

TOWN OF SOUTHEAST
John J. Dunford Civic Center
1360 Route 22, Brewster, New York 10509
October 23, 2008
Regular Meeting - 7:30 PM

Notation of Exits
Pledge of Allegiance

Present: Supervisor Rights
Councilman Johnson
Councilman Honeck
Councilman Gross
Councilman Yee

Also: Town Clerk Mazzei
Highway Superintendent Lawler
Town Attorney Stephens

And also Approximately 60 interested persons

Call for the Order of the Day – Councilman Johnson

REGULAR MEETING

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

CORRESPONDENCE

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

Correspondence Received

1. Independent Auditors' Report for the year ending 12/31/2007
2. Putman Hills Waste Water Co., Inc Initial Rate Analysis by Gustella Associates Inc
3. To Town Hall from the Residents of Tulip Rd Re: Sound levels & Traffic on 84

4. To The Town of Southeast & Zoning Dept from True Care Pharmacy Re: Issues facing The Plaza
5. Town of Southeast, Supervisor Rights, & Board Members from Old Southeast Re: appeal for Financial Support
6. To Town Clerk from Mike Fila Re: Resignation
7. To Town of Southeast from Chris Dellaripa Re: Resume for Highway Superintendent
8. To Town Clerk & Town of Southeast from The Stephens Law Firm Re: MTA with Town of Southeast Landfill Closure
9. To Town Board from Putnam County Sheriff Re: Security at Town Board Meetings
10. To Town of Southeast from American Recreational Products Re: Estimate for Playground Amenities
11. To Town of Southeast from Tilly Foster Farm Re: Schedule of Events
12. To Town of Southeast from Miracle Recreation Equipment Re: Recreation equipment quote
13. To Town of Southeast from Raymond Michael LTD Re: Proposal For Recreation Equipment
14. To The Town of Southeast Re: Notice of Blasting 9/22/08 on 172 Milltown Rd
15. To Town of Southeast, Supervisor from The Mental Health Association in Putnam County Re: 6th Annual Gala on 10/29/08
16. To Michael Rights from CSEA Local 1000 Re: Negotiations
17. To Michael Rights From American Farmland Trust Re: Bus Tour
18. To Michael Rights from NYS GFOA Re: Membership
19. To Town of Southeast from People Against Domestic Violence Re: Annual Candlelight Vigil
20. To Town of Southeast from Laberge Group Re: Grant Alert
21. To Town Clerk from Croton Falls Fire District Re: Proposed 2009 Budget
22. To Southeast Planning Board from Jacobson Re: Route 6 Business Plaza request of Release of Performance Bond
23. To Southeast Planning Board from Jacobson Re: Dunmore Co Final Review
24. To Southeast Planning Board from Jacobson Re: D'Uva Site Plan Final Review
25. To Southeast Planning Board from Jacobson Re: Cingular Wireless Modification Design
26. To Southeast Planning Board from Jacobson Re: Lot #1 Sutton Corporate Park Amended Site Plan
27. To Town of Southeast from Jacobson Re: Gardner Property Sketch Plan Review
28. Southeast Museum to Supervisor Rights Re: Request for Contractual Expenses for 2009
29. Notice of Sale Re: Mahopac National Bank Against Argonne Enterprises
30. Notice of Sale Re: Union Savings Bank against Jess Leight
31. Notice of Sale Re: HSBC Bank against Frank A Dipietro

32. Town of Southeast Negative Declaration Re: Dykes Lumber
33. Town of Southeast Planning Board Resolution Re: Wetlands Permit for Dykes Lumber
34. To Supervisor Rights from The Putnam County Legislature Re: Economic Development Summit on 9/23/2008
35. To Ruth Mazzei from Eastern Copy Products, LLC Re: Contact Information & Request to be put on Town Bid List
36. To Town Board from Putnam County Re: Time Amendment of Main St Grant
37. Accord Certificate of Liability Ins Re: American Residential Services LLC
38. Accord Certificate of Liability Ins Re: Meenan Oil Co., LP
39. Accord Certificate of Liability Ins Re: Holland Company Inc.
40. Accord Certificate of Liability Ins Re: Meenan Oil Co., Inc
41. Liberty Mutual Certificate of Liability Re: Treco Corp
42. NYSIF Certificate of Workers Comp Ins Re: Southeast Mechanical Corp
43. Public Notice Re: Board of Fire Commissioners of the Brewster-Southeast Joint Fire District will hold a budget hearing on 10/23/2000 from 7:00 pm to 8:00 pm
44. Public Notice Re: Croton Falls Fire District proposed budget Posted on the official signboard web site of the Town of Southeast
45. To Roth Nursery Inc Re: Gelardi & Randazzo LLP has been Retained by the Town of Southeast as Special Council of the Eminent Domain Law in Reference to Springhouse Estates Water District
46. To Ruth Mazzei and Town Board Re: Liquor License renewal For Capriccio Restaurant
47. To Town Supervisor from PC District Attorney Re: People V Michael Fila-Restitution
48. To The Town Budget Officer Re: 2009 Proposed Budget for Croton Falls Fire District
49. To Town of Southeast Re: Training opportunities for Public Procurement Professionals
50. To Town of Southeast Re: Association of Towns Seminar on Personnel Mgmt & Labor Relations
51. To Town of Southeast Re: Ribbon Cutting for Hudson Valley Cerebral Palsy Association
52. Foils:
 - To Town Clerk from Lynne Eckardt Re: Westchester Tractor Public Hearing Notice
 - To Building Dept from Century 21 Re: Copy of DOH Compliance & Septic
 - To Tax Assessor from J Macreery Re: all office documents And reports for 29 North Brewster Rd
 - To Building Dept from Prudential Holmes Re: property &

