

**TOWN CLERKS MINUTES
TOWN BOARD
REGULAR MEETING
JULY 21, 2005**

Present: Supervisor John J. Dunford
Councilman Paul P. Johnson
Councilman Richard B. Honeck
Councilman Pat Bonanno
Councilwoman Lorraine Mitts

Also: Town Clerk Ruth A. Mazzei
Town Counsel Willis H. Stephens, Jr.

And: Approximately 20 persons

Pledge of allegiance
Notation of Exits
Brief Explanation of town Board's Decision-Making Process

PUBLIC HEARING

SPECIAL PERMIT – ALCON – Supervisor Dunford made a motion to defer the meeting and Councilman Johnson seconded. All in favor.

SPECIAL PERMIT – T3 SENIOR HOUSING

Councilman Honeck made a motion to open the public hearing and Councilman Johnson seconded. All in favor. Town Clerk Mazzei read the legal notice. Terri Hahn, the project engineer, explained that there were 87.0 acres on Zimmer Road. The application is under #138-62.22 in the Zoning. This project was put together three years ago. She addressed the need for Senior Housing and has gone through all the approvals (NYC, DEP, DEC, etc. There will be 60 units bungalow type. 15 acres will be a Town Park. The development is age restricted and will have no school age children. When Mildred Nugent asked what residential properties it would be close to she said that it is limited to OP-2 zones as per regulation. There will be no water tower the plant will be the size of a barn. There are also pathways proposed. Mr. Lundy said you must be 55 or older or must live with an eligible senior. Ann Fanizzi asked if there would be a homeowners association and was told yes. There will be no clubhouse so they are compelled to use their cars.

Martha Shortledge said the park (15 acres) is one lot, the wastewater plant (4 acres) is another lot, the remaining 60+ acres will be for senior housing. Terri Hahn said that the maximum allowed is 1800 sq. feet. When Ms. Shortledge asked about the eligibility, it was stated the you must be 55 or older, the spouse could be younger. An 18 yr. old child and grandchildren can reside there if it is for economic support. When asked where the 300 gallons of water per day comes from, she was told the Health Dept. determines it and it is unique to senior housing. Ms. Shortledge said 3 wells were monitored and also feels that there is a lack of community facilities.

When Mr. Santos said they could not discriminate based on age. Mr. Lundy answered by saying it is a Federal exemption and it is very detailed and must be followed. Ms. Ekhardt said the amenities are there and it does not meet the criteria. She think the senior law is very lax and would like to institute a moratorium. Ms. Mayerson is concerned about the use of ball fields and thinks it is too close to the Senior housing. Mrs. Rabinowitz said it is not walking friendly and it is too close to Ace Endico. Ms. Nugent asked there will be pre-sales. Ms. Hahn said that will make no difference because it is age restricted.

Ms. Fanizzi said it lacks all amenities and is in an inappropriate area. Terri Hahn said that the DEC permit requires the number of acres that can be worked on. Believe it is 8.

A waiver was granted. Mrs. O'Meara asked if there is a special tax or rebate and the answer was no. When asked if it was deed restricted the reply was yes. Mr. Rossi said that being able to undo is a tremendous job and must meet requirement. Supervisor Dunford said there is regular reviews of residency and must meet the op-2 requirements. OP-2 is only for senior housing. Supervisor John J. Dunford made a motion to close the meeting and Councilman Honeck seconded. All in favor.

RELEASE OF PERFORMANCE BOND – CROSSROAD SCHOOL – deferred

RELEASE OF PERFORMANCE BOND – LYRICS CORP.

Councilman Johnson made a motion to open the public hearing and Councilman Honeck seconded. All in favor. Town Clerk Mazzei read the legal notice. There were no comments. Councilman Honeck made a motion to close the meeting and Councilwoman Mitts seconded.

AMENDMENT OF LOCAL LAW – ARCHITECTURAL REVIEW BOARD

Councilwoman Mitts made a motion to open and Councilman Honeck seconded. All in favor. Legal notice read. The Supervisor explained that the old law stated that there must be an engineer of the board. It was difficult to find a replacement. Supervisor Dunford made a motion to close the meeting and Councilman Johnson seconded. All in favor.

