

**TOWN CLERKS MINUTES
REGULAR MEETING
TOWN BOARD
APRIL 14, 2005**

Present: Supervisor Dunford
Councilman Johnson
Councilman Honeck
Councilman Bonanno
Councilwoman Mitts

And: Town Clerk Ruth A. Mazzei
Town Counsel Willis H. Stephens
Town Highway Supervisor Jim Lawlor

Also: Approximately 21 residents

REGULAR MEETING

SPECIAL PRESENTATION

SNOWMAN CONTEST - *Traditional snowman* was won by David Bancroft who was there to receive his certificate and \$50 bond. *Whimsy snowman* was won by Emily Sloan who was unable to attend due to illness.

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

REVIEW OF MINUTES

Councilman Johnson made a motion to review the minutes of the March 17, 2005 Regular Meeting. Councilman Honeck seconded. All in favor.

CORRESPONDENCE

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

Correspondence Received

1. James Bryan Bacon Re: Wetlands Permit Application – Terravest International Corporate Park
2. Acord Certificate of Liability Insurance Re: Eagle Eye Electric, Inc.
3. Putnam County Department of Health Re: Accessory Apartment-Phillips, 112 Sodom Road. Three Year Approval TM#57.18-1-10 and Addition-Chandler, 326 Starr Ridge road, No Increases in Number of Bedrooms, TM#79-1-31
4. Michael D. Brown Re: Foil Request for Building Department Records at New Construction Site at Foggintown Road
5. Grethe Kennedy Re: Historic Site at Milltown Road
6. Putnam County Department of Health Re: Bedroom Count Policy
7. Clayton R. DeHaan Re: Eagle Scout Ceremony at the Brewster VFW Hall on Peaceable Hill Road

8. The City of New York DEC Re: WWTP Compliance Inspection Brewster Heights WWTP SPDES #NY – 011035 and WWTP Compliance Inspection Blackberry Hills WWTP SPDES # NY-0062570
9. Michael Griffin Re: Monthly Supervisors Meeting
10. State of New York DOH Re: New York City Water Supply System
11. Howard Protter Re: Copy of Letter to The Village Clerk on an Appeal of Foil Request Denial
12. Malcolm Pirnie Re: Starr Ridge Manor Water District System Improvements General Contract – Tank Substitution
13. New York State DEC Re: Town of Southeast Landfill Revised Closure Plan
14. Lynne Eckardt Re: Foil Request for Invoices for Paul Bergins – All in '04
15. Sterling Environmental Engineering P.C. Re: Supplemental Certificate of Determination
16. Acord Certificate of Liability Insurance Re: Town of Southeast
17. Covington Development, LLC Re: Atlantic Cedar Swamp
18. George Yourke Re: Communication Improvements
19. Jacobson Re: Mount Ebo Lot 6, Alternate Road Layout NLJ #0001-0845, Skyridge Tree Farm, Nichols Road NLJ#0001-0730, Envirostar Corporation 50 Fields Lane, Change of Use Application NLJ#0001-0503
20. State of New York Office of the State Comptroller Re: Distribution Adjustments Resulting from Legislative Repeal of Fine Distributions Method
21. Michael Griffin Re: MS-4 Intermunicipal Agreement
22. Ron Harper Re: Various Updates for Week Ending February 25, 2005 March 18, 2005 March 25, 2005
23. New York State Environmental Facilities Corporation Re: Clean Water State Revolving Fund Project By-Pass Notification CWSRF Project No. C3-5340-06-00 Peach Lake COLL,FM,PS,STP Town of Southeast
24. Lester Steinman Re: Municipal Law Resource Center
25. Putnam County Department of Finance Re: Extension of Collection of Real Property Taxes
26. Putnam Smart Growth Alliance Re: Gateway Summit and Fairways Project
27. State of New York DOT Re: Widening of Route 22
28. The City of New York DEP Re: Peach Lake Watershed Study
29. Lynne Eckardt Re: Grant Money Applied for Highway Expenditures Through Congresswoman Kelly's Office and Electronic Minutes for 2002, 2003, 2004 and 2005
30. SCDA LTD Re: Foil Request for Zoning Code
31. George Yourke Re: Foil Request for Meadows at Deans Corner Submission of Development Review
32. Miriam Yekutieli Re: Names and Address of all Residents of Peaceable Hill Special Water District
33. Empire State Development Re: Ace Endico Corporation Project. Public Hearing
34. Robert J. Pozzi Re: Sales Tax
35. New York State Environmental Facilities Corporation Re: NYC Watershed – WWTP Upgrade Program Brewster Heights Sewer District #1 Change Order Approval
36. Putnam County Division of Planning and Development Re: Referral 05-PC-39 Interim Laws Subdivision Plats Restricted Use
37. June Offermann Re: Website for Seniors in the Town of Southeast
38. Amy Bierman, Spain Agency Re: NY Municipal Ins. Reciprocal Renewal 05/06
39. The City of New York DEP Re: Blackberry Hill WWTP (T) Southeast, SPDES #NY-0062570 and Brewster Heights WWTP (T) Southeast SPDES #NY-0110353
40. Jodi Giroux Re: Foil Request for Vita Subdivision Drawings
41. Lynne Eckardt Re: Foil Request for a Partial List of Invoices
42. Catherine Croft Re: Foil Request to View Maple Road Improvement – Construction Plan
43. Thomas Duffy Re: Foil Request for AT&T Cell Site Application at Vail's
44. Mr. Galili Re: Taxes on his Property
45. New York State DEC Re:NY0110353 SE Brewster Heights SD#1 STP-Phase II NYC Watershed Project
46. Jacobson Re: Hardscrabble Tennis Club, Phase IV Sutton Park Revised Amended Site Plan Review NLJ#0001-0752 and Quinn Subdivision & Lot Line Adjustment Turk Hill Road Revised Sketch/Preliminary Review NLJ#0001-0842

