

**TOWN CLERKS MINUTES
REGULAR MEETING
TOWN BOARD
SEPTEMBER 20, 2007**

Present: Councilman Paul P. Johnson
Councilman Richard B. Honeck
Councilman Pat Bonanno
Councilwoman Lorraine Mitts

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

Absent: Supervisor John Dunford

And: Approximately 20 persons

REGULAR MEETING

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

Pledge of Allegiance

Notation of Exits

Brief Explanation of the Town Board's Decision-Making Process

REVIEW OF MINUTES

Councilman Johnson made a motion to defer the August 16th minutes. Councilman Honeck seconded and all in favor.

Councilwoman Mitts made a motion to approve the September 6th, 2007 minutes and to amend the June 21, 2007 minutes regarding Arborscape to read Councilman Bonanno - nay, Councilwoman Mitts - nay, Councilman Honeck - nay, Supervisor Dunford - aye, and Councilman Johnson - aye. Vote not carried by a vote of 3 nays, and 2 ayes. Councilman Honeck seconded and all in favor.

CORRESPONDENCE

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

Correspondence Received

1. ACORD Certificate of Liability Insurance Re: Sullivan Fire Protection Corp.
2. NYS Insurance Fund Re: De-Fence Inc.
3. New York Municipal Insurance Reciprocal Re: Michael O'Reilly TSOUT-2005-019-001
4. State of New York Real Property Services to the Supervisor Re: Certificate of the Final State Equalization Rate for the 2007 Assessment roll
5. The City of New York to the Supervisor Re: WWTP Compliance Inspection Brewster Heights SPDES # NY-0110353
6. Richard I. Goldsand Re: Liquor License Application/Renewal Hollywood

- Care, Inc. dba Sciortino's, 988 Route 22
7. Jacobson Re: Root Avenue Subdivision Bond Estimate, Westchester Tractor Outside Storage Plan, Moriarty Tree Service Preliminary Review, Golay Subdivision Request for Bond Release, Eagles Ridge Condominiums Amended Site Plan, Vail's Grove Golf Course Revised Sketch Plan Review, Strazza Lot Line Adjustment Review for Alternate Lot Line Layout
 8. Recreation Advisory Committee to the Southeast Town Board Re: Recreation/Senior Center Facility Site
 9. ACORD Certificate of Liability Insurance Re: Town of Southeast
 10. Harold B. Tevelowitz to the Supervisor Re: Permit for Demolition of Barn/Strazza Lot Line Adjustment/Doansburg Road
 11. Putnam County Department of Planning to the Supervisor Re: Preparation for the 2010 Census
 12. NYSDEC Region 3 Re: Petroleum Bulk Storage Application
 13. Brewster Lodge No. 2101 to the Supervisor Re: Waiver from the Current Moratorium
 14. Lynne Eckardt Re: Southeast Memorial Park
 15. NYS Dept. of State RE: Re-Release of the Local Health Insurance Incentive
 16. Putnam County Office for the Aging Re: Medicare Fraud Alert
 17. Paulette Brassinga to the Supervisor Re: HP Stone Fabrication & Supply 361 Route 312 Brewster NY
 18. Kenneth S. Roness to the Supervisor Re: SLS Health - Sewer Hook Up
 19. Gregory Wunner to the Supervisor Re: Planning Board Opening
 20. NYS Environmental Facilities Corporation to the Supervisor Re: NYC Watershed Upgrade Program Brewster Heights Sewer District #1 - Disbursement Request #39
 21. NYCDEP to the Supervisor Re: WWTP Compliance Inspection Blackberry Hills WWTP SPDES #NY-0062570
 22. Comcast to the Supervisor Re: Notice of Launch of New Service
 23. NYS Office of Real Property Services to the Supervisor Re: Excellence in Equity Award
 24. Putnam County Land Trust to the Supervisor Re: Handicapped Accessible Trail
 25. US Department of Commerce to the Supervisor Re: Local Update of Census Addressed (LUCA) Program
 26. Village of Brewster to the Supervisor Re: Meeting Proposed for Monday 8/20/07 at 9:00 AM in Village Hall
 27. LADA, P.C. to the Supervisor Re: Dykeman's Corporate Park
 28. NYS Office of Real Property Services to the Supervisor Re: 2007 Annual Aid for the Town of Southeast
 29. Department of Health to the Supervisor Re: Eligible for Reduced Monitoring
 30. Comcast to the Supervisor Re: Franchise Fee Payment - 2nd Quarter 2007
 31. Certiorari's Re: American Tower Mgmt., Inc., Crown Atlantic Company, LLC, America, Robert C. Bedichek, c/o Crown Atlantic Company, LLC, Crown Atlantic Company, LLC, American Tower Mgmt., Inc.,
 32. Ann Fanizzi to the Supervisor Re: Comments: Route 22 Local Law
 33. NYS EFC to the Supervisor Re: Blackberry Hill Sanitary Sewer District WWTP Notice to Proceed with Execution of Contracts and Construction
 34. Recreation Advisory Committee to the Supervisor Re: Recreation/Senior Center Facility Site
 35. Peggy Boyle, Peach Lake Coalition Coordinator to the Supervisor Re: Peach Lake Sewer District
 36. Phoenix Environmental Laboratories, Inc. Re: Chain of Custody Record
 37. NYS DEC Re: Wastewater Facility Operation Report for the Month Of July 2007
 38. New York Metropolitan Transportation Council Re: Draft Transportation Improvement Program & Air Quality Conformity Determination
 39. Richard Honeck Re: Placement of Political Signs
 40. Mike Fila Re: Placement of Political Signs
 41. Mayor John Degnan to the Supervisor Re: Law Enforcement Summit in Brewster Village Hall

