

TOWN OF SOUTHEAST
1360 Route 22, Brewster, New York 10509
Thursday, June 4, 2020
WORK SESSION / REGULAR MEETING 7:00 P.M.

Pledge of Allegiance

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

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

This meeting took place by videoconferencing, Zoom, and was recorded and posted on the Town of Southeast website. Minutes were taken by Cathy Chiudina.

Present: Supervisor Hay, Councilman Alvarez, Councilman Larca, Councilman Lord, Councilman O'Connor, Town Clerk Michele Stancati, Town Council Willis Stephens

PUBLIC HEARING:

Chapter 54-13, Burning Permits:

Supervisor Hay: We've had burn permits in the Town of Southeast for quite some time. We found out it actually wasn't in the Code Book and we're going to be entering it with this Public Hearing. The Public Hearing this evening is on burning permits. Again, we've had it in the Town of Southeast forever, but it wasn't in our Code Book and what we're doing tonight is entering it into the Code Book after the Public Hearing. The only major change from any previous call was that it used be from 6am to dusk and it will now be 8am to dusk. It's still the same' it's a DEC regulation between March 15 and May 15 you cannot burn. I'll open it to the public after the Town Board. Before we leave on this matter I want to discuss if there is to be a fee, which I think would be a part of it. So, let's deal with what we have on the agenda to start: March 15 to May 15 and 8am to dusk.

The motion to open the Public Hearing for Chapter 54-13, Burning Permits was introduced by Supervisor Hay, seconded by Boardmember Alvarez and passed all in favor.

Supervisor Hay: We'll waive the reading of the public hearing, Michele?

Ms. Stancati: Yes.

Supervisor Hay: OK, anyone from the public that wishes to speak on the matter of burning permits? Who is going to identify the people on the phone and how they raise their hand?

Boardmember Larca: No one has raised their hand at this point.

Supervisor Hay: But, do they know how to do it. If someone is on the phone, do they know how to do it?

Boardmember Larca: So, if you are just dialed and you're not on a computer you hit, is it *9 Ashley? It will raise your hand and we can unmute you. It doesn't appear that anyone has raised their hand.

Supervisor Hay: OK, we're still going to talk for a bit so they could raise their hand possibly. It's been suggested we consider charging a fee for burn permits. We've done it forever at no fee and since I use it the most, I'm adamantly opposed to burn permit fees.

Mr. Stephens: Tony, we haven't done it forever for no fee. As a matter of fact, there had been a fee, I think the fee was \$15 and during the time when Ruth Mazzei was Town Clerk, I believe the fee was abolished because apparently – and I'm trying to recreate the timeline – the DEC I thought had indicated we could not operate the way we had been operating. The reality of it is that if we're going to be producing these permits for people, it takes time and effort by the Town Clerk and her staff. I believe, as I said, the fee back in the 1990s was at least \$15 and those permits last for a month.

Supervisor Hay: 1990 in my book is forever, so I'm corrected. Again, we've been doing it for quite some time. Michele is there any purpose in getting the fee other than to generate revenues?

Ms. Stancati: No.

Supervisor Hay: I'm not in favor of a fee. Again, it's one of the few benefits and we're not going to have it forever because once we reach the threshold of 20,000 population it won't happen. So, does anyone want to consider putting a fee in?

Boardmember Larca: No, I'm fine with that. I just want to clarify because someone did reach out to me: this excludes firepits, it's more for burning brush and things of that nature.

Supervisor Hay: Yes.

Boardmember Larca: I agree with Tony.

Supervisor Hay: Anyone want to do that?

Boardmember Alvarez: No, I'm good with no fees, especially during this year.

Supervisor Hay: OK, the Law will be posted as written. There will be no fee to it.

Boardmember Larca: Tony, there is that one person who raised their hand on the phone.

Supervisor Hay: OK, go ahead.

Boardmember Alvarez: And Ashley also raised her hand.

Supervisor Hay: Let Ashley go first and then the member of the public who will identify themselves when they speak.

Boardmember Larca: I think Ashley was just notifying us there was someone on the phone. I've unmuted the person who would like to speak.

Supervisor Hay: State your name for the record, please.

Mr. Brennan: Tom Brennan, Allview Avenue, Brewster. I just had a question: you don't allow burning between April and May?

Supervisor Hay: That's a DEC regulation, yes.

