

August 13, 2009

**TOWN OF SOUTHEAST
John J. Dunford Civic Center
1360 Route 22, Brewster, New York 10509
August 13, 2009
Regular Meeting – 7:30 PM**

**Notation of Exits
Pledge of Allegiance**

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

Also: Deputy Town Clerk Michele Stancati
Town Attorney Willis H. Stephens Jr.

And: Approximately 40 persons

PUBLIC HEARING

Peach Lake Sewer District

Supervisor Rights made a motion to open the Public Hearing. Councilman Yee seconded. All in favor. Notice was read and there were no public comments. Supervisor Rights made a motion to close the Public Hearing. Councilman Gross seconded. All in favor.

SPECIAL WORKSESSION

Supervisor Rights made a motion to open the Special Worksession. Councilman Honeck seconded. All in favor.

**Crossroads 312 – Lead agency status SEQRA – No vote
Garbage District Bid Review – No vote
Ross Alan - Status of Wetland Permit – No vote
Springhouse Estates Water District Re: Opinion of Bond Counsel – No vote**

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

REGULAR MEETING

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

CORRESPONDENCE

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

CORRESPONDENCE RECEIVED

1. Taylor Recycling to Town of Southeast Re: Landfill Closure Project Agreement
2. NYSDOT to Supervisor Rights Re: Route 121 @ Maple Lane
3. NYPIRG to Town Clerk Re: Outreach Staff List
4. Lynn Lamont to Town of Southeast Re: Dog Park
5. NYSDEC to Town of Southeast Re: Proposed Order on Consent –Brewster Heights Sewer District STP
6. 7 Stars to Town Clerk Re: Liquor License Renewal
7. Sciortino’s Restaurant to Town Clerk Re: Liquor License Renewal
8. Chazen to Town of Southeast Re: Springhouse Water Ecological issues
9. Chazen to Standard Construction Re: Response to Notice of Delay concerning Blackberry Hill WWTP
10. NYSDEC to Chazen Re: Springhouse Water District
11. Chazen to Town of Southeast Re: Environmental Assessment Form
12. Cary Institute to Town of Southeast Re: Biodiversity Assessment of the Haines Pond Area
13. Saviero L Terenzi & Associates to Town of Southeast Re: Independent Auditors Report
14. Vincent Leibell to Supervisor Rights Re: Electronic Appearance of a defendant in Putnam County
15. Comcast to Town of Southeast Re: Service and Channel Line-up Changes
16. Recreation Department to Town Clerk Re: Monthly Revenue Report
17. NYS Dept of State to Town of Southeast Re: Status Report
18. Dept of Veterans Affairs to Town of Southeast Re: Thank you for donation
19. NYSDOT to Deputy Commissioner of Parks for Putnam County Re: Lower speed limit on Route 312
20. CFCM LLC to the Town of Southeast Re: Agreement for HVAC Installation