42. Amy E. Campanaro Re: Contractual Expenses Fiscal Year 2008
43. Putnam County Youth Bureau Re: 2008 Municipal Funding Levels
44. Alice Brandon to the Supervisor Re: Historic Property on Route 312, Route 6 and Tilly Foster Road
45. Croton Falls Fire District Re: 2008 Proposed Budget
46. Spectra Energy Re: Response Procedures to Emergencies on Algonquin's Natural Gas Pipeline
47. Sterling to the Supervisor Re: Town of Southeast Landfill 3rd Quarter 2007 Monitoring Event Notification Sterling File #E99016
48. NYS Dept. of State to the Supervisor Re: Shared Municipal Service Incentive Grant Program
49. Insite to Michael Levine Re: Southeast Drainage Districts
50. G.C. Environmental, Inc. to the Supervisor Re: Identification of Historical Resources GCE Project No. 07-327-00
51. Pat Bonanno to the Supervisor Re: Request to Name a Private Road
52. Akzo Nobel to the Supervisor Re: Community Advisory Panel (Cap) for New Research and Development Center
53. Ronald A. Baroni, Jr. to the Supervisor Re: Proposed Peach Lake Sewer Districts in the Towns of North Salem & Southeast
54. Jacobson Re: 800 Clock Tower Commons NLJ #0001-0884, D'Uva Site Plan NLJ #0001-0861, Southeast Memorial Park NLJ #0001-0399, Moriarty Tree Service, HP Stone Fabrication & Supply NLJ#0001-0885, Millennium Retail/Office Building NLJ #0001-0858, Alcon, LLC, NLJ#0001-0833, Sutton Corporate Park - Lot1 NLJ #0001-0765
55. Robert E. Becker to the Supervisor Re: Offers of the Towns of North Salem and the Town of Southeast to Purchase Real Property from Vail's Grove Cooperative, Inc.
56. NYS Assembly to the Supervisor Re: Visit to all of Southeast's Municipal Facilities
57. Recreation Department Re: Monthly Revenue Report
58. NYS DEC to the Supervisor Re: New York Clean Water State Revolving Fund
59. FOILS:
 - Lynne Eckardt Re: Request for all Invoices Willis Stephens' Firm has billed the Town and Request to View Riverkeeper v. Planning Board, et al Motion for Leave to Appeal to the Court of Appeals and Ingraham, et al v. Planning Board, et al. Motion for Leave to Appeal to the Court of Appeals
 - D. Gizzo Re: Request for Copy of 10/23/06 Planning Board Tape of Waterview Estate Subdivision
 - Michael Ligouri Re: Request for Building & Planning Records for 46.-3-18 and 46.-3-17
 - Scott McMillim Re: Request for copy of Survey and Septic Plan for Property 46.6-1-1
 - Gary Spilatro Re: Request for CO for 418 N. Salem Road
 - Paul King Re: Request for Proposed Local Law Rt. 22 North of Milltown Road
 - Cathy Croft Re: Request for Copy of Town's Sign Ordinance. Copy of Proposed Changes for Zoning that will be on a Public Hearing 8/16/07
 - Tyler K. Maile Re: Request for Salaries for Town Board Members, Supervisor, Town Clerk, Highway Superintendent
 - Superior Process Re: Request for Tax Assessment Review Petitions on Ninth Jam Development, The Home Depot
 - Roy Van Lent Re: Request for Miscellaneous Residential Construction Permit Application
 - Alfred H. Mattikow Re: Request for Copies for the Bond for Sutton Corporate Park
 - Paul J. Gregory Re: Request for Information on "No Thru Traffic" Sign on Old Doansburg Road
 - Greg Sykler Re: Site Plan for Lighthouse Motors Inc.

