: C of O for 14 Ann Drive
 - Houlihan Lawrence Re: C of O for 12 Coventry Lane
 - Superior Data RE: C of O, permits, and violations for 161 Foggington Rd
 - Empire State Research Re: Co f O, permits & violations for 1 Tanager Rd
 - Empire State Research Re: C of O, permits & violations for 19 South Hollow Rd
 - Superior Data Re: C of O, permits, & violations for 1004 Somerset Knoll
 - Empire State Research Re: C of O, permits, & violations for 19 South Hollow Rd
 - Superior Data Re: C of O, permits & violations for 124 Ives Farm Rd
 - Grace A/G Re: Site plan for Old Dill's Best Lumber Yard
 - Keane & Beane Re: Correspondence on Brewster Honda
 - Superior Data Re: C of O, permits, & violations on 46 Mt Ebo Rd North

- AAA Carting Re: Video of worksession
- Journal News Re: Copy of DEC letter regarding Landfill & Town's response
- Elizabeth Hill Re: Springhouse 2009 Operating Expense Account & Disbursements
- Loral Oak Landscaping Re: 2008-2009 Lawn Maintenance Bids
- James Ryan Re: Everything on Brewster/Southeast Joint Fire District-Milltown Rd
- Houlihan Lawrence Re: Permits for 2431 Route 6
- Superior Data Re: C of O, permits, & violations for 7 Garrity Blvd

50. Emails:

- Supervisor Rights to Town Board Re: Paid Temp for Supervisor's Office
- Bob Zubrycki to TLAC Re: Agenda
- Tom Frasca to Town Board Re: Proposed State Police Facilities Project
- Town Attorney Stephens to Town Board Re: Jacobson Letter to M Rights
- Graham Trelstad to Town Board Re: Stormwater Audit
- Town Attorney Stephens to Town Board Re: Vallejo-Southeast
- DM Rights to Councilwoman Hudak Re: Agenda Items
- DM Rights to Town Board Re: Offer to Close the Landfill
- Charles Tessmer to Town Board Re: Car Wash Quotes
- Town Attorney Stephens to Town Board Re: AAA Carting with Southeast
- Town Assessor Bell to Town Clerk Re: Board of Assessment Review Update
- Town Attorney Stephens to Nick Caputo Re: AAA Carting
- DM Rights to Town Clerk Mazzei Re: Agenda Process
- Jim DiBella to Town Board Re: Agenda
- Graham Trelstad to Town Board Re: Stormwater Grant
- Supervisor Rights to Town Board Re: Corruption
- Councilman Gross to DM Rights Re: Poor Leadership
- Town Attorney Stephens to Councilman Yee Re: AAA Carting
- Councilman Gross to Town Board Re: ARB
- DM Rights to Town Board Re: Proposal for fill material
- Councilman Yee to Town Assessor Bell Re: Amended Interviews
- Councilman Yee to Town Board Re: Threat by DEC

51. Memo:

- Recreation Dept to Town Clerk Re: Monthly Revenue Report
- Supervisor Rights to All Dept Heads Re: January Meetings
- Town Assessor Bell to Town Board Re: Home Depot Certiorari Settlement
- Town Accounting Dept to All Dept Re: Fixed Assets

CORRESPONDENCE SENT

1. Special Districts Administrator to Potential Bidders Re: RFP for Swimming Pool Services
2. Supervisor Rights to Spain Agency Re: Claim-Reed Farm
3. Supervisor Rights to Putnam County Division of Planning & Development Re: Brewster Honda
4. Supervisor Rights to Springhouse Water District Re: Bog Brook Turtle Issue
5. Supervisor Rights to Special Benefits Water District Re: Drinking Water
6. Supervisor Rights to PC Dept of Finance Re: EOH Claim Forms for the Town of Southeast
7. Town Attorney Stephens to Feehan Ins Agency Re: Drainage Issues-2350 Route 6
8. Supervisor Rights to AAA Carting Re: Empty AWS Containers

Councilman Gross read a letter from Nathan Jacobson and Associates Inc. regarding a comment from the Supervisor as referenced in email #4 of the correspondence. He then asked the Town Clerk to forward it to the Insurance Company- the Spain Agency.

VOUCHERS

Councilman Yee made a motion to approve the voucher list in the amount of \$2,034,105.09. Councilman Cullen seconded. Vote carried by a vote of 4 Ayes, 1 Nay (Rights).

