

**TOWN OF SOUTHEAST  
1360 Route 22  
Brewster, New York 10509  
Thursday, January 20, 2022  
EXECUTIVE SESSION 6:00 P.M.  
WORK SESSION/REGULAR MEETING 7:00 P.M.**

**Pledge of Allegiance**

**Notation of Exits**

**Turn Off/Put on Vibrate – All Electronic Devices**

Discussion on the “Noise Ordinance” originally scheduled for this meeting has been postponed and is being rescheduled for Thursday, February 17, 2022 at Town Hall, 1360 Route 22 at 7:00 P.M.

**Executive Session:**

1. Discussion – Personnel Matter - Litigation

**Public Hearing:**

1. Planet Fitness/UBP Brewster - 1505-1515 Route 22 – Tax Map # 46.-1-1.-1 (a/k/a Lakeview Plaza)

**Work Session:**

1. N/A

**Regular Meeting:**

1. Correspondence
2. Approval of Voucher List
3. Budget Transfers
4. Setting of Meeting Dates and Public Hearings

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

Thursday, February 3, 2022

Thursday, February 17, 2022

5. Resolution – Waterview Estates Subdivision – 1 – 11 Waterview Lane, Performance Bond Establishment

6. Resolution – Purchase Highway Equipment
7. Resolution – Comcast / Xfinity Audit
8. Resolution – Geodesign, Inc. – Geotechnical Engineering Services Replacement of Culvert at Cobb Road
9. Motion to Appoint Town Historian – Dean Abatemarco – 1 Year Term
10. Motion to Appoint Board of Assessment Review – Chris Galli – Unexpired Term – 9/30/24
11. Motion to Appoint Zoning and Code Enforcement and Parking Enforcement Officer – Peter Bell – 1 Year Term

**Recognition of Public/Public Comment**

**Recognition of Town Board/Town Board Comment**

PH #1

**PUBLIC HEARING NOTICE**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Southeast shall hold a public hearing at Town Hall, 1360 Route 22, Brewster, NY on January 20, 2022 at 7:00 PM, or as soon thereafter as interested parties may be heard, to consider the application of PLANET FITNESS / proposed tenant and UBP BREWSTER owner of premises located at 1505-1515 Route 22, Tax Map No. 46.-1-1.-1 (a/k/a Lakeview Plaza) which seeks permission to allow portions of the premises to be used for Recreation purpose which is a special permit use in the SR-22 zoning district. All persons interested in the subjection matter hereof will be given an opportunity to be heard at that time.

By Order of the Town Board  
Michele Stancati, Town Clerk

C# 5

**TOWN BOARD  
TOWN OF SOUTHEAST, NEW YORK**

**WATERVIEW ESTATES SUBDIVISION  
1-11 WATERVIEW LANE  
PERFORMANCE BOND ESTABLISHMENT**

RESOLUTION NO. \_\_\_\_\_ / 2022

DATE: January 20, 2022

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

**WHEREAS**, the Town Board of the Town of Southeast is in receipt of a report and recommendation from the Town Engineer dated January 4, 2022 and referral from the Planning Board dated January 10, 2022 with respect to the Performance Security to be posted in connection with the Waterview Estates Subdivision, property located at 1-11 Waterview Lane, Southeast Tax Map Nos. 67.-1-48.1, 48.2, 48.3 & 48.4 (the "Subject Premises"); and

**WHEREAS**, the Planning Board Report has recommended that the performance security for the Subject Premises be established for this project in accordance with the advice of the Town's Consulting Engineer.

**NOW, THEREFORE, BE IT**

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

<b><u>PROJECT NAME:</u></b>	<b><u>BOND AMOUNT</u></b>
Waterview Estates	
Site Improvements	\$401,000.00
Erosion & Sediment Control	<u>40,000.00</u>
Total	<u>\$441,000.00</u>

And be it further

**RESOLVED**, that a certified copy of this resolution shall be transmitted by the Town Clerk to the Planning Board Secretary and Building Inspector forthwith.

**UPON A ROLL CALL VOTE:**

Councilman Alvarez \_\_\_\_\_  
 Councilman Cyprus \_\_\_\_\_  
 Councilman Larca \_\_\_\_\_  
 Councilman O'Connor \_\_\_\_\_  
 Supervisor Hay \_\_\_\_\_

VOTE: carried / defeated by a vote of \_\_\_\_\_ in favor, \_\_\_\_\_ against; \_\_\_\_\_ abstained.

**TOWN CLERK'S CERTIFICATION**

STATE OF NEW YORK    )  
                                  : ss.:  
COUNTY OF PUTNAM    )

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 20<sup>th</sup> day of January 2022.

