

**TOWN CLERK'S MINUTES  
REGULAR MEETING  
FEBRUARY 15, 2007**

Present: Councilman Johnson  
Councilman Honeck  
Councilman Bonanno  
Councilwoman Mitts

Absent: Supervisor Dunford

Also: Town Clerk Ruth A. Mazzei  
Town Attorney Willis H. Stephens

**REGULAR MEETING**

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

Pledge of Allegiance  
Notation of Exits  
Brief Explanation of Town Board's Decision-Making Process

**PUBLIC HEARINGS**

**PUBLIC HEARING - ROOT AVENUE SIGN PLAN**

Councilman Bonanno made a motion to open the hearing and Councilman Honeck seconded. All in favor. There is a proposed subdivision for the area. Residential lots are accessed from Root Avenue. There is no right turn on John Simpson Road, and signs that are posted which read "No through traffic". A neighbor who lives the closest to John Simpson Road said that though the signs are posted, people do not follow the speed limit. There is a blind curve from Fair Street and it should be a one way. The Highway Superintendent was not present at the meeting. The plan was reviewed by the County DOT and the Highway Superintendent, and they recommended that it not be a one-way. Councilman Johnson made a motion to close the hearing and Councilwoman Mitts seconded. All in favor.

**REVIEW OF MINUTES**

Councilwoman Mitts made a motion to approve the minutes of the Regular Meeting of January 25, 2007; Councilman Honeck seconded. Councilwoman Mitts and Councilman Honeck voted aye and Councilman Johnson and Councilman Bonanno abstained due to not being present at the 1/25/07 meeting. Vote was deferred to next public meeting.

**CORRESPONDENCE**

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

Correspondence Received

1. Town of Southeast Month-End Budget Report December 2006
2. NYSD. Of Environmental Conservation Division of Solid & Hazardous Materials Re: Vehicle

Dismantler Facilities ( Auto Junk Yards )

3. Jacobson to George Rohrman Re: Mendola Property no additional information for the subject project since our Nov. 8, 2006 review letter
4. Jacobson to George Rohrman Re: Landau Subdivision no additional information for the subject project since our August 10, 2006 review letter
5. Jacobson to George Rohrman Re: Prospect Hill Estates II Subdivision no additional information for the subject project since our Oct. 19, 2006
6. Jacobson to George Rohrman Re: Brewster Plaza 979-987 Route 22 Site Plan Review NLJ #0001-0878
7. Jacobson to Supervisor Re: Triple J Subdivision Welfare Road Request for Bond Reduction NLJ #001-0754
8. Shamberg Marwell Davis & Hollis to Town of Southeast Re: Village of Brewster Utility Easement Agreement Tax Map No.: 56.82-1-1
9. Jacobson to George Rohrman Re: Route 6 Business Plaza 40004 Route 6E/ Danbury Road Preliminary Site Plan Review NLJ #0001-0855
10. Ray Knox Recreation from Donna Relyea Re: Women's Softball League
11. Building Dept from Supervisor Re: Performance Bonds Palazetti - Reduction Pennella - High Meadows Farm & JP International Establishment
12. NYSDEPT. of Environmental Conservation Re: DEC Accepting Applications for State Wildlife Grants
13. Town Board Town of Southeast from Michael Levine Special Districts Re: Award of Bids for Blackberry Wastewater Treatment Plant Upgrade
14. NYMIR to Supervisor Re: Recommendations for Town of Southeast
15. CITY OF NY DEPT OF ENVIRONMENTAL PROTECTION Re: PIN 8130.64 Route I-684 to C.R. 65 Town of Southeast Putnam Co. N.Y. DEP Log No. 1999-BB-0790-SQ.1
16. Chazen Engineering Re: Blackberry Hill WWTP NYC Watershed - WWTP Upgrade Program Job #80372.03 NYCDEP Task 2.3 Bidding & Negotiations
17. Comcast Re: Comcast of New York, LLC - 2006 Annual Service & Telephone Availability Report
18. Milltown Assoc. Re: DOT plan for expanding Route 22
19. Department of Health Re: Putnam County Sanitary Code
20. Town Board Town Counsel from Town Clerk Re: Liquor License Application Renewal Aversano's Restaurant
21. Town Board Town Counsel from Town Clerk Re: Liquor License Application Renewal Gaetano's
22. NYS Environmental Facilities to Supervisor Re: Project #C3-5340- Landfill Cap Town of Southeast, Putnam County
23. Assembly Standing Committee on Governmental Operations Re: Notice of Public Hearing to examine NYS reapportioning congressional & state legislative district boundaries
24. Accord Certificate of Liability Ins. Re: A Prokosch & Sons Sheet Metal & Prokosch Realty Ltd.