MEETING DATES

Supervisor Rights made a motion to set the following meeting dates to be held at 1360 Route 22, Brewster NY at 7:30 PM. Councilwoman Hudak seconded. All in favor.

March 4, 2010 - Worksession
 March 11, 2010 - Worksession

March 18, 2010 - Regular Meeting
Public Hearing – Noise Ordinance – March 18, 2010 7:30 PM
Public Hearing – Comprehensive Plan Amendment – March 18, 2010 7:31 PM
Public Hearing – Vallejo Kennel – March 18, 2010 7:32 PM
Public Hearing – Comprehensive Plan Amendment – April 22, 2010 7:30 PM

BUDGET TRANSFERS

Supervisor Rights made a motion to accept the following Budget Transfers. Councilman Yee seconded. All in favor.

MINUTES - It was suggested that if anyone has concerns with any of the minutes provided to them to contact the Town Clerk.

RESOLUTION # 02 /10 - RELEASE OF PERFORMANCE BOND FOR 7 SUTTON PLACE - SUTTON PARK LOT #1

INTRODUCED BY: Councilman Yee

SECONDED BY: Councilman Cullen

WHEREAS, the Town Board of the Town of Southeast is in receipt of a report and recommendation from the Town Engineer and referral from the Planning Board with respect to the release of Performance Bond for the Lot #1 of the Sutton Corporate Park, a/k/a 7 Sutton Place; and

WHEREAS, such report recommends the release of the balance of the performance bond held in connection with this project.

NOW, THEREFORE, BE IT

RESOLVED, that the performance bond in the original amount of \$345,000.00 for 7 Sutton Place is hereby released and the Town Clerk is hereby authorized to return any and all original bonds, deposits, letters of credit or other indicia of security posted in connection with this project.

Upon Roll Call Vote:

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Aye</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Nay</u>

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

RESOLUTION # 03 /2010 QUEST PROPERTIES - PETITION TO REZONE CERTAIN PREMISES

INTRODUCED BY: Councilman Yee

SECONDED BY: Councilwoman Hudak

WHEREAS, a petition having been filed on behalf of Quest Properties, owner of property located on Independent Way, Tax Map No. 56-1-28.1 (the “Subject Premises) seeking to re-zone the Subject Premises from “RC” and to designate the Subject Premises as “OP-1”; and

WHEREAS, the petition was referred to the Planning Board of the Town of Southeast to review the application, consider the environmental consequences of the proposed action and to prepare a report and recommendation to the Town Board concerning the application; and

WHEREAS, the Planning Board acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) adopted a Negative Declaration thereby concluding that the proposed rezoning of the Subject Premises would not be likely to have a significant impact on the environment, thereby completing the SEQRA review of the proposed action; and

WHEREAS, the Planning Board filed its Report and Recommendation with the Town Board wherein it recommended that the Town Board favorable consider the designation of the Subject Premises and certain adjoining property as OP-1 rather than RC as currently designated.

NOW, THEREFORE, BE IT

RESOLVED, that the Subject Premises known and designated as Tax Map No. 56.-1-28.1 together with adjoining premises known and designated as Tax Map No. 56.-1- 28.2, be and hereby are rezoned to be designated as OP-1; and be it further

RESOLVED, that the Town Planning Consultant, AKRF, is authorized and directed to prepare a revised zoning map incorporating the foregoing amendments and cause same to be filed with the Clerk of the Town of Southeast as the Official Zoning Map of the Town of Southeast; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Planning Board, AKRF and to the representatives of Quest Properties and to Anne and Patrick Tyndall forthwith.

Upon Roll Call Vote:

Councilman Cullen Aye

Councilwoman Hudak Aye

Councilman Yee Aye

Councilman Gross Aye

Supervisor Rights Aye

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

RESOLUTION # 04 /2010 CHILDREN’S STATION SITE PLAN

INTRODUCED BY: Councilman Gross

SENDED BY: Councilwoman Hudak

WHEREAS, the Town Board is in receipt of a Report of the Architectural Review Board of the Town Southeast dated in connection with the application of Children’s Station, to modify the outside recreation yard at premises located at 2430 Route 6 in the Town of Southeast, Putnam County, New York; and

WHEREAS, the Report concludes that the ARB voted to positively recommend this application to the Town Board; and

WHEREAS, the Town Board finds that there is no reason to upset the findings and recommendation of the Architectural Review Board in connection with said application,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts and approves the Report of the Architectural Review Board in connection with the proposal of the Children’s Station for premises located at 2430 Route 6 and that such Report shall be incorporated in any amended final Site Plan approval by the Planning Board; and be it further

RESOLVED, that the Town Clerk shall forward a Certified Copy of the foregoing resolution to the Planning Board Secretary forthwith.

