

**TOWN CLERKS MINUTES
REGULAR MEETING
TOWN BOARD
OCTOBER 18, 2007**

Present: Supervisor John J. Dunford
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.

And: Approximately 20 persons

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

Pledge of Allegiance

Notation of Exits

Brief Explanation of Town Board's Decision-Making Process

PUBLIC HEARING – SPECIAL PERMIT – DYKEMAN'S CORPORATE PARK

Councilwoman Mitts made a motion to open the public hearing and Councilman Honeck seconded. All in favor. Supervisor Dunford made a motion to waive the reading of the legal notice and Councilwoman Mitts seconded. All in favor. Terri Hahn from LADA explained that the park is 52 acres and in an ED2 zone. It is on Route 312 between the two Railroad tracks. This project was submitted 5 years ago to make the improvements. There are 2 buildings with 47,000 square feet. This is for a Special Permit use. One warehouse is in the front and one in the rear. It is 2/3 of the original proposed size. Joe Brezniski from LADA also said there is low water use and low population. They will use 800 gallon a day of water. There is room for expansion of the leach field and there will be a rigorous stormwater treatment plant. No processed water is proposed and there will be a self-contained wash unit for cleaning. Any fuels will be removed and taken away by a licensed hauler. The lighting is 1000 feet away and will have standard parking lights which are 20 feet high. There also will be extensive screen plantings. This is a 24 hour operation. There is emergency response and if a large vehicle is need then it will leave the whop. During the day the work is done inside the building. Outdoor storage was discussed. Residents spoke concerns regarding paint booths, 26 diesel trucks, school children, hauling, and traffic. It is not a mom and pop business. Safety and noise concerns were also mentioned. Additional huge tow trucks will cause more concerns. The proximity to Lake Tonetta and cleaning solutions, etc. was also spoken of. Most of the landscaping will be evergreens 10-12 feet tall. When asked if the septic be moved the answer was no. Diesel fuel will be delivered every day and their will be an on-going monitoring for contamination.

Supervisor John J. Dunford made a motion to keep the pubic hearing open for 10 days for a comment period, Councilman Honeck seconded; all in favor.

PUBLIC HEARING – LOCAL LAW TO AMEND SECTION 23 OF TOWN LAW

Supervisor Dunford made a motion to open the hearing and Councilman Johnson seconded. All in favor. Supervisor Dunford made a motion to waive the reading of the legal notice and Councilwoman Mitts seconded; all in favor. This law authorizes the Building Inspector to be other than a resident of the Town of Southeast. It now will state that you must be a resident of Putnam, Dutchess or Westchester County. This will supersede Section 23, Councilman Honeck made a motion to close the meeting and Councilman Johnson seconded. All in favor.

PUBLIC HEARING - ELKS CLUB

Councilman Honeck made a motion to open the meeting and Councilwoman Mitts seconded. All in favor. Supervisor John J. Dunford made a motion to waive the reading of the legal notice and Councilwoman Mitts seconded. All in favor. The Elks were petitioning to receive a waiver from the moratorium, The Planning Board does not have a problems with a waiving of the moratorium requirements. They have definitely showed that they have a hardship. Supervisor Dunford made a motion to close the meeting and Councilman Honeck seconded. All in favor.

REVIEW OF MINUTES

Councilwoman Mitts made a motion to approve the minutes of September 20th, 2007 meeting and Councilman Johnson seconded. All in favor except Supervisor Dunford who was not present for the meeting. .