- Septic survey
- To Town Clerk from Lever & Stolzenberg Re: Drawings Blueprints, Permits, & Violations for USA Baby
 - To Town Clerk from Steve Fasano Re: Peach Lake Bond Resolution
 - To Town Clerk from Tyree Environmental Re: all available Files on 1450 Route 22

53. Memos:

- To Ruth Mazzei from Nanci Kalbfell Re: Foil Request
- To File from Michael Rights Re: Phone Calls
- To Bill Ford from Michael Rights Re: Meeting
- Ron Hund from Mike Rights Re: Interim Highway Superintendent

54. Emails:

- From Will Stephens to Levon Bedrosian Re: Springhouse Estates-Eminent Domain Property Contract

Correspondence Sent

From Ruth Mazzei to Commissioners Valentine & Zalen Re: Michael Fila Resignation Letter
From Michael Levine to Mr. & Mrs. Kahn Re: Violation of Code
To Architectural Review Board from Southeast Planning Board Re: Dykes Lumber Inc Site
From Michael Rights To Robert Haggerty Re: Ryder Farm Project
From Michael Levine To Ms. Christine Buckley & Ms Kathleen Zazza Re: Letter of Apology for letters sent based on erroneous information
From Highway Dept to William Schwartz Re: File # 5010512-WS
From Michael Rights To Mr. & Mrs. Conti Re: refund check
From Michael Rights to Mr. & Mrs. Maloney Re: refund check
From Michael Rights to Maria Natell Re: reimbursement check
From Michael Rights to Westchester Tractor Re: Congratulations On Special Permit

VOUCHERS

Councilman Honeck made a motion to approve the voucher list in the amount of \$1,103,850.79. Supervisor Rights seconded and all in favor.

BUDGET TRANSFERS

Councilman Johnson made a motion approving Budget Transfers. Supervisor Rights seconded. All in favor. (see attached)

MEETINGS

All Meetings are held at 1360 Route 22, Brewster, New York at 7:30PM unless otherwise noted:

November 6, 2008 – Public Hearing on Budget Worksession
Special Meeting – Budget Adoption, Streetscape
Worksession to Follow

November 20, 2008- Regular Meeting

November 20, 2008- Public Hearing – Dykes Lumber

**RESOLUTION # 108 – CONTRACT FOR CARE AND SHELTER OF STRAY
DOGS**

INTRODUCED BY: Councilman Johnson

SECONDED BY: Councilman Honeck

WHEREAS, the New York State Agriculture and Markets Law requires each Town to provide for the care and harboring of stray dogs; and

WHEREAS, heretofore, the Town of Southeast has contracted with the Putnam County Humane Society on an annual basis and pursuant to a fixed price based upon the population of the Town; and

WHEREAS, a proposal has been made to the Town Board by the PCHS of Putnam County to provide dog shelter services for the 2009 Calendar Year.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby accepts the proposal of Putnam County Humane Society and authorizes the Supervisor to execute the contract memorializing the terms of such agreement.

Upon 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.

ADMINISTRATOR

Councilman Honeck made a motion to defer the hiring of a Temporary Town Administrator till the 11/06/08 meeting. Seconded by Councilman Yee. All in favor.

SOUTHEAST STATION

Supervisor Rights made a motion for an increase at the Southeast Station Parking. Councilman Gross seconded, 3 in favor and two against (Councilman Honeck and Johnson.)

STREETSCAPE

Deferred to November 6, 2008 , Special Meeting.

CEMETERY MAINTENANCE FUNDING

Motion made by Supervisor Rights for Cemetery fall clean-up, in the amount of \$500.00. Councilman Yee seconded. All in favor except Councilman Johnson.

