

**TOWN OF SOUTHEAST**  
**John Dunford Civic Center**  
**1360 Route 22, Brewster, New York 10509**  
**December 17, 2009**  
**Regular Meeting – 7:30 PM**

**Notation of Exits**  
**Pledge of Allegiance**

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

Also: Town Clerk Mazzei  
Town Council Willis H. Stephens

And: Approximately 60 persons

**CERTIFICATE OF RECOGNITION**

The Town Board presented a Certificate of Recognition for Public Service to Councilman Johnson and Councilman Honeck. Highway Superintendent Kevin Palmer also presented Councilman Johnson and Councilman Honeck with a personalized street sign. Councilman Yee also thanked Councilman Johnson and Councilman Honeck for their years of service and personal sacrifice and suggested they open and close their final meeting.

Councilman Honeck made a motion to open the meeting. Councilman Johnson seconded. All in favor.

**PUBLIC HEARINGS**

**QUEST PROPERTIES**

Supervisor Rights made a motion to open the Public Hearing for Quest Properties. Councilman Honeck seconded.

The reading of the Public Hearing Notice for Quest Properties was waived. Richard O'Rourke, representing Quest Properties located on Independent Way, gave a brief history of why they're requesting the property be rezoned. In 2000, there was an application for Site Plan Approval, and during this process, the property was rezoned Residential/Commercial and became prohibited use. All outside approvals have been obtained and in April of 2009, an application was filled for zone change. The Planning Board unanimously adopted a resolution on August 10, 2009 recommending the property be rezoned back to OP1 as RC is not compatible with the neighborhood.

Public Comment was made by Lynne Eckardt, an ARB member who also agreed it would make sense to rezone the property.

Councilman Honeck asked what the time frame would be and Rick O'Rourke said they were hoping by the beginning of February 2010.

Supervisor Rights made a motion to close the Public Hearing and Councilman Johnson seconded. All in favor.

### **FABRIC COVERED STRUCTURES**

Supervisor Rights made a motion to open the Public Hearing for the Fabric Covered Structures. Councilman Gross seconded. All in favor.

Town Attorney Willis Stephens stated that the purpose for the Public Hearing is to consider a moratorium on prosecution for alleged violations of the Local Law # 1 of 2009. This is to propose a 6 month moratorium for the Town Board to have an opportunity to re-address the issue concerning use of these structures in residential zones. Currently structures in commercial zones are still subject to site plan review. If the structure was constructed without the site plan approval and CO, they will still be subject to potential for prosecution. This is not covered under this moratorium. The reading of the Public Hearing was waived and the meeting was opened for public comment.

Code Enforcement Officer Charles Tessmer noted that there was only one violation for prosecution and that it was commercial.

Joe Fiore has a commercial business and has had a canvas structure for 18 years. He was told by the previous building inspector a permit wasn't necessary. He was asking for flexibility or relaxing of the law to comply.

Walter Seeke thought the Town was doing a good job looking into this because from a residential view there are also metal ones instead of canvas.

Lynne Eckardt thought that there shouldn't be a moratorium on commercial, but that we should relook at the residential for safety reasons.

Paul Pasquantonio received a violation and would like to have a moratorium on commercial property. Councilman Johnson said that would be a separate Public Hearing that could be addressed in January.

Bernie Phiffer, who is representing Hudson Machine Works, asked if the Planning Board was prepared for the influx of Site Plan Reviews. He was assured they would be.

Bradley Schwarz asked how many commercial properties have been approved and the answer was one. He also asked how many residential properties were, and the answer was we're not sure.

Councilman Gross stated that he wants to be fair and do the right thing for the community, for the area to be safe and clean.

Councilman Johnson made a motion to close the Public Hearing. Councilman Honeck seconded. All in favor.

