

**TOWN CLERK'S MINUTES
TOWN BOARD MEETING
SEPTEMBER 09, 2004**

Present: Supervisor John J. Dunford
Councilman Paul P. Johnson
Councilman Richard B. Honeck
Councilwoman Lorraine Mitts

Also: Town Clerk Ruth A. Mazzei
Town Counsel Willis H. Stephens Jr.

And: Mary Ruda and approximately 11 persons

Absent: Pat Bonanno

REGULAR MEETING

Councilman Johnson made a motion to open the regular meeting and Councilwoman Mitts seconded. All in favor.

Pledge of Allegiance

The Supervisor made a notation of fire exits

There was a brief explanation of Town Board's Decision-Making Process

PUBLIC HEARINGS – "RIGHT TURN ONLY" SODOM ROAD/OLD MILLTOWN ROAD.

Councilman Honeck made a motion to open the public hearings and Supervisor Dunford seconded. Councilman Johnson made a motion to waive the reading of the legal notice. This intersection has been a problem and the police have asked for this to be adopted. Mayor Cesar stepped forward with pictures that he took of the intersection. Supervisor Dunford made a motion to close the public hearing and Councilman Johnson seconded. All in favor.

SPECIAL RECOGNITION-NATIONAL POW/MIA RECOGNITION DAY –

Tuesday September 14, 2004 will be the Nation Prisoners of War/Missing in Action Day in the town of Southeast.

SPECIAL RECOGNITION – MC LEAN WARD

The Supervisor announced and congratulated McLean Ward of the Town of Southeast, who won a silver medal at the Olympics for Horse Jumping.

MINUTES

Supervisor Dunford made a motion to approve the following minutes; Councilman Honeck seconded. All in favor.

August 5, 2004 - Special Meeting

August 19, 2004 - Regular Meeting.

CORRESPONDENCE

Councilman Johnson made a motion to waive the reading of the correspondence and Councilwoman Mitts seconded. All in favor.

Correspondence Received

1. Accord Certificate Of Liability Insurance Re: Steve Adams Jr. Plumbing and Heating Company
2. Edward R. Heelan Re: Memo #8 Re-zoning Tax Map #67.-1-43
3. George Yourke Re: Waterview Estates Subdivision
4. Angelo Matra Re: Town of southeast Open Space Committee
5. Liquor License Application/Renewal Re: Brewster Lodge No. 2101, Route 22, Milltown road, Brewster, New York 10509
6. Acord Certificate of Liability Insurance Re: Veritable Vision LLC
7. Department of Health Re: Accessory Apartment-Coppa, 16 Laurel Drive, Three-Year Approval (T) Southeast, TM#57.05-1-6, Accessory Apartment-Marchese, 21 Rockledge Drive. Three-Year Approval (T) Southeast, TM#79.12-1-13, Addition-Brathwaite, 9 Carol Ct. No Increases in Number of Bedrooms (T) Southeast, TM#68.-1-10
8. Amy Campanaro Re: Southeast Museum expenses for Fiscal Year 2005
9. State of New York Public Service Commissions Re: Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of New York State Electric & Gas Corporation for Gas Services – Notice Extending Time for Comments on a Joint Proposal
10. AKRF Environmental and Planning Consultants Re: The Brewster Plan
11. Putnam Engineering, PLLC Re: Relief from Moratorium, Drewville Realty Corp Route 6 & Drewville Road Tax Map #67.6-1-40 P/E#7926
12. Brewster Chamber of Commerce Re: Community Day 2004 on September 19th.
13. George Yourke Re: Waterview Estates Subdivision
14. Lynne Eckardt Re: Foil Request for New Sign Registration
15. Mr. Palmer Re: Foil Request for Proposed Zoning Laws
16. Kevin Beall Re: 355 North Salem Road
17. Richard Feuerman Re: Terravest 3
18. Joel B. Lieberman Re: Barry Nesson v. Town of Southeast—4 Elmhurst (04—11427), 10 Elmhurst (04—11425) and Tonetta (04—11426)
19. The Association of Towns Re: State Budget Issue
20. George Yourke Re: Waterview Estates Subdivision Vehicular Sightlines
21. Jacobson Re: Village of Brewster North Main Street Pump Station Proposed Relocation NLJ#0054-129
22. State of New York State Board of Real Property Services Re: Final State Equalization Rate.
23. Curtiss, Leibell & Shilling, P.C. Re: Gasland Petroleum, Inc. Route 6 and Starr Ridge Road, Tax Map No. 68.-2-69
24. New York State Police Re: Transfer of Commander Gregory to Farmingdale NY and Commander Matthew Schlottman to SP Brewster
25. Mildred Nugent Re: Open Space Committee
26. Putnam County Executive Re: Notice of Preliminary Decision for Use of East of Hudson Fund
27. Jenesis Building Corp. Re: Eagle Ridge Performance Bond
28. Sy Globerman, Town of North Salem Re: Condition of Peach Lake
29. Andrew W. Negro Re: Town of Southeast Tax Map #46.-3-20
30. Nancy L. Taylor Re: Items for Tax Collection
31. Paul F. Pember Re: Proposed Purchase of Property on Peaceable Hill Road
32. Stephens & Charbonneau Re: Periodic Billing for Litigation & Other Non-Retainer Matters
33. State of New York DOT Re: Terravest Commerce Park Access Project PIN8758.94, Town of Southeast
34. Wastewater Treatment Plant Upgrade Program (Form Disbursement Request) Re: Upgrade Contract, Brewster Heights Sewer District #1, Certification and Disbursement Request as of 8/02/04