REGULAR MEETING

MINUTES

Councilman Johnson made a motion to approve the Regular Meeting of June 15, 2005 and Councilman Honeck seconded. All in favor.

CORRESPONDENCE

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

CORRESPONDENCE RECEIVED

1. NYC DEP Re: Rules and Regulations for the Recreational Use of Water Supply Lands and Waters CEQR#04DEP032U
2. Putnam County Executive Re: Notice of Preliminary Decision for Use of East of Hudson Fund
3. Spectra Environmental Group Re: Brewster Transit Ready Mix Stormwater Pollution Prevention Plan and Notice of Intent
4. Severn Trent Re: Starr Ridge WTP, Fox Hill WTP
5. Lynne Eckardt Re: Foil Request for Various Letters from May 2005 Correspondence and Petition for Speed Humps in Blackberry
6. Daniel F Leary, Esq. Re: Foil Request for Site Plan and/or Other Land Use Records of the Planning Board Relating to the Site Currently Occupied and Improved by The Home Depot
7. Cathy Croft Re: Foil Request for Copies of Historic Sites Commission Minutes for 2002, 2003, 2004 and 2005
8. John Imor Re: Foil Request for C of O for 1591 Rt. 22

9. Martin Taublib Re: Foil Request for Permit for Removal and Sign off on Underground Fuel Tank Tax Map # 67.6-1-56 Fall of 2000
10. Lynne Eckardt, VP, CRSE Re: Concerns over the Zoning Board of Appeal's Recent Decision Regarding Westchester Tractor
11. Recreation Department Re: Town of Southeast Recreation Department Monthly Revenue Report
12. Jeanene Chambliss Re: Foil Request for Copy of Local Law 16 and Zoning Map
13. John Ballantine Re; Foil Request to View Baker Farm Application and Plans
14. Jacobson Re: Vincent J. Ficarra, Grading & Filing Plan, Farrell Road NLJ #0001-0852, Gasland Petroleum Inc. Route 6 and Starr Ridge Road Amended Site Plan Review NLJ#0001-0663, Cacciotti Accessory Apartment, 196 Overlook Drive NLJ #0001-0849, Old Milltown Road 3-Lot Subdivision J.P. International Development Corp. Preliminary Subdivision Review NLJ #0001-0820 and Strazza Lot Line Adjustment, Doansburg Road, Sketch Plan Review NLJ#0001-0806
15. State of New York State Board of Real Property Services Re: Tentative 2005 State Equalization Rate
16. Tanya Hrabsky Re: Foil Request for Adoption of Proposed Revised Zoning Ordinance of March 20, 1991, Administration Enforcement Code of Southeast and Local Law #2 of 1991
17. Mrs. Kathleen Radigan Re: Waterview Estates
18. ACORD Certificate of Liability Insurance Re: Johns Burner Service Inc.
19. New York State Insurance Fund Re: De-Fence Inc.
20. Jacobowitz and Gubits, LLP Re: Town of Southeast with Village of Brewster Water Supply and Service File No. 6812-1
21. Dan Barker Re: Foil Request for Newest Site Map for Strazza Development
22. New York State Comptroller Re: Benefit Information Service Center
23. Kathleen Radigan Re: Foil Request for Any and All Correspondence and Documents Since The Waterview Estates Public Hearing on May 24, 2005 and Copies of Letters from Insite 4/5, 4/48 and 5/12
24. New York State Department of Taxation and Finance Re: Tax-Exempt Purchases on Behalf of a Government Entity
25. Sterling Re: Town of Southeast Landfill Project #E99016
26. Rincon Chapin Corp. Re: Liquor License Application/Renewal at Salvadorian Restaurant, 542 North Main Street, Brewster, NY
27. Putnam County Legislature Re: Proposed WQIP Funding for Peach Lake
28. Hahn Engineering Re: Peach Lake Sewer District Town of North Salem
29. Verizon Re: PSC Ruling on Cable TV Franchising Cases 05-M-0520/0247
30. Richard Williams Sr., Town Planner-Town of Patterson Re: MS4 Stormwater Committee Meeting on July 12, 2005
31. Richard Feuerman Re: Meadows at Deans Corners
32. Kathleen Radigan Re: Foil Request for Any and All Correspondence and Documents Received on Waterview Estates and Meadows at Deans Corner Since April 1, 2005
33. Malcolm Pirnie Re: Starr Ridge Manor Water District Systems Improvements Field Order #2 – Additional Work due to Field Conditions (Supersedes Field Order #1)
34. Hahn Engineering Re: Minutes of Meeting with the NYCDEP Peach Lake Sewer District
35. William Maker Jr. – McMillan, Constabile, Maker & Perone, LLP Re: Meadows at Deans Corners
36. Lauri Taylor Re: Lake Management Program Contract Between Putnam County and Lake Tonetta
37. Caesar Sonnino, Architect Re: Qualifications as a Candidate to Serve on the ARB
38. State of New York Department of Public Service Re: Verizon New York Inc.'s Franchising Obligations Under the Public Service Law
39. State of New York Office of the State Comptroller Re: State Financial Management System
40. State of New York Department of Health and Environmental Facilities Corporation Re: Drinking Water State Revolving Fund Draft Intended Use Plan Funding Period October1, 2005 to September 30, 2006