### **REGULAR MEETING**

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

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

## **CORRESPONDENCE**

1. Blackberry Hills Sanitary Sewer District Re: Certification and Disbursement Request
2. PC Executive to Town of Southeast Re: Grant funds available for MS4 initiative
3. Town of Carmel to NYSDEC Re: Enoch Crosby Road Extension, Town of Southeast, Putnam County Lead Agency Dispute
4. Stephen Coleman to Town Board Re: Lot 1 Weston Chase Subdivision
5. NYS DOT to Planning Board Re: Seqra – Crossroads 312
6. PC Executive to Supervisor Re: MS4 Draft Stormwater Renewal Permits
7. NYMIR to Town of Southeast Re: Barry Neeson v Town of Southeast
8. Jacobson to Town of Southeast Re: Maple Rd Storm Drainage Improvements & Surface Stabilization
9. Jacobson to Kevin Palmer Re: MS4 Stormwater Pollution Prevention Plan Acceptance Form
10. Robert Marshall to Ruth Mazzei Re: Real Property Assessment Form
11. Michael Haberman Associates Inc to Town Clerk Re: Real Property Revaluation Project
12. Briggs Appraisal Service to Supervisor Rights Re: Annual Reassessment Project
13. Assessment and Appraisal Information Systems Inc Re: Real Property Reassessment/Trending Project
14. Laurie Bell to Town of Southeast Re: Real Property Reassessment Project- Specifications
15. Jacobson to Planning Board Re: Ace Endico Bond Estimate
16. Jacobson to Planning Board Re: Two Starr Ridge Road Office Building Preliminary Site Plan Review
17. Jacobson to Planning Board Re: Heart to Heart Children’s Center Site Plan Review
18. Jacobson to Planning Board Re: Lot #1 Sutton Place Site Inspection
19. PC to Town of Southeast Re: MS4 Retrofit Study
20. EFC to Town of Southeast Re: CWSRF Project Peach Lake WWTP – Green Project Reserve Measures
21. NYS Office of Real Property Services to Laurie Bell Re: Certificate of Attendance
22. NYDEC & FEMA to Town of Southeast Re: Putnam County Flood Mapping Open Houses; FEMA Map Modernization Program
23. NYMIR to Town of Southeast Re: Claimant Robert Schoenberg
24. Comcast to Supervisor Rights Re: Network Enhancement
25. Sterling Environmental to NYSDEC Re: Town of Southeast Landfill Closure
26. NYSDEC to Town of Southeast Re: Dykes Lumber Company Notice of Complete Application
27. NYSDEC to Town of Southeast Re: Landfill Closure Erosion Control Material Progress
28. Malcolm Pirnie Inc to Town of Southeast Re: MS4 Stormwater Quality Improvement Study Interim Report
29. Gelardi & Randazzo to Town of Southeast Re: Jayne Spalvieri v County of Putnam
30. LADA PC to Planning Board Re: Crossroads 312 LLC
31. NYS Joint Application Form to Kevin Palmer Re: Lake Tonetta Stormwater Quality Basin
32. Comcast to Michael Rights Re: Franchise Fee Payment – Third Quarter 2009
33. William J Ford IAO AAS to Town of Southeast Re: Proposal for Real Property Reassessment Project
34. GAR Associates Inc to Town of Southeast Re: Reassessment Project
35. PC to Town of Southeast Re: MS4 Draft Stormwater Renewal Permits
36. PC Legislature to Town of Southeast Re: Outdoor Wood Boilers
37. PC Legislature to Town of Southeast Re: Restrictions on the Application and Sale of Lawn Fertilizers in PC
38. Eleventh Jam Development LLC to Town of Southeast Re: Reply from adjacent property owner regarding Stateline Special Permit
39. Sterns & Wheeler to Supervisor Rights Re: Peach Lake Project Contract 1
40. NYSDEC to Town of Southeast Re: Landfill Closure Plan
41. Keane & Beane PC to Town of Southeast Re: Crossroads 312, LLC Scoping Session – Public Comment

