

**Town of Southeast  
John J. Dunford Civic Center  
1360 Route 22, Brewster, New York 10509  
April 16, 2009  
Regular Meeting – 7:30 PM**

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

Also: Deputy Town Clerk Michele Stancati  
Town Attorney Willis Stephens

And: Approximately 25 persons

Absent: Councilman Richard B. Honeck

Notation of Exits  
Pledge of Allegiance

**REGULAR MEETING**

Supervisor Rights made a motion to open the Regular Meeting and Councilman Gross seconded. All in favor.

**SNOWMAN CONTEST WINNERS**

Councilman Gross presented a \$50 United States Saving Bond to Ryan Hayes for the Specialty Snowman & to Jack, Melanie and Dylan Gusler for the Typical Snowman.

**COMMENDATION**

The Town Board presented commendations to Sheriff Donald Smith, Jr., Chief A.Gerald Schramek, Southeast Code Enforcer William Scorca, Southeast Assistant Building Inspector Joe Hernandez, and Southeast Fire Inspector Kenneth Clair for the successful removal of an un-permitted encampment of Day Laborers.

**CORRESPONDENCE**

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

**CORRESPONDENCE RECEIVED**

1. Zarin & Steinmetz to Planning Board Re: Campus at Field Corners Project
2. DEP to Insite Engineering Re: Stateline Retail Center
3. DEP to Insite Engineering Re: Strazza Subdivision – Stormwater Pollution Prevention Plan
4. Robert Bondi to Supervisor Rights Re: Landfill Closure Project
5. Robert Bondi to NYSDEC Re: Retrofit Program
6. Sterling Environmental Engineering to Town Board Re: Landfill Closure
7. NYSDEC to Town of Patterson Re: Retrofit Program

8. John Tully to Michael Rights Re: Veto of Resolution PC Landfill
9. NYS Office of Real Property Services to Supervisor Rights Re: Aid Certification
10. Robert Schoenberg to Town Board Re: Maple Ave
11. Sisca Northeast Inc to ARB Re: Seven Sutton Place Revised Drawings
12. Sapporo Restaurant to Town Clerk Mazzei Re: Liquor License
13. Jacobson & Associates to Town Board Re: Stormwater Drainage Issues
14. Guastella Associates to Town Board Re: National Green Sewage Works Co
15. PC Office For The Aging to Supervisor Rights Re: Contract for Outreach
16. Accord Certificate of Liability Insurance to Town Clerk Re: JD Parrella Electric Inc
17. Putnam County Legislature to Town Clerk Re: Resolution #88
18. Dept of Transportation to Michael Rights Re: Route 22 Improvements
19. Metro-North Railroad to Michael Rights Re: New Schedules
20. Forest Park Water Co. to Town Board Re: Spring Lane
21. NYS Dept of Public Service to Town Board Re: Central Hudson Gas & Electric
22. Putnam County Consumer Affairs to Michael Rights Re: Unregistered Contractors
23. Mrs Joyce Goetze to Michael Rights Re: Brewster Heights Water
24. Mrs Dorothy Weizenecker to Michael Rights Re: Peaceable Hill Water District
25. Mary Zema to Supervisor Rights Re: Maple Road
26. Tom & Jerry's to Town Clerk Re: Liquor License Renewal
27. Acord Certificate of Liability Insurance Re: Serv All Fuel Inc
28. Jacobson to Planning Board Re: Brewster/Southeast Joint Fire District
29. PC Legislature to Town of Southeast Re: Special Meeting Agenda
30. PC Legislature to Town of Southeast Re: Regular Meeting Agenda
31. Keane & Beane to Town Board Re: Amended Zone Change Petition 2-4 Allview Avenue
32. Utica First Ins Re: Liability for A to Z Building Maintenance
33. Linda DiBella to Town Board Re: Resume
34. Nancy Dwyer to Town Board Re: Resume
35. Susan Salisbury to Town Board Re: Resume
36. Jeffrey & Mary Spidal to Michael Rights Re: Kelly Road
37. Family Farm Casualty Re: Policy Reinstatement for Fregosi Landscaping Inc
38. Utica First Insurance Company Re: Liability for A to Z Building Maintenance
39. Drake, Loeb, Heller, Kennedy, Gogerty, Gaba, & Rodd PPLC to Willis Stephens Re: Pastena v Village of Brewster and Town of Southeast
40. Sentrista to Town Clerk Mazzei Re: Liquor License
41. Blackberry Hills Sanitary Sewer District Re: Disbursement Request
42. NYS Ins Fund Notice of Cancellation for Pearl 2 Development Corp
43. Supervisor Lucas to Supervisor Rights Re: ARRA Funds
44. Dept of Health to Michael Rights Re: Information for Grant Applications
45. Fiesta Mexicana to Town Clerk Re: Liquor License
46. Hogan & Rossi to Town Board & Planning Board Re: Dykes Lumber
47. PC Legislature to Supervisor Rights Re: Resolution # 397 of 2008
48. US Bankruptcy Court to Town of Southeast Re: debtor discharge
49. NYS Thruway Authority to Supervisor Rights Re: Overhead Snow Fencing
50. Planning Board Notice of Public Hearing Re: Brewster-Southeast Joint Fire District Site Plan
51. State of New York Office of Real Property Services to Town Clerk Re: Notice of Training Requirement for Board of Assessment Review Members
52. Keane & Beane PC to Town Board Re: Petition to Amend Zoning at 25 Independent Way
53. Jane Bergh to Town Board Re: Resume
54. La Frontera to Town Clerk Re: Liquor License Renewal
55. **Foils:**
  - Mary Spidal Re: Planning Board Resolution regarding Crosby Hill
  - Anthony Vanaria Re: Copy of C O
  - Cindy Spiak Re: Peach Lake Sewer District Site Plan Drawings & Application

