

TOWN OF SOUTHEAST
1360 Route 22, Brewster, New York 10509
Thursday, March 28, 2019
EXECUTIVE SESSION 6:30 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

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

And: 9 Persons

EXECUTIVE SESSION

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

Supervisor Hay made a motion to go into Executive Session to discuss Town Security. Councilwoman Eckardt 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.

PUBLIC HEARING

Chapter 71 – Blasting Permit Insurance and Requirements

Supervisor Hay made a motion to open the Public Hearing and Councilwoman Eckardt seconded. All in favor.

Supervisor Hay stated that the Town Board would like to change the Town Code concerning blasting and the distance of notifying residents in the area. There's a suggestion for notification of residents between 750 ft. to 1000 ft. and to look over the insurance requirements.

Councilwoman Eckardt stated that she would like more time to look at this and as long as the Code was going to be changed, she'd like to see if anything else should be updated. She would also like to speak to the Town Planner and other Towns for suggestions.

There was no public comment.

Supervisor Hay made a motion to close the Public Hearing and reschedule the topic for a later date. Councilwoman Eckardt seconded. All in favor.

Chapter 54A - Numbering of Buildings

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

Supervisor Hay stated that the numbering of houses is very important for Emergency Services and the state suggests the numbering be 4 inches. The Supervisor stated that the community didn't have to change the numbering now, but going forward it will be mandatory for any new homes or businesses to have the 4 inch numbers.

There was no public comment.

Supervisor Hay made a motion to close the Public Hearing and Councilman Lord seconded. All in favor.

WORK SESSION

Discussion – 2019 Highway Improvement Funding – 284 Agreement

The Highway Superintendent stated that there was a mathematical error on the last 284 agreement but all the roads to be fixed will be the same. Councilman Larca pointed out an error on page 2 where the road name was wrong and it was corrected. He also asked if putting millings down that were discussed at a previous meeting on Maple Rd. would be included in this agreement and if Highway Superintendent had any costs for that. The Highway Superintendent stated that it's not included but the agreement could be modified as needed, and he's been speaking with the DEC and DEP about it and will let the Board know what the outcome is. Supervisor Hay asked the Superintendent where he wanted to take the money from and he stated the fund balance. Supervisor Hay stated they will approve it later in the meeting. Councilman Alvarez asked when the work will be started and finished and Superintendent Bruen stated that it will be May or June before the major work is done and it will be finished by the end of the year.

REGULAR MEETING

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

CORRESPONDENCE

Correspondence Received

1. David Chico to Supervisor Hay Re: Municipal Shelter Inspection Report – 2/14/19
2. Grants Administration to Supervisor Hay Re: NYS EDAP Design & Renovation of Old Town Hall
3. Grants Administration to Supervisor Hay Re: CCAP Upgrades, Expansion, Purchases & Installation of Equipment for Volunteer Park
4. Andrew Stor to Supervisor Hay Re: (3) WWTP Compliance Inspections Peach Lake Sewer District, Blackberry Hill Sanitary SD & Brewster Heights SD
5. Peter Leser to TOSE Re: Drilling & Blasting Rock Removal at 70 Holmes Rd.
6. ACORD to TOSE Re: Liability Ins.-Hudson Valley Engineering Associates
7. PC Real Property Tax Service to TOSE Re: Service Agreement Contract
8. Rabih Barakat to TOSE Re: Public Info. Notification-I-684 NB Over Byram River
9. Resident to Supervisor Hay Re: Renovation at Senior Recreation Center
10. Kim Volpe to Supervisor Hay Re: Dog Control Officer Inspection Report
11. Utica First Ins. Company to TOSE Re: Liability Ins.-A. Vitolo
12. Jason Coppola to Sabri Barisser Re: Mt. Ebo Corporate Park, SWPPP-East Branch Reservoir Basin
13. Austin Powder Northeast to TOSE Re: Notice of Blasting-70 Holmes Rd.
14. Daniel Robinson to Michele Stancati, (TC) Re: Ridgefield Zoning Regulations-Application for Amendment
15. Michael Nesheiwat to Water Supply Owner Re: 2019 Permits to Operate a Community Water System-Brewster Heights, Blackberry Hill, Birch Hill Acres, Fox Hill Estates, Hillcrest, Mountain Brook Homes, Peaceable Hill, Springhouse Estates & Starr Ridge Manor
16. PC Youth Bureau to TOSE Re: 2019 PC Youth Awards Dinner
17. Eve Fox to Supervisor Hay Re: Renewal of DEP's 5 Year Land Use Permit
18. USA Bankruptcy Court to TOSE Re: 8 Noel Ct.
19. Harry Eisenberg to Hon. MaryEllen Odell Re: Parcel for Sale on Drewville Rd.
20. Rhonda Latz to Supervisor Hay Re: Justice Court Fund
21. Michael Nesheiwat to Water Supply Owner Re: 2019 Permit to Operate a Transient Noncommunity Water System
22. Ashley Ley to TOSE Re: Stateline Retail Center
23. Commissioners Scannapieco & Croft Re: 2019 General Election
24. Longview School to TOSE Re: Longview School
25. Putnam Chorale to TOSE Re: April Concert Season
26. Alice Duran to Supervisor Hay Re: Thank You on Behalf of The Seniors
27. International Institute of Municipal Clerks to TC Re: Membership-Annual Dues
28. Spain Agency to TOSE Re: Clubhouse Lakeview Manor Ins.
29. Metro-North Commuter Railroad Company to TOSE Re: Maybrook Trailway Access Permit