42. Putnam County Legislature to Town of Southeast Re: Peach Lake Sewer Project - response to request for support for exemption from Licensing Law
43. NYS DOT to Town of Southeast Re: Study of Route 312 Speed Limit
44. Federal Emergency Management Agency to Supervisor Rights Re: Preliminary copies of the Flood Insurance Rate Map
45. NYS Department of Public Service to Town of Southeast Re: Energy Cost & Savings Information
46. Acord Certificate of Liability Ins Re: Miller Environmental Group Inc
47. Acord Certificate of Liability Ins Re: Sani-Pro Disposal Services
48. Acord Certificate of Liability Ins Re: Hoffman Fuel Co of Danbury
49. Certificate of NYS Workers' Compensation Ins Coverage Re: Hoffman Fuel Co of Danbury
50. NYS Comptroller to Town Clerk Re: Updating Justice Files
51. Stephens Law Firm to John D D'Ercole Esq. Re: AAA Carting & Rubbish Removal Inc. v Town of Southeast, et al.
52. Jacobson to Planning Board Re: The Children's Station of Brewster Site Plan Review
53. Certificate of NYS Workers' Compensation Ins Re: Franks Home Improvements
54. Sterling Environmental Engineering to Town of Southeast Re: Standard Terms & Conditions
55. PC MS4 Stormwater Coordinating Committee to Town of Southeast Re: MS4 Retrofit Study
56. Acord Certificate of Liability Ins Re: landscape Unlimited Inc
57. Town of Putnam Valley to Town of Southeast Re: Notice to Bidders – Surplus Weed Harvester Bid
58. Al Limone to Highway Dept Re: Culvert Pipe off Larkspur Rd
59. NYSIF Cancellation of Workers' Compensation Ins Re: Town of Southeast Towing
60. NYS Comptroller to Town Clerk Re: Official Copy of Consent for Increase of amount to be Spent for Peach Lake
61. Croton Falls Fire District to Town Clerk Re: Public Notice for Annual Election
62. Charles Acker to Ruth Mazzei Re: Notice of Meeting for IDA
63. Town of Southeast Certificate of Compliance Re: HVAC
64. Dept of Veterans Affairs to Town of Southeast Re: Thank you for your donation
65. O'Connor, McGuinness, Conte, Doyle & Oleson to Town of Southeast Re: Nesson v Town of Southeast, et al.
66. NYS Office of Real Property Services to Town Clerk Re: New Assessor Information
67. Jacobson to Planning Board Re: Brewster Honda Preliminary Review 2-4 Allview Ave
68. Malcolm Pirnie to Town of Southeast Re: Stormwater Improvement Study
69. Certificate of NYS Workers Compensation Ins Re: Rogan Brothers
70. Briggs Appraisal Service to Supervisor Rights Re: Amendment of Bid
71. PC Legislature to Supervisor Rights Re: Veterans' Property Tax Exemption
72. Michael Edward Plank to Willis H Stephens Jr Re: O'Hearns pursuing violations against Tomassetis
73. NYSDEC to Supervisor Rights Re: Notice of Program Evaluation
74. Utica First Ins Co Notice of Nonrenewal Re: Bruce Major Contracting Inc
75. Town of Patterson to Town of Southeast Re: Amendment to Chapter 154 – Zoning Districts
76. Town of Patterson to Town of Southeast Re: Amendment to Chapter 154 – Zoning Fences
77. Town of Patterson to Town of Southeast Re: Amendment to Chapter 154 – Zoning Clubs
78. Town of Patterson to Town of Southeast Re: Amendment to Chapter 154 – Zoning Apartments
79. Acord Certificate of Liability Ins Re: Envirostar Corp
80. Acord Certificate of Liability Ins Re: Alvin Petroleum Systems Inc
81. Utica First Notice of Nonrenewal Re: Bruce Major Contracting
82. NYMIR to Town of Southeast Re: Denial of claim for Robert Schoenberg
83. Town of North Salem to Town of Southeast Re: Peach Lake Sewer District Maintenance Agreement
84. **Foils:**
  - Ann Fanizzi Re: All info on Crossroads 312

- Yoshihiko Ito Re: All info on Brewster Honda from Sept 28, to Nov 6, 2009
- Peter Juliano Re: Violations & permits on 88 Blueberry Dr
- Dan Mihalczko Re: Survey for 48 Cobb Rd
- Nina Todaro Re: CO's & Violations for 30 Bloomer Rd
- Houlihan Lawrence Re: Survey for 1 Hawks Lane
- Superior Data Re: CO's, Violations, & Building Permits for 18 Lakeside Rd
- Houlihan Lawrence Re: Surveys for 9 Tea Lane
- John Tomassetti Re: Permits, CO's, & Violations for 18 Elmwood Dr
- Wendy Lubinsky Re: Plans, Approvals, & Health records for Wings over Water
- Andrew Grant Re: Septic System Plans for 19 South Hollow Rd
- Superior Data Re: CO's, permits, & violations for 17 Pine View Dr
- Don Cuomo Re: Vallejo file
- Superior Data Re: CO's, Permits, & Violations Re: 1305 Village Dr
- Liberty Mutual Re: Building Permit for 852 Drewville Rd
- Empire State Research Re: CO's, Building Permits, & Violations for 32 Acorn Rd
- Nina Todaro Re: CO's, Permits & violations for 1450 Rt 22

