

TOWN OF SOUTHEAST
1360 Route 22, Brewster, New York 10509
Thursday June 23, 2016
WORK SESSION / REGULAR MEETING 7:00 P.M.

Notation of Exits
Pledge of Allegiance

Present: Supervisor Tony Hay
Councilwoman Elizabeth Hudak
Councilwoman Lynne Eckardt
Councilman Robert Cullen –Arrived at 8:10 PM
Councilman Edwin Alvarez

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

And: 18 Persons

PRESENTATION

Proclamation – Keith Racioppo

Supervisor Hay presented to Mr. Racioppo, a Proclamation in his son Keith's name for his dedication, commitment, and service to the Recreation Department for 12 years, starting at the age of 14. His father was here to accept the Proclamation as Keith has moved to California to begin his Masters Degree. Mr. Racioppo thanked the Town Board and Recreation Director Patty Bohrman for all her support over the years.

MTA – Prospect Hill Bridge

Mr. Mark Mannix, Senior Director of Corporate and Public Affairs for the MTA and his team gave a brief overview of the timeline for the replacement of the Prospect Hill Bridge. They are going out for RFP's next month and hope to start next year and finish by December of 2018. A copy of the designs can be viewed in the Town Clerk's Office.

PC Dept of Health – Zika Virus

Ms. Jeanette Baldanza and Mr. Rick Carano from the Putnam County Health Department came and gave an update on the Zika Virus and some do's and don'ts. Zika is spread through mosquitoes and can be a mild case from a few days to a week, but can be dangerous for pregnant women, causing microcephaly to the child. It stays in your system for up to 6 months. Use repellants and empty all free standing water. Any questions call the Putnam County Health Department or visit their website for information.

WORK SESSION

Barrett Hill

Richard O'Rourke, attorney for the applicant stated that this has been an application that is developing over time to provide housing for work force people; EMT's, Volunteer Fireman, School employees, Veterans, and residents. It is also in close proximity to the United Cerebral Palsy building, so it could also house people with disabilities.

There has been a change from senior housing, 3 bedrooms, to multi housing with 1 and 2 bedrooms. Some example comparisons are Somers, Village of Rye Brook, and the Town of Amenia. Ms. Teri Hahn handed out information to the Town Board concerning the 3 issues discussed at the last meeting. They were changes to Part 3 of the EAF. There were some clarifications to the appendix, the traffic, and the wording of the Zoning Text change. Supervisor Hay stated that since it came in so late, no one has had a chance to fully review it or ask questions. The text change to be considered now will be a Floating Zone, which doesn't affect all zones; just a particular property of 25 acres and it has to have water and sewer. Town Attorney Stephens asked if the construct includes any density limitations and Ms. Hahn responded not specifically but includes all the OP2 setbacks.

The preference group was removed from the text and set into a community agreement. Supervisor Hay asked what the rental units will cost and how they came up with that number. Ms. Hahn stated that the units will cost from \$1300 to \$1700. That is the market rate and will be less than the standard fare for medium income based in Putnam County. Mr. O'Rourke asked if we could accept the EAF and move forward. Town Planner Ashley Ley answered that we are not prepared to sign off on it yet because of all the new information that was received today. Councilwoman Eckardt asked how many new apartments will be built with the revitalization project in the Village. Village Trustee Christine Puccini stated that they don't have any plan yet; it's just conceptual at this point. Supervisor Hay asked if the revisions can be done by the end of the week and if they can, it will be on the next meeting agenda. Ms. Hahn stated they can be.

REGULAR MEETING

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

CORRESPONDENCE

Correspondence Received

1. TRAVELERS to TOSE Re: Reinstatement Notice-John Petrillo
2. ACORD to TOSE Re: Liability Ins.-Algonquin Gas Transmission
3. Lawrence Armstrong to Michele Stancati (TC) Re: Parking Fee at the SE Train Station
4. Sheriff Smith to Supervisor Hay Re: Speeding on Starr Ridge Rd./Cobb Rd.
5. SE Justice Court to TOSE Re: Monthly Report for April, 2016
6. Edward Buroughs to TOSE Re: Operation & Maintenance of Stormwater Retrofit Projects in the First 5-Year Regional Retrofit Plan
7. Senator Murphy to Supervisor Hay Re: Update Regarding Outstanding Capital Grants
8. Armand DeAngelis to Supervisor Hay Re: Reconnaissance Inspections-Brewster Heights & Blackberry Hill

