

TOWN OF SOUTHEAST
John J. Dunford Civic Center
1360 Route 22, Brewster, New York 10509
May 20, 2010
Regular Meeting – 7:30 PM

Notation of Exits
Pledge of Allegiance

CALL FOR THE ORDER OF THE DAY – Councilwoman Hudak

Present: Supervisor Michael Rights
Councilman Roger Gross
Councilman Dwight Yee
Councilwoman Elizabeth Hudak
Councilman Robert Cullen

Also: Town Clerk Ruth A. Mazzei
Town Council Willis H. Stephens
Town Planner Graham Trelstad

And: Approximately 50 people

Supervisor Rights made a motion to open the Regular meeting. Councilman Yee seconded. All in favor.

PUBLIC HEARING

ANNUAL STORMWATER REPORT Supervisor Rights made a motion to open the Public Hearing. Councilman Yee seconded. All in favor.

Graham Trelstad, the Town Planner, gave a brief description of the Report that has to be filed by June 1st. It can be viewed on the Town Website and at the Town Clerk's Office. There was no Public comment.

Supervisor Rights made a motion to close the Public Hearing. Councilman Gross seconded. All in favor.

REGULAR MEETING

SILVER STAR RECOGNITION

Supervisor Rights read the Silver Star Recognition Resolution and reminded everyone it will be observed every year on May 1st.

Silver Star Banner Day City Proclamation or Resolution

WHEREAS, the Town of Southeast has always honored the sacrifice of the men and women in the Armed Forces and

WHEREAS, The Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded and ill by designing and manufacturing a Silver Star Banner and Flag and

WHEREAS, to date The Silver Star Families of America has freely given thousands of Silver Star Banners to the wounded and their families, and

WHEREAS, the members of The Silver Star Families of America have worked tirelessly to provide the wounded of this City and Country with Silver Star Banners, Flags and care packages, and

WHEREAS, The Silver Star Families of America's sole mission is that every time someone sees a Silver Star Banner in a window or a Silver Star Flag flying, that people remember the sacrifices for this City, State and Nation and

WHEREAS, the people and Supervisor of Southeast wish that the sacrifice of so many in our Armed Forces never be forgotten

NOW THEREFORE, I Michael Rights, Supervisor of the Town of Southeast, do hereby proclaim

Appreciation of The Silver Star Families of America and honor their commitment to our wounded Armed Forces members. I hereby declare May 1st "SILVER STAR BANNER DAY" the permanent and official day to honor the wounded and ill Soldiers of the Town of Southeast.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the Town of Southeast in the State of New York May20, 2010.

CORRESPONDENCE

Supervisor Rights made a motion to waive the reading of the correspondence. Councilwoman Hudak seconded. All in favor.

CORRESPONDENCE RECEIVED

1. Petition to Town Board Re: Petition in Opposition to the Town of Southeast Amending the Comprehensive Plan
2. Keane & Beane to Town Board Re: Independent Sewage Works, Inc Revised Initial Rate Filing
3. Putnam County to Town Supervisor Re: Economic Development Committee /Request for approval /Empire Zone/ 50 Independent Way
4. Putnam County Legislature to Town of Southeast Re: Landfill
5. NYSDEC to Town of Southeast Re: Construction of Enoch Crosby Rd Extension Determination of Lead Agency
6. Cary Robinson to Supervisor Rights Re: Letter to commend the Town of Southeast's Code Enforcement Officers
7. Kim & Emily Philips to Town Board Re: Thank you letter
8. Environmental Facilities Corp to Town of Southeast Re: Disbursement Request
9. NYDOT to NYS Dept of State Re: Restriction of Highway Contract D261345, Route 22 & Route312
10. Hogan & Rossi to Town Clerk Mazzei Re: Brewster-Southeast Join Fire District Special Election Oath of Inspectors of Election and Certificate of Results
11. Citizens Campaign for the Environment to Town Clerk Re: Canvas Activities
12. David K Gordon to Town Board Re: Comprehensive Plan Revision
13. Ledley Food Service to Town Board Re: Brewster Honda Rezoning and Site Plan Application
14. NYS Public Service Commission to Town Supervisor Re: Public Hearings concerning Gas Rates
15. Timothy R Higgins to Town of Southeast Re: Resume
16. Albert A Natoli PC to Town Board Re: Petition by Home Depot & LNY to reduce rates charged by Independent Sewage Works Inc

