

**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**

Present: Supervisor Tony Hay  
Councilman John Lord  
Councilman Eric Larca  
Councilwoman Lynne Eckardt  
Councilman Edwin Alvarez – 6:00 PM

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

And: 12 Persons

**EXECUTIVE SESSION**

Supervisor Hay made a motion to open the meeting and go into Executive Session for interviews to fill the vacancy on the Zoning Board of Appeals. Councilwoman Eckardt seconded. All in favor.

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

**WORK SESSION**

*Discussion – Route 22 Traffic Light*

There was a complaint made to the Town Board about how difficult it is to make a left turn to exit north onto Route 22 from the Country Plaza. Even when traveling north, to enter, the shopping center is difficult. It was suggested to put a light there or maybe a turning lane, and reduce the speed.

Councilwoman Eckardt stated that she had a meeting with the State DOT and brought it up and they stated that the cost for the traffic improvement would fall to the business owners and the DOT have no major improvements planned. The Supervisor ask Councilman Lord if he could bring it up with the Putnam County Traffic Safety Board.

### Discussion – Highway Superintendent

Highway Superintendent Bruen handed the Town Board the 284 Agreement, to be approved by the Town Board for disbursement. It's for repairs and improvements to roads and drainage systems. Some of the roads listed are Sodom Rd, 312, Brewster Hill Rd, Federal Hill Rd, Joes Hill Rd, Nichols Rd, Tulip Rd, Cobb Rd, Starr Ridge Rd, North Salem Line to CR55, Fields Lane, Tonetta Lake Rd, and Meridian Dr. There could be some changes made to this list to accommodate changing needs.

There is also 5 to 8 miles to go out for bid and Superintendent Bruen asked the Town Board to utilize the funds in the reserve account. Councilwoman Eckardt stated that there were a lot of complaints about the fiber matting. Superintendent Bruen stated that it is coarse at first, but after a year it looks like blacktop and is very beneficial. Councilman Alvarez asked if the fiber mat is used to extend the life of the road and Superintendent Bruen said yes.

The subject of paving Maple Rd came up again and Superintendent Bruen stated that there are a few possibilities. There was a proposed connection of opening Enoch Crosby to Kelly Rd to connect to Carmel. The Engineering was done and it had DEP and DEC approval, but it was challenged by the Town of Carmel.

The Engineering done on Maple Rd called for paving from the Carmel end to Enoch Crosby Rd about 23,000 ft. The biggest difficulty is that it is situated on the Middle Branch Reservoir and there was runoff concern with the paving, and it would have to be treated. Using millings over the gravel could also be an option because the DEP doesn't consider it an impervious surface and it can be a huge cost savings. Councilman Larca asked if the Superintendent could get a cost estimate to maintain a dirt road and he said that one was done and he would have to look through the file. Councilwoman Eckardt asked if Superintendent Bruen would look into what the options are and what they would cost, to let the public know so an informed decision can be made. Superintendent Bruen stated that the decision should be made by the Town Board and Highway Superintendent. Town Attorney Stephens stated the road from Enoch Crosby to Kelly Rd has been blocked or abandoned for about 40 years. When interest began to open it the Town of Carmel, they sued the Town of Southeast for an injunction. Carmel became Lead Agency and has done nothing to fulfill its obligation as lead agency, they are not for the project. Councilman Alvarez said he would like to have paving to the north side looked into. Superintendent Bruen stated he would.

Superintendent Bruen stated that another issued that needs to be addressed is the illegally parked cars on the roads through the storms, shoveling snow into the street, and water runoff into the roadways. He asked for help with enforcement.

Superintendent Bruen also stated he needed part time help and the Supervisor suggested he hire someone, it's in his budget.

### **REGULAR MEETING**

Supervisor Hay made a motion to open the Regular Meeting and Councilman Alvarez seconded. All in favor.

### **CORRESPONDENCE**

Supervisor Hay made a motion to waive the reading of Correspondence and Councilman Alvarez seconded. All in favor.

