

**Town of Southeast
John J. Dunford Civic Center
1360 Route 22, Brewster, New York 10509
March 19, 2009
Regular Meeting – 7:30 PM**

**Notation of Exits
Pledge of Allegiance**

CALL FOR THE ORDER OF THE DAY – Councilman Honeck

Present:

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

Also Present:

Town Clerk Ruth A. Mazzei

Also Approximately 24 persons

PUBLIC HEARING – CHAPTER 112 SEWER AND WATER FEES AND PENALTIES

Supervisor Rights made a motion to open the public hearing and Councilman Yee seconded. Town Clerk Mazzei read the legal notice. This would be an amendment to the Town Water Meter fee and Collection policy which was established in Chapter 112 of the Town Code “Sewers and Water” This would impose fees and penalties for the disconnection or refusal to cause the repairing of water meters on properties located within the water or sewer district. No comments given by the board or by any attendees. Supervisor Rights made a motion to close and Councilman Honeck seconded: all in favor.

INFORMATIONAL MEETING – TOWN-WIDE DRAINAGE DISTRICT

Supervisor Rights made a motion to open the informational meeting and Councilman Gross seconded. Councilman Johnson thought that creating the district was premature. This is supported by Ed Barnett, the Putnam County Watershed Information Officer. Putnam County costs may exceed \$160,000,000. We may receive funding from the EFC. Other counties partner with all the towns. The district must be approved by NYS. The recently commissioned County study will show the magnitude and Southeast will proceed then.

CORRESPONDENCE

Councilman Honeck made a motion to waive the reading of the correspondence. Supervisor Rights seconded. All in favor. Councilman Gross read letter from NYS Police which was put into minutes (attached at end of minutes).

Correspondence Received

1. Mezza Luna to Town Clerk Re: Liquor license

2. Jim Lawlor to Town Clerk Re: Resignation
3. NYS Police to Supervisor Rights Re: Clarification of comments made by Trooper Staviski to the Town Board
4. NYMIR to Town of Southeast Re: PC Risk Management/Safety Seminar
5. NYMIR to Supervisor Rights Re: NYMIR's Proposed Rate Adjustments for 2009
6. Michelle Giacomo Jaegers to Town of Southeast Re: Resume
7. Antoine Silva to Town of Southeast Re: Employment Application
8. Empire State Development to Supervisor Rights Re: Request for Proposals
9. NYS Department of Transportation to Town of Southeast Re: Roadwork
10. Mary Ellen Odell to Supervisor Rights Re: CHOP Program
11. PC Youth Bureau to Supervisor Rights Re: Cut in funding
12. PC Youth Bureau to Supervisor Rights Re: 24.5% Cut to Southeast Recreation
13. Putnam Engineering to Supervisor Rights Re: Southeast Memorial Park ARB Referral
14. PC Fire Chiefs Association to Supervisor Rights Re: Fire Training Facility
15. PC Executive to Supervisor Rights Re: Landfill
16. PC Youth Bureau to Town to Supervisor Rights Re: Awards Dinner
17. Watson to Supervisor Rights Re: Permanent reduction at facilities
18. NYS Office of Children & Family Services to Town of Southeast Re: State Aid Reimbursement
19. Hogan & Rossi to Town Board Re: Putnam County Industrial Development Agency Straight Lease Back Transaction
20. Eler Technologies to Town of Southeast Re: Technology Information
21. PC Bureau of Emergency Services to Supervisor Rights Re: Old Route 6-Putnam Bikeway
22. Interstate Waste Services to Town Clerk Re: Hauling & Disposal Bid Package
23. J.P. Mascaro & Sons to Town Clerk Re: Hauling & Disposal Bid Package
24. Hogan & Rossi to Town Board Re: PC Industrial Development Agency
25. Girl Scouts to Town Board Re: Girl Scout Gold Award Luncheon
26. NYS Insurance Fund Cancellation of Certificate of Workers' Compensation Ins Re: National Environmental Specialists
27. NYS Insurance Fund cancellation of Certificate of Workers' Compensation Ins Re: Rayter Inc.
28. Assembly Republican "Sex Offender Watch" Task Force to Supervisor Rights Re: Roundtable Discussion
29. NYMIR to David Beshears Re: Claim against The Town of Southeast
30. Synagro to Town Clerk's Office Re: Hauling and Disposal Bid
31. Wastewater Treatment Plant Upgrade Program Re: Blackberry Hills Sanitary Sewer District
32. NY Workers Compensation Ins Coverage Re: Foremost Electric Corporation-Cancellation
33. NY Workers Compensation Ins Coverage Re: Foremost Electric Corporation-Reinstatement
34. Jacobson to Planning Board Re: Strazza Subdivision Bond Estimate
35. Jacobson to Planning Board Re: Strazza Subdivision Final Review
36. Jacobson to Planning Board Re: Dunmore Corporation
37. Jacobson to Planning Board Re: Brewster Ice Arena
38. NYSDEC to Town of Southeast Re: Peach Lake Sewer District
39. Mary Zema to Town Board Re: Paving of Maple Rd
40. Tricia Golden to Town Board Re: Paving of Maple Rd
41. Robert Schoenberg to Town Board Re: Paving of Maple Rd
42. Town Clerk to Town Board Re: Liquor License
43. Hogan & Rossi to Town Board Re: Consent for Incorporation of National Green Sewage Works Co. Inc