17. Algonquin Gas Transmission LLC to Town Board Re: Updating Emergency Contact List
18. Terry Bergendorff Collins to Town Board Re: Brewster Honda
19. Linda & Jerry Occhiogrossi to Town Board Re: Brewster Honda
20. PC Coalition to Preserve Open Space & Concerned Residents of Southeast to Town Board Re: Letter in response to remarks made by Richard O'Rourke on Comprehensive plan revisions
21. The Chazen Co to Levon Bedrosian Re: Proposal for Springhouse Estates Water District
22. Ved Parkash to Town of Southeast Re: Claim against the Town
23. The County of Putnam to Town of Southeast Re: Employment Contract between Town & County
24. Brewster Fire Dept to Town of Southeast Re: Training Drill on May 23 off Route 6
25. Folchetti & Associates to Supervisor Rights Re: Quest Properties Wetland Permit Application for 25 Independent Way
26. Jacobson to Planning Board Re: Baroody Lot Wetland Permit
27. Jacobson to Planning Board Re: JNR Holdings Inc Sketch Plan Review
28. Jacobson to Planning Board Re: Paraco Gas Corp Site Plan Review
29. Jacobson to Planning Board Re: Somchai Realty Sketch Plan
30. Jacobson to Planning Board Re: Tyburn Development Corp (Lyons Properties) Sketch Site Plan
31. LADA, PC to Town Supervisor Re: Westchester Tractor – Request to reopen application for Special Permit and Site Plan Modification
32. Matthew Brunale to Town Board Re: Letter asking to be aware of pollution levels for Brewster
33. Putnam County Cooperative Extension to Supervisor Rights Re: Annual Putnam County 4-H Fair
34. Keane & Beane PC to Town Board Re: Rezoning Quest Properties
35. Renee Diaz to Town Board Re: Objections to Brewster Honda SEQR findings
36. NYSDEC to Supervisor Rights Re: Springhouse Estates Water District
37. Terry Bergendorff Collins to Town Board Re: Support for Brewster Honda
38. PC Department of Health to Greg Ball Re: Eastwind Farm
39. Jim Brierley to Supervisor Rights Re: Open IDA position
40. The Stephens Law Firm to David Simon Esq. Re: Fox Ridge Motor Inn v Town of Southeast
41. Recreation Department to Town Clerk Re: Monthly Revenue Report
42. City of White Plains to Town of Southeast Re: Copy of Noise Pollution Code
43. Keane & Beane PC to Town Board Re: Town of Southeast Comprehensive Plan and Brewster Honda Rezoning 2-4 Allview Ave
44. Kelly's Corner to Town Clerk Re: Liquor License Renewal
45. Hogan & Rossi to Planning Board Re: Proposed Restrictive Covenant for Brewster Honda
46. Acord Certificate of Liability Re: Town of Southeast, BCSD, Brewster Sports Center, Candlewood Valley Football and Cheer League, Metro North, City of NY DEP, NYS DOT, NYS Electric & Gas, NYSEFC, Putnam County, Putnam County Temple & Jewish Center Inc, PC Law Dept, PC Office of the Aging, PC Risk Mgr, State Line Swim League, Town of Southeast Building Dept
47. Acord Certificate of Liability Re: US Remodelers Inc
48. Acord Certificate of Liability Re: Landscape Unlimited Inc
49. Certificate of NYS Workers' Comp Re: NYCT Contracting Corp
50. Certificate of NYS Workers' Comp Re: Home Brands USA
51. NYS Workers' Comp Self Ins Re: Putnam County Office of Aging
52. NYSIF Certificate of Workers' Comp Re: Frank S Ungaro Plumbing
53. NYSIF Certificate of Workers' Comp Re: Campanella Construction Co
54. NYSIF Certificate of Workers' Comp Re: Frank S Ungaro Plumbing
55. Acord Certificate of Workers' Comp Re: D & S Fire Protection Corp.
56. Hartford Fire Ins Co Re: Town of Southeast
57. Utica First Ins Co Re: A to Z Building Maintenance
58. Utica First Ins Co Notice of Cancelation Re: Bruce Major Contraction Inc
59. Recreation Dept to Town Clerk Re: Monthly Revenue Report
60. Blackberry Hills Sanitary Sewer District Re: Disbursement Request
61. NYSDOT to Supervisor Rights Re: Commencement of Site Work on Route 22 & 312
62. NYSDOH to Town Clerk Re: Corrections in Vital Records