Correspondence Sent

1. Town Supervisor, Town Board and Department Heads from Michael Levine
Re: Incident Reports
2. Sheriff Donald B. Smith Re: Report on the 287(g) Issue
3. Mr. Matt Wallach Re: Proposed Canvas in the Town of Southeast
4. Assemblyman Ball, Representative John Hall, Honorable Vincent Leibell Re:
Peach Lake Sewer District
5. Elizabeth Duffy-Rau Re: Main Street Brewster Anchor Grant
6. Robert H. Sammons, P.E. Report #84 for the Blackberry Hill Sewer District
Treatment Facility
7. Mr. Anthony Egan Re: Key Personnel Change Request for the Blackberry Hill
Wastewater Treatment Plant Upgrade
8. Mr. Richard S. Krasnow Re: Prospect Hill Bridge
9. Notice from the Highway Department Re: Closing of the Center Section of
Nichols Road for Road Repairs

VOUCHERS - Councilman Honeck made a motion to approve the vouchers for September for \$753,507.37. Councilwoman Mitts seconded. All in favor.

MEETINGS

Councilman Bonanno made a motion to set the following meeting dates and Councilman Honeck seconded. All in favor.

October 4, 2007 7:30PM Civic Center Work Session/Spec. Meeting
October 11, 2007 7:30PM Civic Center Work Session
October 18, 2007 7:30 PM Civic Center Regular Meeting

PUBLIC HEARING

Councilwoman Mitts made a motion calling for the following public hearings. Councilman Honeck seconded. All in favor.

October 4, 2007 7:30PM Civic Center Release of Performance Bond-
Vail's Grove Golf Course
October 4, 2007 7:31PM Civic Center Release of Performance Bond-Eagles
Ridge Condo
October 4, 2007 7:32PM Civic Center Set Public Hearing-Stop Sign on
Minor Rd. at Bearberry Lane
October 18, 2007 7:30PM Civic Center Dykeman's Corporate Park Special
Permit Building #2

BUDGET TRANSFERS

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

RESOLUTION # 42/2007 ESTABLISHMENT OF PERFORMANCE BOND/ROOT AVENUE SUBDIVISION

Introduced By: Councilwoman Mitts
Seconded By: Councilman Bonanno

WHEREAS, the Town Board is in receipt of a recommendation from the Town Engineer with respect to the establishment of a performance Bond for the Root Avenue Subdivision, located on Root Avenue and John Simpson Road (Tax Map. No. 55-1-39); 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:

Root Avenue Subdivision Soil & Erosion: \$ 5,360.00
Site Improvements: \$ 277,440.00
Total: \$ 282,800.00