41. Marsha S. Freer, District Clerk North Salem CSD Re: Trustees of the North Salem Board of Education
42. ACORD Certificate of Liability Insurance Re: Garden Homes Management Corp.
43. Frances Jasco Re: Foil Request for Payments to Southeast All sports and Susan Wolf Invoices
44. Jacobson Re: Maplewood North Group Subdivision Property of Green Chimneys Bradford Court Sketch Plan Review NLJ #0001-0384, Baker Farm Subdivision Enoch Crosby Road, Preliminary Plat Review NLJ #0001-0815, Brewster Sports Center, Sutton Place – Request for Bond Release NLJ #0001-0749, Campus at Fields Corner Subdivision Town of Southeast Bond Estimate NLJ#0001-0432
45. Severn Trent Re: Town of Southeast Water Supply Inspections of June 2, 2005
46. The City of New York DEP Re: Annual Report for the 2005 NYC Fiscal Year
47. Cohen, Dax & Koenig, P.C. Re: Carmel Cable Television, Inc.
48. New York State Office for Technology Re: Statewide Wireless Network – Telephone Number Changes

CORRESPONDENCE SENT

1. Mr. Joshua N. Koenig Re: Carmel Cable Television, Inc.
2. Mr. Richard Goodchild Re: New Well Pump Installation, Well #1 at the Mountain Brook Water District
3. Mr. Donald M. Rossi, Esq. Re: Indian Wells Subdivision, Lot 18
4. Memo to Town Board from Michael Levine Re: Springhouse Water District System Repairs
5. Mr. Geoffrey A. Dopsch Re: Invoice to Metro-North for 2004 O&M Expense at Brewster Heights Wastewater Treatment Plant
6. Mr. Richard Goodchild Re: New Well Pump Installation at the Fox Hill Water District and New Well Pump Installation at the Blackberry Hill Water District

VOUCHERS

Councilman Honeck made a motion to approve the voucher list of July in the amount of \$800,186.03. Councilwoman Mitts seconded and all in favor.

BUDGET TRANSFERS

Councilman Honeck made a motion to approve the Budget Transfers (see attached) Councilwoman Mitts seconded and all in favor.

MEETING DATES

Councilwoman Mitts made a motion to set the following meetings and Councilman Bonanno seconded. All in favor.

- August 4, 2005 – 7:30 Civic Center – Special Meeting/Worksession
- August 11, 2005 – 7:30 Civic Center – Work Session
- August 18, 2005 – 7:30 Civic Center – Regular Meeting

PUBLIC HEARINGS:

Councilman Bonanno made a motion to set the following public hearings and Councilwoman Mitts seconded. All in favor.

- August 4, 2005 – 7:30 Civic Center – Extension of Commercial Moratorium Rte. 22
- August 18, 2005 – 7:30 Civic Center – Reduction of Performance Bond – Brewster Sports Center

RESOLUTION#33 /05 – RESERVOIR RIDGE

Introduced by Supervisor Dunford
Seconded by Councilman Bonanno

Whereas the Town Board of the Town of Southeast has a recommendation from the Town Engineer with respect to the Reduction of a Performance Bond for Reservoir Ridge, Southeast, New York

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>RECOMMENDATION</u>
Reservoir Ridge	\$443,100.	\$277,100.