ROLL CALL VOTE:

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Aye</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Aye</u>

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

NOISE ORDINANCE – SEORA INTENT AND REFERRAL

Supervisor Rights made a motion to declare the intent of the Southeast Town Board as lead agency for SEQRA with respect to the proposed noise ordinance in Southeast. Councilman Cullen seconded and all in favor.

Supervisor Rights made a motion to refer to the Putnam County Planning (239-m) and to also refer to the Southeast Planning Board the proposed municipal noise ordinance. Councilwoman Hudak seconded and all in favor.

RESOLUTION #05 /2010 LANDFILL CLOSURE

INTRODUCED BY: Councilwoman Hudak

SECONDED BY: Supervisor Rights

WHEREAS, the Town of Southeast is under a New York State Department of Environmental Conservation consent order to close and cap its municipal landfill located on Lower Mine Road; and

WHEREAS, significant progress toward final closure has been made in recent years including the relocation of waste mass from Metro-North Railroad property to the Town Landfill; and

WHEREAS, the Town is now in a position to orchestrate the final contour grading, capping and other related matters; and

WHEREAS, the Town has been presented with several opportunities that will facilitate the landfill closure and present some potential cost savings and other economic benefits to the Town;

WHEREAS, it is the intention of the Town Board to direct and authorize Sterling Environmental, the Town’s engineering consultant, working in concert with the Town Board and Town Attorney to undertake the appropriate steps and actions to move the project expeditiously to completion.

NOW, THEREFORE, BE IT

RESOLVED, that Sterling Environmental Engineering (“Sterling”) is hereby authorized and directed to proceed with the preparation of Plans, Specifications and Contract Documents for the Landfill Final Cover Installation, including, but not necessarily limited to, the preparation of the Advertisement for Bids, Notice to Bidders, Bidding Specifications and the Construction Agreement.

The Construction Agreement will provide for bids to be received as follows:

Contract 1A: Furnish and Install Grading Material

Contract 1B: Installation of Final Cover System

Alternates

In addition, Sterling is authorized and directed to prepare a Bid Form, conduct Pre-bid Meeting(s) at the Landfill, issue any and all clarifications and Bid Addenda as it may deem proper. Sterling shall evaluate the Bids once received, prepare a Bid Tabulation for the review of the Town Board, review qualifications of Bidders and make recommendations to the Town Board regarding the low, qualified Bidder; and be it further

RESOLVED, that once the Bid Specifications and Contract Documents are prepared in a manner satisfactory to the Town Board and Town Attorney, the Town Clerk is authorized to cause an advertisement to Bidders in the appropriate newspapers and periodicals as recommended by Sterling; and be it further

RESOLVED, that the Town Clerk is hereby designated as the person to receive the sealed bids regarding the Landfill Closure Project; and be it further

RESOLVED, that Sterling is authorized to assist the Town in its on-going negotiations with Putnam County regarding the potential relocation and consolidation of a waste mass from a county-owned landfill in and to the Town’s Landfill and, in anticipation of a mutually beneficial agreement between the County and the Town, Sterling shall provide flexibility in the bidding and contract documents to accommodate the possibility of the County waste mass being introduced into the Southeast Landfill; and be it further

RESOLVED, that in the event mutually agreeable terms and conditions can be reached, the Town Attorney is hereby authorized to negotiate and prepare an inter-municipal agreement with the County of Putnam for this purpose; and be it further

RESOLVED, that the Town shall provide interim project financing for the ensuing phases of the Closure Project through the issuance of necessary bonds, bond anticipation notes or other financing instruments customary and proper in relation to a capital project of this nature and that the Town’s Bond Counsel is hereby authorized and directed to commence any and all proceedings as may be necessary to fulfill the requirements of the Local Finance Law in relation thereto.

Upon Roll Call Vote:

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Aye</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Aye</u>

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

COMPREHENSIVE PLAN AMENDMENT

Councilman Gross made a motion to declare the Southeast Town Board’s intent to serve as SEQRA Lead Agency with respect to the Comprehensive Plan Amendment. Councilwoman Hudak seconded and all in favor.