63. Village of Brewster to Town of Southeast Re: Village of Brewster Water Supply
64. Alicia Yarusso to Kevin Palmer Re: Fields Corner/Pugsley Rd
65. Hydra Films Inc to Supervisor Rights Re: Film Permit
66. NYMIR to Supervisor Rights Re: Ved Parkash Notice of Claim
67. Veterans of Foreign War Re: Memorial Day Parade Monday May 31, 2010 at 11:00 AM
68. Hunters Glen Board of Directors Re: Noise Reduction Wall Repair
69. NYSEFC to Town of Southeast Re: Supplemental Certificate of Determination
70. NYS Office of Real Property Services to Town of Southeast Re: Certificate of Attendance Board of Assessment Review Training for Randall Calano, Wendy Weiner, Laurie Bell & Colleen Miccio
71. The Stephens Law Firm to Supervisor Rights Re: Brewster Heights Sewer / Consent Order
72. Acord Certificate of Liability Re: Russell Bleakley Plumbing
73. Vincent Tamagna Chairman PC Legislature Re: Town Hall Meetings
74. Hogan & Rossi to Planning Board Re: Dykeman's Corporate Park Site Plan Approval
75. EFC to Supervisor Rights Re: Requisition for Disbursement
76. Jacobson to Planning Board Re: Metro PCS NY Site
77. Tom & Jerry's Bar & Grill Re: Liquor License Renewal
78. Rraci's Restaurant Re: Liquor License Renewal
79. **Foils:**
 - Empire State Research Re: CO's, Permits and Violations for 9 Marlin Rd
 - Alicia Maston Re: Co for 469 Brewster Hill Rd
 - Empire State Research Re: CO's, Permits and Violations for 197 Peaceable Hill Rd
 - Empire State Research Re: CO's, Permits and Violations for 5005 Applewood Circle
 - Empire State Research Re: CO's, Permits and Violations for 9701 Applewood Circle
 - PLI, LLC Re: Stateline Retail Center
 - Nassau County DA's Office Re: Copy of Marriage Certificate
 - Olenna Truskett Re: Old Town Hall Agreement with Southeast Museum
 - Shannon Mucci Re: Site Plan for AT&T Tower on Peach Lake Rd
 - Brian Keassey Re: CO's, Permits & Blueprints for 2443 Route 6
 - Empire State Research Re: CO's, Permits, and Violations for 304 Appletree Lane
 - Prudential Re: Violation letter for 79.1-18
 - Pam Blecker Re: CO's for 5005 Applewood Circle
 - Major Abstract Corp Re: CO's & Permits for 5504 Stonewall Lane
 - Keller Williams Re: 888 Drewville Rd
 - Houlihan Lawrence Re: CO's for 211 Allview Ave
 - Keller Williams Reality Re: Septic Plans for 888 Drewville Rd
 - Summit Land Surveying Re: Survey for Seven Oaks Lane
 - Coldwell Banker Re: 9 Hillcrest Ave
 - Robert DiBiase Re: Engineering Plans for Milltown Estates
 - Ann Fanizzi Re: EAF for Brewster Honda
 - Joe Di Imperio Re: View Foil Requests for 3/10 & 4/10
 - Ann Fanizzi Re: View File on DeCiccio's
 - Maryann Gallipani Re: Copy of Survey for 47 North Brewster Rd
 - Heather Walsh Re: Survey for 14 South Dr
 - Keane & Beane Re: DVD of April 14, 2010 & any and all info in connection with Comprehensive Plan
 - Randall Calano Re: CO & Survey for 117 North Brewster Rd
 - Superior Data Re: CO's, Permits and Violations for 34 Indian Wells Rd
 - Superior Data Re: CO's, Permits and Violations for 19 South Dr
 - Century 21 Re: CO for 32 Lakeview Dr
 - Mark Jacobs RE: Dept of State Decision on 11/9/1997
 - Empire State Research Re: CO's, Permits and Violations for 9202 Applewood Circle
 - Empire State Research Re: CO's, Permits and Violations for 5202 Applewood Circle
 - Mark Jacobs Re: CO for 2443 Route 6
 - Empire State Research Re: CO's, Permits, and Violations for 16 Pineview Dr

- Superior Data Re: CO's, Permits and Violations for 302 Chestnut Dr
- Empire State Research Re: 1083 Drewville Rd
- Empire State Research Re: CO's, Permits, and Violations for 1083 Drewville Rd
- Jim Lancaster Re: Site Plan for 294 Starr Ridge Rd
- Empire State Research Re: CO's, Permits and Violations for 16 Pineview Dr
- Ann Fanizzi Re: Materials submitted by AKRF at the 4/26/10 Planning Board meeting
- Houlihan Lawrence Re: Survey for 1 Hawks Lane
- Feher Rubbish Re: Contract and bid information
- Prudential Re: Violations for 79.1-18
- Superior Data Re: CO's, Permits, and Violations for 32 Lakeview Dr
- Houlihan Lawrence Re: Survey for 155 Carriage Hill
- James J Schoenig Re: Peaceable Hill Budget
- Summit Land Survey Re: Summit Land Surveying PC
- Shamberg, Maxwell, Davis, Harris Re: Historical zoning ordinances and maps
- Superior Data Re: CO's, Violations, and Permits for 108 Ice Pond Rd

