

**TOWN CLERKS MINUTES
REGULAR MEETING
TOWN BOARD
SEPTEMBER 15, 2005**

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 Joe Charbonneau
Town Planner Graham Trelstad

And: Approximately 8 residents

REGULAR MEETING

Councilwoman Mitts 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

PROCLAMATIONS

A proclamation was read by Councilman Honeck.

Whereas, one of eight babies in the US is born prematurely, nearly half for unknown causes, and

Whereas, the incidence of premature birth, which is the leading cause of infant death, has risen 27% since 1081, and

Whereas, premature babies who survive, often suffer long-term consequences, including chronic health conditions or developmental disabilities,

Whereas, for 67 years the March of Dimes has been fighting for the health and well-being of American's children through programs or research, education, community services and advocacy, and

Whereas, now the March of dimes is focusing its fight on finding the causes of premature birth, and

Whereas, the March of dimes Walk America, first held in 1970, has raised more than \$1 billion to support the cutting-edge research and innovative programs have helped to save million of babies from death and disability.

Now, Therefore, be it resolved, the Town of Southeast declares Sunday October 9th as March of dimes WalkAmerica Day and

Be It Further Resolved, that all residents of the Town of Southeast are urged to observe this day by supporting the vital efforts of the March of Dimes in this successful fight to save babies.

A proclamation was read for the Howes Family Day on October 8, 2005

PUBLIC HEARING – LOCAL LAW TO AMEND CHAPTER 138 OF THE TOWN CODE

Councilman Johnson made a motion to open the hearing and Councilwoman Mitts seconded. All in favor. Town Clerk Mazzei read the legal notice. Graham Trelstad spoke of the changes. The Town of Southeast regulates as part of the restricted use. The law is now more like the standard level such as residential and children sections. This will firm up the definition. There will be a 1,000 feet separation and it is now more consistent with the Town Law. Ms. Mitts said that it goes hand and hand with the adult use report as was adopted last month. When asked what districts it was allowed, Graham said in HC-1 and HC-2 it would be allowed by Special Permit. He stated that there were parcels within the town where it could be placed/ this law provides the legal standards should a lawsuit be brought to the town. Councilman Honeck made a motion to close the meeting and Councilman Johnson seconded.

MINUTES

Councilman Johnson made a motion to approve the minutes of August 18, 2005 and Councilwoman Mitts seconded. All in favor

CORRESPONDENCE

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

Correspondence Received

1. New York State Insurance Fund Re: De-Fence Inc.
2. LADA P.C. Re: Terravest Phase 3 - Senior Housing
3. State of New York Public Service Commission Re: Case 04-M-0159-Proceeding on Motion of the Commission to Examine the Safety of Electric Transmission and Distribution Systems
4. Metro-North Railroad Re: Station Parking Improvements Village of Brewster
5. NYS DEC Re: Freshwater Wetlands Mapping
6. Putnam County Executive Re: Notice of Preliminary Decision for Use of East of Hudson Fund
7. AKRF Re: Board Jurisdiction
8. Jacobson Re: Eagle's Ridge Request for Bond Release/Reduction NLJ#0054-0129, Fox Lane Site Plan 11 Fields Lane Final Site Plan Review NLJ #0001-0825, Picarella Storage Building Tonetta Lake Road Request for Bond Release NLJ #0001-00808, Vita Subdivision 300 Brewster Hill Road Final Plat Review NLJ#0001-0811, Pennella, LLC 261 Fields Lane Continued Sketch Review NLJ#0001-0843, High Meadow Farm Welfare Road Preliminary Subdivision Review NLJ#0001-0667, Route 6 Business Plaza , 4005 Route 6E / Danbury Road Sketch Site Plan Review NLJ#0001-0855, Root Avenue Subdivision Continued Preliminary Review
9. Chazen Re: Wastewater Treatment Plant Upgrade Program
10. New York State Assembly Re: Bill A8072-A/S5025-A First Responder Building Mapping Information
11. Hogan & Rossi Re: Pine View Drive
12. New York State Insurance Fund Re: De-Fence
13. The United States Congress Re: Transportation Funding Process
14. State of New York State Board of Real Property Services Re: Final State Equalization Rate
15. G. Howard Taylor Re: Registration of Rental Properties