21. Blackberry Hills Sanitary Sewer District Re: Certification & Disbursement Request
22. NYSDEC to Town of Southeast Re: Peach Lake Sewer District Notice of Complete Application
23. Acord Certificate of Liability Ins Re: Mid Hudson Waste
24. Acord Certificate of Liability Ins Re: Thuesen Mechanical Corp
25. Acord Certificate of Liability Ins Re: Chemung Supply Corp
26. Acord Certificate of Liability Ins Re: Fire Control Service Co Inc
27. Acord Certificate of Liability Ins Re: Mancini Ciolo Inc
28. Family Farm Policy Cancellation Re: Fregosi Landscaping Inc
29. NYSIF Cancellation of Certificate of Workers' Comp Re: Madison Energy
30. NYSIF Cancellation of Certificate of Workers' Comp Re: Rock Work Unlimited
31. NYSIF Cancellation of Certificate of Workers' Comp Re: NJM Improvements
32. Adirondack Ins Leinholder Certificate Re: J Carlos Wong
33. Certificate of Workers' Comp Re: Durants LLC
34. NYSIF Certificate of Workers' Comp Re: Pearl 2 Development Corp
35. NYSIF Certificate of Workers' Comp Re: NJM Improvements
36. Fox Ridge Motor Inn Inc against Town of Southeast Re: Amended Notice of Petition, Summons, Amended Verified Petition/Complaint
37. Notice of Petition against the Town of Southeast and the Assessor of the Town of Southeast Re: Dalo Petroleum
38. Notice of Petition against the Town of Southeast and the Assessor of the Town of Southeast Re: Emgee Highlands Corp
39. Notice of Petition against the Town of Southeast and the Assessor of the Town of Southeast Re: Barry Nesson
40. Notice of Petition against the Town of Southeast and the Assessor of the Town of Southeast Re: David and Jill Nilsen
41. Notice of Petition against the Town of Southeast and the Assessor of the Town of Southeast Re: Emgee Highlands Corp
42. Notice of Petition against the Town of Southeast and the Assessor of the Town of Southeast Re: Brewster Realty Partners
43. Notice of Petition against the Town of Southeast and the Assessor of the Town of Southeast Re: Simon Auto Wreckers
44. Notice of Petition against the Town of Southeast and the Assessor of the Town of Southeast Re: Verizon New York
45. Notice of Petition against the Town of Southeast and the Assessor of the Town of Southeast Re: Somchai Realty Inc
46. Notice of Petition against the Town of Southeast and the Assessor of the Town of Southeast Re: Home Depot
47. Notice of Petition against the Town of Southeast and the Assessor of the Town of Southeast Re: The Great Atlantic and Pacific Tea Co
48. Notice of Petition against the Town of Southeast and the Assessor of the Town of Southeast Re: Suzanne Debaun
49. Notice of Petition against the Town of Southeast and the Assessor of the Town of Southeast Re: Vicky and Michael Luckower

50. Notice of Petition against the Town of Southeast and the Assessor of the Town of Southeast Re: Rebecca Rabinowitz and Thomas Bisongo
51. Notice of Petition against the Town of Southeast and the Assessor of the Town of Southeast Re: Natale and Rita Reale
52. Notice of Petition against the Town of Southeast and the Assessor of the Town of Southeast Re: Michael & Wendy Sortino
53. Notice of Petition against the Town of Southeast and the Assessor of the Town of Southeast Re: Paul Jonke
54. Request for Judicial Intervention against the Assessor of the Town of Southeast Re: Brewster Plaza
55. Request for Judicial Intervention against the Assessor of the Town of Southeast Re: Rocky Farms Estates Inc
56. Request for Judicial Intervention against the Assessor of the Town of Southeast Re: Anthony Palladino
57. Request for Judicial Intervention against the Assessor of the Town of Southeast Re: DJ Ledley Food Svc Co
58. Request for Judicial Intervention against the Assessor of the Town of Southeast Re: Paul DeLeo
59. Request for Judicial Intervention against the Assessor of the Town of Southeast Re: Dominick and Antonina Vita
60. Request for Judicial Intervention against the Assessor of the Town of Southeast Re: Powers Products
61. Town of Southeast Re: Resumes from Victoria Desidero, Henry Gruse, Edwin Barrett, Christian Palladino, Fred Delfay, Robert Donohue and Scott Miller
62. **Foils:**
 - Keller Williams Realty Re: Survey & permits for 117 State Line Rd
 - Superior Data Re: Copy of C of O for 801 Ashford Circle
 - CRP Sanitation Re: Dollar Amount of Current Garbage Contract
 - Empire State Research Re: Copy of survey for 276 Starr Ridge Rd
 - Empire State Research Re: Permits and Violations for 3303 Morgan Dr
 - Keller Williams Realty Re : Survey for 276 Starr Ridge Rd
 - Snyder & Snyder Re: All Bonds filled by Cingular with respect to tower at 230 Peach Lake Rd
 - Hogan & Rossi Re: Permits and Surveys for 62 Panorama Dr
 - Putnam County Dept of Health Re: As built septic for 12 Colonial Ridge Ct
 - Putnam Engineering Re: Copy of Building Permit for 36 Ivy Hill Rd
 - Daniel Ferrara Re: Septic permits for Lot 57.5-1-25
 - Superior Data Re: 7 Garrity Blvd
 - Empire State Research Re: C of O for 48 Cobb Rd
 - William Besharat Re: BOH Septic Approval for 34 Meola Dr
 - Prudential World Re: Survey of 3 Salmons Hollow Rd
 - Empire State Research Re: C of O for 202 Ridgetop Lane
 - Keller Williams Realty Re: Permits for 11 Colonial Ridge Ct