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MICHELE STANCATI  
Town Clerk

R #6

**TOWN BOARD  
TOWN OF SOUTHEAST, NEW YORK**

**PURCHASE HIGHWAY EQUIPMENT**

RESOLUTION NO. \_\_\_\_\_ / 2022

DATE: January 20, 2022

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

**WHEREAS**, by correspondence dated January 10, 2022, the Highway Superintendent seeks authorization to expend funds for the purchase of a Caterpillar excavator to replace the old one; and

**WHEREAS**, it is found and determined that there are sufficient funds available for the proposed purchase within the 2022 Highway Department Budget, and from sale of other surplus equipment within the department; and

**WHEREAS**, such purchase will not require issuance of bonds or notes for the purchase thereof.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Highway Superintendent is authorized to expend an amount not to exceed ninety-three thousand five hundred and no/00 (\$93,500.00) dollars for the purchase of a Caterpillar excavator; and be it further

**RESOLVED**, that if the Southeast Superintendent of Highways requires any additional funds above the amount allotted, he will need further authorization by the Town Board to make such expenditure; and be it further

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

Upon Roll Call Vote:

Councilman Alvarez    \_\_\_  
Councilman Cyprus    \_\_\_  
Councilman Larca    \_\_\_  
Councilman O'Connor    \_\_\_  
Supervisor Hay    \_\_\_

VOTE: carried / defeated by a vote of \_\_\_\_\_ in favor, \_\_\_\_\_ against; \_\_\_\_\_ abstained.

**TOWN CLERK'S CERTIFICATION**

STATE OF NEW YORK    )  
                                  : ss.:  
COUNTY OF PUTNAM    )

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 20<sup>th</sup> day of January, 2022.

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MICHELE STANCATI  
Town Clerk

R#7

**TOWN BOARD  
TOWN OF SOUTHEAST, NEW YORK**

COMCAST / XFINITY AUDIT

RESOLUTION NO. \_\_\_\_\_ / 2022

DATE: January 20,

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

**WHEREAS**, Comcast / Xfinity (“Comcast”) has been granted a franchise to provide cable television service within the Town of Southeast; and

**WHEREAS**, pursuant to the Franchise Agreement between the Town and Comcast, Comcast is required to pay the Town a franchise fee equal to five (5%) percent of Comcast’s gross revenues for services provided within the municipal boundaries of the Town; and

**WHEREAS**, the Town has engaged the services of Troy & Banks Consultants, LLC to conduct a review of Comcast’s Franchise Fee payments for the period from January 1, 2015 through December 31, 2020 (the “Audit Period”); and

**WHEREAS**, the Town has provided Comcast with a copy of the audit report from Troy & Banks dated October 15, 2021 which concluded that Comcast had underpaid its franchise fees for the Audit Period; and

**WHEREAS**, the Town and Comcast feel it to be in their mutual best interest to settle the matter of franchise fees owed to Town for the Audit Period in the form of a lump sum payment to the Town.

**NOW, THEREFORE, BE IT**

**RESOLVED**, on the recommendation of Troy & Banks Consulting, LLC, the Town Board hereby authorizes the settlement of disputed Franchise Fees for the period commencing on January 1, 2015 through and including December, 31, 2022 for the sum of \$10,555.23; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute any and all settlement agreements, memoranda of agreement, releases, and any additional documentation necessary and appropriate to memorialize the foregoing settlement as may be approved by the Town Attorney as to form, substance and manner of execution; and be it further

**RESOLVED**, that the Town Board hereby approves and ratifies all efforts by the Supervisor to consummate the foregoing settlement *nunc pro tunc*.



UPON ROLL CALL VOTE:

Councilman Alvarez \_\_\_\_\_  
Councilman Cyprus \_\_\_\_\_  
Councilman Larca \_\_\_\_\_  
Councilman O'Connor \_\_\_\_\_  
Supervisor Hay \_\_\_\_\_

VOTE: carried by a vote of \_\_\_\_\_ in favor, \_\_\_\_ against; \_\_\_\_ abstained.

**TOWN CLERK'S CERTIFICATION**

STATE OF NEW YORK     )  
                                      : ss.:  
COUNTY OF PUTNAM    )

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at duly noticed regular meeting of said board held the 20<sup>th</sup> day of January 2022.

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MICHELE STANCATI  
Town Clerk

**TOWN BOARD  
TOWN OF SOUTHEAST, NEW YORK**

R#8

GEODESIGN, INC – GEOTECHNICAL ENGINEERING SERVICES  
REPLACEMENT OF CULVERT AT COBB ROAD

RESOLUTION NO. \_\_\_\_\_ / 2022

DATE: January 20, 2022

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

**WHEREAS**, the Town of Southeast is in the process of evaluating the scope and technical requirements for the replacement of a certain culvert under the road-bed of Cobb Road (the “Project”); and

**WHEREAS**, the aforesaid evaluation requires the input of certain geotechnical engineering expertise not available “in house” from the Town’s Consulting Engineers, Nathan L. Jacobson & Associates; and

**WHEREAS**, the Town’s Consulting Engineers have recommended GEODesign, Inc. to provide the necessary subsurface explorations and other geotechnical engineering services in connection with the Project.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver a certain letter memorandum of agreement dated July 20, 2021 (*revised January 14, 2022*) to GEODesign, Inc. (the “Contractor”) to retain the services of the Contractor for the purpose of providing geotechnical engineering services in connection with the Cobb Road Culvert Replacement Project.

**UPON A ROLL CALL VOTE:**

Councilman Alvarez	_____
Councilman Cyprus	_____
Councilman Larca	_____
Councilman O’Connor	_____
Supervisor Hay	_____

VOTE: carried by a vote of \_\_\_\_\_ in favor, \_\_\_\_\_ against; \_\_\_\_\_ abstained.

**TOWN CLERK'S CERTIFICATION**

STATE OF NEW YORK    )  
                                  : ss.:  
COUNTY OF PUTNAM    )

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 20<sup>th</sup> day of January 2022.

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MICHELE STANCATI  
Town Clerk