**85. Memo's:**

- Michael Rights to Laurie Fricchione Re: Personnel Matter
- Highway Dept to Town Board Re: Burdick Rd – No Parking /No Standing Zone
- Kevin Palmer to Ruth Mazzei Re: Enoch Crosby Rd Lead Agency Resolution
- Recreation to Town Board Re: State Aid

**CORRESPONDENCE SENT**

1. Facilities Manager to 2010 Potential Contractors Re: RFP for Town of Southeast Lawn Maintenance
2. Town of Southeast to Westchester County DEH Re: Peach Lake Sewer District Maintenance Agreement
3. Supervisor Rights to Residents of Maple Road Re: Closed for repairs on Saturday, November 21, 2009
4. Supervisor Rights to Mr. John Lynch Re: Stateline Retail Center
5. Supervisor Rights to Whom it may Concern Re: Letter of Recommendation for Laurie Fricchione
6. Town Clerk to Wendy Weiner Re: Congratulations on your appointment to the Board of Assessment Review
7. Supervisor Rights to Fred Delfay, Kevin Callahan, Charles Gardineer, Stephanie Giordano, Victoria Diserdo, Maria Avitabile, Kathleen Chambers, James Perkins, & Scott Miller Re: Thank you for your resume

**VOUCHERS**

Councilman Honeck made a motion to approve the vouchers in the amount of \$1,250,872.22. Councilman Johnson seconded. All in favor.

**MEETING DATES**

Councilman Johnson made a motion to set the following meeting dates to be held at 1360 Route 22, Brewster, NY at 7:30 PM. Councilman Honeck seconded. All in favor.

January 7, 2010 – Organizational Meeting

January 14, 2010 – Work Session

January 21, 2010 – Regular Meeting

- Public Hearing

1. Brewster Honda

2. Ambulance Corps – Special District

**BUDGET TRANSFERS**

Councilman Honeck made a motion to approve the budget transfers and Councilman Johnson seconded. All in favor.

**MINUTES REVIEW**

Councilman Yee suggested that we approve the minutes going into the New Year.

**EXCELLENCE IN EQUITY CERTIFICATE – OFFICE OF REAL PROPERTY**

Town Assessor Laurie Bell introduced John Wolham & Larry Reed Form the Newburg Office of Real Property Services. They presented an Award Certificate in Excellence to Laurie Bell and the Assessor’s Office on behalf of the Town of Southeast for maintaining assessments at 100% of market value for the last 9 years. This insures that the property owners are paying their fair share. Laurie Bell thanked former Supervisor’s John Dunford, Lois Zutell, and the current Town Board for their support.

**APPOINTMENT OF PROPERTY TAX REASSESSMENT CONSULTANT; AUTHORIZE SUPERVISOR TO SIGN CONTRACT**

Supervisor Rights made a motion to appoint Briggs Appraisal Service as Property Tax Reassessment Consultant for \$24,900. Councilman Yee seconded. All in favor.

**RESOLUTION #64/09 ACE ENDICO - PHASE II SITE PLAN RESOLUTION ESTABLISHING PERFORMANCE BOND**

INTRODUCED BY: Councilman Honeck

SECONDED BY: Councilman Yee

**WHEREAS**, the Town Board is in receipt of a recommendation from the Town Engineer dated November 9, 2009 with respect to the establishment of a performance Bond for the Site Plan of ACE ENDICO, owner of property located on International Boulevard; 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:**

Ace Endico Phase II Site Plan	Soil & Erosion:	\$ 7,600.00
	Site Improvements:	\$46,400.00
	Total:	<u>\$54,000.00</u>

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	<u>Aye</u>
Councilman Gross	<u>Aye</u>
Councilman Honeck	<u>Aye</u>

Councilman Johnson        Aye  
Supervisor Rights         Aye

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

**PEACEABLE HILL DISTRICT – WATER METERS**

Supervisor Rights made a motion to authorize Special Districts, the Town Board, and the Town Clerks Office to bid out for the installation of the water meters for the Peaceable Hill Water District. Councilman Johnson seconded. All in favor.