## Correspondence Received

1. Matt Skane to Kathleen Burgess Re: COMCAST-Xfinity TV Channel Updates
2. Amy Campanaro to Supervisor Hay Re: Donation of Scrapbooks of Southeast
3. Christopher Anderson to Michele Stancati, (TC) Re: Training for Assessors, Appraisers & Engineers
4. ACORD to TOSE Re: Liability Ins.-Girl Scouts Heart of the Hudson, Inc.
5. ACORD to TOSE Re: Impero Waste Services, LLC.
6. Christian Leo to Supervisor Hay Re: CDBG Program Consolidated Funding Application
7. Jeffery Mills to Supervisor Hay Re: Landline Telephone Service from Verizon
8. Doreen Holsopple to Supervisor Hay Re: Welfare Rd. Request for Award Extension for Welfare Rd. Over E. Branch Croton River Culvert Replacement
9. Allstate to TOSE Re: Auto. Liability-Hudson Valley Engineering
10. Resident to TOSE Re: Resume
11. ACORD to TOSE Re: Liability Insurance-Structure Works Construction, Inc.
12. Mary Galasso to Lou Bach Re: Welfare Rd. Culvert Replacement & Extension-CPDP Welfare Rd. at Sherwood Hill Rd.
13. Austin Powder to TOSE Re: Notice of Blasting-70 Holmes Rd.
14. ACORD to TOSE Re: Liability Ins.-National Sign Corporation
15. ACORD to TOSE Re: Liability Ins.-Systems Development Group, Inc.
16. Richard Baldelli to TC Re: Town of Ridgefield-Application for Amendment
17. ACORD to TC Re: Liability Ins.-Lawton Adams Construction Corp.
18. Education Services to City & Town Clerks Re: Reporting Board of Assessment Review Information
19. ACORD to TOSE Re: Liability Ins.-Structure Works Constructions, Inc.
20. Resumes for Zoning Bd. Vacancy to TOSE Re: Michael A. Principe, Lisa LaGuardia-Tremblay, John O'Brien, James P. Brierley, Christopher DeBellis & Andres D. Gil
21. Doreen Crane to Supervisor Hay Re: Outreach Worker Contract Between PC Office for Senior Resources and TOSE
22. Lawrence Marks to Supervisor Hay Re: Auditing Board Court Records
23. ACORD to TOSE Re: Liability Ins.-Sterling Environmental Engineering PC
24. Matt Skane to Kathleen Burgess Re: (3) COMCAST-Programming Contract Renewal Website, Xfinity TV Channel Updates & International Package Update
25. Mary Galasso to Lou Bach Re: Welfare Rd. Culvert Replacement & Extension at Sherwood Hill Rd.
26. Richard O'Rourke/Albert Natoli to Supervisor Hay Re: Independent Sewage Works, Inc., Rates
27. Michael Cunningham to Supervisor Hay Re: Annual Contribution to PC Office for Senior Resources
28. Gerald Geist to TC Re: 2019 AOT Town Board Meeting
29. ACORD to TOSE Re: Liability Ins.-Quality Environmental Solutions & Technologies, Inc.
30. HVEA Engineers to TOSE Re: Welfare Rd. Culvert Replacement HEC-RAS Analysis & Diversion Pipe Calculations
31. ACORD to TOSE Re: Liability Ins.-Thru Way Plumbing & Heating Inc.
32. Village of Brewster Planning Brd. to TOSE Re: Brewster Public Library Site Plan Application

## Foils

- Samuel Pakrad to Plng. Dept. Re: Site Plan-74 Minor Rd.
- Mark Jacobs to Bldg. Dept. Re: File-188 Joes Hill Rd.
- Jean Salzanelo to TC Re: Records of Hate Crimes
- Mike Telesco to TC Re: Bylaws and Prospectus of the Blackberry Condominiums
- Josephine Eagan to Bldg. Dept. Re: File-10 Spruce Rd.
- Karina Jurek to Bldg. Dept. Re: File-3402 Morgan Dr.
- Christine Cecere to Bldg. Dept. Re: CO's & Permits-9 Tea House Ln.
- Town Board to Mike Bruen Re: Highway Records
- Natasha Pazderskaia to Bldg. Dept. Re: File-21 Ridge St.
- John Vaughan to Bldg. Dept. Re: File-21 Ridge St.
- Brittany Schnepal to Bldg./Plng. Depts. Re: Files-425 Rt. 312
- Josephine Eagan to Bldg. Dept. Re: Files-504 Seven Fields Ln., 252-254 Milltown Rd. & 405 Village Dr.
- Anna Russo to Bldg. Dept. Re: File-2 Bradley Ct.
- String Real Estate to Acctg. Dept. Re: Water Billing Account-1, 8, 9 & 11 Waterview Ln.
- Gary Voorhees to Bldg. Dept. Re: CO's & Survey-25 Briar Dr.
- Roman Yanchyusky to Bldg. Dept. Re: File-25 Briar Dr.
- Dave Iglesias to Bldg. Dept. Re: File 65 Starr Lea Rd.
- Annmarie Romano to TC Re: Original Document for Handicap Placard
- Eric Gillman to Bldg. Dept. Re: CO's, Permits & Violations-51 Cobb Rd.
- Heidi Chandler to Bldg. Dept. Re: File-99 Enoch Crosby Rd.
- Krista Brady to Bldg. Dept. Re: CO's, Permits & Violations-24 Seven Oaks Ln.
- Dawn Gambichler to Bldg. Dept. Re: CO's, Permits & Surveys-18 Curiosity Ln., 33 Bloomer Rd. & 804 Autumn Ln.
- Jen Bartolini to Bldg. Dept. Re: File-1506 Eagles Ridge Rd.
- Clayton Livingston to Bldg. Dept. Re: Files-188 Joes Hill Rd. & 56.9-1-11
- John Piazza to Bldg. Dept. Re: Files-2 Curiosity Ln. & 24 Elizabeth Ct.
- Dianne O'Hara to Bldg. Dept. Re: File-13 Rockledge Rd.
- Michelle Vitner to Bldg. Dept. Re: CO's, Violations & Survey-246 Shore Dr.
- Adam Holy to Bldg. Dept. Re: File-56 Deans Corner Rd.
- Marcie Nolletti to Bldg. Dept. Re: File-98 Shore Dr.
- Linda Finn to Bldg. Dept. Re: File-103 Maple Rd. & 62 Panorama
- Larene Cameron to Assessor/Bldg./Code Enforcement Re: Records-150 242 Nelson Blvd. Site
- Eric Chung to TC Re: Employee Staff Contact Information
- Michael Bruen to Town Clerk Re: Stevens, Lakeview Manor, Copy Machine

