

TOWN OF SOUTHEAST
1360 Route 22, Brewster, New York 10509
Thursday, April 11, 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: 10 Persons

EXECUTIVE SESSION

Supervisor Hay made a motion to open the meeting and go into Executive Session to discuss possible litigation. Councilwoman Eckardt seconded. All in favor.

Supervisor Hay made a motion to close the Executive Session where no decisions were made. Councilwoman Eckardt seconded. All in favor.

WORK SESSION

Discussion – Chapter 71 – Blasting Permit Insurance and Requirements

The Town Board discussed some proposed changes to the Code for blasting. They were, the notification distance, hours of operation, insurance, pre-blasting meetings with the Building Inspector, and maybe add some definitions of explosives. There will be a Public Hearing on the subject in the weeks to come.

Discussion – E – Waste Disposal

Supervisor Hay discussed the different bids that were received by the Town and the County and if it will be cheaper to go with the County bid or individually with the Town bid. The Board talked about filling out a form for residents and other options, whether it will still be located at the Highway Department, hiring 2 part-time workers, what we will and will not take, and the hours and days of operation. Any person or business collecting E-Waste must have a license to do so, according to Putnam County law.

Discussion – Prohibition of Parking On the Southeast Southerly Portion of Railroad Avenue

There was a discussion about people parking all over the road on Railroad Ave, and the Town needs to put up some no parking signs and designate a parking area with about 5 spaces for the diverting reservoir trail.

REGULAR MEETING

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

RESOLUTION NO. 29 / 2019 PUTNAM COUNTY REAL PROPERTY TAX SERVICES

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Alvarez

WHEREAS, the Town of Southeast contracts with Putnam County (“County”) for the provision of certain services in connection with the preparation of the annual assessment rolls and related documentation on a fee for services basis; and

WHEREAS, the Town Board finds that the services performed by the County are essential to the real property assessment and taxation process.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute and deliver to the County a Putnam County Real Property Tax Service Contract for the 2019 Tax Year in the form and substance annexed hereto; and be it further

RESOLVED, that the Town Clerk shall forward a copy of this resolution to the Assessor 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	<u>Aye</u>

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

RESOLUTION NO. 30 / 19 GRANT OF EASEMENT SUNSET RIDGE – SOUTHEAST EXECUTIVE PARK

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Alvarez

WHEREAS, NINTH JAM DEVELOPMENT, LLC, owner of premises located at 185 Route 312 (Tax Map No. 45-1-3) (hereinafter “Southeast Executive Park”), has experienced a significant parking shortage at its property and is seeking to expand the parking available to patrons and employees located thereat; and

WHEREAS, the TOWN OF SOUTHEAST owns certain lands located adjacent to Southeast Executive Park, known as Sunset Ridge Multiple Use Area (85 Independent Way; Tax Map No. 56-1-32.112) (the “Town Property”); and

WHEREAS, due to site restrictions on the Southeast Executive Park lot, the only feasible location to construct the needed parking expansion is located a portion of the Town Property; and

WHEREAS, the Town has been offered reciprocal easements to allow access to the existing Southeast Executive Park parking facilities for the non-exclusive use by the Town when the Town is in need of parking facilities when conducting events at the Town Property (the parking facilities to be constructed and the existing parking facilities located on the Southeast Executive Park property are hereinafter referred to collectively as the “Parking Facilities”); and

WHEREAS, HIGHLANDS CENTER, LLC owns certain lands (105-111 and 115 Independent Way; Tax Map 45-1-2.1 & 2.2) adjacent to the Town Property and Southeast Executive Park, access over which has been offered to the Town and Southeast Executive Park to enable ingress and egress to and from the Parking Facilities to Independent Way; and

WHEREAS, the Parking Facilities, driveways and appurtenant drainage facilities proposed to be located on the Town Property, Southeast Executive Park property and the Highlands Center property have been reviewed by the Town of Southeast Planning Board for compliance with zoning and planning laws, rules and regulation; and

WHEREAS, the Planning Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”), issued a Negative Declaration determining that the proposed project was not likely to have an adverse impact on the Environment, has granted approval for the Project upon certain conditions; and

WHEREAS, the parking, driveways and appurtenant drainage facilities are to be constructed and maintained solely at the expense of Southeast Executive Park and at no cost to the Town.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Supervisor is hereby authorized to execute and deliver any and all documentation necessary and proper to convey and receive such temporary and permanent easements so as to permit the owners of Southeast Executive Park to construct and maintain the parking lots, driveways and drainage facilities, portions of which shall be located upon Town Property as hereinbefore described and to allow the Town permanent access to the parking facilities located on the Southeast Executive Park property, in such form and substance as may be approved by the Town Attorney; and be it further

