

Town of Southeast
1360 Route 22, Brewster, New York 10509
Thursday, January 20, 2022
Executive Session – 6:00 P.M.
Regular Meeting / Work Session 7:00 P.M.

Pledge of Allegiance
Notation of Exits
Turn off/put on vibrate – all electronic devices

Present: Supervisor Tony Hay
Councilman Edwin Alvarez
Councilman Eric Cyprus
Councilman Eric Larca
Councilman John O'Connor

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

EXECUTIVE SESSION

Supervisor Hay made a motion to open the meeting and go into Executive Session for Litigation matters. Councilman Alvarez seconded.

Supervisor Hay made a motion to close the Executive Session where no decisions were made. Councilman O'Connor seconded. All in favor.

PUBLIC HEARING

Supervisor Hay made a motion to open the Public Hearing and waive the reading of the notice. Councilman O'Connor seconded. All in favor.

Planet Fitness / UBP Brewster – 1505-1515 Route 22, Tax Map # 46.-1-10-1

Josh Flowers of PC Studio Architect, representing Planet Fitness, stated that the Planning Board referred them to the Town Board for a Special Permit. He stated that they will be located between the Verizon and Acme stores, and the UPS store will be relocated.

Supervisor Hay asked if he knew the square footage and he responded that it was 17,931.

Councilman Alvarez asked how soon they would be opening and he stated that all the drawings are completed so pending tonight, they are looking to start the process. The property manager stated that the UPS store is being relocated right next to Acme, and as soon as we finalize our relocation of UPS, we'll be able to hand over everything to Planet Fitness, and we're in the process of contracting out their new space now. We're hoping they could open in a couple of months.

There was no public comment.

Supervisor Hay made a motion to close the Public Hearing with written comment allowed for the next ten days. Councilman O'Connor seconded. All in favor.

WORK SESSION

Nothing at this time.

REGULAR MEETING

Supervisor Hay made a motion to open the meeting and waive the reading of the Correspondence. Councilman O'Connor seconded. All in favor.

CORRESPONDENCE

Correspondence Received

1. PC Housing Corp. to TOSE Re: Section 8 Housing Voucher Program Reopening
2. Comcast to TOSE Re: Programming Advisory
3. NYS DOH to TOSE Re: Advisory on Shortening Isolation Period for Certain Fully Vaccinated Healthcare & Other Critical Workforce
4. Lexis Nexis to TOSE Re: Kuehn Building & Remodeling LLC
5. Acord Insurance to TOSE Re: Sterling Environmental Engineering PC
6. PC Land Trust to TOSE Re: Garden Preserve
7. Acord Insurance to TOSE Re: Sterling Environmental Engineering PC
8. Brewster Southeast Joint Fire District to TC Re: Official Election Results-Fire Commissioner

9. Office of the State Comptroller to TOSE Re: Justice Court Fund-November 2021
10. NYS DOT to TOSE Re: Designation of Restricted Highway Contract-Bridge Maintenance Painting Contract Various Locations in the Region
11. Stephen Coleman to Supervisor Hay Re: Letter of Resignation
12. PC Board of Elections to TOSE TC Re: Request of 2022 General Election Certificate
13. NYS Unified Court System to Supervisor Hay Re: Audit of 2021 Fiscal Year
14. Acord Insurance to TOSE Re: National Sign Corp.
15. Acord Insurance to TOSE Re: National Sign Corp.
16. Acord Insurance to TOSE Re: Systems Development Group, Inc.
17. Acord Insurance to TOSE Re: Structure Works Construction
18. Allstate Insurance to TOSE Re: Hudson Valley Engineering
19. NYS Worker's Compensation Board to TOSE Re: Folkes Home Services
20. NYS DOT to Supervisor Hay Re: Response to Concerns of Route 6 and Route 121 Intersection & Route 6 & Starr Ridge Road
21. Tom Fenton to M. Levine, Bldg. Dept., Highway Superintendent Burdick, Planning Dept., & TB Re: Sequencing for Pugsley Road Reconstruction