47. George Yourke Re: Foil Request to Review any Plans and Documents Submitted for Waterview Estates Subdivision since 1/1/05 and Review of Settlement of the Applicant's Litigation that Resulted in Receiving Conditional Final Approval on 2/14/05 for Turk Hill East
48. Brewster Fire Department Re: Annual Parade
49. Robert T. Murray Re: Foil Request for New Zoning Codes
50. Spain Agency, Inc. Re: CAN Insurance Company Boiler & Machinery
51. NYS Environmental Facilities Corporation RE: Second Amendment for Brewster Heights Sewer District #1
52. Richard Feuerman Re: Waterview Estates
53. Lawrence S. Schwartz Re: Peach Lake Wastewater Solutions
54. George Yourke Re: Foil Request for Meadows at Deans Corners Development
55. New York State Insurance Fund Re: Tavino Construction Co. Inc.
56. Riverkeeper Re: Sprawling Development
57. Vail's Grove Golf Course Re: Liquor License Application/Renewal
58. Phil Healy Re: Foil Request to View LL#16 of 2004
59. Michelle Piazza Re: Thank You Letter from Putnam Hospital for Valentine Cards
60. Putnam County Department of Health Re: Addition – Galli, 8 Elizabeth CT. No Increases in Number of Bedrooms TM#36-1-19
61. Sterling Re: Town of Southeast Landfill File#E99016
62. Empire State Development Re: Ace Endico Project – Public Hearing
63. David & Victoria Kopec Re: Paving Maple Road
64. Bil Tulipane Re: Monthly Supervisor's Meeting
65. Putnam County Legislature Re: Resolution #69 of 2005
66. The New York State Assembly Re: Traffic on Route 22
67. Putnam County Bureau of Emergency Services Re: New Telephone Number
68. Lynne Eckardt Re: Foil for Plans for Maple Road
69. Luis Inc. DBA Fiesta Mexicana Re: Liquor License Application/Renewal
70. Pace University Re: Subscription
71. Putnam County Division of Planning and Development Re: Referral 05-PC-39 Interim Laws Subdivision Plats Restricted Use
72. Malcolm Pirnie Re: Brewster Heights WWTP Upgrade Construction Field Order (E) #6 – Conduit & Wire for Eyewash Alarm
73. Edward Shanahan Re: Site Plan Entitled "Subsurface Disposal System - River Run Farm, Putnam Lake Road
74. Mr. Rosado, Sue Callahan, Paul Pember, Robert Zubrycki, Carol & Christopher Feehan, Barbara Gillette, Gina Occhigrossi Re: Paving Maple Road
75. Putnam County Division of Planning and Development Re: County Plans