RESOLVED, the foregoing grant of permanent easement is subject to permissive referendum in accordance with Town Law; and be it further

RESOLVED, the Town Clerk is hereby authorized and directed to post a copy of a Notice of Adoption of this resolution on the official sign board of the Town and cause a copy thereof to be published in the Town's Official Newspaper 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	<u>Aye</u>

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

MOTION TO TABLE THE TILLY FOSTER FARM – PUTNAM COUNTY WAIVER REQUEST – NOISE CODE

Supervisor Hay made a motion to table the resolution and Councilwoman Eckardt seconded. All in favor.

RESOLUTION NO. /2019 TILLY FOSTER FARM – PUTNAM COUNTY WAIVER REQUEST – NOISE CODE

INTRODUCED BY: _____
SECONDED BY: _____

WHEREAS, Putnam County owns and operates an educational, recreational and entertainment facility within the Town of Southeast known as Tilly Foster Farm; and

WHEREAS, Putnam County has scheduled a series of outdoor recreational / entertainment activities and concerts to be held at Tilly Foster Farm during the 2019 Season; and

WHEREAS, the conduct of the aforesaid outdoor recreational and entertainment events will require the use of public assembly systems with sound amplification; and

WHEREAS, Putnam County has contacted the Town to request a “waiver” of the provisions of Chapter 96 of the Town Code which prohibits activities which create an unlawful level of noise as established Town Code Section 96-6 thereof; and

WHEREAS, Putnam County seeks a “waiver” of the restrictions rather than obtain a “Special License” for each event as prescribed by Section 96-8 of the Town Code; and

WHEREAS, it is the sense of this Town Board that recreational and entertainment opportunities at Tilly Foster Farm benefit the residents of the Town of Southeast; and

WHEREAS, it has been represented that noise producing activities for the 2019 Concert Series at Tilly Foster Farm will conclude by 10:00 PM on any given day.

NOW, THEREFORE BE IT RESOLVED that the Town Board finds and determines, that the proposed Concert Series at Tilly Foster Farm will (a) provide a benefit to the residents of the Town of Southeast through enhanced recreational opportunities, and (b) foster inter-municipal cooperation between County and Town government; and be it further

RESOLVED, that based upon the foregoing findings of fact and, rather than require Putnam County to obtain a Special License as anticipated by Section 96-8 of the Town Code for each scheduled event, the application of Putnam County for a waiver of the provisions of Chapter 96 (“Noise”) is granted for the 2019 Concert Season (April 13, 2019 through October 5, 2019) on the condition that all outdoor Public Address Systems utilized for the amplification of music and vocals in connection with such concerts and outdoor entertainment be concluded and turned off by no later than 10:15 PM on any given evening; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Building Inspector and the Town Code Enforcement Officers forthwith.

UPON ROLL CALL VOTE:

Councilman Alvarez
Councilwoman Eckardt
Councilman Larca
Councilman Lord
Supervisor Hay

VOTE: Resolution carried by a vote of ___ , to ___ , ___ abstained.

RESOLUTION NO. 31 / 2019 APPOINTMENT BREWSTER PUBLIC LIBRARY - BOARD OF TRUSTEES

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilwoman Eckardt

WHEREAS, the Brewster Public Library is permitted to have as many as nine (9) members on the Library Board of Trustees as per the Library Charter and the NYS Education Law, and have requested that a ninth member be formally ratified by the Town Board of the Town of Southeast,

NOW, THEREFORE, BE IT

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

Jackie Boissonnault

as Trustee of the Brewster Public Library for a term ending December 31, 2023

And be it further

RESOLVED, that the appointment shall take effect immediately and that all actions taken by said Trustee in her official capacity prior to this formal appointment are hereby ratified and approved *nunc pro tunc*.