#### FOIL REQUESTS

- A. Accounting Dept from Matt Neuringer Re: All 2006, 2005, 2004, 2003 & 2002 Salaries for all public employees of the Town of Southeast
- B. Planning Board/Town Board from Kathleen Radigan Re: Meadows at Dean's Corners: (1) Letter sent to Planning Board or Town Board notifying them of Work stoppage of the artificial mitigation wetland & removal of equipment (2) Letter stating designee for Meadow's Conservation Easement
- C. Town Clerk from Kathleen Radigan Re: Copy of Local Law #16 2004
- D. Town Clerk from Marcela Rojas Journal News Re: List of all employees title & salary
- E. Town Clerk from Highland Development Re: Lawn Maintenance contract for Town of Southeast
- F. Town Clerk from Lane Appraisal Re: Local Law Moratorium Rt. 22 - 2001
- G. Planning Dept. from Jonathan Leifer Re: Inspect Meadows @ Deans Corner P.B. File Inspect Gizzo Property P.B. file Inspect P. B. agendas from previous 6 months

- H. Town Clerk/Building Dept. from Michael Liguori Re: Review Building Dept. Records on Fox Ridge Motor Inn
- I. Town Clerk from Francis Flandreau Re: Town of Southeast Annual Budget From 1998 - 2007
- J. Town Clerk from Francis Flandreau Re: All public employees salaries from 1/1/2007 - 1/31/2007
- K. Town Clerk from Francis Flandreau Re: All letters sent from the Town of Southeast to the village of Brewster since 1998 to presents / letters received By Town from Village
- L. Town Clerk from Francis Flandreau Re: All Payments to Stephens & Charbonneau Firm for the Gillkenhause Development Dean's Corner Subdivision including billing & payment information Re: Supreme Court Appellate Division Litigation
- M. Town Clerk from T. Brennan Re: ARB Minutes for October 2006
- N. Town Clerk from Lynne Eckardt Re: Rental Registration Law since Nov. 2005

#### Correspondence Sent

- 1. Trinity Lutheran Church from Zoning Dept. Re: Notice of Potential Violation / Order Remedy
- 2. Property Managers Residential Condominium Properties from Special Districts Re: Refuse & Bulk Collection
- 3. Cuddy & Feder from Planning Board
- 4. Sheriff Donald Smith from Supervisor Re: Illegal Immigration Reform & Immigrant Responsibility Act Section 287
- 5. NYS Dept. of Transportation from Supervisor Re: Improvements to Route 22
- 6. Chief Deputy Commissioner of Finance from Supervisor Re: Debt owed by the Town of Southeast as of Dec. 31, 2006
- 7. Putnam County Personnel from Supervisor Re: Building Inspector Exam
- 8. NYS Environmental Facilities Corp from Special Districts Re: Brewster Heights WWTP Upgrade
- 9. Mayor John Degnan from Special Districts Re: Connecting 67 Main St. to the new Village of Brewster sewer system
- 10. Advance Waste Systems from Special Districts Re: Refuse Services
- 11. NYS Environmental Facilities Corp from Special Districts Re: Brewster Heights WWTP Upgrade
- 12. Lawrence & Wise 55 Hickory Drive from Building Inspector Re: Inspection of property & confirmed demolition of original dwelling has been completed
- 13. Severn Trent Services from Special Districts Re: Operations Agreement for Town of Southeast Water & Wastewater Plants
- 14. NYS Environmental Facilities Corp. from Special Districts Re: Report #77 for the Blackberry Hill Sewer District Treatment Facility
- 15. Mr. Meliti from Special Districts Re: Refuse Collection Bill from Jan. 1, 2007 through Dec. 31, 2007