UPON A ROLL CALL VOTE:

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

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

**RESOLUTION # 43 /2007 CLASSIFYING THE TOWN OF SOUTHEAST'S
PROPOSED CONSTRUCTION OF A RECREATION/SENIOR CENTER AND
ISSUING UP TO \$16,800,000 IN BONDS TO FUND SUCH CONSTRUCTION,
CLASSIFYING THE ACTION AS UNLISTED UNDER SEORA, AND ISSUING A
SEORA NEGATIVE DECLARATION FOR THE ACTION**

Introduced By: Councilwoman Mitts

Seconded By: Councilman Honeck

WHEREAS, the Town of Southeast ("Town") seeks to authorize, subject to permissive referendum, the development and construction of an approximately 64,140 square foot recreation/senior center and the issuance of tax-exempt bonds in an amount not to exceed \$16,800,000 to pay the cost thereof (the "Project"); and

WHEREAS, it appears to be in the best interest of the Town and its citizens to support the Project in order to improve the quality of life and promote and preserve the health and welfare of the citizens of the Town; and

WHEREAS, the Town board of the Town of Southeast ("Town Board") has expressed its interest and intention to undertake an environmental impact review of the Project under the auspices of the New York State Environmental Review Act ("SEQRA"); and

WHEREAS, the Town Board has prepared a completed Full Environmental Assessment Form ("Full EAF"), which has been used to determine whether and to what extent the Project may have a significant impact upon the environment, and has reviewed all such information in that regard; and

WHEREAS, based upon the information provided, the Town Board has: a) determined that the Project qualifies as an Unlisted Action as defined under Part 617.2 (ak) of SEQRA; b) chosen to conduct an uncoordinated review of the Project pursuant to SEQRA; c) performed a "hard look" review of potential environmental impacts arising from the Project based upon all information received; and d) determined that the Project will not cause or result in any significant adverse environmental impacts, which qualifies it for issuance of a Negative Declaration from the Town Board:

NOW, THEREFORE, BE IT RESOLVED, by the Town Board as follows:

1. The Town Board classifies the Project as an Unlisted Action pursuant to SEQRA.
2. The Town Board approves and adopts the Negative Declaration attached hereto consistent with its determination that the Project will not have a significant impact upon the environment, thus concluding the Town Board's SEQRA review of the Project.
3. The Town Board authorizes the Supervisor or the Supervisor's designated appointee (s) to prepare, execute and file as necessary all documents in support of the above-referenced Negative Declaration issued in connection with the Project.
4. This resolution shall take effect immediately.

Upon roll call vote:

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

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

**RESOLUTION #44/2007 THE TOWN BOARD OF THE TOWN OF SOUTHEAST
AUTHORIZING A PROPOSITION TO BE PRESENTED TO THE VOTERS AT
THE GENERAL MEETING**

Introduced By: Councilwoman Mitts
Seconded By: Councilman Honeck

BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF SOUTHEAST that the following proposition SHAL BE PLACED UPON THE BALLOT FOR CONSIDERTION OF THE Electors of the Town of Southeast at the November 6, 2007 General Election:

SHALL the Town Board of the Town of Southeast be authorized to construct a Recreation/senior center on Independent Way, including site work thereat, and Acquire original furnishings, equipment, machinery or apparatus required for the Purpose for which such facility is to be used, at a maximum aggregate cost of \$16,800,000; (2) expend such sum for such purpose; (3) levy the necessary tax Therefore, to be levied and collected in annual installments in such years and in Such amounts as may be determined by the Town Board taking into account state aid; and (4) in anticipation of the collection of such tax, issue bonds and notes of the Town at one time or from time to time in the principal amount not to exceed \$16,800,000 and levy a tax to pay the interest on said obligations when due?

BE IT FURTHER RESOLVED, that the Clerk of the Town is hereby authorized And directed to submit a certified copy of this resolution to the Putnam County Board of Elections within the time prescribed by law to allow the foregoing Proposition to appear on the ballot for the General Election to be held November 6, 2007.