**EMPLOYEE ATTRITION PROCEDURE**

Councilman Johnson made a motion that as employees resign, retire or are terminated, part-time, or full-time, replacement of that employee or the assumption of the former employees part-time hours by another part-time employee must be approved by the Town Board until further notice. Councilman Gross seconded. All in favor.

**MANAGEMENT TRAINING PROGRAM RE: ETHICAL ISSUES**

Councilman Yee made a motion to research available programs for a management training program concerning ethical issues. Supervisor Rights seconded. All in favor.

**RESOLUTION #65 /09 OCFS RECREATION AND YOUTH SERVICES FUNDING**

INTRODUCED BY: Councilman Johnson

SECONDED BY: Councilman Honeck

**WHEREAS**, the New York State Office of Children and Family Services (“OCFS”) has announced preliminary 2010 funding levels for local recreation and youth services; and

**WHEREAS**, the Town of Southeast is eligible for program funding from the OCFS for the 2010 Calendar Year; and

**WHEREAS**, in order to obtain such funding, OCFS requires that the Town Board authorize the submission of program applications.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor and Director of Recreation are hereby authorized to prepare, sign and submit any and all applications or other documents which are necessary and proper in connection with obtaining funding for local recreation and youth services through the OCFS and Putnam County Youth Bureau; and be it further

**RESOLVED**, that any and all actions taken heretofore in connection with the application for funding from and through OCFS and the Putnam County Youth Bureau are hereby ratified and confirmed;

**RESOLVED**, that the Town Clerk be and hereby is authorized and directed to forward a certified copy of this resolution to Joseph DeMarzo, Executive Director, Putnam County Youth Bureau, 110 Old Route 6, Bldg 3, Carmel, NY 10509, forthwith.

**UPON 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.

**RESOLUTION NO. 66/09 NESSON V. TOWN OF SOUTHEAST SETTLEMENT OF CERTIORARI PROCEEDINGS**

INTRODUCED BY: Councilman Johnson  
SECONDED BY: Councilman Honeck

**WHEREAS**, proceedings have been commenced challenging the assessed valuation of commercial premises known generally as Tax Map No. 67.36-2-4 for the 2002, 2003, 2004, 2006, 2007 and 2008 tax years; and

WHEREAS, as part of the negotiate settlement of the outstanding challenged years, the Petitioner has agreed discontinue claims for the years 2002, 2003 and 2004; 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 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 for the following:

*Nesson v. Town of Southeast, Westchester Co. Index Nos. 13856/2006; 13709/2007; and 16226/2008*

**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.

**RESOLUTION NO. 67/09 DJ & NA MANAGEMENT v. TOWN OF SOUTHEAST SETTLEMENT OF CERTIORARI PROCEEDINGS**

INTRODUCED BY: Councilman Johnson  
SECONDED BY: Councilman Honeck

**WHEREAS**, proceedings have been commenced challenging the assessed valuation of commercial premises known generally as Tax Map No. 67-36-2-4 for the 2001, 2002, 2003, 2004, tax years; 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 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 for the following:

*DJ & NA Management v. Town of Southeast*, Putnam County Index Nos. 1000/2001; 1339/2002; 1139/2003 and 1679/2004

**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

**RESOLUTION NO. 68/09 BREWSTER REALTY PARTNERS v. TOWN OF SOUTHEAST SETTLEMENT OF CERTIORARI PROCEEDINGS**

INTRODUCED BY: Councilman Johnson  
SECONDED BY: Councilman Honeck

**WHEREAS**, proceedings have been commenced challenging the assessed valuation of commercial premises known generally as Tax Map No. 56.81-1-2 for the 2002, 2003, 2004, 2005, 2006 and 2008 tax years; and

WHEREAS, as part of the negotiated settlement of the outstanding challenged years, the Petitioner has agreed discontinue claims for the 2002 tax year; 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 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 for the following:

*Brewster Realty Partners v. Town of Southeast*, Putnam County Index Nos. 1325/2002; 1234/2003; 1170/2004; 1327/2005; 1547/2006; 2030/2008 and 2177/2009

**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.

**RESOLUTION NO. 69 / 09 ROCKY FARM ESTATES, INC. v. TOWN OF SOUTHEAST  
SETTLEMENT OF CERTIORARI PROCEEDINGS**

INTRODUCED BY: Councilman Johnson

SECONDED BY: Councilman Honeck

**WHEREAS**, proceedings have been commenced challenging the assessed valuation of commercial premises known generally as Tax Map Nos. 46-5-16, 17 19 & 21 for the 2009 tax years; 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 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 for the following:

*Rocky Farm Estates, Inc. v. Town of Southeast, Putnam County Index Nos. 2169/2007; 2168/2009; 2169/2009; 2172/2009*

**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.

**RESOLUTION NO. 70 / 09 VITA v. TOWN OF SOUTHEAST SETTLEMENT OF CERTIORARI  
PROCEEDINGS**

INTRODUCED BY: Councilman Johnson

SECONDED BY: Councilman Honeck

**WHEREAS**, proceedings have been commenced challenging the assessed valuation of commercial premises known generally as Tax Map Nos. 57.5-3-1.1 and 1.2 for the 2009 tax year; 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 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 for the following:

**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.

**RESOLUTION # 71 /09 DeLEO v. TOWN OF SOUTHEAST SETTLEMENT OF CERTIORARI PROCEEDINGS**

INTRODUCED BY: Councilman Johnson  
SECONDED BY: Councilman Honeck

**WHEREAS**, proceedings have been commenced challenging the assessed valuation of commercial premises known generally as Tax Map Nos. 57.-2-52.3 for the 2009 tax year; 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 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 for the following:

*DeLeo v. Town of Southeast, Putnam County Index No. 2161/2009*

**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.

**RESOLUTION NO. 72 / 09 PALLADINO v. TOWN OF SOUTHEAST SETTLEMENT OF CERTIORARI PROCEEDINGS**

INTRODUCED BY: Councilman Johnson  
SECONDED BY: Councilman Honeck

**WHEREAS**, proceedings have been commenced challenging the assessed valuation of commercial premises known generally as Tax Map No. 46.-3-20 for the 2009 tax year; 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 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 for the following:

*Palladino v. Town of Southeast, Putnam County Index Nos. 2171/2009*

**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.

**RESOLUTION NO. 73 / 09 POWERS PRODUCTS III, LLC v. TOWN OF SOUTHEAST SETTLEMENT OF CERTIORARI PROCEEDINGS**

INTRODUCED BY: Councilman Johnson

SECONDED BY: Councilman Honeck

**WHEREAS**, proceedings have been commenced challenging the assessed valuation of commercial premises known generally as Tax Map No. 46.-5-7 for the 2008 and 2009 tax year; 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 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 for the following:

*Powers Products v. Town of Southeast, Putnam County Index Nos. 1947/2008; 2165/2009*

**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.

**RESOLUTION NO. 74 / 09 D J LEDLEY FOOD SERVICE, INC. v. TOWN OF SOUTHEAST SETTLEMENT OF CERTIORARI PROCEEDINGS**

INTRODUCED BY: Councilman Johnson

SECONDED BY: Councilman Honeck

**WHEREAS**, proceedings have been commenced challenging the assessed valuation of commercial premises known generally as Tax Map No. 67.35-1-10 for the 2009 tax year; 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 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 for the following:

*D J Ledley Food Service, Inc. v. Town of Southeast, Putnam County Index Nos. 21656/2009*

**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.

**CHRISTMAS TREE SALES**

Supervisor Rights made a motion to waive the fee for a Christmas Tree Permit for Paul Pasquantonio. Councilman Yee seconded.