Correspondence Sent

1. Mr. Robert Seeley Re: Intersection at Starr Ridge and Starr Lea Roads
2. Ms. Barbara D. Wayman Re: Second Amendment for Brewster Heights Sewer District #1
3. Robert H. Sammons Re: Report #59 for the Brewster Heights Sewer District No.1
4. Mr. George Yourke Re: Meadows at Deans Corners
5. Mr. Ross M. Weale Re: Representative to the Main Street Grant for The Village of Brewster
6. Memo to Town Counsel Re: Sheriff's Contract
7. Architectural Review Board Members Re: Design Matrix, Campus at Fields Corners
8. Memo to the Supervisor Re: Accounting Petty Cash
9. The Putnam County Press Re: Public Notice to be Published on 4/6/05
10. Mr. George Yourke Re: Waterview Estates Subdivision
11. Ms. Soo Kang Re: Town Hall Restoration – Community Projects Fund (007), Project #T005
12. Mr. George Michaud Re: 2005 Contracts
13. Mr. Robert Pozzi Re: Monthly Supervisors Meetings
14. Laura B. Mahler Re: Town of Southeast, Claim Against Heritage Plumbing and Heating, Inc. (Hartford File No. 564 S 24172)
15. Memo from the Supervisor to ARB, Conservation Commission, Historic Sites, Open Space Committee, Planning Board, Tonetta Lake Advisory Board, ZBA Re: Agendas & Minutes

- 16. Senator Leibell Re: Projects for Possible Funding
- 17. Various Residents Re: Information Meeting Regarding Maple Road
- 18. Supervisor Dunford Re: Heating System at 67 Main Street and Improvements at Blackberry Park District
- 19. Building Department Re: Tax Map #79.10-1-23;9 Susan Road
- 20. Supervisor Dunford Re: 874 Rt.312 – JR’s Pool Service

VOUCHERS

Councilman Bonanno made a motion to approve the Voucher List in the amount of \$508,184.83. Councilman Honeck seconded. All in favor.

BUDGET TRANSFERS

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

MEETING DATES

Councilman Johnson made a motion setting meeting dates. Councilwoman Mitts seconded. All in favor.

May 5, 2005	7:30PM Civic Center	Work Session
May 12, 2005	7:30PM Civic Center	Regular Meeting
May 19, 2005	7:30PM Civic Center	Work Session

SETTING OF PUBLIC HEARINGS

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

May 12, 2005	7:30PM Civic Center	Annual Stormwater Management Plan 2004-2005
	7:31PM	Bond Anticipation Note-Starr Ridge Water District
	7:32PM	Bond Anticipation Note-Fox Hill Water District

RESOLUTION # /2005 ADOPTING LOCAL LAW IMPOSING A MORATORIUM UPON APPROVAL OF RESTRICTED USES

Introduced By: Councilwoman Mitts
 Seconded By: Councilman Honeck

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 entitled “**A LOCAL LAW REGULATING FOR AN INTERIM PERIOD, THE APPROVAL OR ISSUNCE OF PERMITS FOR THE USE OR OCCUPANCY OF ANY STRUCTURE FOR A “RESTRICTED USE”**”;**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 March 17, 2005; and

WHEREAS, the Town Board continues to work on amendments to the Zoning Code relating to the use and occupancy of premises for “restricted use purposes”; and

WHEREAS, the Town Board has reviewed the potential environmental effects of the enactment of this interim restriction on certain uses within the Town and finds, after due deliberation, that such action will not have an adverse impact on the quality of air; water, or other natural resources, will not adversely affect economic factors or patterns of development within this Town;

WHEREAS, it is the sense of this Town Board that a moratorium on the acceptance of applications and or approval of certificates of occupancy for such purposes is appropriate pending the comprehensive review and amendments to the Zoning Code can be enacted.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Southeast hereby adopts Local Law No. 2 of 2005, 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	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.

