

**TOWN OF SOUTHEAST**  
**1360 Route 22, Brewster, New York 10509**  
**Thursday, February 18, 2016**  
**EXECUTIVE SESSION 6:30 P.M.**  
**WORK SESSION / REGULAR MEETING 7:00 P.M.**

**Notation of Exits**  
**Pledge of Allegiance**

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

Absent: Councilwoman Lynne Eckardt

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

And: 8 Persons

**EXECUTIVE SESSION**

Supervisor Hay made a motion to go into Executive Session to discuss Litigation Matters. Councilman Alvarez seconded. All in favor.

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

**PUBLIC HEARING**

Supervisor Hay made a motion to open the Public Hearing and Councilman Alvarez seconded. All in favor.

Amend Chapter 126 of the Town Code "Taxation" – Veteran Exemption – Changed Residences Within The Same County

Supervisor Hay explained that this amendment to the Local Law is so that the Veteran Exemption Benefit will be portable when a veteran or qualified family member sells and purchases a residence within the same County.

There was no Public or Town Board comment.

Councilman Cullen made a motion to close the Public Hearing and Councilwoman Hudak seconded. All in favor.

**WORK SESSION**

Food Trucks

Supervisor Hay made a motion to waive the rules and accept additional information on the subject. Councilman Cullen seconded. All in favor.

There was a discussion about the food trucks and what the process and regulations will be. It is being proposed that Vendors would pay a yearly \$500 permit fee and \$250 for half a year. Veterans would be exempt from the fees. Supervisor Hay will place the information on the website. Supervisor Hay stated that there will be a Public Hearing at the next meeting which will be Thursday, March 10, 2016.

**REGULAR MEETING**

Supervisor Hay made a motion to open the Regular Meeting and waive the reading of the Correspondence. Councilman Alvarez seconded. All in favor.

**CORRESPONDENCE**

Correspondence Received

1. Resident to Supervisor Hay Re: Resume for ARB
2. NYSIF to TOSE Re: Workers' Compensation Ins.-Madison Energy Corp.
3. ACORD to TOSE Re: Liability Ins.-Thalle Industries, Inc.
4. Michael Spain to Supervisor Hay Re: Spain-Questionnaire on Claims

5. NYSIF to TOSE Re: Workers' Compensation Ins.-ATNM Corp.
6. Karen Timko to Levon Bedrosian Re: Renew Agreement Between Metro-North Commuter Railroad Company & TOSE
7. Rose Aglieco to TOSE Re: Brewster Chamber Membership Renewal-2016
8. ACORD to TOSE Re: Liability Ins.-Putnam Steel, Inc.
9. U.S. Bankruptcy Ct., NY to TOSE Re: The Great Atlantic & Pacific Tea Comp. v. Debtors
10. Office of the State Comptroller to TOSE Re: Justice Court Fund-12/15
11. Ginny Nacerino to Supervisor Hay Re: 2015 Agriculture Dist. Inclusion Recommendations
12. Anthony Scannapieco to Supervisor Hay Re: 2016 Federal Primary Election-6/28/16
13. Spectra Energy to Supervisor Hay Re: Algonquin Gas Transmission-Survey Authorization
14. Samantha Terenzi to TOSE Re: Accounting Services -S. Terenzi
15. Scott Geiger to D. Ritzko cc: TOSE Re: Restriction of Highway, Rtes. 120A, 172 & 312 Corrective Pavement Treatment
16. Aileen Napolitano to Michele Stancati, TC Re: Death Certificate
17. ACORD to TOSE Re: Liability Ins.-Morton Salt, Inc.
18. John Gress to Village of Brewster Planning Board Re: Lot Line Adjustment-67.35-1-39 & 67.27-1-3 Donating Portion of Property
19. NYSIF to TOSE Re: Workers' Compensation Ins.-Elite Electrical Enterprises
20. NYSIF to TOSE Re: Cancellation of Workers' Comp.-ASSGC Inc.
21. NYSIF to TOSE Re: Cancellation of Workers' Comp.-James Ford Plumbing & Heating Co. Inc.
22. Shana Vitaliani to Mike Levine Re: Update on 78.-1-46/Notice of Violation
23. Resident to Mike Levine cc: Supervisor Re: Home Classification Change-Shore Dr.
24. David Pollock to Supervisor Hay Re: Landfill Post Closure Monitoring & Maintenance Modification Request
25. John Thompson to Supervisor Hay Re: 2016 Governments Units Survey
26. Leonard Rosenbaum, NYMIR to Supervisor Hay Re: Marin v. TOSE Settlement
27. LexisNexis to TOSE Re: Martin's Country Craftsman Inc.-Policy #WCV31331
28. John Bairos to Kathleen Burgess Re: Comcast Programming Changes
29. Residents to TOSE Re: Resumes(2)
30. NYSIF to TOSE Re: Cancellation Workers' Comp. Ins.-Madison Energy Corp.