9. Albert Natoli to Supervisor Hay Re: Court Ordered Review of the Rates Charged by Independent Sewage Works, Inc.
10. Mike Liguori to Tom LaPerch Re: Special Permit Application for Grading & Filling-5 Shady Ln.
11. Mark Williams to Supervisor Hay Re: 2016 Post-Closure Monitoring Program Proposal
12. Nathaniel Davis to TOSE Re: Algonquin Gas Transmission-Access Northeast Project

Foils

- Kelly Wilsey to Michele Stancati (TC) Re: Waste Disposal Agreement
- Carla Palacios to Bldg. Dept. Re: CO, Permit & Survey-220 Foggintown Rd.
- Bershire Hathaway Reality to Bldg. Dept. Re: CO's & Surveys-328 Milltown& 1075 Drewville Rd.
- Christine Cataldo to Plng. Dept. Re: View Platt for Garrity Blvd. & Oakridge Subdivision
- Linda Burdick to Bldg. Dept. Re: File-644 North Main St.
- Stanley Padolf to Assessor Re: Computations to Arrive at Value of Houses/Property
- Martha Violante to Bldg. Dept. Re: CO's & Survey-747 Rt. 22
- Douglas Keehan to Bldg. Dept. Re: Survey-340 Milltown Rd.
- Matthew Moore to Bldg. Dept. Re: File-78 Karlsen Lake Rd.
- Erika Lundberg to Bldg. Dept. Re: File-168 Starr Ridge Rd.
- Kristen Shelton to Bldg. Dept. Re: File-1944 Rt. 22
- John Nolan to Bldg. Dept. Re: File-11 Chamberlin Ln.
- Jamie LoGiudice to Bldg. Dept. Re: Surveys-50, 59 & 63 Prospect Hill Rd.
- Kenneth Ford to Bldg. Dept. Re: Septic Tank Location-100 Cobb Rd.
- Thomas Pettinato to Bldg. Dept. Re: File-1559 Rt. 22
- Krystal Bealing to Bldg. Dept. Re: Environmental Incidents-87 Hillside Park
- Michele Nieves to Bldg. Dept. Re: File-124-126 Starr Ridge Rd.
- Skowron Katarzyna to Bldg. Dept. Re: File-382 Gage Rd.
- Nicole Leventhal to Bldg. Dept. Re: File-2435 Rt. 6
- Pamela Testa to Bldg. Dept. Re: File-63 Scott Pl.
- Saul Hernandez to Bldg. Dept. Re: File-650 N. Main St.
- Dona Spencer to Bldg. Dept. Re: File-42 Hubbard Dr.
- Denis Arnautovic to Bldg. Dept. Re: File-701 Ashford Circle

Emails

1. Supervisor Hay to Terri-Ann Hahn Re: Barrett Hill-Text Change Petition & EAF Part 3 Submission
2. Jeanie Halcumb to Supervisor Hay Re: ISW-Sewer Rates, Store 4708
3. Racque IGugger to TC Re: Image Integrator New Products
4. Dina Colavito to Supervisor Hay Re: Update of Schedule-Rt. 312
5. NYS Public Service Commission to TOSE Re: Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of NY American Water Company, Inc. for Water Service
6. Veterans of Foreign Wars Post 672 to TOSE Re: Memorial Day Parade and Ceremony, 5/30/16
7. Suzannah Glidden to TOSE Re: FERC Scoping Hearing in Sleepy Hollow on 3rd Algonquin Expansion
8. Supervisor Hay to TOSE Re: Barrett Hill Petition

