

TOWN OF SOUTHEAST
1360 Route 22, Brewster, New York 10509
Thursday, January 7, 2016
EXECUTIVE SESSION – 6:45 P.M.
ORGANIZATIONAL MEETING – 7:00 P.M.

Notation of Exits
Pledge of Allegiance

Present: Supervisor Tony Hay
Councilwoman Elizabeth Hudak
Councilwoman Lynne Eckardt
Councilman Robert Cullen
Councilman Edwin Alvarez

Also: Town Clerk Michele Stancati
Town Attorney Willis H. Stephens Jr.

And: 10 Persons

EXECUTIVE SESSION

Supervisor Hay made a motion to open the meeting and go into Executive Session to interview candidates for the Architecture Review Board. Councilwoman Hudak seconded. All in favor.

Supervisor Hay made a motion to close the Executive Session where no decisions were made and Councilwoman Hudak seconded. All in favor.

ORGANIZATIONAL MEETING

Supervisor Hay made a motion to open the meeting and bring forth the following motions. Councilman Alvarez seconded. All in favor.

- 1) Motion to Adopt Rules of Order – Roberts Rules of Order**
- 2) Motion to Adopt Town Board Meeting Dates - First and Third Thursday of each month and/or other dates that may need to be designated from time to time.**

- 3) Motion to Set Roll Call Voting Order of the Town Board – Edwin Alvarez, Robert Cullen, Lynne Eckardt, Elizabeth Hudak, Tony Hay**
- 4) Motion to Designate Official Depositories for the Town of Southeast – Mahopac National Bank and/or other banks that may need to be designated from time-to-time.**
- 5) Motion to Appoint Official Newspaper – Putnam Press, and any other newspaper if necessary**
- 6) Motion to Adopt Employee Handbook**
- 7) Motion to Appoint Emergency Coordinator – Kenneth Clair**
- 8) Motion to Designate Town Consulting Engineer – Nathan L. Jacobson & Associates, Inc.**
- 9) Motion to Appoint Delegate to Annual Association of Towns Meeting and Alternate – Michele Stancati and Robert Cullen (alternate)**
- 10) Motion to Appoint Fixed Assets Officer – Ron Hund**
- 11) Motion to Set Mileage Rate – Per IRS**
- 12) Motion to Adopt Standard Work Day – In accordance with Union Contracts**
- 13) Motion to Appoint the Dog Control Officer – Courtney Pagano**
- 14) Motion to Authorize Putnam County to Levy Taxes**
- 15) Motion to Appoint Parking Enforcement Officers – Joe Hernandez, Kenneth Clair, Michael Levine, Peter Carey, Michael Miller**
- 16) Motion to Appoint Parking Administrator – Susan Tobacco**
- 17) Motion to Appoint Town Attorney – Willis H. Stephens Jr. to a two year term that will expire on 12/31/17**
- 18) Motion to Appoint Deputy Supervisor - Robert Cullen**
- 19) Motion to Appoint Administrative Assistant to Supervisor - Chris DuBois**
- 20) Motion to Appoint Town Tax Receiver – Susan Tobacco**
- 21) Motion to Appoint Deputy Tax Receiver – AnnMarie Milano**

22) Motion to Appoint Deputy Town Clerks – Elizabeth Cerone and Donna Milazzo

23) Motion to Appoint Deputy Town Clerk Elizabeth Cerone as Deputy Registrar of Vital Statistics

24) Motion to Appoint Town Court Clerks – Phyllis Dunford and Nancy Dwyer

25) Motion to Appoint Code Enforcement Officers – Michael Levine, Joe Hernandez, Kenneth Clair, Michael Miller and Peter Carey

26) Motion to Appoint Town Historian – John Duncan

27) Motion to Appoint the Following Board Seats

Tonetta Lake Advisory Board – Robert Zubrycki, Karl Lebitsch, Patricia Bohrman, Mike Langley, Robert Lund, Karen Ratajack, Bill McGregor (1 year term)

Planning Board – Philip Wissel, term to expire 12/31/22

28) Motion to Re-Appoint Tom LaPerch to Planning Board Chairman and David Rush Vice Chairman

29) Motion to Re-Appoint John Goudey to Architectural Review Board Chairman.