#### Foils

- Jeannette Duellgast to Bldg. Dept. Re: Survey & Septic Design-55 Argonne Rd.
- Brett Mitton to Bldg. Dept. Re: File-42 Pleasant Dr.
- Ginger Talbert to Bldg. Dept. Re: Permit-Commercial Boarding Facility-150 Foggintown Rd.
- Cindy Servider to Bldg. Dept. Re: File-45 Hillcrest Ave.
- Peter Levy to Bldg. Dept. Re: File-340 Milltown Rd. & 167 Starr Ridge Rd.
- Susanne Shilly to Michele Stancati, TC Re: File-96 Maplewood Dr.
- Julie Mapes to TC Re: Bid Documents-Audit Services
- Joanne Daly to TC Re: File-18 Curiosity Ln.
- Mike Coughlin to Bldg. Dept. Re: File-340 Tonetta Lake Rd.
- Andrew Arias to TC Re: Audit Services Proposal
- Matthew Moore to Bldg. Dept. Re: As-Built Plans-345 Gage Rd.
- Dom O'Connell to Bldg. Dept. Re: CO's & Survey-135 Turk Hill

- Barbara Harrison to TC Re: Dog Licenses
- Krystal Schall to TC Re: RFP Audit Services
- Sallyanne Corsaro to Bldg. Dept. Re: Violations-11 Fields Ln.
- Mary McGreevy to Bldg. Dept. Re: Files-66 Sunset Dr. & 12 Ailish Ln.
- Tina Mignano to Bldg. Dept. Re: Files-302 Virginia Woods Dr. & 37 Reynwood Dr.
- Sallyanne Corsaro to Plng. Dept. Re: Application for 11 Fields Ln.
- Sallyanne Corsaro to Bldg. Dept. Re: File-355 North Salem Rd.
- Joanne Daly to TC Re: File-18 Curiosity Ln.
- Eric Gillman to Bldg. Dept. Re: CO's, Permits & Violations-36 Locust Dr.
- Michael Pierce to Bldg. Dept. Re: File-4 Griffen Rd.
- Brad Huntington to Bldg. Dept. Re: File-47 Prospect Hill Rd.
- June Canavan to TC Re: File-1202 Scarborough Dr.
- Teresa McManus to Bldg. Dept. Re: File-75 State Line Rd.
- Frank Watson to Bldg. Dept. Re: Files-4001 Buttonwood Ln., 5401 Applewood Circle & 304 Stonewall Ln.
- Peter Levy to TC Re: File-2703 Morgan Dr.
- Chris Galli to TC Re: Septic & Well Plans-40 Guinea Rd.
- Peter Levy to TC Re: File-45 Farm Lake Ct.
- Houlihan Lawrence to Bldg. Dept. Re: File-45 Salmons Hollow Rd.
- David Crawford to TC Re: CO's & Violations-31 Pumphouse Rd.
- John Piazza to Bldg. Dept. Re: File-22 Seven Oaks Ln.
- Robert Petrone to Bldg. Dept. Re: File-32 Hillcrest Ave.
- MaryAnn Rivera to Bldg. Dept. Re: Files-644 N. Main St., 650 N. Main St. & 55 Argonne Rd.
- Nicole Grioli-Garcia to Bldg. Dept. Re: Files-124-126 Starr Ridge Rd.
- Dennis Sant to TC, TB, Bldg., Zoning & Plng. Re: File-56.12-1-1
- Tina Mignano to Bldg. Dept. Re: CO's, Permits & Violations-115 Putnam Dr.
- Michelle Archambeau to TC Re: Permit-4 Joes Hill Rd.
- Lucille Ettore to Bldg. Dept. Re: File-305 Driftway
- Dom O'Conner to Bldg. Dept. Re: CO's & Survey-108 Enoch Crosby
- Joanne Daly to Bldg. Dept. Re: File-3208 Morgan Dr.
- Eric Gillman to Bldg. Dept. Re: CO's, Permits & Violations-67 Cooledge Dr.
- Kristy Bays to TC Re: File-19 Elmhurst Ave.
- Linda Olsen to Bldg. Dept. Re: File-2003 Dunhill
- Linda Yurus to Bldg. Dept. Re: CO's & Survey-86 Ice Pond Rd.
- Lawton Adams to TC Re: Property Rt. 22
- Richard Eldred to Planning Dept. Re: File-Farm to Market Subdivision