FOILS

- Rosanaly Diaz-Scott to Bldg. Dept. Re: All Building Records-86 Field & Forrest Lane Lot #6
- Rochelle Pausa to Bldg. Dept. Re: All Building Records-22 South Drive
- Filiz Dalo to Bldg. Dept. Re: All Building Records-303 Kensington Court
- Linda Finn to Bldg. Dept. Re: All Building Records-902 Windsor Lane
- Leonore Garvey to Planning Board Re: All Information Regarding-180 Riverside Drive
- Kathleen Lomino to Bldg. Dept. Re: All Building Records-
- Beth Andreo to Bldg. Dept. Re: All Building Records-127 Starr Ridge Road
- Klomino to Bldg. Dept. Re: All Building Records-8 Oakwood Drive
- CSEA to TOSE Re: Name, Job Title, Dept., Work Site, Address, Phone, & Salary/Hourly Wage of All Employees Represented by the Union
- Joanne Finochio to Bldg. Dept. Re: Open Violations & Survey-22 South Drive
- Chelsea Helm to Bldg. Dept. Re: All Building Records & Environmental Records-1051 & 1055 Route 22
- Carmine Gialanella to Bldg. Dept. Re: All Violations-138 Blackberry Drive
- Stacey Holliday to Bldg. Dept. Re: All Building Records-455 Tonetta Lake Road
- John Weiss to Bldg. Dept. Re: Violations Report-Phase 3 Hunters Glenn
- Michael Sheil to Bldg. Dept. Re: All Building Records-137 Peaceable Hill Road
- Lisa Tremblay to Bldg. Dept. Re: All Bldg. Records-9 Rocco Drive
- Jodie McCasland to Bldg. Dept. Re: Survey-973 Route 22
- Melissa Terman to Bldg. Dept. Re: NOV Issued 7-13-2021-6 Oak Road
- Anna Hawley to Bldg. Dept. Re: All Building Records-17 Pumphouse Road
- Rosanaly Diaz-Scott to Bldg. Dept. Re: All Building Records-86 Field & Forrest Ct. Lot 6
- Rosanaly Diaz-Scott to Bldg. Dept. Re: All Building Records-179 Turk Hill Road
- Sharon Sheil to Bldg. Dept. Re: All Building Records-9 Clematis Road

Email

1. Sheriff Elect Kevin McConville to Supervisor Hay Re: Announcement of Incoming Administration
2. Resident to Supervisor Hay, TB, PC DOH, & PC Executive M. O'Dell Re: Water Concerns-Brewster Heights Water District
3. R. Cullen to BCSC, Bldg. Dept. & TB Re: Noise from Lockdown Drill at Schools
4. Resident to Supervisor Hay & TB Re: Concerns of Safety at Intersection Rt. 6 & Rt. 121
5. Steve Coleman to Supervisor Hay & M. Levine Re: Site Inspection-5 Shady Lane
6. G. Skalaski to Supervisor Hay & TB Re: Site Inspection-5 Shady Lane
7. Inquiry to TC Re: Marriage License Appt.
8. NYS Dept. of Labor to Supervisor Hay Re: 2360-2366 Route 6
9. V. Desidero to TB & C. Chiudina Re: Weekly Social Media Performance
10. Jim Wyatt to M. Levine Re: Commercial Campus Tree Cutting
11. V. Desidero to TC, A. Ley, Accounting & Tom Fenton Re: ProSwing name change to Brewster Yards
12. William Bright to Supervisor Hay, TB & L. Bedrosian, Special Districts Re: Brewster Heights Water Quality
13. Supervisor Hay to Ken Clair Commissioner of PC Emergency Services Re: Putnam County Ambulance Agreement
14. Resident to M. Levine, S. Coleman, Supervisor Hay & TB Re: Wetland Violation-5 Shady Lane
15. Supervisor Hay to M. Levine, Bldg. Dept. Re: 88 Forrest Lane
16. Supervisor Hay to TB Re: Permit & Mtg. on Brook at Vails Grove
17. Supervisor Hay to Employees Re: Early Dismissal-NYE
18. Supervisor Hay to H. Lepler, Tom Fenton, Tom LaPerch, M. Levine, & TB Re: Terravest Senior Housing Inquiry
19. R. Bottali, Capital Engineering-Shops & Yards MTA to V. Desidero, M. Levine, Highway Superintendent M. Burdick & TC Re: E & S Permit Application/Bond-90 Reservoir Rd.
20. Supervisor Hay to Applicant Re: Town Historian
21. NYS DOH to TC Re: Acknowledgement of Paternity No Longer Accepted
22. Business Owner to TC Re: Alarm Permit Receipt-131 Nelson Blvd.
23. B. Colombo Bldg. Dept. to Supervisor Hay Re: Court Appearance Ticket-1574 Route 22
24. SAM Renewal Dept. to TOSE Re: Renewal Due-Forthcoming for Cage Code
25. L. Bedrosian, Special Districts to TB Re: Rescheduling of Christmas Tree Pick Up
26. Supervisor Hay to L. Bedrosian, Special Districts Re: VOB Bypass Connection
27. Ron Hund, Acct. to L. Bedrosian, Special Districts & Supervisor Hay Re: Water/Sewer District(s) Rate Increases
28. Resident to Supervisor Hay & C. Chuidina, Recreation Re: Lake Tonetta Park
29. Insite Engineering to Supervisor Hay Re: Site Clearing-Brewster Yards
30. NYSEG to Supervisor Hay Re: NYSEG 2022 Tree Trimming/TOSE Roads
31. TC to Spectra Associates Re: TOSE Minute Book Order
32. Director of PC Office of Emergency Management to TOSE Re: Distribution of COVID Test Kits
33. TC to UB Properties Re: Tenant Information-Lakeview Plaza
34. Victoria Desidero, PB to TB Re: New Planning Board Member
35. NYS Division of Bldg. Standards & Codes to M. Levine, Bldg. Dept., Supervisor Hay & TC Re: Annual Report of Code Enforcement Activities for TOSE
36. Resident to TB Re: Proof of Residency-COVID Test Kit