80. **Emails**

- Special Districts to Town Board Re: Village of Brewster Water Rates
- Mark Millsbaugh to Town Board Re: Puff Material
- Peter Hansen to Special Districts Re: Village of Brewster Info for Creation/Expansion of District
- Special Districts to Peter Hansen Re: Village of Brewster Info for Creation/Expansion of District
- Michael Rights to Town Board Re: Dykeman's update
- Special Districts to Jim Randazzo Re: Springhouse Estates/Roth Property
- C. DiGiovanni to Town Board Re: Vacant Linen & Things
- Michael Levine to Town Board Re: Draft Puff/Southeast Agreement

81. **Memo's**

- Laurie Bell to Town Board Re: Applebee's Certiorari Settlement
- Code Enforcement To Town Board Re: Zoning Code – Signs
- Planning Board to Supervisor Rights Re: Recreational Fields
- Laurie Bell to Town Board Re: Greenlands, Nielsen & Dalo Petroleum Certioraris
- Charles Tessmer to Town Board and Town Attorney Re: Request for Defense per Chapter 14 Town Code, Ved Parkash & Aman Estates LLC Case
- Charles Tessmer to Town Board RE: Contract for house Account to Wash Town Vehicles

CORRESPONDENCE SENT

1. Special Districts to DEP Re: Revocable Land Use Permit Project No. 1790 & 1904
2. Special Districts to NYC DEP Re: Brewster Heights Sewer District Operations and Maintenance
3. Supervisor Rights to Residents Re: Pegasus Horse Show
4. Supervisor Rights to Residents Re: Joint Meeting of Southeast and the Village regarding Drinking Water
5. Supervisor Rights to Residents Re: Proposed Special Benefit District for Ambulance Service
6. Supervisor Rights to PC Dept of Finance Re: EOH Claim Forms
7. Special Districts to Southeast Plumbing Corp Re: Approval of Bid
8. Supervisor Rights to PC Division of Planning and Development Re: Town of Southeast Comprehensive Plan Amendment 239-m Referral

VOUCHERS

Supervisor Rights made a motion to approve the vouchers in the amount of \$752,121.47. Councilman Yee seconded. All in favor.

SETTING OF MEETING DATES

Supervisor Rights made a motion to approve the following meeting dates and Councilman Yee seconded. All meetings will be held at 1360 Route 22, Brewster NY at 7:30 PM unless otherwise noted:

June 3, 2010 – Special Meeting
Public Hearing for DeCicco 7:30 pm – Worksession to follow
June 10, 2010 – Regular Meeting
Public Hearing for Noise Ordinance 7:30 pm
DeCicco 7:31 pm
June 24, 2010 - Worksession

BUDGET TRANSFERS

Supervisor Rights made a motion to approve the budget transfers and Councilman Yee seconded. All in favor.

REVIEW OF MINUTES

Councilman Yee made a motion to accept the Minutes of April 15, 2010. Supervisor Rights seconded. All in favor.

RESOLUTION NO. 23/10 LEAD AGENCY DECLARATION FOR COMPREHENSIVE PLAN AMENDMENTS

INTRODUCED BY: Councilman Yee

SECONDED BY: Councilwoman Hudak

WHEREAS, the Town Board of the Town of Southeast is considering adopting amendments to the Town of Southeast Comprehensive Plan to identify automobile dealerships and their support activities. The proposed Comprehensive Plan Amendments would recognize appropriate locations for these types of businesses, as well as appropriate performance standards or supplementary regulations.

WHEREAS, the Town Board determined that the Proposed Action is a Type I Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board is the sole legislative body with the authority to adopt amendments to its Comprehensive Plan;

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby declares itself Lead Agency for the Proposed Action pursuant to §617.6(b) of SEQRA:

UPON A ROLL CALL VOTE:

Councilman Cullen Aye
Councilwoman Hudak Aye
Councilman Yee Aye
Councilman Gross Aye
Supervisor Rights Aye

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

NEGATIVE DECLARATION FOR COMPREHENSIVE PLAN AMENDMENTS - Deferred

2010 LOCAL LAW NO. 1 / 2010 TO AMEND THE COMPREHENSIVE PLAN - Deferred

2010 LOCAL LAW NO. 2 / 2010 TO AMEND THE ZONING TEXT AND MAP -Deferred

LANDFILL CONSOLIDATION PROPOSAL

Councilwoman Hudak made a motion for the Town of Southeast to move forward and use our own fill and our own garbage, as the State first told the Town of Southeast that it was acceptable to use to cap the landfill. Councilman Cullen and Supervisor Rights seconded.