BE IT FURTHER RESOLVED, that this resolution takes effect immediately.

The Motion having been duly seconded by Councilman Bonanno, it was adopted And the following votes were cast:

Councilman Johnson - Aye Councilman Honeck - aye

Councilman Bonanno - Aye
Supervisor Dunford – Absent

Councilwoman Mitts - aye

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

RESOLUTION # 45/2007 - LEVY OF TAXES FOR SOUTHEAST RECREATION CENTER

EXTRACT OF MINUTES OF MEETING OF THE TOWN BOARD ADOPTING BOND RESOLUTION

At a meeting of the Town Board of the Town of Southeast, in the County of Putnam, in the State of New York on the 20th day of September, 2007. Present: Councilman Bonanno, Councilman Honeck, Councilwoman Mitts, Councilman Johnson

Councilman Honeck presented the following resolution and moved that it be adopted; Councilwoman Mitts seconded:

Resolution #45, 2007 BOND RESOLUTION DATED SEPTEMBER 20, 2007 OF THE TOWN BOARD OF THE TOWN OF SOUTHEAST AUTHORIZING NOT TO EXCEED \$16,800,000 AGGREGATE PRINCIPAL AMOUNT OF SERIAL GENERAL OBLIGATION BONDS TO FINANCE THE CONSTRUCTION OF A RECREATION CENTER, AT AN ESTIMATED MAXIMUM COST OF \$16,800,000, LEVY OF TAX IN ANNUAL INSTALLMENTS IN PAYMENT THEREOF, THE EXPENDITURE OF SUCH SUM FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

NOW THEREFOR BE IT RESOLVED BY THIS TOWN BOARD AS FOLLOWS:

Section 1. The Town shall construct a recreation/senior center, at a maximum cost of \$16,800,000, as more particularly described in Section 3 hereof.

Section 2. The Town is hereby authorized to issue its serial general obligation bonds (the "Bonds") in the aggregate principal amount of not to exceed \$16,800,000, pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein.

Section 3. The class of objects or purposes to be financed to this Resolution (the "Purpose") is the construction of a recreation/senior center, including costs incidental thereto.

Section 4. It is hereby determined and declared that (a) the maximum cost of the Purpose, as estimated by the Town Board, is \$16,800,000, (b) no money has heretofore been authorized to be applied to the payment of the cost of the Purpose, and (c) the Town plans to finance the cost of the Purpose from funds raised by the issuance of the Bonds and bond anticipation notes hereinafter referred to.

Section 5. It is hereby determined that said Purpose is one of the class of objects or purposes described in subdivision 11 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said Purpose is thirty (30) years.

Section 6. Subject to the provisions of the local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the sale of the Bonds, including renewals of such notes, is hereby delegated to the Supervisor of the Town, the chief fiscal officer.

Section 7. The power to further authorize the issuance of the Bonds and bond

anticipation notes and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and the use of substantially level or declining annual debt service, subject to the provisions of this Resolution and the Local Finance Law, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Supervisor of the Town. The Supervisor of the Town is hereby authorized to sign and the Town Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and the Town Clerk is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the Town.

Section 8. The faith and credit of the Town of Southeast, New York, are hereby irrevocably pledged for the payment of the principal of and interest of such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property of the Town, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 9. This Resolution shall constitute the Town's "official intent", within the meaning of Section 1.150-2 of the Treasury Regulations, to finance the cost of the Purpose with the Bonds and notes herein authorized. The Town shall not reimburse itself from the proceeds of the Bonds or notes for any expenditures paid more than sixty days prior to the date hereof, unless specifically authorized by Section 1.150-2 of the Treasury Regulations.

Section 10. Upon approval of the Electors of the Town, this Resolution shall be published in full by the Town Clerk together with a notice in substantially the form prescribed by section 81.00 of the Local Finance Law, and such publication shall be in each official newspaper of the Town. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 11. This Resolution shall take effect immediately upon approval by the Electors of the Town at the General Election to be held on November 6, 2007.

