

TOWN OF SOUTHEAST
1360 Route 22,
Brewster, New York 10509
Thursday, June 9, 2016
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

Executive Session:

1. Litigation/Personnel Matters

Work Session:

1. Discussion – Fortune Ridge Sewer Rates
2. Discussion – Barrett Hill

Regular Meeting:

1. Resolution – Setting Rates for Independent Sewage Works Inc. – Highlands Shopping Development
2. Resolution – Ward – 2-12 Castle Hill Farm – Private Cemetery Special Permit
3. Resolution – MACO Land – ARB Report and Recommendation
4. Resolution – Appoint Special Prosecutor – Brewster Auto, Inc. & Estate of Marin – Continuing Violations
5. Resolution – Settlement of Certorari Proceedings – Kohl's
6. Resolution – Settlement of Certorari Proceeding – CRR Top Spin Tennis
7. Resolution – Authorizing Supervisor to sign MOU with County/EOHWC/Feehan Agency-Storm Retrofit
8. Resolution – Authorizing Supervisor to sign IMA on Electrical Inspections

Recognition of Public/Public Comment

Recognition of Town Board/Town Board Comment

K # 1

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

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

RESOLUTION NO. _____ / 2016

DATE: June 9, 2016

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 to review and revise rates paid by such Rate Payers to ISW pursuant to the Transportation Corporation Law of the State of New York; and

WHEREAS, a petition seeking rate view having come before the Town Board and after thorough review of submissions on behalf of ISW and individual rate payers, including, but not limited to Home Depot, U. S. A., Inc., and upon review of all submissions made to the Board in its review of ISW’s rate base, revenue requirements and rate design, 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 Independent Sewer Works, Inc. to be \$ _____ and the rates charged to individual Rate Payers shall be calculated and designed so as to be apportioned _____ based upon square foot occupancy of each Rate Payer within the area served by ISW and _____ upon water consumed by each such Rate Payer in accordance with the table annexed hereto and made a part hereof as Schedule A; and be it further

RESOLVED, that the Town Board hereby adopts and incorporates herein by reference, the annexed Decision Determining the Revenue Requirement and Rates of Independent Sewer Works, Inc., effective June 9, 2016.

Upon Roll Call Vote:

Councilman Alvarez _____
Councilman Cullen _____
Councilwoman Eckardt _____
Councilwoman Hudak _____
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 9th day of June, 2016.

MICHELE STANCATI
Town Clerk

RC #2

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

**SPECIAL PERMIT REQUEST
WARD – CASTLE HILL FARM – PRIVATE CEMETARY**

RESOLUTION NO. _____ / 2016

DATE: June 9, 2016

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, McClain Ward, owner of premises located at 2-12 Castle Hill Lane Tax Map No. 78.-1-53, (the “Subject Premises”) has made application to this Town Board for a Special Permit to allow establishment of a private burial plot on the Subject Premises; and

WHEREAS, the Subject Premises are located in an R-160 Zone; and

WHEREAS, a cemetery is only permitted in an R-160 zone upon the grant of a Special Permit by the Town Board; and

WHEREAS, the Town Board is in receipt of a report and recommendation from the Southeast Planning Board finding that the proposal of McClain Ward is in compliance with the applicable general and special standards of Article X of Chapter 138 of the Town Code; and

WHEREAS, the Planning Board, as Lead Agency for purposes of State Environmental Quality Review Act (“SEQRA”) has issued a Negative Declaration, thereby concluding review under SEQRA; and

WHEREAS, a duly noticed public hearing was held by the Town Board on May 19, 2016 in connection with this application and all interested parties have been given an adequate opportunity to be heard in this regard.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby makes the following findings of fact in connection with the instant application:

1. The proposed use is in such location and is a size and character that it will be in harmony with the appropriate and orderly development of the surrounding district and will not be detrimental to the immediate site or adjacent properties;

2. The location and size of the proposed use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout, and its relation to access streets will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous, provided the conditions set forth herein are incorporated in any final approval;

3. There are no proposed structures which might hinder or discourage the development and use of adjacent land and buildings; and

4. The proposed use will not require such additional public facilities or services or create fiscal burdens upon the Town greater than those which characterize uses permitted as of right.