#### **VOUCHERS**

Councilman Honeck made a motion to approve the voucher list in the amount of \$2,026,811.91. Councilman Johnson seconded. All in favor.

#### **MEETING DATES**

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

March 8, 2007 7:30PM Civic Center Work Session  
March 15, 2007 7:30PM Civic Center Work Session  
March 22, 2007 7:30PM Civic Center Regular Meeting

Councilwoman Mitts made a motion to set the following public hearing.  
Councilman Honeck seconded. All in favor.

February 22 2007 7:30PM

Civic Center Work Session/Spec. Mtg.  
(Public Hearing Moratorium Extension)

**RESOLUTION # /2007 SENIOR CITIZEN TAX EXEMPTION AMENDING CHAPTER 126 OF THE TOWN CODE**

Introduced By: Councilman Honeck  
Seconded By: Councilwoman Mitts

WHEREAS, a resolution was adopted by the Town Board of the Town of Southeast for a public hearing to be held by said Town Board on January 25, 2007 to hear all interested parties on a proposed local law to amend Article 1 of Chapter 126 of the code of the Town of Southeast entitled "Senior Citizen Tax Exemption"; and

WHEREAS, notice of said public hearing was duly advertised in an official newspaper of the Town of Southeast in the manner prescribed by law: and

WHEREAS, said public hearing was duly held on January 25, 2007 at the Civic Center, 67 Main Street, Brewster, NY, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Southeast, after due deliberation, finds it in the best interest of the Town to adopt such local law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Southeast hereby adopts Local Law No. 1 of 2007 amending Article 1 of Chapter 126 of the Code of the Town of Southeast entitled "Senior Citizen Tax Exemption" 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 in the Code Book of the Town of Southeast, 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 - 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 # /2007 RELEASE OF PERFORMANCE BOND/STONECREST SENIOR RESIDENCES**

Introduced By: Councilman Johnson  
Seconded By: Councilwoman Mitts

WHEREAS, the Town Board of the Town of Southeast has a recommendation from the Town Engineer with respect to the Release of Performance Bond for Stonecrest Senior Residence, 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:

PROJECT NAME	PRESENT AMOUNT	RECOMMENDED TO
Stonecrest Senior Residence	\$126,140.00	\$00.00

UPON ROLL CALL VOTE:

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

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

**RESOLUTION # /2007 TRIPLE J SUBDIVISION-REDUCTION OF PERFORMANCE BOND**

Introduced By: Councilwoman Mitts  
Seconded By: Councilman Bonanno

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 Reduction of the Performance Bond for Triple J Subdivision, located on Welfare Road, Town of Southeast,

WHEREAS, such report and recommendation estimates that there is approximately \$30,000. worth of site work remaining to be completed on the project; and

WHEREAS, Section 123-25 of the Code of the Town of Southeast requires that a Performance Bond may not be reduced to less than 50% of the original bond amount until such time as the project is fully complete.