35. Brian Alberghini Re: High Meadows Farm Subdivision aka, Ross Allan Welfare Road
36. Ann Fanizzi Re: Foil Request for Fisher Subdivision EAF Site Map, Any Correspondence with DEP, Tom Fenton Letter etc.
37. Edith Keasbery Re: foil Request for Site Plan & Documents for Baroody Application
38. Liquor License Application/Renewal Re: Aversano Group Inc., DBA Aversano's Restaurant 1620 Rt. 22, Brewster, NY
39. Shea Fitzekam Re: Foil Request for Town Board Minutes
40. Putnam County Department of Health Re: Addition, 96-98 Sodom Road No Increases in Number of Bedrooms (T) Southeast, TM#57.18-1-6
41. Putnam County Youth Bureau Re: NYS Budget for 2005 for the NYS Office of Children and Family Services
42. Hogan & Rossi Re: Referral from Development Law Town Board Work Session September 2, 2004 Appeal Under the Interim Development Law of the Town of Southeast Premises: Route 6 and Old Route 6 (a.k.a. Tilly Foster Road) Tax Map Designation: Sheet 56.9, Block 1, Lots 4 and 5 Owner: Millennium Real Estate Services, LLC
43. Barbara Devolve, Putnam Humane Society Re: Animal Control Seizures for Southeast
44. Kathleen Delamere Re: Assistance for the Town on Historic Preservation
45. David M. Bruen Re: Peach Lake Towns of North Salem, Westchester County and Southeast, Putnam County
46. Putnam County Executive Re: Financial Assistance to Peach Lake Residents in the Creation of a Sewer District
47. Ann Fanizzi Re: Copy of Letter to Hogan & Rossi to Establish a Year-round Mineralogical/geological Museum and Research Center on the Historic Tilly Foster Iron Mine
48. Putnam County division of Planning and Development Re: 2005 Putnam County Lake Management Program Application
49. Terri-Ann Hahn Re: Fisher Subdivision
50. State of New York Office of the Attorney General Re: Potential New Rest Area on I-84 in the Town of Southeast
51. State of New York Office of Real Property Services Re: State and Local Government Collaboration
52. NYS Environmental Facilities Corporation Re: Upgrade Contract for Brewster Heights Sewer District #1, Disbursement Request Number 22
53. ACORD Certificate of Liability Insurance Re: LBR Plumbing & Heating Corp., Tompkins Miller Plumbing & Heating Corp.
54. John Cesar Re: Parking in the Village During Sewer Installation
55. Insite Engineering Re: Town Drainage Districts
56. Malcolm Pirnie Re: Brewster Heights WWTP Upgrade Project Amendment No. 1
57. State of Connecticut House of Representatives Re: Milltown Road, SR839 Danbury/New Fairfield
58. George Yourke Re: Foil Request for any New documents Received by the Planning Board since July 20, 2004 for the Meadows at Deans Corner and Any New Documents Received by the Planning Board since July 20, 2004 for Waterview Estates
59. Cathy Croft Re: Foil Request to Look at the Entire Baker Farm Subdivision