30. U.S. District Court of NY to TOSE Re: Amended Complaint Dennis & Kathleen Sant v. Willis Stephens & TOSE
31. NYSEG to TOSE Re: Notice of Tree and Brush Work

Foils

- Cynthia Haas to Bldg. Dept. Re: CO's & Permits-2609 Carmel Ave.
- Joseph Franco to Bldg. Dept. Re: File-409 Milltown Rd.
- Jennie Doukas to Bldg. Dept. Re: CO's & Survey-9 Coventry Ln.
- Vladimis Margalitadze to Bldg. Dept. Re: Survey-22 Sutton Pl.
- Marcie Nolletti to Bldg. Dept. Re: CO's, Survey & Permits-175 North Brewster Rd.
- Daniel Wool to Bldg. Dept. Re: File-20 Pleasant Dr.
- Mary DeVino to Bldg. Dept. Re: CO's & Survey-62 Panorama Dr.
- Vera Karaqi to Bldg. Dept. Re: Permits & CO's-25 Cooledge Dr.
- Luis Diaz to Bldg. Dept. Re: CO's, Permits & Violations-175 North Brewster Rd.
- Maria Micciari to Bldg. Dept. Re: CO's, Permits & Surveys- 10 Pine Tree Ln.
- Kevin Joyce to Bldg. Dept. Re: CO's, Permits & Violations-7 Old Farm Ln.
- Dora Price to Bldg. Dept. Re: File-8 South Hollow Rd.
- Gail Ryder to Bldg. Dept. Re: File-5703 Applewood Circle
- Mackenzie Martin to Bldg. Dept. Re: File-89 Vails Lake Shore Dr.
- Kendra Holze to Bldg. Dept. Re: File-45 Brewster Woods Dr.
- Brian O'Toole to Bldg. Dept. Re: File-37 Harvest Dr.
- Dawn Gambichler to Bldg. Dept. Re: CO's, Violations & Permits-399 Tonetta Lake Rd.
- Beth Yoon to Bldg. Dept. Re: File-33 Tulip Rd.
- Jim Yale to Plng. Dept. Re: Contact Info. For Putnam Business Park
- Bradley Huntington to Bldg. Dept. Re: File-25 Independent Way
- Nicholas Fusco to Bldg. Dept. Re: File-69 Harvest Dr.
- Wilmer Argule to Bldg. Dept. Re: File-17 Karlsen Lake Rd.
- Josephine Eagan to Bldg. Dept. Re: File-401 Autumn Ln. & 2202 Dunhill Rd.
- David Campbell to Plng. Dept. Re: Files-2, 4, 8 & 6 Reservoir Ridge Ct.
- Mira Kelly to Bldg. Dept. Re: File-9 Carol Ct.
- Victoria Fusco to Bldg. Dept. Re: File-69 Harvest Dr.
- Tyler Chixarro to Bldg. Dept. Re: File-188 Joe's Hill Rd.
- Debbie Felton to Bldg. Dept. Re: 287 Dingle Ridge Rd., 200 Starr Ridge Rd. & 17 Rockledge Dr.
- Denyce Vedorino to Bldg. Dept. Re: CO's & Surveys-402 Ridgetop Ln.
- Suzanne Stark to Bldg. Dept. Re: CO's, Permits & Violations-8 Maple Dr.
- Daniel Carfi to Bldg. Dept. Re: CO's, Permits & Violations-47.-1-31
- Mike Bruen to TC Re: Brewster Village Police Contract
- Mike Bruen to TC Re: 3/14/19-Executive Session Minutes
- Mike Bruen to TC Re: Last 6 Years Fines & Violations Tractor Trailer Parking Overnight on Rt. 312
- James Schoenig to Bldg. Dept. Re: File-188 Joe's Hill Rd.
- Ann Bassett to Bldg. Dept. Re: File-188 Joe's Hill Rd.