63. Emails:

- Paul Johnson to Southeast Rec & Town Board Re: Use of Lakeview Manor
- Michael Rights to Zoning & Town Board Re: Zoning questions
- Michael Rights to Town Board Re: Proposed Contractor Law
- Michael Rights to Olenna Re: Old Town Hall Renovation
- Paul Johnson to Town Board Re: Letter from Jack Gallagher
- Paul Johnson to Michael Rights Re: Report a Problem
- Paul Johnson to VMFAIA & Town Board Re: ARB Services
- Franze & Franze to Town Board Re: Lakeview Manor
- Paul Johnson to Town Board Re: Peach Lake Sewer Plant Refinancing
- Joe Vera to Town Board Re: Unable to attend Town Board Meeting

CORRESPONDENCE SENT - None

VOUCHERS

Councilman Honeck made a motion to pay the monthly vouchers totaling \$534,232.03. Councilman Yee seconded. All in favor.

SETTING OF MEETING DATES

All meetings are held at 1360 Route 22, Brewster NY 10509 at 7:30 pm unless otherwise noted.

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

September 3, 2009 Worksession
September 10, 2009 Worksession
September 24, 2009 Regular Meeting

BUDGET TRANSFERS – None

RESOLUTION #38/ 09 – ADOPTING LOCAL LAW - AMENDING TOWN CODE CHAPTER 138 “ZONING” TO PROHIBIT CERTAIN STRUCTURES (clothing bins)

INTRODUCED BY: Supervisor Rights
SECONDED BY: Councilman Yee

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 138 of the Code of the Town of Southeast entitled “Zoning”; 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 July 23, 2009; and

WHEREAS, it is the Town Board finds and declares that the purpose of this local law is to protect the public health, safety and general welfare and to promote the orderly and safe development of certain areas of the town in accordance with the goals and objects of the Town’s Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Southeast hereby adopts Local Law No. 1 of 2009 pursuant to the Municipal Home Rule Law amending Chapter 138 of 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.

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

VOTE: defeated by a vote of 2 in favor, 3 against; 0 abstained.

RESOLUTION #39/09 – RESOLUTION ADOPTING LOCAL LAW AMENDING TOWN CODE CHAPTER 138 “ZONING” TO PROHIBIT CERTAIN STRUCTURES (Canvas Structures)

INTRODUCED BY: Councilman Yee
SECONDED BY: Supervisor Rights

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 138 of the Code of the Town of Southeast entitled “Zoning”; 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 July 23, 2009; and

WHEREAS, it is the Town Board finds and declares that the purpose of this local law is to protect the public health, safety and general welfare and to promote the orderly and safe development of certain areas of the town in accordance with the goals and objects of the Town’s Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Southeast hereby adopts Local Law No. 1 of 2009 pursuant to the Municipal Home Rule Law amending Chapter 138 of 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.

Section 138-13 of Chapter 138 of the Code of the Town of Southeast entitled “Zoning” is hereby amended by adding new paragraph as follows:

G. Fabric covered storage structures, provided that any structure which has received a permit or certificate of occupancy prior to the enactment of this paragraph may remain.