Correspondence

1. Mr. Kevin Beal Re: Response to His Letter of August 5th
2. Honorable John Cesar, Mayor Re: Water Rate Options
3. Building Department File Re: Tax Map#67.19-1-20; 286 Allview Avenue
4. Mr. Jeffrey J. Contelmo P.E. Re: Signed Original Service Contract
5. Town of Southeast, Prepared by Michael J. Levine Re: Monthly Progress Report #52
6. Memo to the Supervisor from Michael Levine Re: Peaceable Hill Rate Proposals From the Village of Brewster
7. Memo from Ron Harper to the Supervisor Re: Various Updates for Week Ending 8/6/04, 8/13/04, 8/20/04
8. Mr. Sy Globerman, Supervisor North Salem Re: To Set Meeting Date – Peach Lake

- 9. Memo from the Supervisor to ARB, Conservation Commission, Planning Board, Building Department Zoning Board and Zoning Enforcement Officer Re: Moratorium Variances – Denials
- 10. Memo from the Supervisor to the Conservation Commission, Planning Board, Building Department, Zoning Enforcement Officer and Zoning Board Re: Wetlands Permits
- 11. Ray Knox Re: Town of Southeast Recreation Department Monthly Revenue Report
- 12. Ron Harper Re: Tax Map #46.-3-20; 19-21 Old Doansburg Road
- 13. Chief Warren Paukner Re: Annual Picnic at Markel Park

VOUCHERS

Councilman Honeck made a motion to approve the voucher list in the amount of \$401,526.99. Councilman Johnson seconded. All in favor.

MEETING DATES

Councilwoman Mitts made a motion to set meeting dates and Councilman Johnson seconded. All in favor.

September 16, 2004	7:30PM Civic Center	Work Session
October 5, 2004	5:00PM Town Hall	Special Meeting
October 7, 2004	7:30PM Lakeview Manor	Special Meeting
October 14, 2004	7:30PM Civic Center	Work Session
October 21, 2004	7:30PM Civic Center	Regular Meeting

SETTING OF PUBLIC HEARINGS

Councilman Honeck made a motion to set the following Public Hearings and Councilman Johnson seconded. All in favor..

October 7, 2004, 7:30PM	Lakeview Manor	Draft Zoning Ordinance
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BUDGET TRANSFERS

Councilman Johnson made a motion authorizing Budget Transfers. Councilman Honeck seconded. All in favor. (see attached)

RESOLUTION # 60 /2004 - DECLARATION OF LEAD AGENCY STATUS

Introduced By: Supervisor Dunford
Seconded By: Councilman Johnson

WHEREAS, the Town Board of the Town of Southeast is considering adopting amendments to the following Chapters of Town Code: Chapter 3, “Architectural Review Board,” Chapter 83, “Historic Sites,” Chapter 87, “Junkyards,” Chapter 107, “Records, Public Access to,” Chapter 123, “Subdivision of Land,” and Chapter 138, “Zoning” (the Proposed Action); and

WHEREAS, the Town Board determined that the Proposed Action is a Type I action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town board has caused an Environmental Assessment Form (EAF) to be prepared on the Proposed Action and;