9. Al Natoli to Supervisor Hay Re: Court Ordered Review of the Rates Charged by Independent Sewage Works
10. James Ryan to Lynne Eckardt Re: The Milltown Association Road Clean-up
11. Perry Palazetti to Levon Bedrosian Re: Birch Hill Water District
12. Resident to Levon Bedrosian Re: Eagles Ridge Water and Sewer District
13. Trish Dignan to Levon Bedrosian Re: AAA Garbage Truck Leaking Fluid on Orchard Hill Ln.
14. Ashley Ley to Victoria Desidero Re: SPDES General Permit for Stormwater Discharge MS4 Report Deadline
15. Jamie LoGiudice to TC Re: Approval of ARB Positive Recommendation-Brewster Ford
16. Mike Liguori to Supervisor Hay Re: Shady Ln.
17. Victor Cornelius to Tom Fenton Re: Brewster Heights Updated Estimates
18. John Tully to Supervisor Hay Re: North Brewster Rd.
19. Levon Bedrosian to TOSE Re: Brewster Heights Water Tanks
20. Supervisor Hay to Moshe Berman Re: Peaceable Hill Water District
21. Bonnie Colombo to Supervisor Hay Re: Notice of Violation-79 South Dr.
22. Supervisor Hay to Judy Marano Re: Sign Permit for SE Cultural Arts Coalition
23. Resident to Vincent Perrin/Dale Rysinger/Supervisor Hay Re: Issues at Springhouse Water Dist.
24. Jonathan Drapkin to TOSE Re: Pattern on Infrastructure
25. AnnaMarie Russo to LevonBedrosian Re: Birch Hill Water District
26. NY Metropolitan Transportation Council to Supervisor Hay Re: 2016 Spring Mtg.
27. Supervisor Hay to Al Natoli Re: ISW Sewerage Rates Mtg. Date
28. OlennaTruskett to Supervisor Hay/Levon Bedrosian Re: RFP for SE Theatre Restoration/Improvement Project
29. Bob Cullen to TOSE Re: Southeast Website
30. Margaret Carey to TOSE Re: Southeast Website

Correspondence Sent

1. Supervisor Hay to Albert Natoli Re: Independent Sewage Works, Inc./Rate Proceedings

VOUCHERS

Supervisor Hay made a motion to approve the Vouchers in the amount of \$788,006.69. Councilwoman Hudak seconded. All in favor.

MEETINGS

Supervisor Hay made a motion to set the following meeting dates. All meetings will be held at 1360 Route 22, Brewster New York, at 7:00 PM unless otherwise noted. Councilwoman Eckardt seconded. All in favor.

Thursday, July 7, 2016 – Work Session / Regular Meeting

Thursday, July 21, 2016 – Work Session / Regular Meeting

BUDGET TRANSFERS

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

RESOLUTION NO. 45 / 2016 HIGH MEADOW FARM RELEASE OF PERFORMANCE BOND- ESTABLISHMENT OF MAINTENANCE BOND

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilwoman Hudak

WHEREAS, the Town Board of the Town of Southeast is in receipt of a report and recommendation from the Town Engineer and referral from the Planning Board with respect to the release of Performance Bond and Establishment of Maintenance Bonds for the High Meadow Farm Subdivision located off of Welfare Road; and

WHEREAS, such report recommends the release of the balance of the performance bond held in connection with this project on the condition that appropriate post construction performance bond and maintenance bonds are posted.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is hereby directed to cancel and return the original performance bond for the High Meadow Farm Subdivision and to return any and all original bonds, deposits, letters of credit or other indicia of security posted in connection with this project on the condition the applicant / owner files a post construction performance guarantee in an amount not less than \$6,500.00 for a period of four (4) years and a maintenance bond in an amount not less than \$3,000 for a period of ten (10) years

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

RESOLUTION NO. 46 /2016 FARM TO MARKET SUBDIVISION MAINSPRING REALTY, LLC RESOLUTION ESTABLISHING PERFORMANCE BOND

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Alvarez

WHEREAS, the Town Board is in receipt of a recommendation from the Town Engineer with respect to the establishment of a performance Bond for the Farm to Market Subdivision, located on Farm to Market Road (Tax Map No. 45-2-21 &22); and

WHEREAS, upon review of such recommendation, the Town Board agrees to accept this recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the bond amount shall be established for the project set forth below:

PROJECT NAME:

BOND AMOUNT:

Farm to Market Subdivision
(Mainspring Realty, LLC)

Soil & Erosion:	\$40,000.00
Site Improvements:	\$374,000.00
Total	\$414,000.00

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

**RESOLUTION NO. 47 / 2016 MEADOWS AT DEANS CORNERS SEWAGE WORKS, INC.
DETERMINATION OF INITIAL RATE TARIFF**

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Alvarez

WHEREAS, Meadows at Deans Corners Sewage Works, Inc. (the "Company") is a Transportation Corporation duly organized, existing and operating pursuant to the laws of the State of New York and providing sewer collection and treatment services to single family residential development with recreational amenities known as Fortune Ridge within the Town of Southeast; and

WHEREAS, the Town Board of the Town of Southeast is empowered to establish, review and revise rates to be paid by sewer users within the Fortune Ridge Development pursuant to the Transportation Corporation Law of the State of New York; and

WHEREAS, an initial rate application having been submitted by Richard L. O'Rourke, Esq., attorney for the Company, seeking to establish initial rates and after due deliberation thereon, it is the Town Board intention to memorialize its decision.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby establishes the annual revenue permitted to Meadows at Deans Corners Sewage Works, Inc. at \$236,505 and the rates charged to individual Rate Payers shall be calculated as set forth in Schedule A annexed hereto and made a part hereof; and be it further

RESOLVED, that such rates shall take effect August 1, 2016.