30) Motion to Re-Appoint Timothy Froessel to Zoning Board of Appeals Chairman and Paul Vink Vice Chairman

31) Motion to Appoint Liaison for Town Departments

Architectural Review Board – Edwin Alvarez

Code Enforcement – Bob Cullen

Highway – Lynne Eckardt

Historic Sites Commission – Lynne Eckardt

Library – Lynne Eckardt

Parking – Bob Cullen

Planning Board – Liz Hudak

Open Space Committee - Liz Hudak

Recreation – Bob Cullen

Special Districts – Liz Hudak

Village – Bob Cullen

Zoning Board of Appeals – Edwin Alvarez

32) Motion to Set 2016 Fee Schedule

33) Motion to have Employees sign Town Vehicle Policy

34) Motion to have All Employees sign Ethics Policy

35) Motion to Adopt 2016 Holiday Schedule

**36) Resolution to extend IMA re: Shared Service IMA with
Village of Brewster - Uniformed Court Officer**

**37) Resolution to extend IMA re: Shared Service IMA with
Village of Brewster - Building Inspector/Code Enforcement Officer
Brewster**

Regular Meeting

Supervisor Hay made a motion to close the Organizational Meeting and open the Regular Meeting. Councilman Cullen seconded. All in favor.

RESOLUTION NO. 1 / 2016 BRANDON v. TOWN AUTHORIZATION TO APPEAL

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilwoman Hudak

WHEREAS, an action having been commenced seeking declaratory relief with respect to the status of Mine Lane; and

WHEREAS, a decision having been rendered by the Supreme Court of the State of New York in and for the County of Putnam and entered on December 7, 2015 which granted summary judgment designating Mine Lane as a Town Highway; and

WHEREAS, it is the sense of this Town Board that the Supreme Court erred in its determination and feel that it is appropriate to seek review of the lower court decision by the Appellate Division of the Supreme Court of the State of New York.

NOW, THEREFORE, BE IT

RESOLVED, that the Town's attorney be and is hereby authorized to make and file an appeal of the decision in the matter *Brandon et al. v. Town of Southeast, et al.* (Putnam County Clerk's Index No. 33/2015) to the Appellate Division: Second Department; and be it further

RESOLVED, that all actions heretofore taken by the Town's attorney in this regard are hereby ratified and confirmed, *nunc pro tunc*.

UPON A ROLL CALL VOTE:

Councilman Alvarez Aye
Councilman Cullen Aye
Councilwoman Eckardt Aye
Councilwoman Hudak Aye
Supervisor Hay Aye

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

RESOLUTION NO. 2 / 2016 RESOLUTION ADOPTING LOCAL LAW REZONING CERTAIN PREMISES – PETITION OF MACO LAND PROPERTIES LTD

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilwoman Hudak

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 which would amend Chapter 138 of the Code of the Town of Southeast entitled Zoning to re-zone certain premises located at 1651 Route 22, Tax Map No. 46.-3-14 from RC to HC zone; and

WHEREAS, notice of said public hearing was advertised in an official newspaper of the Town of Southeast in the manner prescribed by law, such public hearing was held on December 17, 2015 and all interested persons were given an opportunity to be heard at that time; and

WHEREAS, the Town Board is in receipt of a report and recommendation from the Planning Board regarding the proposed action; and

WHEREAS, the Town Board, acting a Lead Agency pursuant to the State Environmental Quality Review Act, completed review of the proposed action and found and determined that the proposed action is not likely to have a negative impact on the environment.

WHEREAS, it is the sense of this Town Board that the proposed local law will help promote the general welfare of the public.

NOW, THEREFORE, BE IT

RESOLVED, the Town Board of the Town of Southeast hereby adopts Local Law No. 1 of 2016 pursuant to the Municipal Home Rule Law to amend Chapter 138 of the Town Code

("Zoning") and the Zoning Map which is annexed to an a part of the Zoning Code to zone the Premises known as 1651 Route 22, Tax Map No. 46.-3-14 from RC to HC zone; and be it further

RESOLVED, that the Town Clerk be and hereby is authorized and directed to (a) enter said Local Law in the minutes of this meeting and in the Code Book of the Town of Southeast; and (b) give due notice of the adoption of said local law by filing such with the Secretary of State of New York within the time required by law.

UPON A ROLL CALL VOTE:

Councilman Alvarez Aye
Councilwoman Eckardt Aye
Councilman Cullen Aye
Councilwoman Hudak Aye
Supervisor Hay Aye

VOTE: Resolution carried, by a vote of 5, to 0, 0 abstained.