NOW, THEREFORE, BE IT

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

PROJECT NAME	PRESENT AMOUNT	RECOMMENDED TO
Triple J Subdivision	\$520,200.00	\$260,100.00

UPON ROLL CALL VOTE:

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

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

**RESOLUTION # /2007 INTERNATIONAL BOULEVARD (EXTENSION) ACCEPTANCE OF OFFER OF DEDICATION**

Introduced By: Councilman Honeck  
Seconded By: Councilwoman Mitts

WHEREAS, LAD FAMILY INVESTMENT, LLC., the owners and developers (hereinafter the "Developer") of the Terravest International Corporate Park Phases II and III, has requested the Town of Southeast to accept the dedication of certain lands upon which a certain roadway has been constructed in connection with the commercial subdivision consisting of the road designated as International Boulevard (the "Road") as shown on a certain Filed Map entitled "Final Subdivision Plat prepared for Terravest Corporate Park - "Terra II" filed in the Putnam County Clerk's Office on October 14, 2004 as Filed Map No. 1606; and

WHEREAS, the Town Consulting Engineer and the Town Highway Superintendent have inspected said Road and have found it to be constructed generally according to plan and in accord with the town highway specifications; and

WHEREAS, it is deemed to be in the best interest of the residents of the Town of Southeast to accept the dedication of the aforementioned Road.

NOW, THEREFORE, the Supervisor of the Town of Southeast is hereby authorized to accept the deed or deeds dedicating and releasing the necessary lands for the road known as International Blvd. and cause same to be recorded in the Putnam County Clerk's office in connection with the commercial development known as Terravest Phase II, upon the Developer having fulfilled the following terms and conditions;

1. The Road shall be completed in accordance with all other Town Highway road construction specifications and in a manner satisfactory to the Town's consulting engineers and the Town Highway Superintendent.
2. The Developer shall provide a deed or deeds of dedication for all portions of such Road being dedicated to the Town, necessary to convey fee simple title to the lands underneath the road to the Town of Southeast, free and clear of all liens or encumbrances, except for utility easements;
3. The Developer shall provide the Town with all necessary and proper easements, if any, across adjoining lands for the purpose of drainage or discharge of storm water over such lands;
4. The Developer shall provide a title insurance policy issued by a company which is a member of the New York Board of Title Underwriters in good standing insuring the Town's fee simple title in and to such Road in the amount of Ten Thousand (\$10,000.00) dollars; and
5. The Developer shall first post a bond or other security in favor of the Town in the amount equal to ten percent (10%) of the construction cost of the improvements, as determined by the Town's Consulting Engineer and Highway Superintendent. Said Bond shall be for a period of one (1) year from the date such bond is filed with the Town Clerk in accordance with the Town's subdivision regulations; and it is further

RESOLVED that, upon compliance with the foregoing conditions, and in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent is hereby given that the Highway Superintendent of the Town of Southeast make an order laying out the aforesaid town highway, the town highway to consist of the lands described in the deed of dedication, and it is further

RESOLVED, that upon compliance with the aforesaid conditions and upon posting the appropriate maintenance bond, the Town Clerk is authorized to record the deed or deeds of dedication in the Putnam County Clerk's office.

UPON 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.

**MOTION-APPOINTMENT TO ASSESSMENT REVIEW BOARD**

Councilman Johnson made a motion to appoint Lois Zutell to the Board of Assessment Review - term through 9/30/11. Councilman Honeck seconded. All in favor.

**NEW BUSINESS**

The Highway Department was thanked for keeping the roads safe this winter.

Landfill - Highway Department built the road. There were negotiations with the DEC but they are dragging their feet.

Meadows at Deans Corners - A question was raised as to whether the Town Board had any authority to prohibit the Planning Board from joining in the appeal. The Town Attorney responded that the Planning Board is the named party for the lawsuit. The Town Board cannot cut off funding of the Planning Board's appeal. The decision whether or not to join in the appeal is made solely by the Planning Board. They have the authorization to go further if they choose. The Planning Board is apolitical and the Town Board cannot stop them from doing what is their right..

Rental Registration - Ron Harper sent out letters to some people before he retired. When asked why two Zoning Enforcement Officers are needed, the town explained that there are many outstanding violations and enforcement of the rental registration law required more personnel.

A letter from a resident was read into the record (see attached) Councilwoman Mitts said she had never received an email from the author as stated in the letter.

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

Respectfully submitted,

Ruth Argo Mazzei  
Southeast Town Clerk