#### Emails

1. Chris DeBois to Alessandro Mazzotta Re: TOSE RFP for Audit Services
2. Supervisor Hay to TB Re: EOHWC Meeting Agenda
3. Lauri Taylor to Town Clerks Re: 2016 PC's Annual Tree & Shrub Seedling Sale
4. Supervisor Hay to Mark Mannix Re: MTA & Food Truck Vendors
5. Resident to Mike Bruen Re: Maintenance & Care of Mine Ln.
6. Jerry Chiang to TC Re: Issued Order from FERC-Algonquin Incremental Market Project
7. TC to Samantha Terenzi Re: RFP for Audit Services

8. Stephen Coleman to Joseph Dillon/Ashley Ley/Planning Board Re: Wetland Review Root Ave. Subdivision, 54, 68 & 74
9. Paul Madey to Mike Levine Re: C & D Disposal
10. Levon Bedrosian to TOSE Re: Metro North Ltr. to Extend Contract Agreement
11. Resident to Sue Tabacco Re: Good Job on Snow Removal at SE Train Station
12. Victoria Desidero to TOSE Re: Planning Board Actions-1/25/16
13. Jackie Greer to TC Re: 2015 Election Expenses
14. Victoria Desidero to Supervisor Hay Re: NYS Continuing Legal Edu. Programs
15. Resident to Supervisor Hay Re: Maintenance at Clematis & Allan Rd.
16. Victoria Desidero to TOSE Re: Planning Board Actions-12/14/15
17. Richard O'Rourke to Supervisor Hay Re: Performance Bond-Horse Barn at Fortune Ridge
18. Tim Allen to Supervisor Hay Re: Bravcor Project
19. Victoria Desidero to Supervisor Hay/Laurie Bell/Ashley Ley/Tom Fenton Re: Strazza aka Rocky Farm Estates
20. LouAnne Wright to Ralph Marchitelli cc: Supervisor Re: Inspection of Bog Brook Dams
21. Levon Bedrosian to Victor Cornelius Re: Preliminary Grant List
22. Michelle Archambeau to TC Re: RFP for Old Town Theater Improvements
23. Supervisor Hay to Richard O'Rourke, Larry Nadel & Albert Natoli Re: ISW, Inc.-Revised Rate Application
24. Shana Vitaliani to Mike Levine Re: Notice of Violation-365 Rt. 22
25. Bob Dumont to Mike Levine Re: Brewster Theater Company to Rent-577 North Main St.
26. Resident to Mike Bruen Re: Road Conditions in Brewster Heights
27. LouAnne Wright to Ralph Marchitelli cc: Supervisor Re: Inspection of Croton Falls Dam
28. Mark Pattison to John Fatato cc: TC Re: Municipal Restructuring Fund
29. Nancy Kist to Supervisor Hay Re: Spectra Energy-Planned Survey Work on Town Owned Parcels
30. Supervisor Hay to Mike Levine Re: Allegations on Panorama Dr.
31. Olenna Truskett to Supervisor Hay Re: SE Old Town Hall Theatre Phase 1 Renovation
32. Susan Tabacco to Ken Clair/Peter Carey/Mike Miller Re: SE Train Station-Problems with Car Lock
33. Eric Finch to TC Re: North Salem Pre-Construction Mtg.-2/18/16
34. Mike Levine to Daniel Tannerite Re: Sound Level of Exploding Rifle Target
35. Lisa Johnson to TC Re: Search for Birth/Death Records for Ancestors
36. Alan Kassay to Supervisor Hay Re: Audit Services