Councilman Yee	<u>Aye</u>
Councilman Gross	<u>Aye</u>
Councilman Honeck	<u>Aye</u>
Councilman Johnson	<u>Nay</u>
Supervisor Rights	<u>Aye</u>

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

RESOLUTION # 40 /09 – PEACH LAKE SEWER DISTRICT

Introduced by Councilman Honeck
Seconded by Councilman Johnson

<p style="text-align: center;">In the Matter Of</p> <p>a Proposed Increase (Pursuant to Section 209-h of the Town Law) in the Maximum Amount Authorized to be Expended in Connection With the Establishment of the Peach Lake Sewer District in the Town of Southeast, Putnam County, New York,</p>	<p style="text-align: center;">PUBLIC INTEREST ORDER</p>
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WHEREAS, the Town Board of the Town of Southeast, Putnam County, New York (the “Town”), has heretofore received a map, plan and report including an estimate of cost, prepared by a competent engineer, duly licensed by the State of New York, which have been filed in office of the Town Clerk of said Town and after proceedings duly had and taken, has approved the establishment of a sewer district in said Town, to be known as the Peach Lake Sewer District in the Town of Southeast, Putnam County, New York (the “District”), whose boundaries are as set forth in Exhibit A hereto and hereby made a part hereof, at a maximum estimated cost of \$4,860,668.00 with a cost to the typical household therein in the first year of operation of \$1,200.00 per year as approved by the Office of the State Comptroller on July 23, 2008; and

WHEREAS, it now appears that the maximum estimated cost of the improvements for such District must be increased by \$2,367,628.00 to a new maximum estimated cost of \$7,228,296.00 pursuant to Section 209-h of the Town Law; and

WHEREAS, the improvements described herein have been determined to constitute an Unlisted Action as defined under the State Environmental Quality Act (“SEQRA”) regulations of the State of New York as to which it has been determined that such improvements will not have a significant adverse impact upon the environment and full SEQRA compliance materials are on file in the office of the Town Clerk where they

may be inspected during regular office hours for examination by any person interested in the subject matter thereof; and

WHEREAS, pursuant to subdivision 1 of Section 209-f and subdivision 1 of Section 209-h of the Town Law, an application of the approval of the office of the State Comptroller will be required despite the fact that the cost to the typical household has remained unchanged at \$1,200.00 due to the increase in the maximum estimated cost of the improvements; and

WHEREAS, an Order was duly adopted by said Town Board on July, 28, 2009 regarding said proposed District, the improvements proposed therefore, the increase in the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, and specifying the 13th day of August, 2009, at 7:30 o'clock P.M., Prevailing Time at the John J. Dunford Civic Center, 1360 Route 22, in Brewster, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly published and posted in the manner and within the time prescribed by section 209-h of the Town Law and proof of such publication and postings has been presented to said Town Board; and

WHEREAS, the estimated cost of the District to the typical property therein remains \$1,200.00 in the first year in which operation, maintenance, debt service and other charges and expenses are to be paid and hook-up fees are \$0.00; and

WHEREAS, a detailed explanation of the manner by which were computed said estimated first-year costs to the typical property in said District, has been filed in the

office of the Town Clerk where the same are available during regular office hours for examination by any person interested in the subject manner thereof;

NOW, THEREFOR, IT IS HEREBY

ORDERED, by the Town Board of the Town of Southeast, Putnam County, New York, as follows:

Section 1. Pursuant to Section 209-h of the Town Law, it is hereby determined that it is in the public interest to establish Peach Lake Sewer District at an increased maximum estimated cost of \$7,228,296.00 and that the maximum amount to be expended in the establishment of Peach Lake Sewer District in the Town of Southeast, Putnam County, New York, is hereby increased from \$4,860,668.00 to \$7,228,296.00.