Upon Roll Call:

Councilman Cullen Aye
Councilwoman Hudak Aye
Councilman Yee Aye
Councilman Gross Aye
Supervisor Rights Aye

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

SPECIAL PROSECUTOR

Supervisor Right made a motion to advertise an RFP for a Special Prosecutor and Councilman Yee seconded.

Upon Roll Call Vote:

Councilman Cullen Nay
Councilwoman Hudak Nay
Councilman Yee Aye
Councilman Gross Nay
Supervisor Rights Aye

VOTE: not carried by a vote of 2 in favor, 3 against; 0 abstained.

RESOLUTION NO. 24 / 2010 APPOINTMENT OF SPECIAL TOWN COUNSEL

INTRODUCED BY: Councilwoman Hudak

SECONDED BY: Councilman Gross

WHEREAS, the Town of Southeast has undertaken to prosecute the Estate of Beatriz Marin, Philip Marin, Brewster Auto, Inc. (collectively, the “Marin Defendants”) Maurice Simon, Simon Auto Wreckers, Inc. (the “Simon Defendants”), Ved Parkash and Aman Estates,

LLC (the “Parkash Defendants”) owners and/or occupants of several parcels of real property within the town, for various and on-going violations of Zoning, Building, Rental Registration and Property Maintenance Codes; and

WHEREAS, the Town Attorney has been generally empowered to prosecute alleged violations of the Town’s codes relating to zoning, building and property maintenance; and

WHEREAS, special counsel was previously appointed to prosecute the Marin Defendants and, in addition, special counsel was previously appointed to prosecute the Simon and Parkash Defendants; and

WHEREAS, the aforesaid special counsel have heretofore been discharged and relieved of their duties with respect to such matters; and

WHEREAS, it has been determined by the Supreme Court, that the Town Attorney is without specific or implied authority to continue or take on the prosecution of the above-named matters; and

WHEREAS, to facilitate the administration of justice, the Town Board finds that it would be best to appoint a Special Town Counsel to prosecute these particular matters and any others that may arise in connection the aforesaid defendants.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby appoints Stephen R. Lewis, Esq., having an office at 175 Main Street, White Plains, NY, as and for a Special Town Counsel for the special and limited purpose of undertake and continuing the prosecutions of the Marin Defendants, the Simon Defendants and the Parkash Defendants, and all entities owned or controlled by such defendants, regarding alleged violations of and to compel compliance with local laws pertaining to Zoning, Building, Rental Registration and Property Maintenance codes, together with any and all prosecutions which might arise from future or on-going violations of such codes; and be it further

RESOLVED, that the appointment of the Special Town Counsel is subject to and conditioned upon the grant of authorization by the Putnam County District Attorney of such Special Counsel to act as a “Special Deputy District Attorney” or as such other designation as may be deemed appropriate by such District Attorney to enable such Special Counsel to prosecute such matters in the criminal courts; and be it further

RESOLVED, that said Special Prosecutor shall be compensated at the rate of \$200.00 per hour and be reimbursed for all reasonable and necessary out of pocket disbursements made on behalf of the Town of Southeast; and be it further

RESOLVED, that the Town Clerk is authorized and directed to forward a certified copy of this resolution to the Hon. Adam Levy, District Attorney of Putnam County, Hon. Richard Vercollone and Hon. Gregory Folchetti, Justices of the Town Court of the Town of Southeast, forthwith.

Upon Roll Call Vote:

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Nay</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Nay</u>

VOTE: carried by a vote of 3 in favor, 2 against; 0 abstained.

WETLANDS INSPECTOR – MT EBO BALLFIELDS

Supervisor Rights made a motion to hire Steve Coleman, the Wetlands Inspector to check and flag the area for wetlands. Councilman Gross seconded and all in favor.