- Brian Alberghini Re: Dykes Lumber
- Stern, Adler & DeRossi LLP Re: Building Permit Application for Pool for 330 Daisy Lane
- Title Support Services Re: Copy of Well & Septic Approval for 76 Indian Wells
- Francis O'Reilly Re: Building Permit for Holly Stream
- Robert Leo Re: 2008 Liquid Asphalt Bid Results
- Vincent & Whittemore Re: Survey Map 302-304 Dingle Ridge Rd
- TEAM Environmental Re: All information on 30 Tilly Foster Rd Site
- Patrick Gonzalez Re: 122 Sherwood Hill Septic Plan
- Susan Bermen Re: Peaceable Hill Water
- Phil Risi Re: Survey of 200 Shore Dr
- Peter Juliano Re: Copy of Foundation of 106 Carriage Hill Rd
- Mid Hudson Waste Re: Copy of Bid for 2006
- Kevin Nigey Re: CO for 9 Oakwood Dr
- Barry Kushnir Re: Maple Rd

**56. Memos:**

- Highway Superintendent to Town Board, Town Clerk & Town Attorney Re: Spring Bids 2009 for Tree Cutting
- Zoning Enforcement Officers to Willis Stephens Re: Ruling Request For Residents of Vails Grove
- Highway Superintendent to Town Board Re: Kelly Road
- Bill Scorca to Town Court & Town Attorney Re: Illegal Encampment
- Highway Superintendent to Supervisor Rights Re: Highway employee
- Mike Rights to Town Board & Town Clerk Re: Town Wide Clean-up Date
- Recreation to Town Board Re: Snowman Contest