- Harry Eisenberg to Plng./Bldg. Depts. Re: Files-80.-1.3.1, 80-1-3.2 & 80-1-3.3
- Larry Mango to Zoning Dept. Re: ED Zone-77.-1-22
- Shannon Tully to Bldg. Dept. Re: File-20 East Hollow Rd.
- Linda Finn to Bldg. Dept. Re: CO's, Survey & Violations-116 Minor Rd.
- Klara Hill to Bldg. Dept. Re: Permits-7-11 Peach Lake Rd.
- John Cotter to Bldg. Dept. Re: CO's, Permits & Violations-91 North Brewster Rd.
- Linda Finn to Bldg. Dept. Re: CO's-401 Autumn Ln.
- Marco Nolletti to Bldg. Dept. Re: Permits, Violations & Surveys-91 North Brewster Rd.
- Michele Hambug to Bldg. Dept. Re: CO's & Permits-60 Pleasant Dr.
- Walter Heitner to Bldg. Dept. Re: File-402 Ridgetop Ln.
- Peder Scott to Bldg. Dept. Re: 2019 Traffic Report/Parking Site Plan-Stateline Retail Ctr.

Emails

1. Joanne Tavino to Supervisor Hay Re: EOHWC 2018 O&M Invoice
2. Jenn Bissinger to TC Re: SE Parking Facility-Issuance of Permit
3. Ashley Ley to Supervisor Hay Re: Highway Traffic Safety Grants
4. Michael Bruen to Mike Levine Re: Rt. 312 Food Truck Vending Application
5. Highway Superintendent M. Bruen to TC Re: 2019 Approved 284 Agreement
6. Highway Superintendent M. Bruen to Willis Stephens Re: Maintenance on State Line Rd.
7. Resident to Highway Superintendent M. Bruen/Town Board Re: Maintenance on Maple Rd.
8. Michael Bruen to Town Board Re: Lakeview Manor Foil
9. Supervisor Hay to Town Board Re: Honey Truck-Rt. 312
10. Ashley Ley to Plng. Dept. Re: SE Plng. Brd. Meeting
11. Warren Lucas to Jodi Weinberger Re: Peach Lake
12. Hudson Valley Regional Council to TOSE Re: 2019 Energy Code Enforcement Training
13. Carl Johnson to TC Re: Vital Records
14. John Pilner to John Lord Re: Rail Trail
15. Stephen DeMeo to Supervisor Hay Re: Starr Ridge Water District
16. Residents to Highway Superintendent M. Bruen Re: Snow Road Conditions, 3/3/19
17. Rachel Martin to TOSE Re: Medical Alert Advice for Website
18. Jamie LoGiudice to TC Re: Bonds Out on Projects
19. Supervisor Hay to Harry Eisenberg Re: Parcel for Sale on Drewville Rd.
20. Cathy Croft to TC Re: 2019 Draft ZBA Minutes
21. Anna Diaz to Supervisor Hay Re: PC Outreach Workers & Senior Resources Contracts
22. Resident to Supervisor Hay Re: E-Waste Program
23. Cathy Chiudina to Town Board Re: Planning Board Actions, 1/14/19
24. Laurie Bell to Ken Clair Re: Numbering of Building Requirements
25. Willis Stephens to Putnam Press Re: Public Hearing Notice
26. Jennifer Bumgarner to TOSE Re: Panel Meeting
27. Eileen Hogan to TC Re: Amended Complaint- D. Sant v. W. Stephens & TOSE
28. Michael Bruen to Mike Levine Re: Rt. 312-Tractor Trailers
29. Bonnie Colombo to Supervisor Hay Re: NOV/OTR-56.-1-23.-1
30. Levon Bedrosian to Highway Superintendent M. Bruen Re: Gravel for Lakeview Manor
31. Susan Rescigno to TC Re: Small Claims
32. Highway Superintendent M. Bruen to Supervisor Hay/TB Re: Defensive Driving Course