44. Jacobson to Planning Board Re: Peach Lake Sewer District Site Plan Review

45. Intent to Apply for Restore NY Funding to Michael Rights

46. Foils:

- Sean Spallone Re: Stephens Law Firm
- Yoshihiko Ito Re: Brewster Honda
- Robert DiBiase Re: Milltown Estates
- Sheila Mealey Re: Route 312 Subdivision Plot
- Susan Berman Re: Peaceable Hill Water District
- Elizabeth Ganga Re: Grand Central Farm
- Christine Murphy Re: Cedar Ridge at Fieldstone Pond
- Robert McDonough Re: Copy of Subdivision Plot for Hunters Glen
- Michael Liguori Re: Copy of CO, Health Dept Approval, & As Built for Wastewater Treatment Plant
- Yoshihiko Ito Re: Brewster Honda
- Francis O'Reilly Re: Permits for Holly Stream

47. Memos:

- Planning Board to Supervisor Rights Re: Campus at Fields Corner
- Special Districts to Town Clerk Re: Rates for Eagles Ridge Water & Sewer District

48. Emails:

- Supervisor Rights to Willis Stephens Re: Attendance of Town Clerk at all meetings
- Willis Stephens to Supervisor Rights Re: Response to Attendance of Town Clerk at all meetings
- Levon Bedrosian to Town Board, Town Clerk, & Town Attorney Re: Well Status for Springhouse Water District
- Levon Bedrosian to Town Board, Town Clerk, & Town Attorney Re: Peaceable Meters
- Paul Johnson to Supervisor Rights & Town Clerk Re: Article on local garbage industry
- Supervisor Rights to Town Clerk & Paul Johnson Re: Town mail
- Supervisor Rights to Town Clerk Re: Town Board meeting on 2/19/2009
- Town Clerk to Supervisor Rights Re: Response regarding the Town Board Meeting
- Michael Durante Jr. to Town Board Re: Town Board Worksession – Maple Rd
- Maureen Leo to Paul Johnson & Response Re: Maple Road
- Michael Rights to Paul Johnson Re: Danbury News-Times Article-Garbage
- Paul Johnson to Michael Rights Re: Councilman Johnson's written defense of public transactions with racketeers
- Paul Johnson to Zoning Officers Re: Request for information
- Laurie DeLuca to Paul Johnson Re: Dykemans
- Paul Johnson to Sterling Environmental Re: Landfill
- Paul Johnson to Michael Rights Re: Union
- Michael Rights to Town Board & Town Attorney Re: Stimulus Act
- Paul Johnson to Town Board & Town Attorney Re: Stimulus Act
- Lisa Alfonzetti to Michael Rights & Paul Johnson Re: Maple Rd
- Paul Johnson to Willis Stephens Re: MS4 general Permit-mapping
- Michael Rights to Paul Johnson Re: Intent to apply-Town of Southeast
- Michael Rights to Town Clerk & Town Attorney Re: ATV's on agenda
- Paul Johnson to Michael Rights Re: Intent to apply-Town of Southeast