Upon roll call vote:

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

Vote carried by a vote of 5 ayes, 0 nays, 0 abstained.

RESOLUTION #34 / 05 – INTER-MUNICIPAL AGREEMENT MS 4 COORDINATION COMMITTEE

Introduced by Councilman Bonanno
Seconded by Councilman Honeck

Whereas, the Town of Southeast has been designated a Municipal Separate Storm Sewer System (MS4), community and has filed for coverage under NYS Department of Environmental conservation General Permit 02-02, and

Whereas, as a condition of obtaining coverage under the General Permit, the town of southeast must design a stormwater management program which addresses six minimum measures designed to protect the quality of stormwater runoff and which must also ensure that a reduction of any pollutant of concern specified in the TMDL is achieved, and

Whereas, the Total Maximum Daily Loads (TMDL) established for the New York City Reservoir System require a reduction in the amount of phosphorous found in stormwater runoff, and

Whereas, the Town of Southeast recognizes that it is advantageous to participate in a coordinated approach to developing means to addressing the six minimum measures and other requirements of the MS4 program, and

Whereas, there has been proposed an inter-municipal organization entitled the Putnam County MS4 Coordination Committee, which committee consist of one or more of the designated MS4’s of Putnam County and

Whereas, it is the purpose of the committee to promote a discussion of those issues of mutual concern facing the afore-mentioned communities, to purpose recommendations and make reports which identify mutually-beneficial solutions to the

concerns facing the participating communities and to seek funding sources which may help to accomplish the goals of the Committee and the participating municipalities, and

Whereas, an inter-municipal organization will also provide a mechanism for coordinating the implementation of regional solutions by the municipalities, and

Whereas, the Town of Southeast recognizes that it is beneficial to promoting the future health, safety and general welfare of the Town of Southeast to participate in the store-mentioned inter-municipal organization which will address the requirements of the MS4 Program, and

Whereas, General Municipal Law, Article 5-G and Article 5-1 grants the authority to local municipalities to enter into inter-municipal agreements in the furtherance of planning for the future of the municipalities.

Now, Therefore Be It Resolved, that the Town of Southeast supports the creation of an inter-municipal organization of the regulated Putnam County MS4 municipal corporations and that by adoption of this resolution acknowledges its participation in said organization, and

Further Be It Resolved that the Town of Southeast, having express its desire to participate in the inter-municipal cooperative, appoints GRAHAM TRELSTAD, to represent the Town of Southeast on the Putnam County MS4 Coordination Committee.

Further Be It Resolved that the Town of Southeast does also hereby ratify the Bylaws of the Putnam County MS4 Coordination Committee attached hereto.

Upon Roll Call Vote:

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

VOTE: carried by a vote of 5 ayes, 0 nays, 0 abstained.

**RESOLUTION #35 /05 SPEED LIMIT REDUCTION ON COUNTY ROUTE 55
(DEAN'S CORNERS ROAD)**

Introduced By: Councilman Honeck
Seconded By: Councilman Johnson

Whereas, a portion of a County Highway known as County Route 55, formally known as NYS Route 124, and commonly referred to as Dean's Corners Road ((the "County Highway") extends within the jurisdictional limits of the Town of Southeast from the common boundary with the Town of North Salem to the intersection of the County Highway with NYS Route 22; and

Whereas, the Town Board of the Town of Southeast had previously adopted a "Town Wide Speed Limit" for all Town Roads at thirty (30) Miles Per Hour ("MPH"); and

Whereas, the County Highway is currently posted at 55 MPH; and

Whereas, it has come to the Town Board's attention that the portion of the highway within the Town of North Salem has a posted speed limit of 45 MPH and, due to the County Highway's winding "rural" character, it would be prudent to reduce the maximum speed limit permitted on the portion of said County Highway within the Town of Southeast.

Now, Therefore, Be It Resolved, that the Town Board of the Town of Southeast hereby requests the Putnam County Commissioner of Highways to consider reducing the allowable speed limit on County Route 55 within the Town of Southeast to 45 Miles Per Hour; and

Resolved, that the Town Clerk be and hereby is authorized and directed to forward a certified copy of this resolution to the Honorable Harold Gary, Putnam County Commissioner of Highways and Facilities forthwith.