## Emails

1. Resident to TOSE Re: Resume
2. TC to Jean Salzanelo Re: Foil Request-Records of Hate Crimes
3. Resident to Supervisor Hay Re: Property Conditions at 46 Seven Oaks Ln.
4. Resident to Supervisor Hay Re: Maple Rd. Paving

5. Donald Rossi to Michael Bruen, Hwy Sup./Harold Lepler/John Forbush Re: NYSEG Terravest Corporate Park
6. Lynne Eckardt to Town Board, (TB) Re: Commercial Property Tax Issue
7. Amy Mackenzie to Supervisor Hay Re: Local Highway Inventory-Extend Enoch Crosby Rd.
8. Scott Pastorell to Supervisor Hay Re: Ewaste-Collection of Electronics
9. Bonnie Colombo to Daniel Richmond Re: Northeast Interstate Logistics Center
10. Putnam Humane Society to TC Re: Gov. Shut Down Affecting Food Pantries
11. Gregory Sgromo to Supervisor Hay Re: Request for Proposal-Planning Consulting Services
12. Bonnie Colombo to Supervisor Hay/TC Re: Blasting Project at 70 Holmes Rd.
13. Ann Marie Kovalski to TC Re: Brewster Central School District Alarm Renewal
14. Ashley Reed to Supervisor Hay Re: Website Suggestions
15. Paul Morini to Supervisor Hay Re: Maple Rd. DEP Contract
16. Joe Ciatto to TC Re: World Gym Grand Opening
17. Victoria Desidero to Town Board Re: ARB Recommendations for Ruffian & SE Executive Park
18. Supervisor Hay to Victoria Desidero/Cathy Chiudina/Mike Levine/Levon Bedrosian/Ron Hund/Laurie Bell/TC/Susan Tobacco/Willis Stephens Re: Supervisor's Meeting
19. Mike Levine to Mike Bruen, Hwy Re: Violations at 91 Brewster Hill Rd. & Vending Area on Rt. 312
20. Willis Stephens to Mike Bruen, Hwy Re: Highway Draft Law 284 Agreement
21. Local Gov. to TC Re: Contact Verification
22. Mike Levine to Dennis Santucci Re: Formal Complaint-7 Shady Ln.
23. Supervisor Hay to Terri Ciaramella Re: Septic System at 150-152 Putnam Ave.
24. Mike Bruen, Hwy, to Supervisor Hay/Town Board Re: Ewaste
25. Levon Bedrosian to Town Board/Domenic Consentino/Peter Hansen/Jim Schoenig Re: Peaceable Hill Water Plant
26. Lisa Tremblay to TC Re: Zoning Board Position
27. Christina Battalia to Town Clerks Re: Job Announcement & Novus Agenda
28. Richard O'Rourke to Supervisor Hay Re: Highlands Rate Charges
29. Mike Bruen, Hwy to Mike Levine Re: Code Enforcement to Ticket Illegally Parked Vehicles to Plow
30. Lynne Eckardt to Mike Bruen Re: Highway Update
31. Bonnie Colombo to Tax Team Re: Municipal Search for 56 Deans Corner Rd.