Section 2. The improvements proposed for said Peach Lake Sewer District consist of the construction of a wastewater collection system, including the installation of mains and laterals, the construction and operation of pumping stations and the construction and operation of a wastewater treatment facility which will serve properties within the proposed District as well as properties located in a similar district to be established in the adjacent Town of North Salem. The maximum amount to be expended by said Peach Lake Sewer District pursuant to these proceedings for said improvements shall not exceed \$7,228,296.00, an increase of \$2,367,628.00 over that previously authorized for the establishment of said District. Said cost of said improvement shall be financed by the issuance of serial bonds of said Town maturing in annual installments over a period not exceeding forty years, payable in the first instance from assessments levied upon and collected from the several lots and parcels of land within Peach Lake Sewer District which shall be determined in accordance with the provision of law, in an

amount sufficient to pay the principal and interest on said bonds as the same become due. But if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 3. The Town Clerk is hereby authorized and directed to cause a certified copy of this order to be duly recorded in the office of the Clerk of Putnam County, New York, within ten days after the effective date of this order and to file a certified copy thereof also within said ten days in the office of the State Department of Audit and Control, in Albany, New York, both pursuant to subdivision 1 of Section 209-h of the Town Law, said ten days commencing after the permissive referendum period has elapsed without petition or after a referendum in which the establishment of the District at the new cost is approved.

Section 4. This Order is hereby adopted subject to permissive referendum and the Town Clerk shall publish a Notice of Adoption thereof, together with the full text and an exhibit providing the boundaries of said Peach Lake Sewer District within ten (10) days of the date hereof in the official newspaper of the Town and post same on the official sign-board and website of the Town within said ten (10) day hereof.

EXHIBIT "A"

TAX MAP NO.

ADDRESS

79.-1-40	76 Vails Lakeshore Drive
79.-1-40.1	2 Maple Lane
79.-1-40.2	99 Vails Lakeshore Drive
79.-1-40.3	8 White Oak Lane
79.-1-40.4	61 Vails Lakeshore Drive
79.-1-40.5	106 Vails Lakeshore Drive
79.-1-40.6	4 Maple Lane
79.-1-40.7	24 Vails Lakeshore Drive

79.-1-40.8	101 Vails Lakeshore Drive
79.-1-40.9	71 Vails Lakeshore Drive
79.-1-40.10	23 Orchard Road
79.-1-40.11	89 Vails Lakeshore Drive
79.-1-40.12	87 Vails Lakeshore Drive
79.-1-40.13	9 Hilltop Lane
79.-1-40.14	4 Bass Lane
79.-1-40.15	50 Vails Lakeshore Drive
79.-1-40.16	111 Vails Lakeshore Drive
79.-1-40.17	31 Vails Lakeshore Drive
79.-1-40.18	105 Vails Lakeshore Drive
79.-1-40.19	58 Vails Lakeshore Drive
79.-1-40.20	74 Vails Lakeshore Drive
79.-1-40.21	19 Orchard Road
79.-1-40.22	37 Vails Lakeshore Drive
79.-1-40.23	15 Orchard Road
79.-1-40.24	8 Maple Lane
79.-1-40.25	51 Vails Lakeshore Drive
79.-1-40.26	85 Vails Lakeshore Drive
79.-1-40.27	21 Orchard Road
79.-1-40.28	84 Vails Lakeshore Drive
79.-1-40.29	25 Orchard Road
79.-1-40.30	6 Bass Lane
79.-1-40.31	14 Orchard Road
79.-1-40.32	44 Vails Lakeshore Drive
79.-1-40.33	27 Orchard Road
79.-1-40.34	29 Orchard Road
79.-1-40.35	33 Vails Lakeshore Drive
79.-1-40.36	108 Vails Lakeshore Drive
79.-1-40.37	20 Orchard Road
79.-1-40.38	7 Maple Lane
79.-1-40.39	28 Vails Lakeshore Drive
79.-1-40.40	26 Locust Road
79.-1-40.41	2 Bass Lane
79.-1-40.42	41 Vails Lakeshore Drive
79.-1-40.43	10 White Oak Lane
79.-1-40.44	3 Hilltop Lane
79.-1-40.45	22 Orchard Road
79.-1-40.46	46 Vails Lakeshore Drive
79.-1-40.47	95 Vails Lakeshore Drive
79.-1-40.48	26 Vails Lakeshore Drive
79.-1-40.49	1 Maple Lane
79.-1-40.50	28 Orchard Road
79.-1-40.51	48 Vails Lakeshore Drive
79.-1-40.52	43 Vails Lakeshore Drive
79.-1-40.53	115 Vails Lakeshore Drive