RESOLUTION # /08 SUOZZI – SITE PLAN; RELEASE OF PERFORMANCE BOND

INTRODUCED BY: Councilman Yee

SECONDED BY: Supervisor Rights

WHEREAS, the Town Board of the Town of Southeast is in receipt of a report and recommendation from the Town Engineer with respect to the release of Performance Bond for Suozzi Commercial Building located on NYS Route 6 East (Danbury-Brewster Road) Tax Map No. 69.-1-12; 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 remaining performance bond amount for the Suozzi Commercial Building is hereby released and the Town Clerk is authorized to return any and all original bonds, deposits, letters of credit or other indicia of security posted in connection with this project.

UPON A ROLL CALL VOTE:

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

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

REIMBURSEMENT OF RECREATION FEES

Supervisor Rights made a motion to refund the Miggliaccio family for recreation fees in the amount of \$100.00. Councilman Yee seconded. Declined by Councilman Honeck, Councilman Johnson, and Councilman Gross. Request denied.

WESTCHESTER TRACTOR

Councilman Johnson made a motion to refer Westchester Tractor to the Southeast Planning Board. Councilman Gross seconded. All in favor except Supervisor Rights.

PLANNING BOARD FEES

Planning Board Fees will be adopted at the January 2009 Organizational Meeting.

RESOLUTION # /08 - BLACKBERRY SEWER DISTRICT UPGRADE CONTRACT AMENDMENT

INTRODUCED BY: Councilman Johnson
SECONDED BY: Councilman Honeck

WHEREAS, on or about May 1, 1998, the Town and the New York State Environmental Facilities Corporation (“EFC”) entered into an agreement wherein and whereby the Town would participate in a program to upgrade Town-owned waste water treatment plants located within the Town in order to comply with the New York City Watershed Regulations (the “Upgrade Agreement”); and

WHEREAS, the Town and EFC had, from time to time, amended this agreement to provide for additional funding to cover the escalating costs of the upgrade program; and

WHEREAS, it has been determined by the Town and the New York City Department of Environmental Protection that a further amendment of the Agreement is necessary.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute the document entitled "FOURTH AMENDMENT" to the Upgrade Agreement which, will increase the Total contract amount to \$5,515,507.06, or an additional increase of \$518,592.95, in the form annexed hereto.

UPON ROLL CALL VOTE:

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

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

COURTROOM SOUND SYSTEM

Councilman Johnson made a motion to approve the proposal for Courtroom Sound System for the amount of \$8,250.00. Supervisor Rights seconded. All in favor.

TAPING OF TOWN BOARD MEETINGS

Supervisor Rights made motion to go out for a RFP ("Request for Proposal") for Town Board Meetings Video Taping. Councilman Yee seconded and all in favor.

SELLING OF HIGHWAY TRUCKS

Councilman Johnson made a motion to advertise the selling of Highway Trucks, and off road vehicles. Supervisor Rights seconded. All in favor.

RESOLUTION # /08 - DIGGIN v. ASSESSOR OAK RIDGE PARTNERSHIP AND QUANTUM REALTY, INV. v. ASSESSOR SETTLEMENT OF CERTIORARI PROCEEDINGS

INTRODUCED BY: Councilman Johnson

SECONDED BY: Councilman Gross

WHEREAS, proceedings have been commenced challenging the assessed valuation of commercial premises known generally as Tax Map No. 57.-2-37 (Heidi's Motel) for the 2003, 2004, 2005, 2006, 2007 and 2008 tax years:

Diggin v. Assessor, et al., Putnam County Index Nos. 1140/03 & 922/04; and

Oak Ridge Partners, et ano. v. Assessor of the Town of Southeast, et al.
Putnam County Index Nos. 1103/05, 1343/06, 1449/07 and 1991/08

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 a Stipulation of Settlement and Discontinuance / Consent Judgment in accordance with said recommendations.

UPON A ROLL CALL VOTE:

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.

NEW BUSINESS

**RESOLUTION # /08 - DYKEMANS 4 ASSOCIATES SITE PLAN
ESTABLISHING PERFORMANCE BOND**

INTRODUCED BY: Councilman Gross
SECONDED BY: Supervisor Rights

WHEREAS, the Town Board is in receipt of a recommendation from the Town Engineer dated June 18, 2008 with respect to the establishment of a performance Bond for the Site Plan of Dykemans 4 Associates, owner of property located on NYS Route 312, Tax Map No. 45.-2-35; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the bond amount shall be established for the project set forth below:

PROJECT NAME:	BOND AMOUNT:
Dykemans 4 Associates Site Plan	Soil & Erosion: \$ 27,525.00
	Site Improvements: \$1,228,475.00
	Total: \$1,256,000.00

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

UPON A ROLL CALL VOTE:

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

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

EXECUTIVE SESSION -Supervisor Rights made a motion to enter into executive session and Councilman Gross seconded. All in favor.

Respectfully submitted,

Ruth Argo Mazzei
Southeast Town Clerk