

**TOWN OF SOUTHEAST
1360 Route 22
Brewster, New York 10509
Thursday, January 24, 2019
EXECUTIVE SESSION 5:45 P.M.
WORK SESSION/REGULAR MEETING 7:00 P.M.**

**Pledge of Allegiance
Notation of Exits
Turn Off/Put on Vibrate – All Electronic Devices**

Executive Session:

1. ZBA Board Interviews

Work Session:

1. Discussion – Route 22 Traffic Light
2. Discussion – Highway Superintendent
 - 284 Documentation
 - Maple Road
 - Miscellaneous

Regular Meeting:

1. Correspondence
2. Approval of Voucher List
3. 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 7, 2019

Thursday, February 28, 2019

4. Resolution – Independent Sewage Works, Inc., Rates
5. Resolution – Authorize the TOSE To Participate In NYS Archives Local Government Records Management Improvement Fund Shared Services Grant with Putnam County
6. Resolution – To Appoint ZBA member
7. Supervisor's Financial Report

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

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

**INDEPENDENT SEWER WORKS, INC.
DETERMINATION OF RATE PETITION**

RESOLUTION NO. _____ / 2019

DATE: January 24, 2019

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, Independent Sewer Works, Inc. (“ISW”) 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 commercial entities located in the Highlands Shopping Center within the Town of Southeast (the “Rate Payers”); and

WHEREAS, the Town Board of the Town of Southeast is empowered under the Transportation Corporation Law of the State of New York to review and revise rates paid by such Rate Payers to ISW for the provision of sewage collection and treatment services; and

WHEREAS, a petition seeking rate view having come before the Town Board on behalf of ISW;

WHEREAS, a resolution of this Town Board having been adopted on June 9, 2016, (Resolution 36/2016) establishing sewer rates for ISW to charge to its customers; and

WHEREAS, a proceeding having been commenced by Home Depot U.S.A, Inc. (“Home Depot”) by Verified Petition dated October 6, 2016 (Putnam County Clerk’s Index No. 1462/2016) challenging the rates and rate making methodology employed by the Town Board as set forth in Resolution No. 36/2016; and

WHEREAS, by decision dated December 1, 2017, the Supreme Court of the State of New York, County of Putnam (*per* Marx, J.) directed the Town Board to reconsider the rates for ISW which had been adopted by this Town Board on or about June 9, 2016; and

WHEREAS, by letter dated January 15, 2019, the Town Board was advised that Home Depot and ISW had reached an agreement which, *inter alia*, calls for the reauthorization of the sewer rate charges as set forth in the Resolution 36/2016; and

WHEREAS, upon review of all submissions made to the Board in connection with the analysis of ISW’s rate base, revenue requirements and rate design, and after due deliberation thereon, it is the Town Board intention to reaffirm Resolution No. 36/2016 and memorialize its decision herein.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby establishes the annual revenue permitted to Independent Sewer Works, Inc. to be \$580,627.00 and the rates charged to individual Rate Payers shall be calculated and designed so as to be apportioned 82% based upon square foot occupancy of each Rate Payer within the area served by ISW and 18% upon water consumed by each such Rate Payer in accordance with the table annexed hereto and made a part hereof as Schedule A (as the same may be amended from time to time based upon changing tenants / occupancies); and be it further

RESOLVED, to the extent necessary to support the foregoing findings, the Town Board hereby re-adopts and re-incorporates herein by reference, the Decision Determining the Revenue Requirement and Rates of Independent Sewer Works, Inc., which has been in effect and shall be deemed effective June 9, 2016, *nunc pro tunc*; and be it further

RESOLVED, that the Town Clerk shall and is hereby authorized and directed to mail a Certified Copy of this Resolution to each of the Rate Payers of Independent Sewage Works, Inc., forthwith.

Upon Roll Call Vote:

Councilman Alvarez _____
Councilwoman Eckardt _____
Councilman Larca _____
Councilman Lord _____
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 24th day of January, 2019.

MICHELE STANCATI
Town Clerk

TOWN BOARD
TOWN OF SOUTHEAST, NEW YORK

R#5

**AUTHORIZE THE TOWN OF SOUTHEAST TO PARTICIPATE IN THE NEW YORK
STATE ARCHIVES' LOCAL GOVERNMENT RECORDS MANAGEMENT
IMPROVEMENT SHARED SERVICES GRANT PROPOSAL WITH THE COUNTY OF
PUTNAM**

RESOLUTION NO. _____ / 2019

January 24, 2019

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, that the Town of Southeast wishes to participate in the New York State Archives' Local Government Records Management Improvement Shared Services Grant Proposal with the County of Putnam and;

RESOLVED, that the Town Board authorizes the Town of Southeast to participate in the New York State Archives' Local Government Records Management Improvement Shared Services Grant Proposal with the County of Putnam and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town of Southeast hereby authorizes the Town Clerk to work with the County of Putnam and participate in any meetings, and/or workshops pursuant to this grant application. The project cost to our Municipality for 2018 is zero; and for 2019 and beyond will not exceed the annual licensing fee for needed software; and this will be a minimal charge.

UPON A ROLL CALL VOTE:

Councilman Alvarez _____
Councilwoman Eckardt _____
Councilman Larca _____
Councilman Lord _____
Supervisor Hay _____

VOTE: Resolution passed, by a vote of _____, to _____, ___ 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 ____ day of January, 2019.

MICHELE STANCATI
Town Clerk

R#6

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

APPOINTMENT TO ZONING BOARD OF APPEALS

RESOLUTION NO. _____ / 2019

DATE: January 24, 2019

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, there is a vacancy on the Town of Southeast Zoning Board of Appeals resulting from the resignation of one of its members.

NOW, THEREFORE, BE IT

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

to fill the unexpired term of Mary Alice Shallo due to expire December 31, 2020; and be it further

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

Upon Roll Call Vote:

| | |
|----------------------|-------|
| Councilman Alvarez | _____ |
| Councilwoman Eckardt | _____ |
| Councilman Larca | _____ |
| Councilman Lord | _____ |
| 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 24th day of January, 2019.

MICHELE STANCATI
Town Clerk