AND BE IT FURTHER

RESOLVED, that based upon the foregoing findings, the Town Board of the Town of Southeast hereby grants a Special Use Permit to McClain Ward, Castle Hill Farm, to maintain a private, family burial plot on the Subject Premises in accordance with Statement of Use prepared and submitted to the Planning Board in connection with this Project Development Plan / Request for Special Permit application and incorporated herein by reference, on the following conditions:

1. The burial chamber, crypt or mausoleum shall be constructed so as to be wholly beneath ground and shall be designed and constructed to accommodate the burial of one (1) member of the Ward family. Any proposal to expand the burial plot to accommodate land burial of additional Ward family members shall require the owner of the Subject Premises to make further application to the Planning Board; and

2. The applicant shall maintain the cemetery in compliance with all conditions set forth in Article X of the Zoning Code; and

3. The applicant shall comply with any and all requirements, guidelines, rules and regulations of the Department of State, Division of Cemeteries; New York State Department of Health; Putnam County Department of Health and any other federal, state or local municipal or governmental agency having authority over the land burial of human remains; and shall files any and all such approvals with the Planning Board of the Town of Southeast.

And be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to the owner or representative of the Subject Premises and to the Secretary of the Town of Southeast Planning Board, forthwith.

UPON A ROLL CALL VOTE:

Councilman Alvarez	_____
Councilman Cullen	_____
Councilwoman Eckardt	_____
Councilwoman Hudak	_____
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 9th day of June, 2016.

MICHELE STANCATI
Town Clerk

C#3

**TOWN BOARD
TOWN OF SOUTHEAST**

**MACO LAND PROPERTIES
ARCHITECTURAL REVIEW BOARD**

RESOLUTION NO.: _____/2016

DATE: June 9, 2016

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, the Town Board is in receipt of a Report of the Architectural Review Board (“ARB”) of the Town Southeast dated May 26, 2016 in connection with the application of Maco Land Properties to construct an office building on property located at 1651 Route 22, Tax ID 46.-3-14, in the Town of Southeast, Putnam County, New York; and

WHEREAS, the Report concludes that the ARB positively recommends the project to the Town Board on the condition that the applicant make modifications to certain construction materials and landscape plantings ; and

WHEREAS, the Town Board finds that there is no reason to upset the findings and recommendation 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 May 26, 2016, a copy of which is annexed hereto and made part hereof, in connection with Maco Land Properties, 1651 Route 22, Tax ID 46.-3-14 and that such Report, with conditions, shall be incorporated into any final Site Plan subsequently reviewed and approved by the Planning Board.

UPON ROLL CALL VOTE:

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

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

P#5

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

**KOHL'S DEPARTMENT STORE
SETTLEMENT OF CERTIORARI PROCEEDINGS**

RESOLUTION NO. _____ / 2016

DATE: June 9, 2016

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, proceedings have been commenced in Supreme Court challenging the assessed valuation of commercial premises known generally as Kohl's Department Store, Tax Map No. 56.-1-23.-2 for 2013, 2014 and 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>
Kohl's	56.-1-23.-2	2013	\$8,966,000	\$7,994,000
		2014	\$8,966,000	\$7,994,000
		2015	\$9,966,000	\$7,994,000

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 _____
Councilman Cullen _____
Councilwoman Eckardt _____
Councilwoman Hudak _____
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 9th day of June, 2016.

MICHELE STANCATI
Town Clerk

C#6

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

**CRR TOP SPIN
SETTLEMENT OF CERTIORARI PROCEEDINGS**

RESOLUTION NO. _____ / 2016

DATE: June 9, 2016

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, proceedings have been commenced in Supreme Court challenging the assessed valuation of commercial premises known generally as CRR Top Spin LLC, doing business as Hardscrabble Tennis Club, Tax Map No. 78.-2-16.3 for the Tax Year 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>
CRR Top Spin	78.-2-16.3	2015	\$5,000,000	\$3,750,000

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 _____
Councilman Cullen _____
Councilwoman Eckardt _____
Councilwoman Hudak _____
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 9th day of June, 2016.