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. 32 / 2019 APPOINTMENT OF SPECIAL PROSECUTOR PEOPLE v. SANTUCCI

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Alvarez

WHEREAS, the Town of Southeast provides local prosecutor services in connection with Penal Law and Town Code Violations alleged to have occurred within the Town of Southeast; and

WHEREAS, it has come to the Board's attention that there is a charge pending on the complaint of Kathy Skalaski, a resident of 3 Shady Lane, against Dennis Santucci, a resident of 5 Shady Lane, for alleged violations of provision of Chapter 60 of the Town Code; and

WHEREAS, the Town Attorney is generally authorized to prosecute penal law and Town Code violations in local Criminal Court, the Town Attorney has previously recused himself from matters involving disputes within the Shady Lane neighborhood, thereby requiring a special prosecutor to be appointed herein.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Southeast hereby appoints Laura Roberts, Esq., 37 Fair Street, Carmel, NY 10512 as Special Counsel / Town Prosecutor in connection with the matter *People v. Dennis Santucci* alleging violations of Town Code Chapter 60 (Dogs) and authorizes such Special Prosecutor to fully investigate such alleged violation; and to commence, recommence or continue such criminal and civil proceedings as might be necessary to secure the full, fair and equal enforcement of the laws in connection therewith; and be it further

RESOLVED, that said Special Town Counsel / Prosecutor shall be compensated at the rate of \$150.00 per hour for attorney time, and shall be reimbursed for all necessary disbursements made on behalf of the Town.

ON A ROLL CALL VOTE:

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

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

RESOLUTION NO. 33 / 2019 PARKING-CODE ENFORCEMENT OFFICER APPOINTMENT OF CHRIS DeBELLIS

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Alvarez

WHEREAS, the Town of Southeast has enacted several ordinances and local laws regulating the conduct of individuals and maintenance of real property located within the Town, including, but not limited to laws governing land use, building and property maintenance, vehicles and traffic, and parking; and

WHEREAS, having no law enforcement agency dedicated to the Town of Southeast, it is necessary to authorize and confer jurisdictional authority upon individuals employed by the Town to enforce the local laws and regulations affecting persons and property within the Town.

NOW, THEREFORE,

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

CHRIS DeBELLIS

as a part time Parking and Code Enforcement Officer for the Town of Southeast, hereby conferring upon him all the powers and duties necessary and proper to enforce the various codes and regulations regulating conduct within the Town as set forth in the Code of the Town of Southeast; including such powers as may be necessary and proper to investigate alleged or suspected violations of the Town Code and parking regulations, to file process in the local Justice Court necessary and proper to commence criminal proceedings therein, and to do such other or different actions necessary and proper to enforce and adjudicate alleged violations of the Town Code; all in accordance with applicable law and procedure.

UPON ROLL CALL VOTE:

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

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

MOTION TO WAIVE THE RULES TO ADD A RESOLUTION FOR THE DASNY GRANT

Supervisor Hay made a motion to waive the rules and add the resolution for the DASNY Grant to the agenda. Councilwoman Eckardt seconded. All in favor.

RESOLUTION NO. 34 / 2019 DASNY GRANT – PEACEABLE HILL WATER DISTRICT IMPROVEMENTS

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilwoman Eckardt

WHEREAS, on or about December 21, 2017 the Town Board adopted a resolution authorizing the filing of a grant application with the Dormitory Authority of the State of New York (“DASNY”) to secure a legislative initiative grant in the amount of \$100,000 (“Grant Amount”) for use in defraying the total projected project cost of \$3,600,000 (“Total Project Cost”) for improvements to the Peaceable Hill Water District;

WHEREAS, the Town is in the process of obtaining the grant funds from DASNY under Project No. 9572; and

WHEREAS, DASNY has requested the Town to identify how the difference between the Grant Amount and Total Project Cost will be funded.

NOW, THEREFORE, BE IT

RESOLVED, that the difference between the Total Project Costs and the DASNY Grant Amount will be funded by Bond Anticipation Notes issued by the Town of Southeast; and be it further

RESOLVED, that any and all actions heretofore taken in connection with securing the necessary financing for the Peaceable Hill Water District Improvement Project are hereby ratified and confirmed *nunc pro tunc*.

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>

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

PUBLIC COMMENT

There was no public comment.

TOWN BOARD COMMENT

Councilman Alvarez stated that Saturday, April 27 is Bob Palmer Day. Everyone will be meeting at the Cemetery on Milltown Rd at 9:00 am and then at Saint Lawrence Cemetery at 1:00 pm. Please come out and help with the Bob Palmer project, putting flags on our Veteran's graves.

Councilwoman Eckardt stated it is also Town-wide cleanup day on Saturday and she will be giving out vests, gloves and bags at 67 Main Street.

Supervisor Hay encouraged residents to sign up on the website for Town notices and emails. There is also a no burn period now from March 15 to May 15. Also, make sure your homes are numbered in case of an emergency.

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

Respectfully Submitted,

Michele Stancati
Southeast Town CLerk