**57. Emails:**

- Paul Johnson to Town Board & various Re: ARB
- Ruth Mazzei to Town Board & various Re: Town Fee Schedule
- Michael Rights to Town Board & various Re: ARB
- Paul Johnson to Charles Tessmer Re: Rental Registration Report
- Charles Tessmer to Michael Rights Re: Rental Registration Report
- Michael Rights to Charles Tessmer Re: Rental Registration Report
- Andrew Kessler to Michael Rights Re: Unauthorized use of ATVs
- Michael Rights to Andrew Kessler Re: Unauthorized use of ATVs
- Roger Gross to Michael Rights Re: Unauthorized use of ATVs
- Tonetta Lake Advisory Committee to Town Board Re: Tonetta Lake Proposal
- Michael Levine to Town Board Re: Stop Work Order 7 Sutton Place
- Michael Levine to Town Board Re: Meeting with County-Landfill
- Michael Rights to Ruth Mazzei Re: Referral to PC Ethics Committee
- Ruth Mazzei to Supervisor Rights Re: Board of Ethics
- Michael Rights to Paul Johnson Re: Illegal Encampment
- Ronald A Lipschitz to Ruth Mazzei Re: Release of Post 71 Funds
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- Michael Rights to Town Board Re: Meeting with NYS EFC
- Town Board Re: Day Laborer Encampment Visit & Defamation of a Municipal Employee
- Dwight Yee to Town Board & Town Clerk Re: A Note of Thanks
- Dwight Yee to Town Board Re: Insensitive Comment
- Michael Levine to Town Board Re: Gage Road
- Michael Rights to Empire State Re: Restore NY3
- Town Board Re: Refuse Contract
- From Gina Occhigrossi to Town Board Re: Maple Road
- Paul Johnson to Town Board Re: Petition Doc for 2010 Library Budget

**CORRESPONDENCE SENT**

1. Michael Rights to Susan Salisbury Re: Part-Time Position filled
2. Highway Dept to Spain Agency Re: Claim for Damages-Kushnir
3. Highway Dept to Spain Agency Re: Claim for Damages-Leo
4. Michael Rights to Refuse Companies Re: Bid Proposal
5. Michael Rights to Thomas Lalor Re: Claim for Brian Fabian
6. Town of Southeast to Carl Forestieri Construction Management Re: Approved Proposal for Blackberry Park Pool Building & Renovation
7. Town of Southeast To Foremost Development, Westchester Putnam Contracting Corp, D&F General Contracting Corp, Gallagher Contracting Inc, Clarion Construction Management Corp, & Barry Ferguson Contracting Corp Re: Bid for Blackberry Park Pool Building & Renovation project was not approved
8. Town of Southeast to Crystal Clear Pools Re: Approved bid for the Markel Park & Blackberry Park Pool Services for 2009
9. Town of Southeast to Brewster Pool Inc & JR's Pool Service & Supplies Re: bid for Markel Park & Blackberry Pool Services not approved
10. Town of Southeast to S&A Masonry Re: Approved bid for Blackberry Pool Coping & Decking Replacement Project
11. Town of Southeast to Foremost Development, Zelem Pool Co, & Brewster Pools Inc Re : Bid for Blackberry Pool Coping & Decking Replacement was not approved

**APPROVAL OF VOUCHER LIST**

Supervisor Rights made a motion to approve the vouchers for April, 2009 in the amount of \$701,622.17. Councilman Johnson seconded. All in favor.

**SETTING OF MEETING DATES**

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

- May 7, 2009 – Work Session
- May 14, 2009 – Work Session
- May 28, 2009 – Regular Meeting

**PUBLIC HEARING DATES**

1. Supervisor Rights made a motion to set Public Hearing Dates and Councilman Johnson seconded. All in favor.

*Underground Parking Zone Change – May 28, 2009*  
*Storm Water Annual Report MS-4 – May 14, 2009*

2. Supervisor Rights made a motion to set a Public Hearing Date; Councilman Yee seconded.

*Senate Bill # 5355 – Labor Law - May 28, 2009*

Vote not carried by a vote of 2 ayes and 2 nays (Johnson and Gross)

3. Supervisor Rights made a motion to set a Public Hearing Date and Councilman Gross seconded. All in favor.

*Architectural Review Board Local Law – May 28, 2009*

**2-4 ALLVIEW AVENUE (BREWSTER HONDA) REZONING PETITION – REFERRAL TO PLANNING BOARD**

Councilman Johnson made a motion to refer 2-4 Allview Avenue to the Planning Board. Councilman Yee seconded. All in favor.