RESOLUTION NO. 3 / 2016 ESTABLISHMENT OF BIRCH HILL/HIGHVIEW WATER DISTRICT

AT A REGULAR meeting of the Town Board of the Town of Southeast, in the County of Putnam, New York, held at the Town Hall, 1360 Route 22, Brewster, New York on January 7, 2016.

PRESENT: Hon. Tony Hay, Supervisor
 Hon. Robert Cullen, Councilman
 Hon. Elizabeth Hudak, Councilwoman
 Hon. Lynne Eckardt, Councilwoman
 Hon. Edwin Alvarez, Councilman

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IN THE MATTER OF THE ESTABLISHMENT OF :
:
BIRCH HILL-HIGHVIEW WATER DISTRICT : **AMENDED ORDER**
: **ESTABLISHING DISTRICT**
IN THE TOWN OF SOUTHEAST, NY PURSUANT : **AND INCREASING MAXIMUM**
TO ARTICLE TWELVE OF THE TOWN LAW : **AMOUNT TO BE SPENT**
: **ON IMPROVEMENTS**

WHEREAS, a map, plan and report dated July 23, 2014 relating to the proposed establishment of the **BIRCH HILL-HIGHVIEW DISTRICT**, prepared by Nathan L. Jacobson & Associates, a duly licensed engineer of the State of New York, in a manner and in such detail as has been determined sufficient by this Town Board, having been duly filed with the Town Clerk, in accordance with the requirements of Article 12 of the Town Law; and

WHEREAS, an Order was duly adopted by this Town Board on October 2, 2014, reciting the filing of the Map, Plan and Report, the improvements proposed, the boundaries of the proposed District, the proposed method of financing the improvements, the fact that said documentation were on file with the Town Clerk and available for inspection, and stating all other matters required by law to be stated, and specifying October 23, 2014 as the date, at 7:00 in the evening on said day as the time, at the Town Hall, 1360 Route 22, Brewster, New York, as the place where this Town Board would meet to consider said map, plan and report, and to hear all persons interested in the establishment of the proposed District, and persons having appeared and having given testimony in favor of and in opposition to the proposal; and

WHEREAS, the cost of construction and maintenance of the proposed improvements will be financed by the district through bonds, notes or other securities and paid for by the owners of all the taxable property within the district and at no expense to the Town of Southeast as a whole; and

WHEREAS, an Order establishing said the District was duly adopted on November 6, 2014 and an abstract of such Order was duly published and mailed to all persons residing in and owning property within such Birch Hill-Highview Water District; and

WHEREAS, while in the process of acquiring and improving the existing equipment and facilities and connecting the existing water production facilities to additional homes to be served by the district, it was determined that the maximum amount of capital to be spent on the improvements has exceeded or will exceed the amount which was anticipated in the underlying proceedings; and

WHEREAS, proceedings having been commenced pursuant to Town Law to increase the maximum amount to be spent on the improvements anticipated in conjunction with the purpose of the Birch Hill – Highview Water District; and

WHEREAS, an Order was duly adopted by this Town Board on November 19, 2015 stating therein all other matters required by law to be stated, and specifying December 17, 2015 as the date, at 7:00 in the evening on said day as the time, at the Town Hall, 1360 Route 22, Brewster, New York, as the place where this Town Board would meet to consider the proposal to increase the maximum amount to be spent on the proposed improvements and annual costs to a typical household, and persons having appeared and having given testimony in favor of and in opposition to the proposal.

NOW, THEREFORE, after due deliberation, it is

RESOLVED AND DETERMINED:

(a) That the notice of hearing was published and posted as required by law, and is otherwise sufficient;

(b) That all property and property owners within the proposed district are benefitted thereby;

(c) That all property and property owners benefitted are included within the limits of the proposed water district; and

(d) That it is in the public interest to establish said water district and to increase the maximum amount to be spent on the Improvements; and be it further

RESOLVED AND DETERMINED:

That the establishment of the **BIRCH HILL-HIGHVIEW WATER DISTRICT**; the construction of the necessary improvements to the existing water systems serving the residents within the proposed District; and the approval of the increase in the maximum amount to be spent on such improvements are deemed to be an "Unlisted" action pursuant to the State Environmental Quality Review Act and that it is hereby declared that such action is not likely to have an adverse impact on the environment; and be it further

RESOLVED AND DETERMINED:

That the Town and District in formation has assumed control of the existing water system which has been conveyed to the District at no cost to the district or the Town of Southeast said system and real property associated with such system are be free and clear of encumbrances; and be it further

RESOLVED AND DETERMINED:

That the maximum amount proposed to be expended for the improvements is One Hundred Fifty Thousand and 00/00 (\$150,000.00) dollars and the estimated or projected cost to the typical property owner with the proposed District is \$1,200.00 per annum; and be it further

RESOLVED AND DETERMINED:

That the **BIRCH HILL-HIGHVIEW WATER DISTRICT** encompassing the several lots, parcels and pieces of real property described in schedule "A" is hereby established (subject to approval of the Office of the New York State Comptroller); and be it further

RESOLVED AND DETERMINED:

That this Order and Resolution shall be subject to a Permissive Referendum as provided by the Town Law of the State of New York; and be it further

RESOLVED AND DETERMINED:

That the Town Clerk be, and hereby is, authorized and directed to publish a copy of this Resolution in the official newspaper of the Town of Southeast forthwith; and, upon the passage of thirty (30) days after the adoption of this Resolution and, no adequate petition for referendum having been filed, shall file a certified copy of this Order and Resolution with the Office of the Clerk of the County of Putnam, which is the County in which the said Town of Southeast is located, and in the Office of the State Department of Audit and Control, within the time required by law.

Upon Roll Call Vote:

Councilman Alvarez	<u>Aye</u>
Councilman Cullen	<u>Aye</u>
Councilwoman Eckardt	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

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

SCHEDULE "A"

ALL THE PLOTS, PIECES AND PARCELS OF PROPERTY LOCATED IN THE TOWN OF SOUTHEAST, COUNTY OF PUTNAM AND STATE OF NEW YORK, more particularly described as:

- | | |
|------------|-----------|
| 67.15-1-7 | 67.15-2-1 |
| 67.15-1-8 | 67.15-2-2 |
| 67.15-1-9 | 67.15-2-3 |
| 67.15-1-10 | 67.15-2-4 |
| 67.15-1-11 | 67.15-2-5 |
| 67.15-1-12 | 67.15-2-6 |
| 67.15-1-13 | |
| 67.15-1-14 | |
| 67.15-1-15 | |
| 67.15-1-16 | |
| 67.15-1-17 | |
| 67.15-1-18 | |
| 67.15-1-19 | |
| 67.15-1-20 | |
| 67.15-1-21 | |
| 67.15-1-22 | |
| 67.15-1-23 | |
| 67.15-1-25 | |
| 67.15-1-26 | |
| 67.15-1-30 | |

RESOLUTION NO. 4 / 2016 ARCHITECTURE REVIEW BOARD APPOINTMENT TO FILL VACANCY

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilwoman Eckardt

WHEREAS, there is a vacancy on the Town of Southeast Architecture Review Board ("ARB") resulting from the resignation of a sitting member; and

WHEREAS, the Town Board has advertised the opening.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby appoints:

Katherine Weber

to fill the term from January 1, 2016 to December 31, 2018 on the Southeast Architectural Review Board;

And be it further

RESOLVED, that this appointment shall take effect upon the taking and filing of the appropriate oath of office with the Clerk of the Town of Southeast.

Upon Roll Call Vote:

Councilman Alvarez	<u>Aye</u>
Councilman Cullen	<u>Aye</u>
Councilwoman Eckardt	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

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

PUBLIC COMMENT

Mr. John Lord asked for an explanation of the resolution for Mine Lane. Town Attorney Stephens stated that there was litigation against the Town concerning the maintenance of Mine Road; that the Town had been maintaining it for years and should continue to do so. The Town opposed taking Mine Road as a Town Road but the Supreme Court granted summary judgment designating Mine lane as a Town Highway. The resolution is an authorization for the Town to appeal the decision by seeking a review by the Appellate Division of the Supreme Court of the State of New York.

TOWN BOARD COMMENT

Councilwoman Hudak congratulated all the newly elected officials; Councilwoman Eckardt, Councilman Alvarez, Supervisor Hay and Town Clerk Stancati to a new term.

Councilman Alvarez thanked everyone for voting and wished everyone a Happy New Year.

Councilwoman Eckardt wished everyone a Happy New Year and also thanked everyone for voting and stated that this is a good Town Board and everyone works together.

Councilman Cullen also wished everyone a Happy New Year and Congratulations.

Supervisor Hay made a motion to close the meeting in memory of Sam Terenzi, who has passed away and worked for the Town for many years as The Town Auditor. Councilwoman Hudak seconded. All in favor.

Respectfully Submitted,

Michele Stancati
Southeast Town Clerk