16. Putnam County Bureau of Emergency Services Re: Dedication of Firefighter/EMS/Police Memorial at Operations Center 112 Old Route 6
17. Sy Globerman Re: Peach Lake Sewer District
18. The City of New York DEP Re: NYCDEP Contract CRO-207 The Reconstitution of Middle Branch Dam Town of Southeast Wetland Permit
19. Frederick P. Clark Associates, Inc. Re: Traffic Impact and Access Analysis-Mount Ebo Corporate Center, Lot 6, Southeast, New York
20. Malcolm Pirnie, Re: Mountain Brook Water District Systems Improvements Project
21. Acord Certificate of Liability Insurance Re: Petan LLC
22. Memo to the Supervisor from Ron Harper Re: Various Updates for Week Ending 8/5/ 5, 8/12/05 and 8/19/05 and 9/02/2005
23. Chazen Engineering Re: Addendum #1 Town of Southeast – Blackberry Hill and Fox Hill Water Districts Electrical for New Production Wells Job #89845.00 and Advertisement of Invitation for Bids
24. Kathleen Abels Re: Historic Sites Commission
25. Malcolm Pirnie Re: Starr Ridge Manor Water District System Improvements Field Order #3 – Deletion of Concrete Block Work for New Roof
26. Putnam County Executive Re: Croton Plan
27. ACORD Certificate of Liability Insurance T. F. Tringali Builders, Inc.
28. Christian Jung, The Baseball Academy Re: Statement of Use – The Baseball Academy
29. Southeast Museum Re: Expenses for the Fiscal Year 2006
30. Putnam County Department of Planning, Development & Public Transportation Re: 2006 Putnam County Lake Management Program Application
31. Board of Elections, Putnam County Re: September 13, 2005 Primary Election
32. Putnam County Department of Health Re: Point of Distribution Drill on September 29, 2005
33. State of New York Department of Transportation Re: Restriction of Highway Contract D259963
34. Malcolm Pirnie Re: Brewster Heights WWTP Upgrade Construction Sludge Underflow Pump Station Capacity Test and Plant Remote Alarm System Startup Report - August 19, 2005
35. Jacobson Re: Eagle’s Ridge Request for Bond Release/Reduction NLJ#0054-0129
36. North Salem Central School District Re: Items for Tax Collection
37. AKRF Re: Town of Southeast Historic Sites
38. Stephens & Charbonneau Re: Carol Court
39. Ray Knox Re: Town of Southeast Recreation Department Monthly Revenue Report
40. Ved Parkash Re: Certificate of Appropriateness
41. Hoffman, Wachtell, Koster & Maier, LLP Re: Eagle’s ridge HOA with Brewster Heights Water District
42. Robert Cavalluzzo Re: Penny Lane
43. Jacobson Re: Strazza Subdivision, 131 Doansburg Road – Proposed Demolition of Existing Barn NLJ #0054-0806
44. John A. Handy, Michael A. Cavalieri Re: Position Available for Zoning Board
45. FOILS
 - a. Suzannah Glidden to Read Letters to the DEC Outlining Remediation MS4s Under the EPA’s Phase II Storm Water Regulations.
 - b. Litta M. Ward for Resolution Dated November 18, 2004
 - c. Michael Kingsford for Strazza Lot Line Adjustment Request
 - d. Lynne Eckardt for Southeast T.I.D. (Transportation Improvement District) View Only
 - e. Geraldine Warm for DOT Highway Work Permit for International Blvd. any and all Drainage Plans for International Blvd. and Rt.312
 - f. Stephanie Belser for Route 22 Moratorium Resolution
 - g. Stephen Cackowski for Bldg. Dept. Files on SBL 68-2-11, 30 Branch Road for Phase I Environmental Assessment
 - h. Anne Fanizzi for Zoning Code