The Motion having been duly seconded by Councilwoman Mitts, it was adopted and the following votes were cast:

Councilwoman Mitts - Aye
Councilman Bonanno - Aye
Councilman Honeck - Aye
Councilman Johnson - Aye

the sale of said bonds and provision shall be made

RESOLUTION #46/2007 - \$118,000 BOND FOR FOX HILL WATER DISTRICT

Introduced by Councilman Bonanno
Seconded by Councilwoman Mitts

At a regular meeting of the Town Board of the Town of Southeast in the county of Putnam, New York held at the civic Center, 67 Main Street, Brewster New York in said town on September 20, 2007 at &:30 p.m. prevailing time.

The meeting was called to order by Councilman Honeck and upon roll being called, the following were present:

Councilman Paul P. Johnson
Councilman Richard B. Honeck
Councilman Pat Bonanno
Councilwoman Lorraine Mitts

Town Clerk Ruth A. Mazzei
Town Counsel Willis H. Stephens, Jr.

And approximately 20 persons

Absent: Supervisor John Dunford

The following resolution was offer by Councilman Bonanno and seconded by Councilwoman Mitts, to wit:

**BOND RESOLUTION OF THE TOWN OF SOUTHEAST, NEW YORK,
ADOPTED SEPTEMBER 20, 2007 AUTHORIZING FINANCING FOR THE
REPLACEMENT OF A WATER TANK FOR THE FOX HILL WATER
DISTRICT WITHIN THE TOWN, STATING THE ESTIMATED MAXIMUM
COST THEREOF IS \$118,000 AND AUTHORIZING THE ISSUANCE OF
\$118,000 SERIAL BONDS OF SAID Town to Finance said appropriation.**

Whereas, because the water tank has reached the end of its useful life and requires replacement,

Be it resolved by the Town Board (the "town Board" of the Town of Southeast, Putnam County, New York (the "town" or the "issuer") (by the favorable vote of not less than two-thirds of all the members of said Town Board as follows:

Section 1. The town Board hereby determines that the specific object or purpose authorized pursuant to this resolution, constitutes a Type II Action pursuant to the State Environmental quality Review Act (Article 8 of the Environmental conservation Law) and, therefore, no further environmental review is required. The Town Board hereby review is required. The Town Board hereby directs that notice of this determination be filed to the extent required by the applicable regulations under that Act or as may be deemed advisable by the Town Board.

Section 2. The Issuer is hereby authorized to finance the replacement of a water tank, whether or not including buildings, land or rights in land, original furnishings, equipment, machinery or apparatus or the replacement of such equipment, machinery or apparatus/ including, without limitation, the installation of a granular activated carbon system for the fox Hill Water District. The estimated maximum cost and costs incidental thereto and the financing thereof, is \$118, 000 serial bonds of the Issuer to finance said appropriation, and the levy and collection of taxes on all the taxable real property of the Issuer to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. Serial bonds of the Issuer in the principal amount of \$118,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constitution Chapter 33-a of the consolidated Laws of the State of New York ("the Law) to finance said appropriation.

Section 4. The following additional matters are hereby determined and declared:

(a) the period of probable usefulness of said specific object or purpose for which said \$118,000 serial bonds authorized pursuant to this resolution are to be issued within the limitations of subdivision 1 of Section 11.00 of the Law, is forty (40) years.

(b) The proposed maturity of the bonds authorized by this resolution will exceed five (50 YEARS.

Section 5. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52. of the Law and said bonds and any notice issued in anticipation of said bonds, shall be general obligations of the issuer, payable as to both principal and interest by general tax upon all the taxable real property within the Issuer without limitation of rate or amount. The faith and credit of the Issuer are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any issued in anticipation of annually in the budget of the Issuer by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this resolution and of the Law and Pursuant to the provisions of Section 21.00, Section 30.00, Section 50.00, Sections 56.00 to 60.00 and Section 63.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and the renewals thereof, determining whether to issue bonds with substantially level or declining annual debt service, prescribing the terms, form and contents of the bonds herein authorized, bond anticipation notes issued in anticipation of said bonds and the renewals thereof, and any other powers or duties pertaining to or incidental to the sale and issuance of the bonds herein authorized, bond anticipation notes issued in anticipation of said bonds and the renewals thereof, are hereby delegated to the supervisor, the chief fiscal officer of the Issuer.