37. Inquiry to TC Re: Marriage Ceremony
38. Ashley Ley to TB, TC & Planning Board Re: Guardian Vet-EAF
39. TC to Nicole Avallone & W. Stephens, TA Re: Bond for TOSE
40. Supervisor Hay to All Employees Re: Inclement Weather Information
41. Supervisor Hay to All Employees Re: Vehicle Usage Policy
42. Chelsea Helm, Atlas to TB Re: Annual Water Quality Report-1051/1055 Route 22
43. L. Bedrosian to Supervisor Hay & Actg. Re: FMLA & Bereavement Time
44. TC to Judith Renner-Starr Foundation Re: Alarm Permit Renewal
45. Supervisor Hay to All Employees Re: 1st Paycheck of 2022
46. Nuvance Health to Supervisor Hay Re: Putnam Hospital Temporary Suspension of Labor & Delivery Services
47. NYS DOH to TOSE TC Re: Register for EDRS Upgrade Training
48. Supervisor Hay to NYS DOT Re: Concerns of Route 6 and Route 121 Intersection & Route 6 & Starr Ridge Road
49. Mayor of VOB, Jim Schoenig to Supervisor Hay Re: Meeting Invitation-TSE Ambulance Service

Correspondence Sent

1. Supervisor Hay to Mr. Veneziano Re: Escrow & Inspection Fees-Lincoln Logistics/Commercial Campus at Fields Lane
2. TC to Resident Re: Transfer of Dog Ownership
3. TOSE to Property Owner Re: NOV/OTR-434 Route 312
4. TOSE to Property Owner Re: NOV/OTR-1805 Village Drive
5. TOSE to Property Owner Re: NOV/OTR-1304 Holly Stream Court
6. TOSE to Property Owner Re: NOV/OTR-10 Locust Drive
7. TOSE to PC Planning & Development Re: Area Variance-2 Route 164
8. TOSE to Property Owner Re: Escrow-3871 Route 6
9. TOSE to Property Owner Re: Escrow-Stateline Subaru
10. TOSE to Property Owner Re: Escrow-20 Welfare Rd.
11. TOSE to Property Owner Re: Escrow-679 Milltown Rd.
12. TOSE to Property Owner Re: Escrow-Salsa Fresca
13. TOSE to Property Owner Re: Escrow-A & J Custom Homes
14. TOSE to Town of Patterson Re: Refuse Collection-30 Shalin Lane
15. TOSE to Property Owner Re: Escrow-Waterview Estates Road
16. TOSE TC to Property Owner Re: False Alarm Warning & Alarm Permit Application-150-152 Putnam Ave.
17. TOSE Planning Board to NYSEG Re: Bond Release
18. TOSE TC to Property Owner Re: Alarm Permit Application-1525 Route 22 C1 Rite Aid
19. TOSE TC to Property Owner Re: Alarm Permit Application-1525 Route 22 E1 M & T Bank
20. TOSE TC to Property Owner Re: Alarm Permit Application-Key Bank
21. TOSE TC to Property Owner Re: Alarm Permit Application-Acme Supermarket
22. TOSE TC to Property Owner Re: False Alarm Warning-1511-1515 Lakeview Plaza
23. TOSE to Resident Re: NOV/OTR-426 Route 312
24. TOSE PB to ZBA Re: Guardian Veterinary Specialists

VOUCHERS

Supervisor Hay made a motion to approve the Vouchers in the amount of \$1,036,417.44 and Councilman Cyprus seconded. All in favor.