- i. Lynne Eckardt for List of Roads to be Paved as Sent to Representative Kelly and Letter from Sue Kelly to Town of Southeast for Hwy. Improvement Funds (\$220,000.)
- j. Catherine Croft for Approved Minutes for April 14, 2005, May 12, 2005 and June 16, 2005
- k. Lynne Eckardt for All Planning, Building and Zoning Files on Reservoir Ridge and Any Zoning Violations for Reservoir Ridge
- l. Lynne Eckardt for List of Vehicles Purchased by the Town (Hwy or any Department) Since August '03

Correspondence Sent

- 1. Ms. Anita Z. Gilbert Re: EOH Claim Forms / Town of Southeast
- 2. Diane W. Cikoski Re: Tree Near the Melrose School
- 3. Mr. William T. Giambona Re: Asbestos Removal from 67 Main Street in the Boiler Room
- 4. Residents of Starr Ridge Water District Re: Notification of System Shutdown
- 5. Robert H. Sammons, P.E. Re: Report #65 Brewster Heights Wastewater Treatment Plant Upgrade and Report #60 Blackberry Hill Sewer District Treatment Facility

VOUCHERS

Supervisor Dunford made a motion to approve the voucher list in the amount of \$816,067.62. Councilman Johnson seconded. All in favor.

BUDGET TRANSFERS

Councilman Honeck made a motion to approve the budget transfers and Supervisor Dunford seconded. See attached.

MEETING DATES

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

September 29, 2005	7:30PM Civic Center	Work Session/Special Meeting
October 2, 2005	7:30PM Civic Center	Work Session
October 20, 2005	7:30PM Civic Center	Work Session
October 27, 2005	7:30PM Civic Center	Regular Meeting

PUBLIC HEARING DATE:

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

October 27, 2005	7:30PM Civic Center	Release of Performance Bond
	7:31PM Civic Center	Local Law-Rental Registration
	7:32PM Civic Center	Special Permit-Fox Lane Boatworks

RESOLUTION #43 /2005 - SPORTS CENTER RELEASE OF PERFORMANCE BOND-BREWSTER

Introduced By: Councilman Honeck
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 Brewster Sports Center, 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 SPORTS CENTER	\$100,000.00	\$0.00

UPON ROLL CALL VOTE:

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

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

DEFIBRILLATORS

Supervisor Dunford made a motion to authorize the purchase of 5 Defibrillator’s for Town Facilities. Councilman Honeck seconded. All in favor.

RESOLUTION # 44 /2005 DEDICATION OF CAROL COURT AS A TOWN ROAD

Introduced by Councilman Bonanno
Seconded by Councilman Johnson

Whereas, Axel Development Corp., the owner and developer (hereinafter the “Developer”) of the Allview Estates Subdivision, has requested the Town of Southeast to accept the dedication of certain lands upon which a certain roadway has been constructed in connection with a residential subdivision consisting of the road designated as Carol Court (the “Road) as shown on a certain Filed Map entitled “Final Subdivision Plat known as Allview Estates” which was filed in the Putnam County Clerk’s Office on September 13, 1988 as Map No. 2344; 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 roadways.

Now, therefore, the Supervisor of the Town of Southeast is hereby authorized to accept the deed or deeds dedication and releasing the necessary lands for the road known as Carol Court, recorded in the Putnam County Clerk’s office, in connection with the residential development known as the Allview Estates Subdivision upon the Developer having fulfilled the following terms and conditions:

1. 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.
2. the Developer shall provide the Town with all necessary and proper easements if any, access adjoining lands for the purpose of drainage or discharge of storm water over such lands;
3. The Developer shall provide a title insurance policy issued by a company which is a member of the New York Board of title Underwriters is 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
4. 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 Clerk in accordance with the Town's subdivision regulations; and it is further.

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

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

Vote carried by a vote of 5 ayes and 0 nays.

MS4 MANDATE - Councilman Johnson made a motion to authorize the supervisor to send a letter to Putnam county in support of the MS4 mandate. Councilwoman Mitts seconded and the authorization passed with 4 with in favor with Supervisor Dunford voting nay.