Section. 7. The validity of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Issuer is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with.
And an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication or:

(c) such obligations are authorized in violation of the provisions of are authorized in violation of the provisions of the constitution of the

State of New York.

Section 8. This resolution is adopted subject to permissive referendum and shall take effect thirty (30) days after its adoption or, if a referendum is held, upon the affirmative vote of a majority of the qualified electors of the Issuer voting on the referendum.

Section 9. The Town Clerk is hereby authorized and directed to, within ten (10) days after the adoption of this resolution, cause this resolution to be (a) published in the "Putnam County Press", hereby designated the official newspaper of the Issuer, and (b) posted on the sign board of the Town maintained pursuant to the Town Law, together with a notice of the adoption thereof. After this bond resolution shall take effect, the Town Clerk is hereby further directed to cause said bond resolution to be published. In full, together with a Notice attached in substantially the form prescribed in Section 81.00 of Law, said official newspaper of the Issuer.

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Upon roll call vote:

Supervisor Dunford - absent
Councilman Johnson - aye
Councilman Honeck - aye

Councilman Bonanno - aye
Councilwoman Mitts - aye

Vote carried by a vote of 4 ayes, 0 nays, 0 abstained.

BLACKBERRY HILL WWTP BID WITHDRAWAL

Councilman Honeck made a motion to withdraw the bid award to Waltech Construction for the Blackberry Hill WWTP. The award bid will instead be awarded to Standard Construction. Councilwoman Mitts seconded and all in favor

AWARD BID BLACKBERRY HILL WWTP

Councilman Honeck made a motion to award the bid at Blackberry Hill WWTP Standard Construction. Councilwoman Mitts seconded. All in favor.

METER RATES AT EAGLES RIDGE

Councilwoman Mitts made a motion authorizing use of meter rates for new units at Eagles Ridge Condo. Councilman Honeck seconded. All in favor.

RESOLUTION # 47 /2007 NEW CINGULAR WIRELESS PCS, LLC V. TOWN OF SOUTHEAST-AUTHORIZING SETTLEMENT OF PROCEEDINGS

Introduced By: Councilwoman Mitts
Seconded By: Councilman Johnson

WHEREAS, a proceeding was commenced by New Cingular Wireless PCS, LLC in United States District Court for the Southern District of New York, against The Town of Southeast challenging a determination by the Southeast Zoning Board of Appeals (Case NO. CTV. 5554 (CLB)(LM; and

WHEREAS, while this action was held in abeyance New Cingular has Prosecuted its application for a special use permit through the Planning Board in Accordance with Town Code requirements; and

WHEREAS, the Planning Board has granted such permit and has issued final Site plan approval for the project; and

WHEREAS, given the foregoing, there is no need to further pursue this litigation and it is the recommendation of the Town Attorney to enter into a consent judgment settling and dismissing the matter.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast does hereby accept The recommendation of its Town Attorney and authorizes said Town Attorney to execute a Consent Judgment in a form substantially similar to that annexed hereto and made part hereof.

UPON ROLL CALL VOTE:

Supervisor – Absent	Councilman Johnson - Abstain
Councilman Bonanno – Aye	Councilman Honeck - Aye
Councilwoman Mitts - Aye	

VOTE: carried by a vote of 3 in favor, 0 against; 1 abstained.

NEW BUSINESS

Landfill - The town is under a consent order with the Department of Environmental Conservation.

Zoning - Route 22 Corridor, North of 684, still needs to be worked on.

Councilman Johnson made a motion to close the meeting and Councilwoman Mitts seconded and all in favor.

Ruth A. Mazzei Southeast Town Clerk