79.-1-40.54	86 Vails Lakeshore Drive
79.-1-40.55	1 Hilltop Lane
79.-1-40.56	81 Vails Lakeshore Drive
79.-1-40.57	31 Orchard Road
79.-1-40.58	4 White Oak Lane
79.-1-40.59	107 Vails Lakeshore Drive
79.-1-40.60	55 Vails Lakeshore Drive
79.-1-40.61	68 Vails Lakeshore Drive
79.-1-40.62	72 Vails Lakeshore Drive
79.-1-40.63	91 Vails Lakeshore Drive
79.-1-40.64	65 Vails Lakeshore Drive
79.-1-40.65	29 Vails Lakeshore Drive
79.-1-40.66	11 Hilltop Lane
79.-1-40.67	49 Vails Lakeshore Drive
79.-1-40.68	3 Maple Lane
79.-1-40.69	77 Vails Lakeshore Drive
79.-1-40.70	25 Vails Lakeshore Drive
79.-1-40.71	109 Vails Lakeshore Drive
79.-1-40.72	103 Vails Lakeshore Drive
79.-1-40.73	27 Vails Lakeshore Drive
79.-1-40.74	6 White Oak Lane
79.-1-40.75	5 Hilltop Lane
79.-1-40.76	9 Maple Lane
79.-1-40.77	69 Vails Lakeshore Drive
79.-1-40.78	75 Vails Lakeshore Drive
79.-1-40.79	73 Vails Lakeshore Drive
79.-1-40.80	8 Bass Lane
79.-1-40.81	59 Vails Lakeshore Drive
79.-1-40.82	39 Vails Lakeshore Drive
79.-1-40.83	119 Vails Lakeshore Drive
79.-1-40.84	2 White Oak Lane
79.-1-40.85	57 Vails Lakeshore Drive
79.-1-40.86	66 Vails Lakeshore Drive
79.-1-40.87	5 Maple Lane
79.-1-40.88	36 Vails Lakeshore Drive
79.-1-40.89	93 Vails Lakeshore Drive
79.-1-40.90	24 Orchard Road
79.-1-40.91	80 Vails Lakeshore Drive
79.-1-40.92	6 Hickory Lane
79.-1-40.93	33 Orchard Road
79.-1-40.94	6 Maple Lane
79.-1-40.95	35 Orchard Road
79.-1-40.96	35 Vails Lakeshore Drive
79.-1-40.97	79 Vails Lakeshore Drive
79.-1-40.98	47 Vails Lakeshore Drive
79.-1-40.99	64 Vails Lakeshore Drive

79.-1-40.100	60 Vails Lakeshore Drive
79.-1-40.101	17 Orchard Road
79.-1-40.102	113 Vails Lakeshore Drive
79.-1-40.103	121 Vails Lakeshore Drive
79.-1-40.104	42 Vails Lakeshore Drive
79.-1-40.105	24 Locust Road
79.-1-40.106	54 Vails Lakeshore Drive
79.-1-40.107	53 Vails Lakeshore Drive
79.-1-40.108	54 Vails Lakeshore Drive
79.-1-40.109	10 Hickory Lane
79.-1-40.110	7 Hilltop Lane
79.-1-40.111	22 Locust Road
79.-1-40.112	63 Vails Lakeshore Drive
79.-1-40.113	83 Vails Lakeshore Drive
79.-1-40.114	97 Vails Lakeshore Drive
79.-1-40.115	56 Vails Lakeshore Drive
79.-1-40.116	82 Vails Lakeshore Drive
79.-1-40.117	117 Vails Lakeshore Drive
79.-1-40.118	45 Vails Lakeshore Drive
79.-1-40.119	110 Vails Lakeshore Drive
79.-1-40.120	52 Vails Lakeshore Drive