SETTLEMENT - Councilwoman Mitts made a motion to authorize the Supervisor to sign a settlement: Town of Southeast v Cancel. Councilman Bonanno seconded and all in favor.

RESOLUTION #45 /05 – WATERVIEW ESTATES

Introduced by Councilwoman Mitts
Seconded by Supervisor Dunford

Whereas, the Conservation commission of the Town of Southeast rendered a decision dated July 27, 2005 with the application of Waterview Estates to allow (a) construct part of an access road , driveway, and storm water detention basin in the wetland buffer, (b) placement of piping and a discharge swale in the controlled area.

The property is located in Allview Avenue and Route 22, tax Map #67 -1.48 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 July 27, 2005 determination of the Conservation Commission regarding the application from Waterview Estates for a wetlands permit for property located at Allview Avenue and Route 22, 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 Johnson - aye
- Councilman Honeck – aye
- Councilman Bonanno – aye
- Councilwoman Mitts – nay

Vote carried by a vote of 4 ayes, 1 nays, 0 abstained.

RESOLUTION #46 – RED ROOSTER

Whereas, the Conservation Commission of the Town of southeast rendered a decision dated July 27, 2005 with the application of Red Rooster to allow (a) reconstruct and improve the subsurface sewage treatment system and appurtenances. All of these activities are located in wetlands buffer area. The property is located at 1566 Route 22, Tax Map #46.2-43 & 44 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 July 27, 2005 determination of the conservation Commission regarding the application from Red Rooster for a wetlands permit for property located at 1566 Route 22, 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 Johnson - aye
- Councilman Honeck – aye
- Councilman Bonanno – aye
- Councilwoman Mitts – aye

Vote carried by a vote of 5 ayes, 0 nays, 0 abstained.

RESOLUTION #47 /05 – NYS LOCAL RETIREMENT SYSTEM

At a meeting of the Town Board of the Town of Southeast held at 67 Main Street, Brewster, New York, on September 15, 2005, Supervisor Dunford offered the following resolution and Councilwoman Mitts seconded.

Be it Resolved that the Town Board of the Town of Southeast does hereby elect to provide the additional pension benefits of Section 75i of the Retirement and Social Security Law, as presently or hereafter amended.

Be it further resolved: that the effective date of such shall be on the 1st day of October, 2005.

Upon roll call vote:

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

Vote carried by a vote of 5 ayes, 0 nays, 0 abstain.

NEW BUSINESS

Supervisor Dunford spoke of Hurricane Katrina and the devastation that followed.

Waterview Estates – Some residents felt that there were valid reasons not to vote on the wetlands permit. They hired their own consultants and would like another public hearing. They think that there are many hazards that affect the residents that live there and also the residents in the future. It is a very steep road with very hazardous conditions. They would like the town to state their case. If the final plat defers significantly from the original plat then another public hearing could be held. Supervisor Dunford said the Town Board would write to ask for another public hearing and a computer rendering. It was also asked if they need a special permit for the road.

The Peach Lake project was questioned and the Supervisor said he had not been contacted.

Mrs. Ekhardt read a letter and asked the Town Clerk questions regarding law enforcement... Councilmen Johnson and Honeck explained the history and formation of the Garbage District. The contract was bid out in 1997 and again in 2002. For 2006 the rates will be \$22.78 for a twice a week pickup and once a year bulk pickup.

A resident made 3 outbursts and interrupted the meeting. Councilwoman Mitts told him if he could not control himself that he should leave the meeting.

Councilman Bonanno spoke of the approving of the refuse extension and stated his adversity to it. It was his opinion and was not comfortable with the contract. He would like a garbage commission to be formed. Town Counsel Charbonneau advised the board that this should be discussed in executive session and discussing it could open up the town to litigation.

When asked if the Middlebranch is paying into the drainage district, the Supervisor said he will check.

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

Respectfully submitted,

Ruth Argo Mazzei
Southeast Town Clerk