HISTORIC SITES DEMOLITION PERMIT PROCESS

Supervisor Rights made a motion that we supplement Chapter 83 of the Historic Sites Code of the Town of Southeast to consult with the Historic Sites Commission prior to issuing all demolition permits. Councilman Yee seconded. Vote was defeated by a vote of 2 in favor, 3 against. (Gross, Cullen, & Hudak)

DECICCO – AMENDED RESOLUTION – set as a public hearing for 6/2/10 and 6/10/10

NOISE RESOLUTION – set as a public hearing for 6/10/10

AUTHORIZE PURCHASE OF HIGHWAY DEPT TRUCK

Councilman Gross made a motion to purchase a Highway Truck and Councilwoman Hudak seconded. Vote passed by a vote of 3 ayes and 2 nays (Rights and Yee)

HIGHWAY TRUCK – BOND RESOLUTION

A meeting of the Town Board of the Town of Southeast, Putnam County, New York, was convened in public session at the Town of Southeast, New York on the 20th day of May, 2010 at 7:30 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Rights, and upon roll being called, the following were:

PRESENT: Michael Rights

Roger Gross

Dwight Yee

Elizabeth Hudak

Robert Cullen

The following resolution was offered by Robert Cullen, who moved its adoption, seconded by Roger Gross, to-wit:

Bond Resolution #25 Dated May 20, 2010

A Resolution Authorizing the Acquisition of a Highway Department Dump Truck, Authorizing the Issuance of Serial Bonds of the Town of Southeast, Putnam County, New York in an Aggregate Principal Amount Not to Exceed \$175,000 Pursuant to the Local Finance Law to Finance Said Purpose and Delegating the Power to Issue Bond Anticipation Notes in Anticipation of the Sale of Such Bonds to the Town Supervisor.

BE IT RESOLVED, by the Town Board of the Town of Southeast, Putnam County, New York (the "Town") (by favorable vote of not less than three-fifths of all the members of the Board) as follows:

Section 1. The specific object or purpose (herein referred to as "Purpose") to be financed is the acquisition of a 2011 Mack model GU712 Highway Department dump truck. The estimated maximum cost of said purpose is \$175,000.

Section 2. The Town Board plans to finance the total cost of said Purpose by the issuance of serial bonds of the Town in an amount not to exceed \$175,000, hereby authorized to be issued therefore pursuant to the Local Finance Law.

Section 3. It is hereby determined that said purpose is an object or purpose described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 15 years.

Section 4. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

Section 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of such bonds by virtue of paragraph 9 of subsection d. of Section 107.00 of the Local Finance Law, with respect to the Purpose authorized to be financed hereby.

Section 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds 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 bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00, and 56.00, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and content, and the manner of execution of the same, of said serial bonds, and said bond anticipation notes, including the consolidation with other issues, and also the availability to issue bonds with substantially level or declining annual debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town.

Such bonds and bond anticipation notes shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Town Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3) of the Code.

Section 9. Pending the sale of bonds herein authorized, the temporary use of funds from the Town's general fund, pursuant to the provisions of Section 165.10 of the New York Local Finance Law, is hereby authorized. The Town reasonably expects to reimburse itself from the proceeds of bonds or notes herein authorized for expenditures made for the purpose to be financed by this resolution prior to the issuance of such bonds or notes, and this resolution is intended to constitute a declaration of official intent to reimburse for the purposes of U.S. Treasury § 1.150-2.

Section 10. The Town has determined that the acquisition of a Highway Department dump truck is a Type II action which will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

Section 11. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) 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

- (3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

Section 12. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the *Putnam County Press*, the official newspaper of said Town, after a period of time shall have elapsed for the submission and filing of a petition for a permissive referendum and a valid petition shall not have been submitted and filed.

Section 13. The firm Hiscock and Barclay, LLP is hereby appointed Bond Counsel of the Town in connection with the bonds and notes herein authorized.

Section 14. This resolution is adopted subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law and the Town Clerk is hereby authorized and directed within ten (10) days after the adoption of said resolution, to cause to be published a notice which sets forth the date of the resolution's adoption and contains an abstract of the resolution concisely stating its purpose and effect.

* * * * *

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

Michael Rights	voting	<u>Nay</u>
Roger Gross	voting	<u>Aye</u>
Dwight Yee	voting	<u>Nay</u>
Elizabeth Hudak	voting	<u>Aye</u>
Robert Cullen	voting	<u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certified that:

(1) She the duly qualified and acting Clerk of the Town of Southeast, New York (hereinafter called the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at meeting of the Town Board held on 20th day of May, 2010 and entitled

A Resolution Authorizing the Acquisition of a Highway Department Dump Truck, Authorizing the Issuance of Serial Bonds of the Town of Southeast, Putnam County, New York in an Aggregate Principal Amount Not to Exceed \$175,000 Pursuant to the Local Finance Law to Finance Said Purpose and Delegating the Power to Issue Bond Anticipation Notes in Anticipation of the Sale of Such Bonds to the Town Supervisor.

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Town Board was present throughout said meeting, and a legally sufficient number of members (three-fifths of the Town Board) voted in the proper manner for the adopted of the resolution. All other requirements and proceedings under law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the Town, and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this 20th day of May, 2010.