Upon Roll Call Vote:

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

VOTE: Carried by a vote of 5 ayes, 0 nays.

RESOLUTION #36 /05 ESTABLISHMENT OF PERFORMANCE BOND CAMPUS AT FIELDS CORNERS SUBDIVISION

Introduced By: Councilman Johnson
Seconded By: Councilwoman Mitts

Whereas, the Town Board of the Town of Southeast has a recommendation from the Town Engineer with respect to the Establishment of Performance Bond for Campus at Fields Corners Subdivision, 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</u>
Campus at Fields Corners	\$00.00	\$17,100,000
Site Improvements:	\$16,874,700.00	
Soil & Erosion	\$ 225,300.00	

UPON ROLL CALL VOTE:

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

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

MOTION-COPIER AT TOWN HALL

Councilwoman Mitts made a motion authorizing the Supervisor to sign lease for the Konica Minolta copier for Town Hall.. Councilman Johnson seconded and all in favor.

RESOLUTION#37/05 AUTHORIZING SETTLEMENT OF CERTIORARI PROCEEDINGS- Ninth Jam

Introduced By: Councilwoman Mitts
Seconded By: Councilman Honeck

Whereas, proceedings have been commenced challenging the assessed valuation of the following commercial premises for the 1999, 2000, 2001, 2002, 2003 and 2004 tax years:

NINTH JAM DEVELOPMENT LLC
(f/k/a 185 RTE CORP.) v. ASSESSOR OF THE TOWN OF SOUTHEAST, et al.,
Index Nos. 896/99; 873/00;889/01;1060/02;1053/03 and 951/04

Whereas, the Town board is in receipt of settlement recommendations from the Town’s Assessor, Appraiser and Town Counsel 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’s Counsel to execute stipulation of settlement in accordance with said recommendations.

UPON ROLL CALL VOTE:

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

PEACH LAKE WWTP

Councilman Honeck made a motion to authorize Hahn Engineering to prepare a Map, Plan & Report for Peach Lake WWTP in the amount not to exceed \$30,000. Councilwoman Mitts seconded and all in favor. (Letters attached)

RULES AND REGULATIONS FOR TOWN PARKS

Supervisor Dunford made a motion to accept the New rules and Regulations for the Town Parks. Councilman Honeck seconded and all in favor. (attached)

NEW BUSINESS

July 28th – Brewster Fire Department Parade

Rick Feuerman – spoke of the Meadows of Deans Corners and some of the problems he feels are issues. He asked the Board if the rescind the project since the extensions has run out. Supervisor Dunford said that the Town put a stop work order in place. There is a stabilization plan in writing. Councilwoman Mitts said there must be a signed final plat before they can proceed. Counsel Stephens said the project must have a final plat before they can apply for homeowners.

Peach Lake Sewer District – when asked the Town Counsel explained that there are 2 separate districts and are in the preliminary stage. Before the district can be formed, a complete SEQRA review must be formed. Grants cannot be applied for until a district is formed.

The Supervisor said that the Historic Sites will be meeting within the next few months.

Mrs. Coyle said that the PLEC board has not been forthcoming. Jack Walsh of PLEC said that all the meetings have been open and they have put out mailings and also newsletters. Victor Grossman said there is a website also, so that no one is left in the dark. He explained how the districts are formed, cost estimate etc. It is then presented to the various Town Boards, then to the State Comptroller. There was also a complaint about the PLEC web site, etc. Town Counsel said that to establish a district there is public input; also an adequate number of residents must sign. When asked if the Town Board had seen any plans for a big store, such as WalMart on Rte. 22, the Supervisor said they were not aware of any plans or projects. M. Santos said that he has a disk of a taped meeting with the PC Legislative Meeting of the Economic Development at which Developer Harold Lepler was present. He reiterated what Mr. Lepler said at this meeting to the point where allegedly Mr. Lepler said that he has talked to each Town Board member about the projects he is proposing and that they said to wait until after Election Day because it is political. The Town Board, all speaking at once, denied any such knowledge of any such plans. They stated that they had no idea what Mr. Lepler was talking about and was very surprised at his statements.

Councilman Honeck made a motion to close the meeting and Councilman Johnson seconded.

Respectfully submitted,

Ruth A. Mazzei
Southeast Town Clerk