

**Town of Southeast  
John J. Dunford Civic Center  
1360 Route 22, Brewster, New York 10509  
December 18, 2008  
Regular Meeting – 7:30 PM**

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

Also: Deputy Town Clerk Michele Stancati  
Town Attorney Willis Stephens, Jr

And: Approximately 30 persons

Notation of Exits  
Pledge of Allegiance

Councilman Honeck called for the Order of the Day.

**Presentation of Businesses of the Year Certificate – Recreation Department**

Ray Knox and Maryanne Gallipani presented Business of the Year Awards to Harold Lepler (Covington Management), Kim and Frank Milano (Kobackers), Tom Grimes (Go Mini's Storage), and Brian Kelly and Lee Day (AON Physical Therapy)..

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

**PUBLIC HEARINGS**

**Public Hearing – Millennium Real Estate**

Supervisor Rights made a motion to open the hearing and Councilman Yee seconded. All in favor. Legal notice read. The Town Board was asked to consider the application of a Special Permit for permission to conduct a retail business in a GC-1 zone for Millennium Real Estate. The premises are located at the intersection of Old Route 6 and Old Route 312 (Tax Map No. 56.9-1-19). A presentation was given by Michael Liguori, Attorney; Joe Mansfield, Architect; and Peter Iovino from Millennium Real Estate. The Highway Superintendent Jim Lawlor was asked his opinion and he recommended that it would be beneficial to the Town. Lynn Eckardt raised concerns about the DEP, the Septic and its affect on the Reservoir. Town Attorney Willis Stephens said that would be a Health Department issue. Joe Mansfield also said that the Town Engineer was satisfied. Supervisor Rights made a motion to close the Special Meeting and Councilman Honeck seconded. All in favor.

**Public Hearing – Dykes Lumber**

Councilman Honeck made a motion to open the hearing and Councilman Yee seconded. All in favor. Legal Notice read. A presentation was made by Rick O'Rourke and Joseph Bresinski. Victor Grossman from the Land Trust was concerned with traffic flow, access over the Land Trust Property, the maintenance and liability of that access, and drainage into the Wetlands. Lynn Eckardt was concerned with outdoor storage. A resident was concerned about the traffic safety of children and residents using the rink because of the

retail side of Dykes Lumber and trucks entering and leaving. Some changes were made to the original design and they were being sent back to the Planning Board. Supervisor Rights made a motion to close the Public Hearing and Councilman Yee seconded.

### **Public Hearing - Drake Petroleum**

Supervisor Rights made a motion to open the meeting and Councilman Gross seconded. All in favor. Legal Notice read. Robert Cameron made a presentation and passed around pictures of what the property will look like. Supervisor Rights had concerns that the photographs didn't look like the plans and it was explained that the photos were to show the material being used, like the type of shingles and the color. Town Attorney Willis Stephens said that if the Board wanted to put specific conditions in the special permit about the architectural design, they can. Another question was will there be new tanks, and the answer was yes. Also, would there be any outside storage, and the answer to that was no. The question was raised whether there was a need for another gas station and convenience store and it was understood that that would be the only business to go there. When asked whether the gas station and store would be open all night the answer was no. Mr. Cameron wasn't sure about the exact hours. Councilman Yee made a motion to close the Public Meeting and Councilman Gross seconded. Motion carried by a vote of 4 to 1. Councilman Johnson voted no.

## **REGULAR MEETING**

### **CORRESPONDENCE**

Supervisor Rights made a motion to waive the reading of the correspondence and Councilman Gross seconded. All in favor. Councilman Yee made a suggestion that the correspondence should be on letterhead and dated to look official. Town Attorney Willis Stephens said that this is not the official copy but that it will later become part of the minutes and the Official Record. Emails were discussed and Town Attorney Willis Stephens stated that they are also public record. A vote was taken to accept correspondence. All in favor, except Councilman Johnson. Councilman Johnson said he wasn't receiving all correspondence. Vote carried 4 to 1.