#### Correspondence Sent

1. Supervisor Hay to Howard Baul Re: Senior Account Clerk
2. A. Gerald Schramek to Property Owners Re: NOV/OTR, 45.84-1-12 & 45.84-1-11
3. Laurie Bell to Joseph Sisca II & Joseph Sisca III Re: Industrial Development Revenue Bonds
4. Laurie Bell to Michael Endico Re: Industrial Development Revenue Bonds
5. Supervisor Hay to Mayor Schoenig Re: PC E-Waste
6. Tom LaPerch to Jamie LoGiudice Re: Escrow Accounts for Seifert Wetland Permit & FWL Group, LLC
7. Tom LaPerch to Elizabeth Gandza Re: Escrow Accounts-NYSEG Tilly Foster MTA
8. Supervisor Hay to Vincent Castaldo Re: Town Board Resolution-Senior Account Clerk
9. Supervisor Hay to Hon. Richard Williams Sr. Re: IMA-Shailin Ln.
10. Mike Levine to Property Owner Re: NOV/OTR-57.-1-9
11. Tom LaPerch to Peder Scott Re: Escrow Account-Interior Rock
12. Tom LaPerch to Michael Shortell Re: Escrow Account-New York American Water

13. Tom LaPerch to Mr. Barrisser Re: Lot 7, Weston Chase
14. Tom LaPerch to Barbara Barbarosa Re: Batista Southeast Dunkin & NYSEG Dingle Ridge Substation GML 239-m
15. TC to NYS Dept. of Motor Vehicles Re: Permanent/Temporary Tags Issued

**VOUCHERS**

Supervisor Hay made a motion to approve the Vouchers in the amount of \$1,248,326.24. Councilman Alvarez seconded. All in favor.

**MEETING DATES**

Supervisor Hay made a motion to set the following meeting dates to be held at 1360 Route 22, Brewster, New York, 10509 at 7:00 P.M. unless otherwise noted. Councilman Alvarez seconded. All in favor.

Thursday, February 7, 2019 – Work Session / Regular Meeting

Thursday, February 28, 2019 – Work Session / Regular Meeting

**RESOLUTION NO. 8 / 2019 INDEPENDENT SEWER WORKS, INC.  
DETERMINATION OF RATE PETITION**

INTRODUCED BY: Supervisor Hay  
SECONDED BY: Councilman Alvarez

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   | <u>Aye</u> |
| Councilwoman Eckardt | <u>Aye</u> |
| Councilman Larca     | <u>Aye</u> |
| Councilman Lord      | <u>Aye</u> |
| Supervisor Hay       | <u>Aye</u> |

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

**RESOLUTION NO. 9 / 2019 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**

INTRODUCED BY: Supervisor Hay  
SECONDED BY: Councilman Alvarez

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   | <u>Aye</u> |
| Councilwoman Eckardt | <u>Aye</u> |
| Councilman Larca     | <u>Aye</u> |
| Councilman Lord      | <u>Aye</u> |
| Supervisor Hay       | <u>Aye</u> |

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

**RESOLUTION NO. 10 / 2019 APPOINTMENT TO ZONING BOARD OF APPEALS**

INTRODUCED BY: Supervisor Hay  
SECONDED BY: Councilman Alvarez

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

**ANDRES GIL**

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   | <u>Aye</u> |
| Councilwoman Eckardt | <u>Aye</u> |
| Councilman Larca     | <u>Aye</u> |
| Councilman Lord      | <u>Aye</u> |
| Supervisor Hay       | <u>Aye</u> |

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

### **SUPERVISOR'S FINANCIAL REPORT**

Supervisor Hay stated that there is no report tonight as the Town is closing out the 2018 books. I should be ready in March.

### **PUBLIC COMMENT**

Supervisor Hay stated that this is a Public Comment period and we will listen to your comments, recommendations, suggestions and questions and if we don't have an answer, we will respond to you at the next meeting.

Michael Bruen told the Town Board he wanted to find common ground with two issues he disagreed with; the way his FOIL request was handled, and an inquiry into a pre-trial conference. The Supervisor and Town Board repeated, if he doesn't agree with the way the Town Board responded, it was suggested he file and article 78.

Councilman Alvarez made a motion to close the meeting and Councilman Larca seconded. All in favor.

Respectfully Submitted,

Michele Stancati  
Southeast Town Clerk