Ms. Stancati: Between March and May.

Mr. Stephens: March 15 to May 15

Mr. Brennan: Because isn't that usually like the rainy season. It just seems to me that would be an ideal time to be burning, so you don't burn up a lot of property in case a fire gets out of control.

Supervisor Hay: Again, that's a State DEC regulation, not the Town and I don't see it changing.

Mr. Brennan: OK, that's fine, thank you.

Supervisor Hay: Anyone else? OK, I make a motion to close the Public Hearing. We will leave it open again for 10 days for any written comment on the matter. Is there a second?

Boardmember Alvarez: I'll second.

Supervisor Hay: All in favor?

Board: Aye.

Supervisor Hay: The second Public Hearing this evening is the proposed moratorium on Chapter 54 and 138: limited permits for outdoor seating, bar, restaurants. With that I make a motion to waive the reading of the notification and open the Public Hearing to Town board members and then to the public.

Boardmember Alvarez: I'll second.

Supervisor Hay: Discussion. Anyone from the Town Board before we ask the public? Ashley, what we're going to ask you to do is to go first so we can ask any questions. I've read it and don't have any at this point in time. It's something that I think everyone wants. It's a temporary fix to a poor problem and, of course, we can always make it a permanent fix. So, why don't you identify what we're proposing to do here in the Town of Southeast. Now, ladies and gentleman, after this meeting if there is no objection, and I'll have to ask to waive the rules; we intend to make this a law this evening if it's possible. So, we'll have the Public Hearing and hope to vote on it this evening, which is kind of unusual. Usually we wait two weeks, but as you know the phases have been moved up and restaurants are opening next week.

Boardmember Alvarez: On Tuesday.

Supervisor Hay: So, it will come with perfect time. Ashley and Will, would you like to explain? Ashley, maybe you go first and identify what we're doing here for the restaurants and delis in the Town of Southeast.

Ms. Ley: Currently the way the Code is written, if someone wanted to add a new outdoor dining area to the restaurant or deli, they would be required to seek an Amended Site Plan approval from the Planning Board, which can be a lengthy process. Since no indoor restaurant seating is permitted and outdoor seating is now going to be allowed as part of phase 2 of the re-opening plan, we were looking at ways that we could expedite the allowance of outdoor seating for restaurants and delis within the Town of Southeast. So, what this proposal does is it puts a temporary moratorium on the enforcement of provisions of the Zoning Code requiring Site Plan approval for outdoor dining areas and then it creates a temporary outdoor dining permit under Chapter 54 of the Code, which would be an Administrative Permit that would be issued by the Building Department. Restaurants would have to provide a seating layout; they would have to delineate where the seating is going to be. They're going to have to show that they're meeting the requirements of the State for social distancing and they would be able to open up an outdoor seating area for a temporary amount of time that would be limited to 6 months or when the rules of the pandemic are lifted and indoor seating could resume. If someone wanted to continue this beyond this period of time, they would have to go through the normal process of seeking an Amended Site Plan approval.

Supervisor Hay: I do want to ask one quick question if I could: I know there might have been a change to it; did we make the change on the internet? Is there a change to this from what we put on initially?

Mr. Stephens: The document that Ashley has put up on the screen is the most current version of this proposal.

Supervisor Hay: What is the date on the bottom of the one you have there, Ashley?

Ms. Ley: So, the one that was posted online, I'm not sure we corrected the date on this version.

Mr. Stephens: You did not.

Supervisor Hay: OK, so what I'm going to ask you to do tomorrow so there is no confusion would you please send that one to me tomorrow or tonight?

Ms. Ley: Yes.

Supervisor Hay: And I'm going to repost the entire agenda tomorrow because we had some additions that came like at the last minute and we actually couldn't get them on, but we're going to provide them on the screen.

Ms. Ley: Yes.

Supervisor Hay: Thank you. OK, Town board members?

Boardmember Alvarez: I'm in favor of this. I'd also like to add: can we waive any type of fees, whether they be administrative or permit fees? I'm really concerned for the restaurants and the community. I don't want to see places shutting down and then six months from now we have boarded up restaurants and all that. This is definitely a great way to support our local businesses. I know my family; we've been eating out more since this began than ever before and I'm glad that we decided that hopefully we can vote on this tonight so that we don't delay the process.