### **CORRESPONDENCE RECEIVED**

1. PF Beal & Sons Inc to Levon Bedrosian Re: Contracts for Springhouse Water
2. Paul Rotchford to Town of Southeast Re: Resignation
3. Putnam County Legislature to Town Clerk Mazzei Re: Resolution #358
4. NYS Office of Real Property Services to Town of Southeast Re: 2008 Assessment Roll
5. PC Legislature to Town of Southeast Re: Heating Oil Plan
6. Chazen Company to Town Clerk Re: Request for Zoning Information
7. CR Properties Group to Town Clerk Re: Zoning Book
8. Shamberg Marwell Davis & Hollis, PC to Town Clerk Re: People of NYS V. Savino Case No:08010550
9. NYSDOH to Town of Southeast Re: Drinking Water State Revolving Fund
10. OAKRF to Town of Southeast Planning Board Re: Stateline Retail Center
11. JFM Architect to Town of Southeast ARB Re: Millennium Real Estate Services
12. Guastella Associates to Mr Harold Lepler Re: Putnam Hills Waste Water Co.
13. Federated Insurance Re: Notice of Impending Cancellation of Aqueduct Plumbing & Heating of Putnam Inc
14. Acord Certificate of Liability Re: Alfredo Site Development Corp
15. Concerned Residents of Southeast to Town Board & Supervisor Re: Potential Zoning change on Route 6 & Allview Ave

16. The Allview Ave – Meadow Lane Coalition to The Southeast Town Board
17. Hudson Valley Regional Council to Supervisor Michael Rights Re: 2010 Census
18. Blu Dot Inc. to Southeast Planning Board Re: Final Wetland Report
19. Dept of Health to Town of Southeast Re: 2009 Water Supply Application
20. Acord Certificate of Liability Ins Re: Sani-Pro Disposal Services Corp DBA Suburban Carting
21. Blackberry Hills Sewer District Certification & Disbursement Request
22. Hudson Valley Building & Construction Trades Council Apprenticeship Programs in the Hudson Valley
23. Croton Falls Fire District Re: Certificate of Inspectors of Election
24. NYS Municipal Workers Compensation Re: Paul Meissner
25. Jacobson to Town of Southeast Planning Board Re: Brewster/Southeast Joint Fire District
26. **Foils:**
  - MacCartney, MacCartney, Kerrigan & MacCartney Sisca v Lyrics Gas Corp
  - Snyder & Snyder LLP Re: Cingular Approvals at Vails Grove Gold Course on Peach Lake Rd
  - David Bruen Re: Copy of Pricing Structure for Water & Sewer 2008
  - Houlihan Lawrence Re: Certificate of Occupancy & Survey for 15 Pineview Dr, Brewster
  - Yosh Ito Re: any petitions filed by Brewster Honda requesting zoning changes
  - Yosh Ito Re: any new petitions filled by Brewster Honda
  - Coldwell Banker Re: Blueprint of Septic system for 195 Peach Lake Rd
  - Vincent Macera Re: CO, Easement, Well, Property Lines & Septic Location for 15 Pine View Drive, Brewster
  - Houlihan & Lawrence Re: Survey of Property for 15 Pine View Dr
  - Edith Keasley Re: Reaveson Storage Barn
27. **Memos:**
  - To Michael Rights from Michael Levine Re: Building Permit Fees
  - To Town Board from Willis H Stephens Re: Town Board Minutes
  - To Town Board from Town Clerk Re: Liquor License Application/Renewal
  - To Michael Rights from Zoning Enforcement Officers Re: Rearview Mirror
  - To Town Board from William Ford Re: Town Owned Property
  - To Michael Rights from Ray Knox Re: Communication between the Recreation Department & Recreation Advisory Board
28. **Emails:**
  - DM Rights to Greenmeadow Re: Meadow-Allview Matter
  - Millie Nugent to DM Rights Re: Letter Southeast / Open Space Advisory Committee
  - VMFAIA to DM Rights Re: Projects update
  - Spain Agency to Town of Southeast Re: Hardscrabble Tennis Club Bond Release
  - Levon Bedrosian to Roth Nursery Re: Test Wells Location Time Line/Springhouse
  - Charles Tessmer to Town Board, Town Counsel, & Town Clerk Re: 12 Elmwood Inspection 11/24/08
  - Paul Johnson to VMFAIA & Town of Southeast Re: Projects Update

**Correspondence Sent**

1. Michael Rights to Residents of Springhouse Estates Water District Re: Update
2. Ruth Mazzei to Croton Falls Fire District Re: Annual Election Notice Posting
3. Planning Department to Commissioner of PC Dept of Planning Re: Site Plan Application/239M Review
4. Town Board To Hardscrabble Tennis Re: Release of Bond

**BUDGET TRANSFERS**

Councilman Honeck made a motion to approve the Budget Transfers. Councilman Yee seconded. All in favor. (posted at end of minutes)

**VOUCHERS**

Supervisor Rights made a motion to approve the vouchers list in the amount of \$849,472.50 for the month of December as submitted. Councilman Honeck seconded. All in favor except Councilman Yee, who abstained. Vote carried 4 to 1.