#### Correspondence Sent

1. Mike Levine to Resident Re: Notice of Violation/Installation Of Berm-46.69-1-20
2. Mike Levine to Glickenhau Brewster Dev. Inc. & Fortune Home Builders Re: Notice of Viol.
3. Mike Levine to Resident Re: Notice of Viol./Canvas Covered Structure-57.8-1-16
4. Mike Levine to Resident Re: Notice of Viol./Refuse Collection Specifications-78.-2-66
5. Mike Levine to Vescio Farms & Agriculture Re: Noise Generated from Exploding Apple Target
6. TC to Mr. Erev, Brewster Auto Salvage Re: Permit Application for 2016
7. TC to Mr. Simon, Simon Auto Wreckers Re: 2016 Junk Yard License
8. Supervisor Hay to John Gress Re: Donation of Land-67.35-1-39

9. Tom LaPerch to Barbara Barosa Re: Application by Verizon for Proposed Installation of Two Wireless Arrays on an Existing Rooftop
10. Tom LaPerch to ARB(3) Re: Brewster Home Decorating, Brewster Corporate Park & Durante Rentals-Proposed Plans to Review
11. Supervisor Hay to Richard O'Rourke & Albert Natoli Re: Independent Sewage Works, Inc.- Revised Rate Application
12. TC to Croton Falls Fire District Re: Affidavit of Posting
13. Supervisor Hay to Mayor James Schoenig Re: Village of Brewster & Peaceable Hill Water Dist. Agreement
14. Supervisor Hay to Resident Re: Home Classification Change-Shore Dr.
15. Susan Tabacco to Supervisor Hay Re: SE Tax Warrant 2016
16. Supervisor Hay to O'Connor Davies, LLP Re: RFP Providing Professional Auditing Services

### **VOUCHERS**

Supervisor Hay made a motion to accept the Vouchers in the amount of \$2,493,118.38. Councilwoman Hudak seconded. All in favor.

### **MEETINGS**

Supervisor Hay made a motion to set the following meeting dates. Councilman Cullen seconded. All in favor.

All meetings will be held at 1360 Route 22, Brewster, N.Y. at 7:00 P.M. unless otherwise noted.

Thursday, March 10, 2016 – Work Session / Regular Meeting

- Public Hearing for Food Trucks

Thursday, March 24, 2016 – Work Session / Regular Meeting

### **BUDGET TRANSFERS**

Supervisor Hay made a motion to approve the Budget Transfers and Councilwoman Hudak seconded. All in favor.