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

**RESOLUTION NO. 75 / 2009 LANDFILL-AUTHORIZING SUPERVISOR TO EXECUTE AGREEMENT WITH METRO NORTH RAILROAD**

INTRODUCED BY: Councilman Yee

SECONDED BY: Councilman Johnson

**WHEREAS**, the Town of Southeast is subject to a Consent Order with the State of New York, Department of Environmental Conservation (DEC), relating to the discontinuance, closing and capping of a former municipal landfill facility; and

**WHEREAS**, such landfill is located adjacent to lands owned by Metro North Railroad (Metro North) known generally as the "Harlem Line";

**WHEREAS**, portions of the landfill consist of waste deposits located on lands owned by Metro North; and

**WHEREAS**, in 2008 Metro North entered into a Permit to Enter Property and Compensation Agreement (the "Permit") with the Town of Southeast to cover certain excavation work taking place on Metro North lands in connection with the landfill closure project; and

**WHEREAS**, the Town had deposited the sum of \$610,000 with Metro North to cover the cost of the anticipated work; and

**WHEREAS**, but for some minor exceptions, the work covered under the permit has been completed and Metro North would like to refund the balance of the unused funds to the Town with an amount retained to cover future flag protection and inspections services; and

**WHEREAS**, Metro North had requested that the Town enter into a letter agreement modifying the terms of the Permit and calling for the immediate refund of \$315,199.17 to the Town.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor of the Town of Southeast is authorized and directed to execute the letter agreement dated December 3, 2009 on behalf of the Town with Metro North Railroad, as previously approved by the Town Attorney.

**UPON ROLL CALL VOTE:**

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

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

**SERVICE RECOGNITION**

Past Supervisors John Dunford and Lois Zutell recognized Councilman Johnson and Councilman Honeck for their service, dedication, honesty, and integrity for their years on the Town Board. They presented them with a gift and wished them lots of luck in the future.

Councilman Honeck addressed the Town Board, Residents, Past Supervisors, Each Department and all Town Employees and thanked them for their faith and trust. He also thanked his wife Rose for all her support and praised all Town Employees for always putting in a team effort and working so diligently. Councilman Honeck mentioned all the accomplishments of the last 12 years and said it was his pleasure to serve the Town.

Councilman Johnson thanked all the Residents for electing him 4 times and said it was an honor to serve with the Town Board. He thanked all Town Department Heads, their Employees, All Town Boards and Commissions, County Departments, Senator Leibell, Mayors, Village Trustees, and Residents who come to the meetings to show their support. Without them, nothing would get accomplished. Councilman Johnson then thanked his wife Andrea and daughter Alexandra for all their support and wished the new Town Board good luck.

Councilman Gross thanked Councilman Johnson and Councilman Honeck for their hard work, intelligence, integrity, and honesty. He said he has the greatest respect for them and their leadership will be greatly missed.

**NEW BUSINESS**

**STIPEND FOR TOWN JUSTICES**

Because of new court duties, Supervisor Rights made a motion to grant a stipend to Justices Vercollone and Folchetti in the amount of \$1,500.00 commencing in January 2010. Councilman Gross seconded. All in favor.

**CSEA**

Supervisor Rights made a motion to ask municipal retirees to participate in the CSEA dental plan at no cost to the Town. Councilman Gross seconded. All in favor.

**RAIL TRAIL**

Councilman Honeck moved to authorize the Supervisor to execute easement agreements and related documents in favor of Putnam County in connection with the Rail Trail which generally follows the path of the Putnam Division of the Harlem Railroad all in a manner and form as approved by the Town Attorney. Supervisor Rights seconded. All in favor.

**NOTICE OF APPEAL**

Councilman Honeck made a motion to file an Appeal of Justice Andrew O'Rourke's decision of 12/1/2009 on the Town of Southeast Garbage Contract. The filing of the Notice of Appeal preserves our right to appeal the decision within the applicable time period. I believe it necessary in light of possible future litigation. Councilman Gross seconded.

**UPON ROLL CALL VOTE:**

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

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

**ARCHITECTURAL CONSULTANT**

Councilman Gross made a motion for the Architectural Consultant to only review and comment on an application when requested by the chairman of the ARB in his sole discretion. Councilman Johnson seconded.

**UPON ROLL CALL VOTE:**

Councilman Yee	<u>Nay</u>
Councilman Gross	<u>Aye</u>
Councilman Honeck	<u>Aye</u>

Councilman Johnson Aye  
Supervisor Rights Nay

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

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

Respectfully Submitted,

Michele Stancati  
Deputy Town Clerk