Upon Roll Call:

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

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

**RESOLUTION # 41/09 – PINE RIDGE SUBDIVISION/CHERLICH SUBDIVISION
280-a DESIGNATION**

INTRODUCED BY: Councilman Honeck
SECONDED BY: Councilman Gross

WHEREAS, the Town Board of Southeast is in receipt of an application made by Leonard Cherlich, owner/developer of property located on Pine View Drive (Tax Map No. 78.-1-94), Town of Southeast, also known as Pine View Estates “Lot 5” (hereinafter the "Premises"), for designation of a portion of such Premises as an "open development area" in accordance with Section 280-a (4) of the Town Law of the State of New York; and

WHEREAS, the applicant wishes to subdivide the Premise to create a two (2) lot subdivision, one (1) lot of which will not have direct frontage on or access from a municipally maintained road but will be accessed by a common driveway from the Town Road known as Pine View Drive which is a municipally maintained highway; and

WHEREAS, the proposed building lot not having direct access from a municipally maintained road results in the technical non-compliance with Section 280-a of the Town Law; and

WHEREAS, the Planning Board, acting as Lead Agency for the purpose of State Environmental Quality Review, has adopted a Negative Declaration thereby determining that the proposed project will not have a significant effect upon the environment provided such conditions are fulfilled; and

WHEREAS, the Planning Board referred the applicant to the Town Board for consideration of the applicant's request to establish an Open Development Area, pursuant to Section 280-a of the Town Law; and

WHEREAS, the Town Board of the Town of Southeast has duly deliberated on said application, the comments made by interested persons and comments of the Town Engineer and Planning Board during the subdivision approval process, together with other documentation submitted in connection herewith and have found and determined that adequate measures have been or will be taken to assure the safe and unobstructed passage along said common driveway.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby designates the area described as the "rear" lot of the Cherlich Subdivision as an Open Development Area in accordance with Section 280-a (4) of the Town Law of the State of New York authorizes the Planning Board to proceed with its review of the applicant's development proposal without the requirement that the lot created thereby have direct access to a town or other municipally maintained road provided that the following conditions are met:

1. That the Southeast Planning Board complete its review of the subdivision proposal in compliance with all other provisions of the Code of the Town of Southeast relating to the subdivision of land, the Zoning Ordinance of the Town of Southeast and the provisions of any and all other State or local law relating thereto including, but not limited to, any and all approvals or permits required by the New York City Department of Environmental Protection or by the New York State Department of Environmental Conservation under Article 8 of the Environmental Conservation Law of the State of New York, together with any and all regulations promulgated there under.

2. That the subdivision of the Premises results in the creation of not more than two (2) residential lots.

3. That the lots be accessed solely from Pine View Drive.

4. That, prior to the signing of the plat or map created in connection with the proposed subdivision, the applicant shall cause a Common Driveway Agreement to be prepared, satisfactory to the Town Attorney, which shall provide the terms and conditions regarding the maintenance of the common driveway by the properties served thereby and the sharing of the maintenance costs. Said agreement shall be duly recorded in the County Clerk’s Office simultaneously with the subdivision plat.

5. That, prior to the issuance of any permits to build within the Premises, the Developer shall grant to the Town of Southeast any and all easements or rights of way which may be deemed necessary for the orderly and safe development of the Premises and for the provision of emergency services to the future residents therein.

6. That the plat or plats to be filed in connection with this proposed subdivision shall bear a notation that rear lot shall be accessed solely from common driveway leading from Pine View Drive and shall bear the further notation that no further subdivision of the lots created by such subdivision shall be permitted.

7. That the Developer shall comply with such other or different conditions, restrictions or limitations as may be established by the Planning Board of the Town of Southeast.