MICHELE STANCATI
Town Clerk

R#7

**TOWN BOARD
TOWN OF SOUTHEAST**

**AUTHORIZING SUPERVISOR TO
EXECUTE MEMORANDUM OF UNDERSTANDING
WITH PUTNAM COUNTY, FEEHAN AGENCY AND
EAST OF HUDSON WATERSHED CORPORATION**

RESOLUTION NO. _____ / 2016

DATE: June 9, 2016

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, the Town of Southeast (the "Town") and Putnam County (the "County") are members of the East of Hudson Watershed Corporation ("EOHWC"); and

WHEREAS, EOHWC assists its member municipalities, including the Town and the County, in complying with the New York State Department of Environmental Conservation ("NYSDEC") Municipal Separate Storm Sewer Systems Permit effective May 1, 2010 ("MS4 Permit") by the design and installation of stormwater retrofit projects approved by NYSDEC;

WHEREAS, one such project is designed for the collection and treatment of stormwater run-off emanating from Town owned roads, crossing County owned lands and rights of way and then through lands owned by Feehan Agency ("Feehan") located at 2350 Route 6 (the "Premises"); and

WHEREAS, EOHWC proposes to undertake a Stormwater Retrofit Project which will entail the staging, storage and mobilization of equipment and materials from the Premises; and

WHEREAS, upon the conclusion of the construction phase of the Project, EOHWC will restore the disturbed area of the Premises and re-pave the balance of Feehan's parking lot; and

WHEREAS, the Town and County will each reimburse EOHWC for one-third (1/3) the cost repaving the parking lot on the Premises.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Supervisor is authorized to execute and deliver any and all memoranda of understanding, agreements or other documentation necessary to memorialize the agreements and understandings necessary to reflect the intentions and commitments of the parties to share the expense of re-paving the Feehan Agency parking lot located on the Premises; and be it further

R # 8

**TOWN BOARD
TOWN OF SOUTHEAST**

**AUTHORIZING SUPERVISOR TO
EXECUTE INTERMUNICIPAL AGREEMENT
WITH PUTNAM COUNTY FOR ELECTRICAL INSPECTIONS**

RESOLUTION NO. _____ / 2016

DATE: June 9, 2016

INTRODUCED BY: _____

SECONDED BY: _____

WHEREAS, pursuant to New York General Municipal Law, Article 5-G, local governments are authorized to enter into municipal cooperation agreements for the performance among themselves or one for the other of their respective functions; and

WHEREAS, the Town of Southeast (the "Town") acknowledges that there is a critical need to utilize every means available to provide the maximum services in the most cost-effective manner and at the least possible cost to the local taxpayers, and that flexibility in operation local governments through shared services and resources is necessary to insure efficiency and maximum benefits to the local taxpayers which will result in efficient and cost-effective work performance; and

WHEREAS, pursuant to New York Executive Law §381(2), any local government may enter into an agreement with the county in which such local government is situated to administer and enforce the uniform code, the state energy conservation construction code, or both, within such local government; and

WHEREAS, the County of Putnam (the "County") intends to enter into a contract with an electrical inspector consultant (the "inspector") to perform electrical inspections, re-inspections or altered electrical wiring (collectively referred to as "electrical inspections") in accordance with the standards of the National Electrical Code, New York State Uniform Fire Prevention Code, New York State Building Code, and all other applicable national, state and local regulations, ordinances and codes for residential and commercial properties located within the County, including those properties located with the Town; and

WHEREAS, the Town wishes to authorize the County, through its inspector and at no cost to the Town, to administer electrical inspections within the Town's jurisdiction; and

WHEREAS, taxpayer monies will be saved and that such an agreement is in the best interests of the Town to enter into such an agreement.

NOW, THEREFORE, BE IT