AUTHORIZING ENGINEERING SERVICES FOR BLACKBERRY HILL & FOX HILL WATER

Councilman Johnson made a motion authorizing Engineering Services for Blackberry Hill & Fox Hill Water Districts. Councilwoman Mitts seconded. All in favor.

MOTION-AUTHORIZING SUPERVISOR TO SIGN LEASE AGREEMENT FOR COPY MACHINE FOR CIVIC CENTER

Councilman Johnson made a motion authorizing the Supervisor to sign Lease Agreement for copy machine for the Civic Center, 67 Main Street. Councilman Honeck seconded. All in favor.

RESOLUTION # /2005 WETLAND PERMIT – LAD FAMILY INVESTMENT, LLC.

Introduced By: Councilman Honeck
Seconded By: Councilman Bonanno

WHEREAS, the Conservation Commission of the Town of Southeast rendered a decision dated March 22, 2005 with the application of **LAD FAMILY INVESTMENT, LLC**, to allow:

- (a) stormwater control structures and measures,
- (b) emergency access road and a maintenance driveway,
- (c) a portion of a pump station
- (d) a grass paver drive,
- (e) retaining walls,
- (f) grading associated with a proposed recreation area

All of these activities are located in wetlands buffer area. The property is located at Zimmer Road, Tax Map #45.-1-39 and 45.-1-40, in the Town of Southeast, Putnam County, New York.

WHEREAS, the Town Board finds that there is no reason to upset the determination of the Conservation Commission in connection with said application.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby declines to exercise its power to overturn the March 22, 2005 determination of the Conservation Commission regarding the application from **LAD FAMILY INVESTMENT, LLC** for a wetlands permit for property located on Zimmer Road, Town of Southeast, Putnam County, subject to the terms and conditions imposed by the Town of Southeast Conservation Commission.

UPON ROLL CALL VOTE:

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

VOTE: Resolution passed, by a vote of 5 in favor, 0 against, 0 abstained.

Councilwoman Mitts said that she had had concerns about the project. The DEC and the DEP reviewed and approved the project. The Town Wetlands ordinance regulates activities in the buffers and wetlands. The ordinance does not prohibit activity in these areas if the criteria set forth in the ordinance is met. The Conservation Commission worked very hard to ensure that the criteria has been met. There is no disturbance to wetlands and the criteria for wetland buffer areas was met.

RESOLUTION # /2005 WETLANDS PERMIT-VITA SUBDIVISION

Introduced By: Councilman Johnson

Seconded By: Councilman Honeck

WHEREAS, the Conservation Commission of the Town of Southeast rendered a decision dated March 22, 2005 with the application of **ANTONINA & DOMINIC VITA** to install a well and designate a septic reserve area within a wetland buffer. All of these activities are located in wetlands buffer area. The property is located at 300 Brewster Hill Road, Tax Map #57.-05-3-1, in the Town of Southeast, Putnam County, New York.

WHEREAS, the Town Board finds that there is no reason to upset the determination of the Conservation Commission in connection with said application,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby declines to exercise its power to overturn the March 22, 2005 determination of the Conservation Commission regarding the application from **ANTONINA & DOMINIC VITA** for a wetlands permit for property located at 300 Brewster Hill Road Town of Southeast, Putnam County, subject to the terms and conditions imposed by the Town of Southeast Conservation Commission.

UPON ROLL CALL VOTE:

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

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

MOTION - APPOINTMENTS TO THE BOARD OF ASSESSMENT REVIEW

Councilman Honeck made a motion to appoint Lois Zutell and Randall Calano to the Board of Assessment Review. Councilwoman Mitts seconded and all in favor.