**RESOLUTION NO. 8 /2016 RESOLUTION TO ESTABLISH ACCEPTABLE TRAINING**  
**FOR APPOINTED BOARD MEMBERS**

INTRODUCED BY: Supervisor Hay  
SECONDED BY: Councilwoman Hudak

WHEREAS, Town Law Sections 267 and 271, Village Law Sections 7-712 and 7-718, and General City Law Sections 27 and 81 provide that effective January 1, 2007, all Planning Board and Zoning Board of Appeals members in New York State must complete a minimum of four hours of training each year; and

WHEREAS, the above sections of State law provide that a Planning Board or Zoning Board of Appeals member shall not be eligible for reappointment to such board if they have not completed the training required by law; and

WHEREAS, the above sections of state law provide that the legislative body of the Town of Southeast specifies which activities qualify as training to satisfy the state requirements; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby approves the following agencies, federations, commissions, associations, universities, and other organizations to provide training to meet the State requirements when the training they provide pertains to municipal planning, zoning, land use, community design, environmental issues, economic development, and/or local government functions and practices:

1. AKRF, Inc.
2. American Institute of Architects
3. American Planning Association
4. American Society of Landscape Architects
5. Congress for New Urbansim
6. Cornell University Cooperative Extension
7. Dutchess County Bar Association
8. Dutchess County Planning Federation
9. Institute of Transportation Engineers
10. Nathan L. Jacobson & Associates, Inc.
11. New York Association of Towns
12. New York City Department of Environmental Protection
13. New York Planning Federation
14. New York State Conference of Mayors and Municipal Officials
15. New York State Continuing Legal Education Accredited Providers
16. New York State Department of Environmental Conservation
17. New York State Department of State
18. Pace University Land Use Law Center
19. Patterns for Progress
20. Putnam County Bar Association
21. Regional Plan Association
22. Smart Growth America
23. Urban Land Institute
24. Westchester County Bar Association
25. Westchester Municipal Planning Federation

BE IT FURTHER RESOLVED, that board members who receive training from any of the aforementioned agencies, federations, commissions, associations, universities, and other organizations for the purposes of continuing education credits required to maintain a professional accreditation or license, may also apply those credit hours towards the board member training requirement, provided that the training obtained pertains to municipal planning, zoning, land use, community design, environmental issues, economic development, and/or local government functions and practices; and

BE IT FURTHER RESOLVED, that other training activities may be approved on a case-by-case basis by the Town of Southeast Town Board upon the request of a Planning Board or Zoning Board of Appeals member, or Town Board member; and

BE IT FURTHER RESOLVED, that any new member appointed to fill the last 3 months of a term shall not be required to have attended training to be reappointed to a first full term, but must thereafter comply with the municipal training policy as provided elsewhere herein; and

BE IT FURTHER RESOLVED, that training received by a Planning Board member or Zoning Board of Appeals member in excess of four hours in any one year may be carried over by the member into succeeding years; and

BE IT FURTHER RESOLVED, that each Planning Board member or Zoning Board of Appeals member shall provide proof of attendance at such training to the Assistant to the Planning Board and Zoning Board of Appeals who shall maintain a system of tracking the training individual members complete annually, and such information shall be presented to the appointing authority prior to considering a member for reappointment.

**UPON ROLL CALL VOTE:**

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

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

**RESOLUTION NO. 9 / 2016 PREFERRED EQUITY LOCKE SETTLEMENT OF CERTIORARI PROCEEDINGS**

INTRODUCED BY: Supervisor Hay  
SECONDED BY: Councilwoman Hudak

**WHEREAS**, proceedings have been commenced in Supreme Court challenging the assessed valuation of commercial premises known generally as Preferred Equity Locke, Tax Map No. 46.-3-13 for 2015; 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 does hereby accept the recommendations of its professional advisors and authorizes the Town Attorney to execute a Stipulation of Settlement, Consent Judgment and/or Order on Consent in accordance with said recommendations for the following:

| <u>Petitioner</u>      | <u>Tax ID</u> | <u>Year</u> | <u>Assessment</u> | <u>Settled Assessment</u> |
|------------------------|---------------|-------------|-------------------|---------------------------|
| Preferred Equity Locke | 46.-3-13      | 2015        | \$9,437,000       | \$7,500,00                |

And be it further **RESOLVED**, that the Town Attorney is hereby authorized and directed to execute any and all stipulations, consent orders or other documents necessary to reflect the foregoing settlements.