**2-4 ALLVIEW AVENUE (BREWSTER HONDA) - PLANNING BOARD AS LEAD AGENCY**

Councilman Johnson made a motion to ask the Planning Board to consider establishing themselves as Lead Agency. Councilman Gross seconded. All in favor.

**RESOLUTION #16 /09 APPROVAL OF BREWSTER ICE ARENA’S BATTING CAGES**

INTRODUCED BY: Councilman Yee  
SECONDED BY: Councilman Gross

**WHEREAS**, the Town Board is in receipt of a Report of the Architectural Review Board of the Town Southeast dated March 17, 2009 in connection with the application of Brewster Ice Arena, to construct four (4) seasonal or “temporary” batting cages to be located in an existing parking area on premises located at 63 Fields Lane, Tax ID 78-2-13, 78-2-14 and 72-2-16.2 in the Town of Southeast, Putnam County, New York; and

**WHEREAS**, the Report makes a “POSITIVE” referral to the Southeast 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 dated March 17, 2009, a copy of which is annexed hereto and made part hereof, in connection with Brewster Ice Arena – Batting Cages and that such Report shall be incorporated in any final Site Plan subsequently reviewed by the Planning Board; and be it further

**RESOLVED**, that the Town Clerk be and hereby is authorized and directed to forward a certified copy of this resolution to the Secretary of the Planning Board, the Secretary of the Architectural Review Board, and Brewster Ice Arena forthwith.

Upon Roll Call Vote:

UPON ROLL CALL VOTE:

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

VOTE: Resolution carried by a vote of 4 ayes, 0 nays, 0 abstained.

**FIRE TRAINING CENTER CONTRIBUTION**

Supervisor Rights deferred this as per request of Town Attorney Willis Stephens.

**YOUTH BUREAU – OCFS FUNDING WAIVED FOR 2009**

Supervisor Rights made a motion to waive the OCFS funding for 2009. Councilman Gross seconded. All in favor.

Councilman Johnson made a motion for Supervisor Rights to sign the waiver for OCFS funding for 2009. Councilman Gross Seconded. All in favor.

**HIGHWAY BIDS FOR MATERIAL, EQUIPMENT PURCHASING AND RENTALS, PAVING AND TREE MAINTENANCE**

Supervisor Rights made a motion to accept the Highway Bids for Material, Equipment Purchasing and Rentals, Paving and Tree Maintenance. Councilman Johnson seconded. Councilman Yee deferred this shortly until he reviewed. All in favor. (Attached at the end of the minutes)

**RESOLUTION #17/ 09 APPROVAL FOR TAX CERTIORARI SETTLEMENT – CAMPUS AT FIELDS CORNER**

Introduced By: Councilman Johnson

Seconded By: Supervisor Rights

WHEREAS, proceedings have been commenced challenging the assessed valuation of the following properties for the 2007 and 2008 tax year:

Putnam Seabury Partners, LLC v. Town of Southeast, et al  
Index Nos. 12722/07 and 15691/08

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 does hereby accept the recommendations of its professional advisors and authorizes the Town Attorney to execute the Consent Judgment annexed hereto in accordance with said recommendations.

UPON A ROLL CALL VOTE:

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

VOTE: Resolution carried by a vote of 4 ayes, 0 nays, 0 abstained.