- Michael Rights to Town Board & Town Attorney Re: Draft Resolution Southeast Memorial Park
- Paul Johnson to Town Board & Town Attorney Re: Draft Resolution Southeast Memorial Park
- Willis Stephens to Michael Rights Re: Response to Draft Resolution Southeast Memorial Park
- Michael Rights to Town Clerk Re: Foil Law
- Michael Rights to Paul Johnson Re: Peaceable Hill Water District
- Paul Morini to Paul Johnson Re: Maple Road
- Paul Johnson to Town Board & Town Attorney Re: O & M Agreement
- Town Clerk to Supervisor Rights Re: Response to Foil Law
- Michael Rights to Town Board Re: Landfill Closure Options

Correspondence Sent

1. Levon Bedrosian to Colonialtown Landscaping Co. Re: Approval of bid
2. Levon Bedrosian to Putnam County Department of Health Re: Alternative Water Supply Evaluation
3. Levon Bedrosian to Potential Contractors Re: RFP Blackberry Pool Project
4. Levon Bedrosian to Potential Contractors Re: Bid for Blackberry Pool Decking Project
5. Special Districts to NYS Environmental Facilities Corp Re: Brewster Heights WWTP Upgrade
6. Planning Board to Putnam County Press Re: Public Notice – Public Hearing on Brewster Corporate Park Site Plan
7. Supervisor Rights to Dr Michael Klemens Cary Institute Re: Contributions
8. Supervisor Rights to Congressman Hall Re: Assistance for clean water and public safety
9. Supervisor Rights to Charles Schumer Re: Assistance for clean water and public safety
10. Supervisor Rights to Kristen Gillibrand Re: Assistance for clean water and public safety

APPROVAL OF THE VOUCHER LIST

Supervisor Rights made a motion to approve the vouchers for March 2009 in the amount of \$721,959.05. Councilman Gross seconded. All in favor.

BUDGET TRANSFERS

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

REIMBURSEMENT CHECK

Councilman Honeck made a motion for the release of Councilman Johnson's \$87 signed reimbursement check from the February Voucher Approvals. Councilman Gross seconded. Vote carried 3 to 2 no votes. (Johnson, Honeck and Gross in favor).

MEETINGS AND PUBLIC HEARING

Supervisor Rights made a motion to set meeting dates and public hearing at 1360 Route 22, Brewster, NY 10509 at 7:30pm, unless otherwise noted. Councilman Yee seconded.

Work Session – April 2, 2009
Regular Meeting – April 16, 2009
Worksession – April 30, 2009

PUBLIC HEARING

Supervisor Rights made a motion to set Public Hearing for Architectural Review Board Local Law, at 7:30 PM and Senate Bill #5355 (Contractors Apprenticeship Program) at 7:31 PM. Councilman Gross seconded. All in favor.

RESOLUTION #10 /09 - SOUTHEAST MEMORIAL PARK

INTRODUCED BY: Councilman Yee
SECONDED BY: Councilman Honeck

WHEREAS, the Town of Southeast Architectural Review Board (“ARB”) having issued a report and recommendation in connection with the commercial site plan application of Southeast Memorial Park (John Petrillo, owner) for premises located on North Main Street, a/k/a North Brewster Road, Tax Map No.56.19-1-40.1 (the “Subject Premises”).

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast Hereby accepts and approves the Report of the Architectural Review Board for Southeast Memorial Park, a copy of which is annexed hereto and made part hereof, in connection with and that such Report shall be incorporated in any final Site Plan subsequently reviewed by the Planning Board; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to John Petrillo, owner of the Subject Premises, the Secretary of the Town of Southeast Planning Board and to the Secretary of the Architectural Review Board forthwith.

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 ayes and 2 nays against; 0 abstained.