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.

RESOLUTION NO. 48 / 2016 FORTUNE RIDGE RECREATION CENTER ARCHITECTURAL REVIEW BOARD

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Alvarez

WHEREAS, the Town Board is in receipt of a Report of the Architectural Review Board of the Town Southeast dated April 27, 2016 in connection with the application of Fortune Ridge Homes to construct a Recreation Center on property located 126 Dean's Corners Road, Tax ID 67.-1-61, in the Town of Southeast, Putnam County, New York; and

WHEREAS, the Report concludes that the ARB voted to positively recommend this application to the Town Board; and

WHEREAS, the Town Board finds that there is no reason to upset the findings and recommendations of the Architectural Review Board in connection with said application,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts and approves the Report of the Architectural Review Board dated April 27, 2016, a copy of which is annexed hereto and made part hereof, in connection with the Fortune Ridge Recreation Center and that such Report shall be incorporated in any final Site Plan subsequently reviewed by the Planning Board

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

Supervisor Hay made a motion to take a brief recess and Councilman Alvarez seconded. All in favor.
Supervisor Hay made a motion to resume the meeting and Councilwoman Hudak seconded. All in favor.

RESOLUTION NO. 49 / 2016 APPOINTMENT OF SPECIAL PROSECUTOR

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Alvarez

WHEREAS, the Town of Southeast provides local prosecutor services in connection with 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 Hannah Heinecke residing at 7 Shady Lane alleging the Penal Law Violation of Harassment against a neighboring property owner, Kimberley Santucci, residing at 5 Shady Lane; 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 defendant 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, Suite 2, Carmel, NY 10512 as Special Counsel / Town Prosecutor in connection with the matter *People v. Kimberley Santucci* 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 \$185/00 per hour for attorney time, and shall be reimbursed for all necessary disbursements made on behalf of the Town.

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.

**RESOLUTION NO. 50 / 2016 R3D CORP. LIQUOR LICENSE WAIVER OF NOTICE
REQUIRMENTS**

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Alvarez

WHEREAS, the Town has been notified that R3D CORP., owner/applicant of a bar/tavern to be located at 300 Route 22, and doing business under the name “Our House”(the “Licensee”) has applied to the New York State Liquor Authority for an On Premises Liquor License; and

WHEREAS, the rules of the New York State Liquor Authority (“SLA”) require that an Application Notice Form be sent to the Town at least thirty (30) days prior to filing for the license; and

WHEREAS, it has been found and determined that there are no known violations or complaints pending against the proposed licensee or the prior licensee at the proposed location and it is the desire of this Town Board to facilitate the issuance of an on-premises liquor license to the Licensee.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby WAIVES any and all rights it might have to substantive and procedural compliance with Section 64 of the Alcoholic Beverage Control Law regarding notice to the municipality in connection with the initial issuance of an on-premises liquor license for R3D CORP., owner/applicant of a bar/tavern to be located at 300 Route 22, and doing business under the name “Our House” in the Town of Southeast, by the NY State Liquor Authority; and be it further

RESOLVED, that the Town Clerk be and she hereby is authorized and directed to forward a certified copy of this resolution to the New York State Liquor Authority, 80 So. Swan Street, Suite 900, Albany, NY 12210-8002 forthwith.

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

SUPERVISOR’S MONTHLY REPORT

Supervisor Hay stated that everything is still going well and in line with the budget except for the outside counsel line. That will have to be adjusted in the upcoming budget. Also, the union contracts are coming up and the cap keeps going down. It will be a tough meeting the budget next year.

EXECUTIVE SESSION

Supervisor Hay made a motion to go into Executive Session where litigation will be discussed but no action taken; then the meeting will be closed. Councilwoman Eckardt seconded. All in favor.

Respectfully Submitted,

Michele Stancati
Southeast Town Clerk