CORRESPONDENCE

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

Correspondence Received

1. Certificate of Liability Insurance Re: Gregory Meliti Masonry, Inc.
2. Richard Stockburger Re: Placement of Political Signs
3. Pantel Contracting Corp. to the Supervisor Re: Agreement Between Owner and Electrical Contractor Town of Southeast Blackberry Hill WWTP NYCDEP Regulatory Upgrades Contract #2 – Electrical Construction, Contract #3 – HVAC Construction and Contract #4 – Plumbing Construction
4. Maria Steinberg, Brewster Public Library to the Supervisor Re: Proposed Budget for 2008
5. Putnam County Department of Planning to the Supervisor Re: Zoning Code Amendment Chapter 138 Referral 07-PC-119
6. Board of Elections Putnam County to the Supervisor Re: Help America Vote Act of 2003 (HAVA)
7. Putnam County Sheriff Office to the Supervisor Re: Crime Statistics Information for the Town of Southeast Including the Village of Brewster
8. ACORD Certificate of Liability Insurance Re: SRI Fire Sprinkler Corporation, Comfortmaster, Inc.
9. Paul Gregory Re: Appeal FOIL Denial
10. Sayegh Law Firm to the Supervisor Re: SLS Health – Sewer Hook Up Their Matter #: 3470.02
11. Linda Young to the Supervisor Re: Telephone Conversation in August Regarding the Property Adjacent to the Future Town Park
12. FOILS:
 1. Stefan Karlson Re: Request for Town Board Regular Meeting 8/16/07 and 9/20/07
 2. Christine Gampman Re: Request for Riser Diagrams for Hunters Glen Condominium
 3. Lucille Ettere Re: Request for Copy of Septic Design & Survey for Property on Cobb Road

Correspondence Sent

1. Mr. Paul Gregory from Town Clerk Re: Response FOIL Request
2. Putnam County Courier Legal Department from Planning Board Chairman Re: Public Notice to be Published Thursday, September 27, 2007
3. Architectural Review Board from Planning Board Chairman Re: 800 Clocktower Commons Amended Site Plan

- 4. Putnam county Press from Planning Board Chairman Re: Public Notice to be Published Wednesday September 26, 2007
- 5. Residents of Brewster Heights Water District from Michael Levine Re: Notification of Current Problems Affecting the Water System and the Measures Being Taken to Resolve Them.
- 6. Dear Park District Residents from Michael Levine Re: Community Update for Improvements to the Blackberry Park and Swimming Pool.
- 7. NYS EFC Disbursement Request #36
- 8. Sisca Northeast Inc. Re: Contract 07-1-GC for Alterations to the Southeast Courthouse
- 9. Southeast Mechanical Re: Contract 07-1-M and 07-01-P for Alterations to the Southeast Courthouse
- 10. Robert H. Sammons, P.E. Re: Report #85 for the Blackberry Hill Sewer District Treatment Facility
- 11. Supervisor Dunford from R. Knox Re: Invitation to Lead Annual Ragamuffin Parade 10/27/07 at 1PM Rain Date 10/28/07
- 12. Mr. Anthony Eagan Re: Task Budget Reallocation Forms for the Blackberry Hill Wastewater Treatment Plant Upgrade
- 13. Springhouse Water District Residents Re: Water Quality and Treatment
- 14. Theresa Ryan Re: Escrow Accounts – D’Uva Site Plan, Millennium Site Plan, Alcon Site Plan and Strazza Subdivision
- 15. Supervisor Dunford from Susan Tobacco, Tax Receiver Re: Tax Certiorari Ordered September 19, 2007
- 16. Ken Bibko, County Waste Management to the Supervisor Re: Fair Pricing Situation Within the Garbage Industry
- 17. Brewster-Southeast Joint Fire District Re: 2008 Budget Summary
- 18. United States Environmental Protection Agency Re: Transfer of Primacy Authority to the NYS Dept. of Health
- 19. Robert H. Carey to the Supervisor Re: Bond Counsel
- 20. Liberty Mutual Re: Treco Corporation
- 21. Supervisor Dunford from Michael Levine Re: Monthly Progress Report #85

VOUCHERS

Councilman Honeck made a motion to approve the voucher list in the amount of \$597,843.75. Councilman Johnson seconded. All in favor.

MEETING DATES

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

November 8, 2007	7:30PM Civic Center	Special Mtg./Work Session
November 15, 2007	7:30PM Civic Center	Regular Meeting

PUBLIC HEARINGS:

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

Nov. 8, 2007	7:30PM Civic Center	2008 Town Budget
Nov. 15, 2007	7:30PM Civic Center	Community Based Services-

Special Permit

BUDGET TRANSFERS

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

**RESOLUTION # 48 /2007 VAIL’S GROVE GOLF COURSE-SITE PLAN RELEASE
OF PERFORMANCE BOND**

Introduced by Councilwoman Mitts
Seconded ;by Councilman Honeck

WHEREAS, the Town Board of the Town of Southeast is in receipt of a report and recommendation from the Town Engineer with respect to the release of Performance Bond for Vail’s Grove Golf Course, located on Peach Lake Road, Town of Southeast; and

WHEREAS, such report recommends the release of the balance of the performance bond held in connection with this project.