RESOLUTION #11 /09 – APPOINTMENT OF INTERIM/ACTING HIGHWAY SUPERINTENDENT;

INTRODUCED BY: Councilman Honeck
SECONDED BY: Councilman Johnson

WHEREAS, the Town Clerk of the Town of Southeast is in receipt of the written resignation of James Lawlor, as Interim / Acting Superintendent of Highways of the Town of Southeast effective February 28, 2009; and

WHEREAS, the office of Superintendent of Highways is an elective office which cannot be submitted to the voters until the biennial town election to be held November 3, 2009; and

WHEREAS, on December 18, 2009 the Town Board established the office of Deputy Highway Superintendent and, thereafter, the Highway Superintendent appointed Kevin Palmer to serve in that capacity; and

WHEREAS, it is the desire of this Town Board to preserve the continuity and efficiency of service of the Highway Department until a new Highway Superintendent may be elected and qualified.

NOW, THEREFORE, BE IT

RESOLVED, pursuant to the authority vested in the Town Board pursuant to Section 64(5) of the Town Law, the Town Board hereby appoints KEVIN PALMER as Interim – Acting Superintendent of Highways, to be compensated at a rate of pay equal to that which was established for the Superintendent of Highways in the 2009 Town Budget; and be it further

RESOLVED, the foregoing appointment shall be effective immediately upon KEVIN PALMER’S execution of his oath of office and shall expire on December 31, 2009; and be it further

RESOLVED, that the office of Deputy Highway Superintendent is hereby abolished and the money that was designated for the position is hereby returned to the contingency fund.

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 ayes.

FIRE TRAINING

“Fire Training Center Contribution” was deferred until the April 2nd work session.

RESOLUTION #12/09 – MILLENNIUM- ESTABLISHING PERFORMANCE BOND

INTRODUCED BY: Councilman Johnson
SECONDED BY: Supervisor Rights

WHEREAS, the Town Board is in receipt of a recommendation from the Planning Board dated February 9, 2009 with respect to the establishment of a performance Bond Millennium Real Estate Services, LLL Site Plan

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:

Millennium Real Estate Services, LLC Site Plan	Soil & Erosion:	\$	3,234.00
	Site Improvements:	\$	<u>226,866.00</u>
	Total:	\$	230,100.00

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:

Upon Roll Call Vote:

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

Carried by a vote of 5 ayes.

TONETTA LAKE CONTRACT - Councilman Johnson made a motion to award the Tonetta Lake Contract to Blue Dot. Contract not to exceed \$11,239. Councilman Honeck seconded. All in favor except for 1 Nay (Pee)

RESOLUTION #13/ 09 - NATIONAL GREEN SEWAGE WORKS CO., INC.

INTRODUCED BY: Councilman Johnson
SECONDED BY: Supervisor Rights

WHEREAS, a Petition on behalf of National Green Sewage Works Co., Inc., a proposed New York corporation was presented and duly filed with the Clerk of the Town of Southeast; and

WHEREAS, such petition seeks the approval of this Town Board for the incorporation and establishment of a sewer works corporation pursuant to Section 115 *et seq.* of the Transportation Corporation Law of the State of New York; and

WHEREAS, it appears from the petition that such proposed sewage works corporation would own and operate the waste water disposal facilities to be constructed in connection with and to serve commercial and residential users in the Terravest development area in the vicinity of International Boulevard and Zimmer Road, wholly within the Town of Southeast; and

WHEREAS, it appears from the records of the Planning Board of the Town of Southeast that such proposed development has obtained the requisite approvals from said Planning Board; and

WHEREAS, the plan and designs of the proposed sewage or waste water disposal facilities have received approval from the Putnam County Department of Health.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby grants its consent to the incorporation of **NATIONAL GREEN SEWAGE**

WORKS CO., INC. and authorizes the Town Supervisor and Highway Superintendent to execute a Certificate or Certificates to be appended to the Certificate of Incorporation of **NATIONAL GREEN SEWAGE WORKS CO., INC.** consenting to its incorporation.

UPON ROLL CALL VOTE:

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

VOTE: Resolution carried, by a vote of 5 ayes.