**UPON A ROLL CALL VOTE:**

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

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

**RESOLUTION NO. 10 /2016 RESOLUTION ADOPTING LOCAL LAW AMENDING TOWN CODE CHAPTER 126 - TAXATION**

Supervisor Hay made a motion to waive the rules due to time constraints and vote on this resolution tonight. Councilwoman Hudak seconded. All in favor.

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Alvarez

**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 126 of the Code of the Town of Southeast entitled Taxation, in particular amending Section 126-4 of such Chapter relating to the portability of Veteran's Exemption Benefits when a veteran or qualified family member sells and purchases a residence within the same county; 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 February 18, 2016 and all interested persons were given an opportunity to be heard at that time; and

**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. 2 of 2016 pursuant to the Municipal Home Rule Law to amend Chapter 126 of the Town Code ("Taxation") to permit the portability of certain Veteran's exemptions when a Veteran or a qualifying family member sells and purchases a residence within Putnam County during a particular tax assessment year; 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   | <u>Aye</u>    |
| Councilwoman Eckardt | <u>Absent</u> |
| Councilman Cullen    | <u>Aye</u>    |
| Councilwoman Hudak   | <u>Aye</u>    |
| Supervisor Hay       | <u>Aye</u>    |

VOTE: Resolution passed, by a vote of 4, to 0, 0 abstained.

**RESOLUTION NO. 11 / 2016 APPOINTMENT OF SPECIAL PROSECUTOR**

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilwoman Hudak

**WHEREAS**, the Town of Southeast provides local prosecutor services in connection with a Penal Law violation alleged to have occurred within the Town of Southeast; and

**WHEREAS**, it has come to the Board's attention that there is a charge pending on the complaint of Dennis Santucci residing at 5 Shady Lane alleging the Penal Law Violation of Harassment, against a neighboring property owner, Kathy Skalaski, residing at 3 Shady; and

**WHEREAS**, the Town Attorney is generally authorized to prosecute penal law violations in local criminal court, the Town Attorney has previously recused himself from matters involving disputes within the Shady Lane neighborhood due to the Town Attorney's past representation of parties adverse to the complainant in the instant proceeding, thereby requiring a special prosecutor to be appointed herein.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Southeast hereby appoints John R. McCarron Jr. Esq, having an office at 37 Fair Street, Carmel N.Y. 10512 as Special Counsel / Town Prosecutor in connection with the matter *People v. Kathy Skalaski* alleging a violation of Penal Law Section 240.26, Harassment, Second Degree, and authorizes such Special Prosecutor to fully investigate such alleged violation; and to commence, recommence or continue such criminal proceedings as might be necessary to secure the full, fair and equal enforcement of the laws in connection therewith; and be it further

**RESOLVED**, that said Special Town Counsel / Prosecutor shall be compensated at the rate of \$165.00 per hour for attorney time, and shall be reimbursed for all necessary disbursements made on behalf of the Town.

**UPON ROLL CALL VOTE:**

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

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

**RESOLUTION NO. 12 / 2016 AUTHORIZE COMMENCEMENT OF CIVIL ENFORCEMENT PROCEEDING**

INTRODUCED BY: Supervisor Hay  
SECONDED BY: Councilwoman Hudak

**WHEREAS**, the Town of Southeast Code Enforcement Officers have commenced enforcement proceedings against a property owner located at 1048 Drewville Road in local criminal court pertaining to alleged violations of provisions of the Town Code, Uniform Building and Fire Codes and Town Zoning Codes; and

**WHEREAS**, both of the Southeast Town Judges have recused themselves from hearing the criminal proceedings for personal reasons and the Town is in the process of having the criminal proceedings transferred to a different venue; and

**WHEREAS**, it appears that the conditions complained of by the Code Enforcement personnel have been the subject of prior criminal proceedings and the conditions continue to persist; and

**WHEREAS**, the Town Justice Court does not have equity jurisdiction to compel compliance with the Town's zoning and building codes and it is the sense of this Town Board that the health, safety

and welfare of the entire community will be enhanced through seeking injunctive and other equitable relief against the owner of the offending premises in a Court of competent jurisdiction.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Southeast hereby authorizes the Town Attorney to commence any and all civil actions, in law and in equity, in a Court of appropriate jurisdiction, against Martin Taublib and/or any other responsible or necessary party, in connection with the ownership, occupancy, maintenance and control of premises located at 1048 Drewville Road, Town of Southeast, seeking to compel compliance with the Town's zoning, building and property maintenance codes, and to abate any and all nuisances resulting from the violation of such codes, rules and regulations.