NOW, THEREFORE, BE IT

RESOLVED, that the remaining performance bond amount for the Vail’s Grove Golf Course site plan is hereby released and the Town Clerk is hereby authorized to return any and all original bonds, deposits, letters of credit or other indicia of security posted in connection with this project.

UPON A ROLL CALL VOTE

Supervisor Dunford – Aye
Councilman Bonanno – Aye
Councilwoman Mitts – Aye

Councilman Johnson – Aye
Councilman Honeck – Aye

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

**RESOLUTION #49 /2007 EAGLE’S RIDGE – SITE PLAN RELEASE OF
PERFORMANCE BOND**

Introduced By: Councilman Johnson
Seconded By: Councilwoman Mitts

WHEREAS, the Town Board of the Town of Southeast is in receipt of a report and recommendation from the Town Engineer with respect to the release of Performance Bond for Eagle’s Ridge Condominium – Final Phase, located off of Putnam Terrace, Town of Southeast; and

WHEREAS, such report recommends the release of the balance of the performance bond held in connection with this project.

NOW, THEREFORE, BE IT

RESOLVED, that the remaining performance bond amount for the Eagle’s Ridge-Final Phase site plan is hereby released and the Town Clerk is hereby authorized to return any and all original bonds, deposits, letters of credit or other indicia of security of security posted in connection with this project.

UPON A ROLL CALL VOTE:

Supervisor Dunford – Aye
Councilman Bonanno – Aye
Councilwoman Mitts – Aye

Councilman Johnson – Aye
Councilman Honeck – Aye

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

**RESOLUTION # 50 /2007 ADOPTING LOCAL LAW AMENDING AND
SUPERSEDING TOWN LAW §23**

Introduced By: Councilman Bonanno

Seconded By: Councilwoman Mitts

WHEREAS, a resolution having been adopted by the Town Board of the Town of Southeast for a public hearing to be held by said Town Board to hear all interested parties on a proposed local law to amend and supersede Section 23 of the Town law;and

WHEREAS, notice of said public hearing was advertised in an official newspaper of the Town of Southeast in the manner prescribed by law and such public hearing was held on October 18, 2007; and

WHEREAS, it is the sense of this Town Board that the adoption of such local law will enhance the health, safety and welfare of the citizens of the Town of Southeast.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Southeast hereby adopts Local Law No. 6 of 2007, a copy of which is annexed hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and hereby is authorized and directed to enter said Local Law in the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State of New York within the time required by law.

UPON ROLL CALL VOTE:

Supervisor Dunford – Aye
Councilman Bonanno – Aye
Councilwoman Mitts – Aye

Councilman Johnson – Aye
Councilman Honeck – Aye

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

APPOINTMENT

Supervisor Dunford made a motion to appoint Michael Levine as Building Inspector, for a 6 week probation period in the civil Service position and who will also stay on as Special Districts Manager until another is hired. Councilman Johnson seconded. All in favor.

Supervisor Dunford made a motion to appoint Robert Conlin as Facilities Maintenance Supervisor (Aide to the Town Board) to replace Michael Levine. This will be at no extra cost to the Town. Councilwoman Mitts seconded and all in favor.

RESOLUTION # 51 /2007 ELKS CLUB MORATORIUM WAIVER REQUEST

Introduced By: Councilman Honeck

Seconded By: Councilman Johnson

WHEREAS, on February 28, 2002 this Town Board adopted Local Law No. 1 of 2002, which imposed a moratorium on certain residential subdivision and commercial projects in specified areas of the Town of Southeast; and

WHEREAS, said local law has been amended and extended and remains in full force and effect with regard to commercially zoned properties in specified areas of the Town; and

WHEREAS, pursuant to Article IV of said Local Law, BPOE LODGE 2101 a/k/a Brewster Elks (the “Applicant”) have filed a written request for relief from the restriction of such moratorium in connection with the proposed construction and re-

construction of a portion of the existing Elks Lodge Facility located at the corner of Route 22 and Milltown Road (the “Premises”); and

WHEREAS, the Applicant, has appeared before the Town Board and presented arguments in support of its request for a variance to allow the proposed construction and re-construction while the moratorium remains in effect; and

WHEREAS, a duly noticed public hearing was held by this Town Board on October 18, 2007 to consider the application for relief from the moratorium.