Councilwoman Hudak made a motion to refer the Comprehensive Plan Amendment to the Putnam County Planning (239m) and to the Southeast Planning Board for their review. Councilman Gross seconded and all in favor.

MUNICIPAL FIRE INSPECTOR SERVICE

Supervisor Rights made a motion to defer this topic and Councilman Yee seconded. All in favor.

APPOINTMENT

Councilman Cullen made a motion to appoint Patricia Bohrman to the Tonetta Lake Advisory Board. Councilwoman Hudak seconded and all in favor.

WORKPLACE VIOLENCE POLICY

Supervisor Rights made a motion to establish a committee to study the workplace Violence Policy with members to be appointed at a later date. Councilwoman Hudak seconded and all in favor.

RESOLUTION #06 /10 CENTENNIAL GOLF CLUB ON NEW YORK LLC v. TOWN OF SOUTHEAST SETTLEMENT OF CERTIORARI PROCEEDINGS

INTRODUCED BY: Councilwoman Hudak

SECONDED BY: Councilman Cullen

WHEREAS, proceedings have been commenced challenging the assessed valuation of premises known generally as Tax Map No. 44-1-1 for the tax years 2008(Index No. 16501/08) and 2009 (Index No. 16574/09); and

WHEREAS, the Town Board is in receipt of settlement recommendations from the Town's Assessor, Appraiser and Town Attorney with regard to such proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby accepts the recommendations of its professional advisors and authorizes the Town Attorney to execute a Consent Order and Judgment in accordance with said recommendations

UPON A ROLL CALL VOTE:

Councilman Cullen Aye

Councilwoman Hudak Aye

Councilman Yee Aye

Councilman Gross Aye

Supervisor Rights Aye

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

RESOLUTION # 07 /2010 HOME DEPOT USA, INC. v. TOWN OF SOUTHEAST

SETTLEMENT OF CERTIORARI PROCEEDINGS

INTRODUCED BY: Councilwoman Hudak

SECONDED BY: Councilman Yee

WHEREAS, proceedings have been commenced challenging the assessed valuation of premises known generally as Tax Map No. 56.-1-23.-1 for the tax years 2005 (Index No. 1160/05), 2006 (Index No. 1471/06), 2007 (Index No. 1416/07), 2008 (Index No. 1844/08) and 2009 (Index No. 2006/09); and

WHEREAS, the Town Board is in receipt of settlement recommendations from the Town's Assessor, Appraiser and Town Attorney with regard to such proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby accepts the recommendations of its professional advisors and authorizes the Town Attorney to execute a Stipulation of Settlement and Consent Order and Judgment in accordance with said recommendations.

UPON A ROLL CALL VOTE:

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Aye</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Aye</u>

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

NYS NEWSWORTHY

Councilman Gross was at a recent conference and the state is in the red and there will be another crisis regarding shortfalls; pension funds are doing well; and they now have a Tier 5. There is an unclaimed funds department where you can search online for funds that are held in NY State. There are small business grants that can be applied for struggling businesses.

**RESOLUTION # 08 /2010 - LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM
RESOLUTION IN SUPPORT**

INTRODUCED BY: Councilman Yee

SECONDED BY: Supervisor Rights

WHEREAS, Putnam County is submitting an application under the New York State Department of State 2009-2010 Local Government Efficiency Grant program in the amount of \$150,000 to purchase for the County and various municipalities of the County video conferencing equipment in order to initiate video appearances in Putnam County; and

WHEREAS, by implementing this program the equipment purchased will be compatible in all Towns within the County;

WHEREAS, by implementing this program consolidation, efficiency and cost reduction will occur in appearance process in all Towns in Putnam County, giving a needed break to the taxpayers of our Towns and County.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Southeast supports the County’s application under the Local Government Efficiency Grant Program.

Upon Roll Call Vote:

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Aye</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Aye</u>

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

RESOLUTION NO. 09 / 10 ROGAN BROTHERS SANITATION SOLID WASTE PERMIT

INTRODUCED BY: Councilwoman Hudak

SECONDED BY: Councilman Yee

WHEREAS, Town Clerk is in receipt of an application of ROGAN BROTHERS SANITATION (“Rogan Bros”) for a solid waste disposal permit pursuant to Chapter 117 of the Code of the Town of Southeast for 2010; and

WHEREAS, it appears that Rogan Bros’ application and supporting documentation including proof of insurance are in order and the appropriate fees have been paid;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Southeast hereby grants a Solid Waste Disposal Permit pursuant to Town Code Chapter 117 to Rogan Bros for the commercial accounts identified in said application and directs the Town Clerk to issue the appropriate permits in accordance herewith.