Name: Ruth A. Mazzei
Town Clerk
Town of Southeast
Putnam County, New York

APPRAISAL OF HAINES POND PROPERTY

Supervisor Rights made a motion to authorize the spending of up to \$2,000 to appraise and report on the Haines Pond Property. Councilman Yee seconded and all in favor.

HEAD START USE OF MARKEL PARK

Supervisor Rights made a motion to allow the Head Start Program to use Markel Park. Councilman Yee seconded. All in favor except for one abstention (Cullen).

AUTHORIZE OVERTIME – RECREATION DEPT

Supervisor Rights made a motion to authorize overtime for the Recreation Department for the amount of up to \$5,000 (five thousand). Councilwoman Hudak seconded and all in favor.

RESOLUTION NO. 26/10 TLC CENTRAL LLC SETTLEMENT OF CERTIORARI PROCEEDINGS

INTRODUCED BY: Councilman Yee

SECONDED BY: Supervisor Rights

WHEREAS, proceedings have been commenced challenging the assessed valuation of premises known generally as Tax Map No. 45.-1-2.-1 for the 2005, 2006, 2007, 2008 and 2009 tax years (Index Nos. 1134/2005, 1392/06, 1547/07, 1858/08 and 1866/09); and

WHEREAS, the Town Board is in receipt of settlement recommendations from the Town's Assessor, Appraiser and Town Attorney with regard to such proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby accepts the recommendations of its professional advisors as follows:

2005	Withdrawn/Dismissed
2006	Withdrawn/Dismissed
2007	Withdrawn/Dismissed
2008	\$2,162,000.00 reduced to \$1,100,000.00
2009	\$2,053,000.00 reduced to \$1,200,000.00
2010	\$1,300,000.00

And be it further

RESOLVED, that the Town Attorney is hereby authorized to execute a Consent Judgment and Stipulation in accordance with said recommendations.

UPON A ROLL CALL VOTE:

Councilman Cullen Aye
Councilwoman Hudak Aye
Councilman Yee Aye
Councilman Gross Aye
Supervisor Rights Aye

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

RESOLUTION NO. 27/ 2010 MAURICE SIMON and SIMON AUTO WRECKERS, INC. SETTLEMENT OF CERTIORARI PROCEEDINGS

INTRODUCED BY: Councilman Gross

SECONDED BY: Councilwoman Hudak

WHEREAS, proceedings have been commenced challenging the assessed valuation of premises known generally as Tax Map Nos. 56.9-1-7, 56.9-1-17, 56.-1-18, 56.-1-6, 56.-1-16 and 56.-1-3 for the 2003, 2004, 2005, 2006, 2007, 2008 and 2009 tax years (Index Nos. /2003, /2004, 1381/2005, 1546/2006, 1069/2007, 1849/2008 and 2124/2009); and

WHEREAS, the Town Board is in receipt of settlement recommendations from the Town's Assessor, Appraiser and Town Attorney with regard to such proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby accepts the recommendations of its professional advisors as follows:

56.9-1-7	2009	\$360,300 reduced to	\$255,000
	2008	\$379,300 reduced to	\$255,000
	2007	\$368,300 reduced to	\$260,000
	2006	\$347,490 reduced to	\$235,000
	2005	\$315,900 reduced to	\$210,000
	2004	\$282,014 reduced to	\$185,000
	2003	\$277,846 reduced to	\$182,000
56.9-1-17	2009	\$1,116,100 reduced to	\$785,000
	2008	\$1,116,100 reduced to	\$785,000
	2007	\$1,083,600 reduced to	\$760,000
	2006	\$1,022,267 reduced to	\$710,000
	2005	\$ 911,100 reduced to	\$625,000
	2004	\$ 813,344 reduced to	\$550,000
	2003	\$ 720,111 reduced to	\$480,000

And be it further

RESOLVED, that all claims for tax years 2003-2009 relating to Tax Map Nos. 56.-1-18, 56.-1-6, 56.-1-16 and 56.-1-3 shall be withdrawn and discontinued; and be it further

RESOLVED, that the Town Attorney is hereby authorized to execute a Consent Judgment and Stipulation in accordance with said recommendations.