**RESOLUTION #18/09 PEACH LAKE SEWER DISTRICT AUTHORIZATION TO EXECUTE AMENDED PURCHASE AGREEMENT**

Introduced By: Supervisor Rights

Seconded By: Councilman Gross

WHEREAS, the Towns of Southeast and North Salem have been working cooperatively to form sewer districts in each of the respective towns which would serve to benefit the owners and residents of real property in and around the vicinity of Peach Lake; and

WHEREAS, central to the success of the separate sewer districts is the joint operation of a waste water treatment plant (“WWTP”) which is proposed to be located within the Town of Southeast; and

WHEREAS, the Towns have identified a parcel of property within the Vail’s Grove Cooperative which would be suitable to locate the WWTP; and

WHEREAS, the Towns have undertaken to have the property appraised to determine its fair market value; and

WHEREAS, the Towns and the Board of Directors of Vail’s Grove have entered into a conditional contract of sale wherein and whereby the subject property would be sold to the Towns of North Salem and Southeast; and

WHEREAS, after a preliminary design of the WWTP was completed it was revealed that there is a need to acquire an additional .4711 acres of land from Vail’s Grove Cooperative, thereby increasing the total purchase price; and

WHEREAS, on October 18, 2007 this board authorized the Supervisor to execute the original purchase agreement in concert with the Town of North Salem which resulted in a Contract of Sale dated November 5, 2007.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute an Amendment to Contract of Sale for the purchase of from Vail’s Grove Cooperative for an increased purchase price not to exceed \$302,710.00, in cooperation and jointly with the Town of North Salem, the cost of which to be shared proportionately as set forth in the Inter-municipal Agreement between the two municipalities and in a form and content satisfactory to the Town Attorney

Upon Roll Call Vote:

Councilman Yee	<u>aye</u>
Councilman Gross	<u>aye</u>
Councilman Honeck	<u>absent</u>
Councilman Johnson	<u>aye</u>
Supervisor Rights	<u>aye</u>

VOTE: Resolution carried by a vote of 4 ayes, 0 nays, 0 abstained.

**MUNICIPAL SAVINGS ON TOWN PAVING PROJECTS**

Supervisor Rights made a statement on the results of the Special Meeting held on Wednesday April 8, 2009. He stated that the Enoch Crosby Paving Extension Project is estimated at \$60,000. The money being used to fund this project will come from the money allotted for the Deputy Highway Superintendent Position which no longer exists.

**ADOPTION OF 2009 FEE SCHEDULE**

Supervisor Rights made a motion to adopt the 2009 Fee Schedule. Councilman Johnson seconded. All in favor. (Attached at end of minutes)

**BID FOR PEACEABLE HILL WATER METERS**

Councilman Johnson made a motion to change the RFP to a Bid for Peaceable Hill Water Meters with Town Council approval. Councilman Gross seconded. All in favor.

Councilman Johnson made a motion to authorize the Supervisor to sign any paperwork for assistance for funding. Councilman Gross seconded. All in favor.

**ROUTE 22 STATUS**

Supervisor Rights reported that the Town was working with various departments regarding the work to be done on the corner of Route 22 & Route 312.

**NEW BUSINESS**

There will be a Town Wide Clean-up day, Saturday May 2, 2009.

The Town Clerk's Office noted a special thank you should go to John Jay Land Management of Brewster for their donation of all the lovely daffodils we were able to plant around our town.

Deputy town Clerk Stancati announced that a note was sent by Post Commander Ronald A. Lipschitz announcing Memorial Day Weekend Programs. There will be a food drive sponsoring Putman CAP in front of Kobackers Market on Saturday May 23<sup>rd</sup> & Sunday May 24<sup>th</sup> from 10:00 AM to 2:00 PM.

A resident asked the Board about the job opening in the Town; why it was posted in the Poughkeepsie Journal and not our local paper, why a part time clerk position was being paid \$18 an hour, and why wasn't she interviewed?

Supervisor Rights said the position was filled and the salary reflected the college degree.

Another resident asked how many people were interviewed and Supervisor Rights said he couldn't remember and would get back to her.

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

Respectfully submitted,

Michele Stancati  
Deputy Town Clerk