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

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

**RESOLUTION NO. 13 / 2016 PEOPLE v. SANT AUTHORIZATION TO APPEAL**

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Cullen

**WHEREAS**, criminal proceedings having been commenced against Denis and Kathleen Sant in connection with the alleged violation of Zoning and Building Codes; and

**WHEREAS**, such proceedings having been transferred to be heard in the Town of Carmel Justice Court; and

WHEREAS, the defendants having moved for the dismissal of the criminal proceedings in the “interests of justice” and such court having granted such application by decision dated January 21, 2016 and entered January 28, 2016 (*per* Judge Spofford); and

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town’s Special Counsel / Prosecutor be and is hereby authorized to make and file an appeal of the Carmel Justice Court decision in the matter of *People v. Dennis Sant and Kathleen Sant* to the Appellate Term of the Supreme Court for the 9<sup>th</sup> Judicial District; 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   | <u>Aye</u>     |
| Councilman Cullen    | <u>Aye</u>     |
| Councilwoman Eckardt | <u>Absent</u>  |
| Councilwoman Hudak   | <u>Abstain</u> |
| Supervisor Hay       | <u>Aye</u>     |

VOTE: carried by a vote of 3 in favor, 0 against; 1 abstained.

**RESOLUTION NO. 14 / 2016 GRANT WRITING CONTRACT ENDEAVOR MUNICIPAL DEVELOPMENT, INC.**

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Alvarez

**WHEREAS**, the Town of Southeast is in receipt of a proposal from Endeavor Municipal Development, Inc., having an office address of PO Box 187, Germantown, NY 12526 (“Endeavor”) for the provision of grant research, writing and support; and

**WHEREAS**, the Town Board feels that there are numerous grant opportunities available to the Town from various private and governmental sources which, to date, have eluded efforts to secure.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Southeast hereby accepts the proposal of Endeavor for grant research and writing in accordance with the proposal dated February 5, 2016 and authorizes the Town Supervisor to execute any and all contracts, memoranda of agreement or other documents necessary to employ the services of this vendor in a manner and form as may be approved by the Town Attorney; and be it further

**RESOLVED**, that this resolution shall take effect immediately.

Upon Roll Call Vote:

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

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

**RESOLUTION NO. 15 / 2016 AUDIT SERVICES**

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilwoman Hudak

**WHEREAS**, the Town Board of the Town of Southeast has requested proposals from duly qualified certified public accountants to provide independent audit services for the Town; and

**WHEREAS**, the Town is in receipt of a number of proposals from qualified firms.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Town Board hereby awards a contract to EFPR Group, CPA's, PLLC, to provide audit services to the Town for 2016 at a cost not to exceed \$23,600.00; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to enter into any and all personal services contracts as may be necessary and appropriate to memorialize this appointment all in accordance with the specifications and scope of work set forth in the Request for Proposals – Audit Services.

Upon Roll Call Vote:

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

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

**PUBLIC COMMENT**

Christine Puccini, Deputy Mayor/Trustee of the Village of Brewster, asked about the salary of the Grant Writer the Town of Southeast just hired. Supervisor Hay explained that his salary for the year is \$12,000.00 which will be paid quarterly.

**TOWN BOARD COMMENT**

Supervisor Hay informed the Public that Route 22 from Town Hall down to 684 will be paved in May, 2016.

Councilman Alvarez made a motion to close the meeting and Councilwoman Hudak seconded. All in favor.

Respectfully Submitted,

Michele Stancati  
Southeast Town Clerk