**MEETING DATES**

Councilman Yee made a motion to set the following meeting dates at 1360 Route 22 Brewster, NY 10509 at 7:30 pm, unless otherwise noted. Supervisor Rights seconded. All in favor. Councilman Yee asked if CV Starr students could make a presentation at the January 22<sup>nd</sup> meeting.

January 8, 2009 – Organizational Meeting – Worksession to follow

January 22, 2009 – Worksession

January 29, 2009 – Regular Meeting

**PUBLIC HEARING DATES**

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

Town Wide District Hearing – moved to worksession

January 29, 2009 – Proposed Amendment to Chapter 3 – Architectural Review Board  
7:30pm

**UPDATE OF 2008 ISSUES – Roger Gross**

Supervisor Rights read a statement of the accomplishments made by Councilman Yee and himself and how they kept to their campaign promises. Councilman Gross then read a list of 15 accomplishments made by the Town Board. They are as follows:

1. Springhouse Estates – Well Water
2. Water/Spray Park – Wells Park
3. Recreation – Volunteer Park, Volleyball, Programs
4. Landfill – 85% covered
5. Inter-municipal agreements- cooperation with the Village of Brewster
6. Key Appointments
7. Highway Department
8. Contracts CSEA/Teamsters
9. Peach Lake Sewer District
10. Lakeview Manor – Plans for Expansion
11. Putman Human Society – land transaction
12. Green Building Codes
13. Website Upgrade
14. Foggingtown Road/Cobb Road
15. Old Town Hall/New Town Hall

**RESOLUTION #65/08 ESTABLISHING OFFICE OF DEPUTY HIGHWAY SUPERINTENDENT**

INTRODUCED BY: Councilman Honeck  
SECONDED BY: Councilman Johnson

**WHEREAS**, Section 32 of the New York State Town Law provides that a town board may “at any time establish the office of Deputy Superintendent of Highways”; and

**WHEREAS**, it is the sense of this Town Board that the nature and extent of the duties and obligations conferred upon the Town Superintendent of Highways has grown exponentially over the years; and

**WHEREAS**, the Town of Southeast would be well served if the Superintendent of Highways was assisted on an administrative level in the ongoing performance of his duties; and

**WHEREAS**, the Town Board has made budgetary accommodation for the establishment of the office of Deputy Superintendent of Highways in the 2009 Adopted Town Budget in anticipation of the need to provide able assistance to the Superintendent of Highways.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Southeast that the office of Deputy Superintendent of Highways is hereby created and established in the Town of Southeast pursuant to Section 32 of the Town Law; and be it further

**RESOLVED**, the Superintendent of Highways shall appoint the Deputy Superintendent of Highways within five (5) days of the date hereof, and that the person so appointed shall file his or her statutory Oath of Office with the Clerk of the Town of Southeast forthwith; and be it further

**RESOLVED**, this resolution shall take effect immediately.

Upon Roll Call Vote:

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

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

**CSEA CONTRACT** – To be discussed at Executive Session

**WEBSITE ANNOUNCEMENT**

Councilman Johnson gave an update on the new Town of Southeast Website. The address is [www.townofsoutheast.ny.com](http://www.townofsoutheast.ny.com).

**WETLANDS INSPECTOR**

Councilman Gross made a motion to approve the hiring of Mr. Stephen W. Coleman as the new Wetlands Inspector. His part-time salary was discussed. Councilman Honeck seconded. An unrelated matter was discussed which was not on the agenda. Councilman Gross again made a motion to vote on The 2009 Wetlands Inspector. Councilman Honeck seconded.

Upon Roll Call Vote:

Councilman Yee – Nay	Councilman Johnson - Aye
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Councilman Gross – Aye  
Councilman Honeck – Aye

Supervisor Rights - Nay

Vote: Carried 3 in favor, 2 against.