NOW, THEREFORE BE IT RESOLVED that the Town Board finds and determines, that the proposed construction is proposed to improve an existing premises which are occupied by fraternal order; that the proposed construction and reconstruction will be used for the same purposes as are currently employed on the Premises; and that, based upon submissions made by or on behalf the Applicant, the Board is satisfied that substantial evidence exists to support a finding of real financial hardship if the waiver to the moratorium were not granted; and be it further

RESOLVED, that based upon the foregoing findings of fact, the application for a variance or waiver of the provision of Local Law No.1 of 2002 by PBOE LODGE 2101, is hereby GRANTED and, therefore, the applicant shall hereby be permitted to prosecute a project development plan application for the Premises notwithstanding the prohibitions contained in Local Law No. 1 of 2002 as amended; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Secretary of the Planning Board, the Building Inspector and the Zoning Enforcement Officer forthwith.

UPON ROLL CALL VOTE:

Supervisor Dunford – Aye
Councilman Johnson – Aye
Councilman Bonanno – Aye

Councilman Honeck – Aye
Councilwoman Mitts – Aye

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

RESOLUTION # 52 /2007 PEACH LAKE SEWER DISTRICT (PRPOSED)
AUTHORIZATION TO ENTER INTO AGREEMENT TO PURCHASE LAND

Introduced By: Councilwoman Mitts
Seconded By: Councilman Johnson

WHEREAS, the Towns of Southeast and North Salem have been working cooperatively to form sewer districts in each of the respective towns which would serve to benefit the owners and residents of real property in and around the vicinity of Peach Lake; and

WHEREAS, central to the success of the separate sewer districts is the joint operation of a waste water treatment plant (“WWTP”) which, as proposed, would be located within the Town of Southeast, but service residents from both the Town of Southeast and the Town of North Salem; and

WHEREAS, the Towns have identified a parcel of property within the Vail’s Grove Cooperative which would be suitable to locate the WWTP; and

WHEREAS, the Towns have undertaken to have the property appraised to determine its fair market value; and

WHEREAS, the Board of Directors of Vail’s Grove Cooperative desire to enter into a conditional contract of sale wherein the subject property would be sold to the

Towns of North Salem and Southeast (or the sewer districts established by each Town) if and when the districts are formed at a pre-determined price.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute a contract of sale for the purchase of property located within and currently owned by Vail's Grove Cooperative for a purchase price not to exceed \$245,000.00, in cooperation and jointly with the Town of North Salem, the cost of which to be shared proportionately as set forth in the Inter-municipal Agreement between the two municipalities and in a form and content satisfactory to the Town Attorney.

UPON ROLL CALL VOTE

Supervisor Dunford – Aye
Councilman Honeck – Aye
Councilman Bonanno – Aye

Councilman Johnson – Aye
Councilwoman Mitts – Aye

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

NEW BUSINESS

Supervisor Dunford read the following resolution regarding Robert E. Becker:

Whereas, Robert E. Becker has resided in Vails Grove, Brewster, Town of Southeast for more than 70 years, and

Whereas, he has served as attorney for the Vails Grove Cooperative and Chairman of the Legal committee for more than 35 years, and

Whereas, his leadership was instrumental in establishing the Cooperative in 1973 and so continues today, and

Whereas, Vails Grove Cooperative is an important part of the Town of Southeast, and

Whereas, as the Board of directors of the cooperative by Resolution adopted, October 17, 2007 has named Vail's Grove Entrance #3as "Becker's Way", now therefore be it

Resolved, that October 27, 2007 he designated and proclaimed as "Robert E. Becker Day" now therefore be it

Resolved, that October 27, 2007 be designated and proclaimed "Robert E. Becker Day' in the Town of Southeast.

Landfill – dialogue with the railroad Re: removal of waste. Will receive 50% of monies in a grant for up to 2 miles than the balance is low interest. The **Courthouse** was discussed regarding bids as was the Cedar Swamp. It was noted that the Sheriff's contract expires on 12/31/2007. Supervisor Dunford made a motion to close and Councilman Johnson seconded and all in favor.

Respectfully submitted,

Ruth Argo Mazzei
Southeast Town Clerk