Upon Roll Call Vote:

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Aye</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Aye</u>

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

RESOLUTION NO. 10 / 10 SANI-PRO DISPOSAL SERVICES SOLID WASTE PERMIT

INTRODUCED BY: Councilman Gross

SECONDED BY: Councilwoman Hudak

WHEREAS, Town Clerk is in receipt of an application of SANI-PRO DISPOSAL SERVICES, INC. d/b/a Suburban Carting (“Sani-Pro”) for a solid waste disposal permit pursuant to Chapter 117 of the Code of the Town of Southeast for 2010; and

WHEREAS, it appears that Sani-Pro’s application and supporting documentation including proof of insurance are in order and the appropriate fees have been paid;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Southeast hereby grants a Solid Waste Disposal Permit pursuant to Town Code Chapter 117 to Sani-Pro for the residential and commercial accounts identified in said application and directs the Town Clerk to issue the appropriate permits in accordance herewith.

Upon Roll Call Vote:

Councilman Cullen Aye

Councilwoman Hudak Aye

Councilman Yee Aye

Councilman Gross Aye

Supervisor Rights Abstained

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

RESOLUTION NO. 11 / 10 AAA CARTING SOLID WASTE PERMIT

INTRODUCED BY: Councilman Cullen

SECONDED BY: Councilman Gross

WHEREAS, Town Clerk is in receipt of an application, as amended, of AAA Carting and Rubbish Removal, Inc. (“AAA”) for a solid waste disposal permit pursuant to Chapter 117 of the Code of the Town of Southeast for 2010; and

WHEREAS, it appears that AAA’s application and supporting documentation including proof of insurance are in order and the appropriate fees have been paid;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Southeast hereby grants a Solid Waste Disposal Permit pursuant to Town Code Chapter 117 to AAA Carting and Rubbish Removal, Inc. for the commercial accounts identified in said application and directs the Town Clerk to issue the appropriate permits in accordance herewith.

Upon Roll Call Vote:

Councilman Cullen Aye

Councilwoman Hudak Aye

Councilman Yee Aye

Councilman Gross Aye

Supervisor Rights Aye

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

RES OLUTION NO. 12 / 10 SUPERIOR WASTE DISPOSAL SOLID WASTE PERMIT

INTRODUCED BY: Councilman Yee

SECONDED BY: Councilwoman Hudak

WHEREAS, Town Clerk is in receipt of an application of Superior Waste Disposal, Inc. ("SWD") for a solid waste disposal permit pursuant to Chapter 117 of the Code of the Town of Southeast for 2010; and

WHEREAS, it appears that SWD's application and supporting documentation including proof of insurance are in order and the appropriate fees have been paid;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Southeast hereby grants a Solid Waste Disposal Permit pursuant to Town Code Chapter 117 to SWD for the commercial accounts identified in said application and directs the Town Clerk to issue the appropriate permits in accordance herewith.

Upon Roll Call Vote:

Councilman Cullen Aye

Councilwoman Hudak Aye

Councilman Yee Aye

Councilman Gross Aye

Supervisor Rights Aye

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

LAWN SERVICE AWARD

Councilman Yee made a motion to hire Colonial Town Landscaping for \$26,375.00 for the maintenance of our Town Facilities. Councilman Cullen seconded. All in favor.

CAR WASH CONTRACT

Councilman Gross made a motion to enter into a contract with Mt Maya Car Care for the price of \$4.25 per car wash. Councilman Cullen seconded. Vote carried with a vote of 4 in favor, 1 against (Yee).

FEE SCHEDULE

Supervisor Rights made a motion to defer this. Councilman Yee seconded. All in favor.

IDA VACANCY

Supervisor Rights made an announcement that there are three vacancies to fill in the IDA, and anyone interested will be welcome.

Supervisor Rights stated that May 1, 2010 is Silver Star Recognition day. Also, there will be a Joint Meeting between the Town of Southeast and the Village of Brewster on February 25, at 50 Main St.

Supervisor Rights made a motion to close the meeting. Councilwoman Hudak seconded. All in favor.

Respectfully Submitted,

Ruth Argo Mazzei
Southeast Town Clerk