**SPRINGHOUSE WATER DISTRICT RATES**

Councilman Yee made a motion to keep Springhouse rates at the 2008 price through 2009 until the work is finished, and lend the district the money. Supervisor Rights seconded. 4 in favor, Councilman Johnson against.

**BREWSTER HEIGHTS SPECIAL DISTRICT**

Supervisor Rights made a motion to move this to a worksession. Councilman Yee seconded. All in favor.

**TERRAVEST WASTEWATER TREATMENT RATES APPROVAL**

Supervisor Rights made a motion to move this to a worksession. This was deferred at the request of the applicant. Councilman Yee seconded. All in favor.

**UNION APPRENTICESHIP**

Supervisor Rights said this was deferred at the request of the Union.

**BUILDING PERMIT FES** – Worksession item

**NYS DOT PERMITS APPLICATION RE: ROUTE 6 & ROUTE 312  
BEAUTIFICATION PROJECT**

Councilman Honeck made a motion to accept the Beautification Project outlined by Walt Thompson as amended, and at no cost to the town. Councilman Johnson seconded. All in favor.

**PROCEDURE FOR TOWN BOARD RE: MINUTES**

Supervisor Rights made a motion to put this on a Worksession agenda. Councilman Yee seconded. All in favor.

**CHOP RESOLUTION # 66-08 (COOPERATIVE HEATING OIL PURCHASE)**

INTRODUCED BY: Councilman Yee  
SECONDED BY: Supervisor Rights

**WHEREAS**, the Town of Southeast is in receipt of correspondence dated November 13, 2008, from Hon. Mary Ellen O’Dell, County Legislator and Co-Chair of the Putnam County Legislature’s Commission on Fiscal Vision & Accountability; and

**WHEREAS**, the foregoing correspondence advised the Town of Southeast regarding the existence of a cooperative heating oil purchase program which had been established in the Town of Cortlandt, Westchester County, New York; and

**WHEREAS**, experience has revealed that the cost of home heating oil can fluctuate radically in a relatively short period of time; and

**WHEREAS**, it appears that there may be significant economies available to consumers if they were to avail themselves of a cooperative heating oil buying program; and

**WHEREAS**, it is the sense of this Town Board that the leverage and buying power would be more significant if a cooperative home heating oil program were established at the County level, available to all residents of Putnam County.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Southeast hereby memorializes the Putnam County Legislature to consider the establishment of a cooperative home heating fuel oil purchasing program within Putnam County available to all Putnam County residents; and be it further

**RESOLVED**, that the Town Clerk of the Town of Southeast is hereby authorized and directed to forward a certified copy of this resolution to the Clerk of the Putnam County Legislature and County Executive Robert Bondi forthwith; and be it further

**RESOLVED**, this resolution shall take effect immediately.

Upon Roll Call Vote:

Councilman Yee – Aye	Councilman Johnson - Nay
Councilman Gross – aye	Supervisor Rights – Aye
Councilman Honeck – Nay	

Vote: carried in favor 3 ayes to 2 nays .

**NEW BUSINESS**

**VIDEO SERVICES**

Supervisor Rights made a motion to accept the lowest bid for video services. Councilman Yee seconded.

Upon Roll Call Vote:

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

Vote: defeated 3 nays to 2 ayes.

Councilman Johnson made a motion to accept the bid of Euro Video. Councilman Honeck seconded.

Upon Roll Call Vote:

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

Vote: carried 3 ayes to 2 ayes.

**WEBSITE**

There was discussion about the new town website.

**EXECUTIVE SESSION**

Councilman Johnson made a motion to enter into executive session. Councilman Yee seconded. All in favor. After vote to go to executive session, Supervisor Rights allowed Mr. Fusco to speak to the board on his concerns regarding Town minutes and Town worksessions. Executive session followed.

**RETURN TO REGULAR MEETING**

**CSEA CONTRACT**

Councilman Gross made a motion to accept the improved CSEA Contract. Supervisor Rights seconded. All in favor, except Councilman Johnson. Vote carried 4 to 1.

Supervisor Rights made a motion to close the meeting at 11:45. Councilman Yee seconded. All in favor.

Respectfully submitted,

Michele Stancati  
Deputy Town Clerk