Upon Roll Call Vote:

Councilman Yee	<u>Nay</u>	Councilman Johnson	<u>Aye</u>
Councilman Gross	<u>Aye</u>	Supervisor Rights	<u>Nay</u>
Councilman Honeck	<u>Aye</u>		

VOTE: carried by a vote of 3 in favor, 2 against; 0 abstained.

RESOLUTION # 42/ 09 – INTENT TO DECLARE LEAD AGENCY
CROSS ROADS 312

INTRODUCED BY: Councilman Gross
SECONDED BY: Councilman Honeck

WHEREAS, the Town Board is in receipt of a Petition on behalf of a project known generally as Cross Roads 312 seeking to amend the Zoning Code of the Town of Southeast to establish a new zoning district to be known as HC-1A and to amend the Zoning Map to designate certain properties in the vicinity of NYS Route 312 and Interstate Route 84 as HC-1A (the “Proposed Action”); and

WHEREAS, the Town Board is in receipt of and has considered an Environmental Assessment Form (“EAF”) herewith in connection with the Proposed Action.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby determines that, because of the nature and scope of the Proposed Action, the Proposed Action is a “Type I” as such is defined in Part 617 of the Regulations of the New York State Department of Environmental Conservation; and be it further

RESOLVED, that the SEQRA review of this Proposed Action shall be a “coordinated review” requiring a circulation of an Intent to Declare Lead Agency together with supporting documentation to all Involved and Interested Agencies; and be it further

RESOLVED, that the Town Clerk be and hereby is authorized and directed to circulate an Intent to Declare Lead Agency to all outside Agencies Interested or Involved in the Proposed Action in the form and content as annexed hereto.

UPON ROLL CALL VOTE:

Councilman Yee	<u>Aye</u>
Councilman Gross	<u>Aye</u>
Councilman Honeck	<u>Aye</u>
Councilman Johnson	<u>Aye</u>
Supervisor Rights	<u>Nay</u>

VOTE: Resolution carried by a vote of 4, to 1, 0 abstained.

NEW BUSINESS

RESOLUTION # 43/09 – ALGONQUIN GAS TRANSMISSION, LLC – AUTHORIZING SETTLEMENT OF CERTIORARI PROCEEDINGS

INTRODUCED BY: Councilman Honeck

SECONDED BY: Councilman Gross

WHEREAS, the following proceedings have been commenced challenging the assessed valuation of the following properties for the 2008 and 2009 tax years:

ALGONQUIN GAS TRANSMISSION COMPANY, LLC
v. TOWN OF SOUTHEAST ASSESSOR, ET AL.
Putnam County Clerk’s Index Nos. 3261/08 and 1998/09

WHEREAS, the Town Board is in receipt of settlement recommendations from the Town's Assessor 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 in the form annexed hereto in accordance with said recommendations.

UPON A ROLL CALL VOTE:

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

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

Highway truck - Councilman Gross commended Kevin Palmer for the purchase of a 1986 one ton truck for \$700.00 with 60,000 miles.

Tonetta Lake Beach is now open and Community Day was well run by the Recreation Dept.

Budget - Councilman Gross would also like each Department Head to look for a 5 to 10% reduction in their budget. Councilman Honeck asked that the Town Board work together for one budget and if Ron Hund could look into our retirement fund.

Verizon Contract.- Councilman Yee asked to be updated

EXECUTIVE SESSION

The meeting was left open and Supervisor Rights made a motion to enter into executive session for personnel reasons. Councilman Yee seconded. All in favor.

RESUMED MEETING - After executive session, the meeting resumed. Councilman Johnson made a motion to authorize the execution of a change order in connection with the Blackberry Sewer Upgrade Project to authorize delay of damage claims submitted by Southeast Mechanical and Southeast Plumbing. Councilman Honeck seconded.

August 13, 2009

Upon Roll Call Vote:

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

Vote: carried by a vote of 3 in favor, 2 against: 0 abstained.

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

Respectfully submitted;

Michele Stancati
Deputy Town Clerk