33. Brewster Heights Neighborhood Watch to Highway Superintendent M. Bruen/TB Re: Road Maintenance
34. Supervisor Hay to Paul Curran Re: SE Solar Energy Project

Correspondence Sent

1. Laurie Bell to Joseph J. Sisca II & Joseph J. Sisca III Re: Industrial Development Revenue Bonds
2. Mike Levine to Dennis & Kimberley Santucci Re: Permit Application for 47.-3-9
3. Mike Levine to Michael Bruen Re: Food Truck Application-57.-2-46.2
4. A. Gerald Schramek to Property Owners Re: (2) NOV/OTR, 56.20-2-63 & 78.-1-7
5. Mike Levine to Property Owner Re: NOV/NOPO/OTR, 56.16-1-30.2
6. Willis Stephens to Michael Cusack Re: NYS Economic Development Assistance Program Grant Design & Renovation of the Old Town Hall
7. Supervisor Hay to Betty Dobbins Re: Lakeview Manor Construction
8. Mike Levine to Six South East Corporation Re: New Tenant Application
9. Supervisor Hay to Lance MacMillan Re: SE Parking Regulations
10. Tom LaPerch to Barbara Barbarosa Re: Fortune Ridge Barn Addition
11. Tom LaPerch to Barbara Barbarosa Re: Site Plan & Permits-ALFACOR, LLC
12. Mike Levine to Michael Bruen Re: Tractor-Trailer Parking Complaints
13. Joe Hernandez to Property Owner Re: NOV/OTR-67.7-1-13
14. Supervisor Hay to Solar Energy Company Re: Proposals to Install Solar Energy Panels

VOUCHERS

Supervisor Hay made a motion to approve the Vouchers in the amount of \$875,070.00. Councilman Alvarez seconded. All in favor.

MEETINGS

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

Thursday April 11, 2019	Work Session / Regular Meeting
Thursday April 25, 2019	Work Session / Regular Meeting

BUDGET TRANSFERS

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

RESOLUTION NO. 25 / 2019 HIGHWAY IMPROVEMENT FUNDING HIGHWAY LAW § 284 AGREEMENT

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Alvarez

WHEREAS, Section 284 of the Highway Law of the State of New York (“Highway Law”) contemplates that the Town Highway Superintendent and Town Board enter into an agreement designating how funds designated for road and highway improvement together with funds appropriated for highway capital improvements are to be spent in a manner designating locations and the amounts to be spent for specified road improvements; and

WHEREAS, the Highway Superintendent has provided a list of town roads proposed to be improved during the 2019 Fiscal Year; and

WHEREAS, the Town Board wishes to memorialize its agreement with the proposed and planned expenditures of highway funds as outlined below and as contemplated by Section 284 of the Highway Law of the State of New York.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board agrees to the amounts and allocations of road improvement and capital expenditures as set forth in the memorandum submitted by the Highway Superintendent, as amended, a copy of which is annexed hereto and made a part hereof; and be it further

RESOLVED, that an affirmative vote by a majority of the Town Board shall be deemed equivalent to the execution of an agreement by a majority of the Town Board as contemplated by Highway Law §284 and execution of a copy of this Resolution by the Highway Superintendent shall be deemed equivalent to a fully executed agreement as to expenditure of Highway Funds for the 2019 Fiscal Year as contemplated by Highway Law §284; and be it further

RESOLVED, that the Town Clerk shall enter this Resolution into the minutes of this meeting and that a fully executed copy hereof shall be filed in the office of the Town Clerk as directed by Highway Law §284; and be it further

RESOLVED, that the Town Clerk is hereby directed to deliver a certified copy of this Resolution to the Highway Superintendent forthwith.

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 Aye

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

ACCEPTED AND AGREED:

Michael Bruen
Superintendent of Highways

MOTION TO WAIVE THE RULES AND ADD A RESOLUTION

Supervisor Hay made a motion to waive the rules to add a resolution to be brought forth. Councilwoman Eckardt seconded. All in favor.