RESOLUTION #14 /09 - NATIONAL GREEN SEWAGE WORKS CO., INC.
ADOPTING INITIAL TARIFF

INTRODUCED BY: Councilman Johnson
SECONDED BY: Councilman Honeck

WHEREAS, the Town Board of the report and analysis of Guastella Associates, Inc., and initial rate petition for a transportation corporation known as National Green Sewage Works Co., Inc, serving Terravest International Office Park and the Senior Housing Development located on Zimmer Road; and

WHEREAS, the Town Board is responsible for the establishment and periodic review of rates charged by providers of waste water disposal services to owners of private property within the Town.

NOW, THEREFORE, BE IT

RESOLVED, that the initial tariff application of National Green Sewage Works Co., Inc. indicating monthly service charges as follows:

Domestic Residential	\$66.66/month
Commercial / General Service Customer	\$125.32/month/Equivalent Residential

All as set forth in the Sewer Tariff document entitled "Service Classification No. 1" a copy of which is annexed hereto and made a part hereof.

And be it further

RESOLVED, that the foregoing Tariff and rates shall be deemed effective as of January 1, 2009; and be it further

RESOLVED, that the Town Clerk be and hereby is authorized and directed to forward a certified copy of this resolution to National Green Sewage Works Co., Inc. and to the Secretary of the Southeast Planning Board forthwith.

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.

PEACEABLE HILL WATER METERS

Supervisor Rights made a motion to authorize Levon Bedrosian to draft the Request for Proposals for the purchase and installation of water meters for the Peaceable Hill Water District. Councilman Honeck seconded and all in favor.

BLACKBERRY SPECIAL DISTRICT RFP's AWARD

Supervisor Rights made a motion and Councilman Yee seconded to award the Coping and Decking project to S & A Masonry. Supervisor Rights made a motion and Councilman Gross seconded to award for Fencing to Quality Fence. Supervisor Rights made a motion and Councilman Yee seconded to award the Pumphouse Renovations to Carl Forestieri Construction Management, LLC. All in favor.

AWARD of CHEMICAL SUPPLY

Supervisor Rights made a motion and Councilman Johnson seconded; all in favor (see attached sheet – Checkmarks next to awarded amount)

AWARD of SLUDGE HAULING

Supervisor Rights made a motion and Councilman Johnson seconded; all in favor to award the sludge hauling to Fred A. Cook Jr. Inc.

MOTION – AWARD SOUTHEAST POOL SERVICES

Supervisor Rights made a motion and Councilman Johnson seconded; all in favor to award the pool services contract to Crystal Clear Pools.

RESOLUTION #15 /09 EXECUTIVE DRIVE - ARCHITECTURAL REVIEW BOARD REPORT

INTRODUCED BY: Councilman Yee
SECONDED BY: Councilman Johnson

WHEREAS, the Town Board is in receipt of a Report of the Architectural Review Board of the Town Southeast dated February 17, 2009 in connection with the application of 100 Executive Drive, to construct a commercial office building on Executive Drive in the vicinity of NYS Route 312, Tax ID 45-1-58, in the Town of Southeast, Putnam County, New York; and

WHEREAS, the Report makes a “POSITIVE” referral to the Southeast Town Board with the condition that a proposed “communications spire ... be eliminated”; and

WHEREAS, the Town Board finds that there is no reason to upset the findings and recommendation of the Architectural Review Board in connection with said application,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts and approves the Report of the Architectural Review Board dated February 17, 2009, a copy of which is annexed hereto and made part hereof, in connection with 100 Executive Drive and that such Report shall

be incorporated in any final Site Plan subsequently reviewed by the Planning Board; and be it further

RESOLVED, that the Town Clerk be and hereby is authorized and directed to forward a certified copy of this resolution to the Secretary of the Planning Board, the Secretary of the Architectural Review Board, and Tecton Architects (the owner's agent) 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.

NEW BUSINESS

Supervisor Rights is to set up another meeting with the Village of Brewster.

Supervisor Rights made a motion to close the meeting and Councilman Gross seconded at 8:55 pm.

Respectfully submitted,

Ruth Argo Mazzei
Southeast Town Clerk