RESOLUTION # /2005 RELEASE OF PERFORMANCE BOND-PROSPECT HILL OFFICE PARK

Introduced By: Councilman Honeck
Seconded By: Councilman Johnson

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 Prospect Hill Office Park, 162 Prospect Hill Road, 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 projecting is set forth below:

<u>PROJECT NAME</u>	<u>PRESENT AMOUNT</u>	<u>RECOMMENDED TO</u>
Prospect Hill Office Park	\$5,000.00	\$.00-

UPON ROLL CALL VOTE:

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

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

MOTION-AUTHORIZING SUPERVISOR TO SIGN AGREEMENT BETWEEN TOWN OF SOUTHEAST AND THE CSEA

Councilman Bonanno made a motion authorizing the Supervisor to Sign Agreement between the Town of Southeast and the CSEA for contract dated January 1, 2005-December 31, 2008

RESOLUTION # /2005 ORDER CALLING FOR PUBLIC HEARING FOR IMPROVEMENTS TO THE STARR RIDGE WATER DISTRICT

Introduced By: Councilman Bonanno
Seconded By: Councilman Johnson

WHEREAS, the Town Board (the “Town Board”) of the Town of Southeast, New York (the “Town) has duly caused to be prepared an estimate of the cost of the increase and improvement of the facilities of the Town’s Starr Ridge Water District (the “District); and

NOW, THEREFORE BE IT ORDERED, a public hearing before the Town Board of the Town will be held at the Civic Center, 67 Main Street, Brewster, New York, in the Town, on May 12, 2005, at 7:31 PM, at which time all persons interested in the

subject matter shall be heard on questions of the increase and improvement of the facilities of the Starr Ridge Water District.

RESOLVED, the adoption of the foregoing resolution and order was duly put to a vote

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 # /2005 ORDER CALLING FOR PUBLIC HEARING FOR IMPROVEMENTS TO THE FOX HILL WATER DISTRICT

Introduced By: Councilman Bonanno
Seconded By: Councilman Honeck

WHEREAS, the Town Board of the Town of Southeast, New York, has duly caused to be prepared with an estimate of the cost of the increase and improvement of the facilities of the Town's Fox Hill Water District; and

WHEREAS, such increase and improvement of facilities consists of the installation and connection of a new well to serve as an emergency back-up source for the district (the "Project"))

NOW, THEREFORE BE IT ORDERED, by the Town Board of the Town of Southeast in the County of Putnam, a public hearing will be held at the Civic Center, 67 Main Street, Brewster, New York o May 19, 2005, at 7:32 PM, at which time all persons interested in the subject matter thereof shall be heard, on the question of the increase and improvement of the facilities of the Fox Hill Water District, consisting of the installation and connection of a new well to serve as an emergency back-up source for the District at the estimated maximum cost of \$38, 000, to be financed y the issuance of obligations of the Town.

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.

HIGHWAY BIDS

Councilman Honeck made a motion to approve the Highway Departments Spring Bids. Councilman Johnson seconded and all in favor.

NEW BUSINESS

April 23 – Clean-up
April 30 – Little League Parade

When asked about the Wetlands Buffer the Town Board said that they could overturn the decisions of the criteria was not met but it also could lead to a lawsuit. Mrs. Ekhardt said

that Don Cuomo voted and Councilwoman Mitts said that Mr. Cuomo was not the town consultant.

There is no conclusion yet regarding the Route 22 moratorium.

The Supervisor said that there will be a decision on *Maple Road* when they review the letters, the informational meeting and look at the plans.

Litigation – the Supervisor apologized and said that for public clarification he had thought that the \$41,000 was spent for one of the organizations, but it actually was for a certiorari. Counsel Stephens said that it was a refund to Centennial Golf after 6 years of challenges. Supervisor said that approximately 2500 vouchers are paid a year and this was from six months ago.

Councilman Honeck made a motion to close the meeting and Councilman Johnson seconded. All in favor.

Respectfully submitted,

Ruth A. Mazzei
Southeast Town Clerk