**RESOLUTION NO. 26 / 2019 RESOLUTION USE OF SURPLUS TO BALANCE 2019
HIGHWAY IMPROVEMENT FUNDING – HIGHWAY LAW § 284 AGREEMENT**

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilwoman Eckardt

WHEREAS, Town of Southeast Highway Superintendent has submitted a Highway Law #284 Agreement that requires an additional \$175,100 to help pay for highway improvements requested in the 2019 Highway Improvement Funding – Highway Law §284 Agreement,

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Southeast Town Board hereby authorizes the Town Accountant to transfer \$175,100 from the Town Highway Department Fund Balance DB00-0911-000-000 to Improvements – DB00-5112-401-000, or to any other budget line deemed appropriate by the Town Accountant within the Improvements section of the Town Highway Department budget to balance the request made for Permanent Improvements in the 2019 Highway Improvement Funding – Highway Law §284 Agreement before this Board this day.

UPON A ROLL CALL VOTE:

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

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

RESOLUTION NO. 27 /2019 REFUND OF TAX PENALTY – PIGAT

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Alvarez

WHEREAS, as a result of a clerical error on the part of the Town, Robert Pigat has been compelled to pay a late payment penalty in connection with the timely payment of his 2018-2019 school taxes and his 2019 county and town taxes; and

WHEREAS, after diligent review, it has been determined the failure to pay the 2018-19 school taxes and 2019 county and town taxes in a timely manner was not the fault of the taxpayer.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the refund of the “late payment” penalty in the amount of Five Hundred Twenty-Five and 07/100 (\$525.07) paid by Robert Pigat for failure to timely pay the 2018-19 school taxes and 2019 county and town taxes on premises known as 4 Larkspur Drive in a timely manner; and be it further

RESOLVED, that the Town Bookkeeping department is hereby authorized to issue a check in the amount of \$525.07 be issued to Robert Pigat in full payment, accord and satisfaction of any claim Mr. Pigat might have against the Town in connection with this matter; and be it further

RESOLVED, that is resolution shall take effect immediately.

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. 28 /2019 INTERMUNICIPAL AGREEMENT
VILLAGE OF BREWSTER – UNIFORMED OFFICERS - SECURITY**

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Alvarez

WHEREAS, the Town of Southeast and the Village of Brewster have previously entered into an inter-municipal agreement (“IMA”) wherein and whereby the Village of Brewster provides uniformed law enforcement personnel to serve as Court Officers in the Town of Southeast Justice Courts; and

WHEREAS, Town and Village wish to expand the scope of this agreement to include the provision of uniformed personnel at other Town facilities functions on an “as needed” and on an established “fee for services” basis.

NOW, THEREFORE, BE IT

RESOLVED, if the Village of Brewster Board of Trustees shall concur, the IMA between the Village of Brewster and the Town of Southeast, wherein and whereby the Village provides uniformed law enforcement personnel to serve as Uniformed Court Officers serving the Town of Southeast Justice Courts shall be amended to expand the scope of the IMA to include the provision of Uniformed Law Enforcement personnel to other Town facilities and functions on an “as needed” basis; and be it further

RESOLVED, that the Town Board of the Town of Southeast hereby authorizes the Supervisor to execute the amended IMA for this purpose in a form and substance approved by the Town Attorney.

UPON ROLL CALL VOTE:

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

The resolution was carried by a vote of 4 to 1, with 0 abstentions.

SUPERVISOR’S FINANCIAL REPORT

Supervisor Hay stated that it’s still to early in the season to report. The Court revenue is still at the same level.

PUBLIC COMMENT

There was no public comment.

TOWN BOARD COMMENT

Councilwoman Eckardt stated that our Annual Cleanup Day will be April 27 & April 28. Also, Morningthorpe Bridge which is a 3.8 million-dollar project being done by the County, should be done this year. The County paid \$700,000.00 and the rest was funded by grant.

Councilman Lord stated that the Village holds a lot of events throughout the year and asked the Town Board if maybe the Town should contribute something to the Village. Supervisor Hay stated that the Town already contributes to the Village.

Supervisor Hay restated that its so important for house numbers to be seen. There were about 330 false alarms last year and there will be more enforcement this year. It is affecting the participation in the

volunteer fire department, it's going down. Also, DEC issued a no-burn period from March 15 to May 15, 2019.

Respectfully Submitted,

Michele Stancati
Southeast Town Clerk