WHEREAS, the Town Board is the sole legislative body with the authority to adopt amendments to its Code;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby declares itself to be Lead Agency for the Proposed Action pursuant to §617.6(b) of SEQRA:

UPON ROLL CALL VOTE:

Supervisor Dunford-Aye Councilman Bonanno-Absent
Councilman Johnson-Aye Councilwoman Mitts-Aye
Councilman Honeck-Aye

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

RESOLUTION # 61 /2004 SOUTHEAST HONOR ROLL

Introduced By: Councilman Honeck
Seconded By: Councilman Johnson

WHEREAS, it is the desire of this community to construct a permanent and appropriate monument to the men and women from the Town of Southeast and Village of Brewster who have served in the United States Armed Forces during times of conflict; and

WHEREAS, the Southeast Honor Roll is currently located in the pocket park adjacent to the Brewster Public Library, and

WHEREAS, the existing Honor Roll is in need of repair; and

WHEREAS, it is the sense of this Town Board and this community that a more durable monument should be constructed to replace the existing Honor Roll; and

WHEREAS, in cooperation and in consultation with the Brewster Post of the Veterans of Foreign Wars (VFW) , a design for a new monument has been prepared by J. Robert Folchetti & Associates, LLC dated and submitted to this Town Board in June, 2004, and

WHEREAS, it is the intention of the Town and non-governmental sponsors of this monument to fund the acquisition of materials and construction of the monument with private contributions, third party grants and volunteer labor; and

WHEREAS, the sponsors feel that it is essential for the Town to approve the design concept before they can proceed with fund raising for the project.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby approves the concept and design of the proposed Southeast Honor Roll as presented by J. Robert Folchetti & Associates, LLC and presented to this Town Board in June, 2004, for construction in the “pocket park” located adjacent to the Brewster Public Library, on the condition that, in the event the private sponsors are unsuccessful in raising the funds necessary to complete this project in the manner anticipated, the Town Board reserves the right at a later date to consider alternative, less costly designs to enable a permanent Southeast Honor Roll to be constructed.

UPON ROLL CALL VOTE:

Supervisor Dunford-Aye Councilman Johnson-Aye
Councilman Bonanno-Absent Councilman Honeck-Aye
Councilwoman Mitts-Aye

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

RESOLUTION #62/2004 – ESTABLISHMENT OF PERFORMANCE BOND FOR STARR RIDGE EQUESTRIAN CENTER

Introduced By: Councilwoman Mitts
 Seconded By: Councilman Johnson

WHEREAS, the Town Board of the Town of Southeast has a recommendation from the Town Engineer with respect to the Establishment of Performance Bond for Starr Ridge Equestrian Center, Southeast, NY

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

NOW, THEREFORE, BE IT

RESOLVED, that the bond amount for the following project is set forth below:

<u>PROJECT NAME</u>	<u>PRESENT AMOUNT</u>	<u>RECOMMENDED TO</u>
STARR RIDGE EQUESTRIAN CENTER	\$0.00	\$570,400.
Site Improvements	\$554,148.00	
Soil & Erosion	\$ <u>16,252.00</u>	
	\$570,400.00	

UPON ROLL CALL VOTE:

Supervisor Dunford-Aye	Councilman Honeck-Aye
Councilman Bonanno-Absent	Councilwoman Mitts-Aye
Councilman Johnson-Aye	

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

RESOLUTION #63 /2004 ESTABLISHMENT OF PERFORMANCE BOND BREWSTER TRANSIT MIX

Introduced By: Councilman Johnson
 Seconded By: Councilman Honeck

WHEREAS, the Town Board of the Town of Southeast has a recommendation from the Town Engineer with respect to the Establishment of Performance Bond for Brewster Transit Mix, Fields Lane, Southeast, NY

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

NOW, THEREFORE, BE IT

RESOLVED, that the bond amount for the following project is set forth below:

<u>PROJECT NAME</u>	<u>PRESENT AMOUNT</u>	<u>RECOMMENDED TO</u>
BREWSTER TRANSIT MIX	\$0.00	\$207,500.00
Site Improvements	\$200,526.00	
Soil & Erosion	\$ <u>6,974.00</u>	
	\$207,500.00	

UPON ROLL CALL VOTE:

Supervisor Dunford-Aye Councilman Honeck-Aye
Councilman Bonanno-Absent Councilwoman Mitts-Aye
Councilman Johnson-Aye

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

RESOLUTION # 64 /2004 MAIN STREET GRANT/VILLAGE OF BREWSTER

Introduced By: Councilman Honeck
Seconded By: Councilwoman Mitts

WHEREAS, the Putnam County Economic Development Corporation (PCEDC) in collaboration with the Village of Brewster and the Coalition for a Better Brewster, is applying to the New York Main Street Program for a grant to revitalize major buildings and improve the streetscape along the core commercial area of the Village of Brewster; and

WHEREAS, this target area encompasses the train station, town hall, businesses, residential structures, cultural and recreational facilities including the Cameo, Old Town Hall/Southeast Museum, Veterans Park, the Brewster Library and several historic landmark buildings; and

WHEREAS, this revitalization project will enhance the Village’s downtown area to attract more people to the Main Street area and increase economic activity; and

WHEREAS, this project will be a collaboration among many of the stakeholders in the Village’s future, including the local business community, government, civic organizations, volunteer groups and local not-for-profit corporations; now therefore be it

RESOLVED, that the Town Board of the Town of Southeast supports the Main Street Grant application for the revitalization and improvement of the core business district in the Village of Brewster; and be it further

RESOLVED, that a copy of this resolution be forwarded to the New York State Division of Housing and Community renewal, the Housing Trust, Governor George Pataki, Senator Vincent Leibell and Assemblyman Willis Stephens and Assemblywoman Sandra Galef.

UPON ROLL CALL VOTE:

Supervisor Dunford - aye Councilman Honeck - aye
Councilman Johnson - aye Councilwoman Mitts - aye
Councilman Bonanno - absent

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

STREET- SCAPE GRANT

Supervisor Dunford made a motion to commit \$6,250 to Street-Scape Grant Project. The Village of Brewster will commit \$6,250 and Putnam County will match the joint grant. Councilman Johnson seconded and all in favor.

Supervisor Dunford made a motion to Street-Scape for Grant Project in the amount of \$6,250.00. Councilman Johnson seconded. Four ayes, 1 absent.

NEW BUSINESS

Councilwoman Mitts gave an update on the Web Site. There were a few minor problems but they are being worked on.

Councilman Honeck spoke about Founders Day on September 19, 2004 in the Village of Brewster. There will be festivities and a Marathon Race, being sponsored by the Brewster Chamber of Commerce.

K. Croft (Concerned Resident) has posted all board minutes on the internet. The Town Clerk questioned the legality of posting minutes by individual groups before they were officially approved.

Ms. Fanizzi, President of Open Space, spoke about Bondi's Budget Proposals. They will be shown on Suscom. The mission statement of the Coalition has a special place for Village of Brewster. Read statement Re: Cameo Theatre (see attached).

Mr. Lipschitz – Thanked the board for the Proclamation. He said that the Veterans should never be forgotten and as long as one is held as a Prisoner, we will never be free.

Mrs. Eckardt - Spoke on Foil Procedure and just wants same procedure for all departments. She question the \$60,000 for the sheriff patrol and the security of the Southeast facilities. The Supervisor stated that the Board will be enhancing a better patrol for the Town of Southeast in addition to our regular sheriff patrol.

The Mayor said that it was gratifying that the top elected official (County Executive) feels that the Village needs patrolling. Ann Fanizzi said that the visible patrol is a good thing for the Town of Southeast and the Village of Brewster.

Respectfully submitted,

Ruth Argo Mazzei
Southeast Town Clerk