BUDGET TRANSFERS

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

MEETINGS

Supervisor Hay made a motion to set the following meetings to be held at 1360 Route 22, Brewster, New York at 7:00 P.M. unless otherwise noted. Councilman Larca seconded. All in favor.

Thursday, February 3, 2022 – Work Session / Regular Meeting

Thursday, February 17, 2022 – Work Session / Regular Meeting

**RESOLUTION NO. 4 / 2022 WATERVIEW ESTATES SUBDIVISION 1-11
WATERVIEW LANE PERFORMANCE BOND ESTABLISHMENT**

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Cyprus

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:

PROJECT NAME:

BOND AMOUNT

Waterview Estates	
Site Improvements	\$401,000.00
Erosion & Sediment Control	\$40,000.00
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	<u>Aye</u>
Councilman Cyprus	<u>Aye</u>
Councilman Larca	<u>Aye</u>
Councilman O'Connor	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

RESOLUTION NO. 5 / 2022 PURCHASE HIGHWAY EQUIPMENT

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman O'Connor

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	<u>Aye</u>
Councilman Cyprus	<u>Aye</u>
Councilman Larca	<u>Aye</u>
Councilman O'Connor	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

RESOLUTION NO. 6 / 2022 COMCAST / XFINITY AUDIT

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Larca

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	<u>Aye</u>
Councilman Cyprus	<u>Aye</u>
Councilman Larca	<u>Aye</u>
Councilman O'Connor	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

RESOLUTION NO. 7 / 2022 GEODESIGN, INC – GEOTECHNICAL ENGINEERING SERVICES REPLACEMENT OF CULVERT AT COBB ROAD

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Alvarez

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	<u>Aye</u>
Councilman Cyprus	<u>Aye</u>
Councilman Larca	<u>Aye</u>
Councilman O’Connor	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

VOTE: carried by a vote of 5 in favor, 0 against; 0 abstained.

MOTION TO APPOINT TOWN HISTORIAN

Supervisor Hay made a motion to appoint Dean Abatemarco as Town Historian for a 1 year term. Councilman Cyprus seconded. All in favor.

MOTION TO APPOINT HISTORIC SITES COMMISSION MEMBER

Supervisor Hay made a motion to appoint Melissa Sarno to the Historic Site Commission to a term expiring 12/31/2028. Councilman O’Connor seconded. All in favor.

MOTION TO APPOINT BOARD OF ASSESSMENT REVIEW MEMBER

Supervisor Hay made a motion to appoint Chris Galli to the Board of Assessment Review to a term expiring 9/30/2024. Councilman O’Connor seconded. All in favor.

MOTION TO APPOINT ZONING, CODE, AND PARKING ENFORCEMENT OFFICER

Supervisor Hay made a motion to appoint Peter Bell to Zoning and Code Enforcement and Parking Officer for a term of one year. Councilman Larca seconded. All in favor.

PUBLIC COMMENT

There was no public comment.

TOWN BOARD COMMENT

Councilman Larca welcomed Councilman Cyprus to the Town Board.

Councilman O'Connor stated that because of the low temperatures, the County will be changing the testing schedule at the Paladin Center to Monday, Wednesday, Friday, and Saturday from 9 am to 7 pm and at the Philipstown Rec. to Tuesday and Thursday from 9 am to 7 pm, starting January 25th. We have also received 695 test kits that will be distributed.

Supervisor Hay made a motion to go into Executive Session, where no decisions will be made. Councilman Alvarez seconded. All in favor.

Supervisor Hay made a motion to close the Executive Session, where no decisions were made. Councilman Alvarez seconded. All in favor.

Respectfully Submitted,

Michele Stancati
Southeast Town Clerk