UPON A ROLL CALL VOTE:

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Aye</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Aye</u>

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

HIRE ASSISTANT IN THE OFFICE OF THE TAX ASSESSOR

Councilman Gross made a motion to hire an Assistant to the Assessor's Office for 10-15 hours per week at \$15 per hour. Councilman Hudak seconded. All in favor except one nay (Yee)

RESOLUTION NO. 28 / 2010 HUDSON VALLEY MUNICIPAL PURCHASING GROUP

INTRODUCED BY: Councilwoman Hudak

SECONDED BY: Councilman Gross

WHEREAS, the Town of Southeast ("hereinafter HVMPG Member") desires to participate in the regional purchasing program of the Hudson Valley Municipal Purchasing Group; and

WHEREAS, the Town of Southeast, has submitted an application to be a Member in the Hudson Valley Municipal Purchasing Group (hereinafter HVMPG), a program created by local governments in accordance with and pursuant to the General Municipal Law, Section 119-o; and

WHEREAS, the HVMPG Member, is of the opinion that participation in the HVMPG will be highly beneficial to the taxpayers of the local government or their non-profit organization through the efficiencies and potential savings to be realized; and

WHEREAS, the HVMPG Member desires to participate and join with other local governments and non-profit organizations in a Cooperative Purchasing Agreement ("Agreement") for the purpose of fulfilling and implementing their respective public and governmental purposes, needs, objectives, programs, functions, and services.

NOW, THEREFORE, BE IT RESOLVED, that the HVMPG Member does request that the HVMPG allow its municipal government or non-profit organization to use the HVMPG's Regional Bid Notification and E-Procurement System and also requests that the HVMPG include its stated needs in HVMPG's Cooperative Bids if so decided on a case by case basis. HVMPG Members may be allowed to purchase those items from the HVMPG's contracts, and the HVMPG is authorized to sign and deliver all necessary requests and other documents in connection therewith for and on behalf of the HVMPG members that have elected to participate; and be it further

RESOLVED, that the Town Board of the Town of Southeast does hereby authorize its Supervisor to execute the Cooperative Purchasing Agreement; and it is further

RESOLVED, that the execution of this Resolution shall evidence the election of the HVMPG Member to become a member of the HVMPG upon the terms and conditions stated. The Town Board has, at the time of adoption of this Resolution had, full power and lawful authority to adopt the foregoing Resolution and to confer the obligations, powers, and authority to the persons named, who are hereby granted the power to exercise the same.

Upon Roll Call Vote:

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Aye</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Aye</u>

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

BREWSTER EDUCATIONAL FOUNDATION / FIREMAN 'S CIRCUS

Supervisor Rights made a motion to grant two permits, an assembly permit and a tent permit, to the Brewster Education Foundation and the Fireman for the circus. Councilman Gross seconded.

Upon Roll Call Vote:

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Nay</u>
Councilman Yee	<u>Aye</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Aye</u>

VOTE: carried by a vote of 4 in favor, 1 against; 0 abstained.

PERMITS FOR PROPOSED NEW WATER DISTRICTS

Supervisor Rights made a motion to authorize the engineers to produce a map, plan, and report for the possible creation of a new water district in the Town of Southeast. Councilman Yee seconded. All in favor.

WATER DISTRICT PENALTIES - Deferred

SPRINGHOUSE – FIRE SUPPRESSION SYSTEM DESIGN

Supervisor Rights reported that there was no need for an additional fire suppression system.

NEW BUSINESS

ROUTE 22

Councilman Gross explained the modifications and the delay to the Route 22 construction project. He thanked Senator Leibell and the past and present Town Boards who worked so aggressively to get it done.

RESOLUTION NO. 29 / 10 SOMERS SANITATION SOLID WASTE PERMIT

INTRODUCED BY: Supervisor Rights

SECONDED BY: Councilman Yee

WHEREAS, Town Clerk is in receipt of an application of Somers Sanitation, Inc. (“SSI”) for a solid waste disposal permit pursuant to Chapter 117 of the Code of the Town of Southeast for 2010; and

WHEREAS, it appears that SSI’s application and supporting documentation, including proof of insurance, are in order and the appropriate fees have been paid;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Southeast hereby grants a Solid Waste Disposal Permit pursuant to Town Code Chapter 117 to SSI for commercial accounts identified in said application and directs the Town Clerk to issue the appropriate permits in accordance herewith.

Upon Roll Call Vote:

Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Councilman Yee	<u>Aye</u>
Councilman Gross	<u>Aye</u>
Supervisor Rights	<u>Aye</u>

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

BASEBALL SIGNAGE OF ADVERTISEMENTS

Supervisor Rights made a motion to authorize Special District Coordinator Levon Bedrosian to outline the selling, advertising, and placing of the signs on the fences for the Southeast Recreation Department.

Supervisor Rights made a motion to close the meeting. Councilman Gross seconded. All in favor.

Respectfully Submitted;

Ruth Argo Mazzei
Southeast Town Clerk