Mr. Stephens: To answer the councilman's question: there's nothing in the provision establishing the temporary permit for a fee. The only items of financial issue in there have to do with provision of insurance, much of which would name the Town as an additional insured to hold the Town harmless in the event there is an accident or injury resulting from the operation of an outdoor dining facility that we approve.

Boardmember Alvarez: Thank you, I read that and I saw that but I just wanted to make sure that on the backend somehow the Building Department or whatever...

Mr. Stephens: We have not established any construct or any authority for the application fee.

Boardmember Alvarez: OK, thank you.

Supervisor Hay: And as far as an additional insured, I know that every time I had to get an additional insured on my policy there is usually no charge by the insurance companies. If it is it would be nominal and that would be picked up by the applicant. Again, there is no additional fee to be charged like you were saying Edwin, so that's a good thing.

Boardmember Alvarez: That's great, thank you. I just wanted to make sure, that's all.

Supervisor Hay: Any other Town board member before we go to the public for their comments?

Boardmember Lord: Yes, will we have any expenses related to this? Will the Building Department have to go out and do inspections prior?

Supervisor Hay: Yes, they will, inspections will be required. Again, everything has to be safe and that's one of the reasons we are having the additional insured, but it's part of the job.

Boardmember Lord: The Town will absorb that expense?

Supervisor Hay: We absorb a lot of the expense. It's part of his job to go out there and do it. Whether he's out there enforcing codes or this year it's a code and it's part of his job. No extra fee.

Boardmember Lord: And the Putnam County Board of Health, are they going to have expenses that they're going to pass along to us?

Supervisor Hay: Yes, the Department of Health will go out and verify whatever. I don't think the Department of Health charges and again, what the County does we can't control. If they make a charge for something again, we don't control it. On our end there's no fee and based on what I've heard from the County I don't think there will be any charge from them either.

Boardmember Lord: OK, I just wouldn't want the County to invoice the Town for this.

Supervisor Hay: No, they wouldn't do that. OK, anyone else? OK, we'll open it up to the public.

Boardmember Larca: So, if you've called in and you want to speak you can press *9 and then your hand will be raised. We have someone.

Supervisor Hay: When the person comes on please state your name for the record.

Mr. Brennan: I just want to tell you guys; I really appreciate you being proactive in this and it really is appreciated. As far as the Board of Health is concerned, they come out for instance to my Burger King; they're out there a minimum of like every 3 months so they'll be on top of this anyway and that's part of the fee that I pay to them; roughly about \$700 or \$800 a year for their inspections. So, I don't think that's going to be an issue of them coming back to the Town to bill you guys.

Supervisor Hay: They would never do that. It's never been done. Tom, are you planning on using this for your restaurant?

Mr. Brennan: Yes, I'm planning on putting up 5 or 6 tables up outside on my sidewalk keeping them 6 ft. apart so people can sit out there, especially now that it's nice weather out.

Supervisor Hay: Is that where the speaker is?

Mr. Brennan: Not there, the front sidewalk where the double doors are.

Supervisor Hay: OK. So, you shouldn't have any problems with pedestrian or vehicular traffic there most likely.

Mr. Brennan: No, no, not at all. It's on the building island.

Supervisor Hay: Good luck with it.

Mr. Brennan: People appreciate the seating out there too, especially now, I have to tell you. I'm going to put the tables out there once the looting and all that nonsense goes passed, but I'd like to put there out there on my sidewalk and provide something for my customers.

Supervisor Hay: OK, sounds good.

Mr. Brennan: Thanks guys.

Supervisor Hay: You're welcome. Anyone else with comment on this subject matter?

Ms. Ley: There is another hand raised, Scott I'm going to unmute you.

Mr. Seaman: My name is Scott Seaman. I wanted to comment on this; with a family in the restaurant business, not necessarily in Southeast, but it's a greatly appreciated. It's going to take a long time to re-open on that 25% and it's going to be tough surviving, but any money that you could bring in is appreciated. We're going to probably try it; one location we already have outdoors, we just have to get permission from the Health Department. I'm sure dealing with them all the time it's going to be part of their gig so there really shouldn't be an issue and I'm hoping they'll be cooperative. I just wanted to thank you on behalf of other restaurant and deli people.

Supervisor Hay: Any other member of the public on this matter? Anyone? OK, seeing none we are going to be definitely closing the Public Hearing this evening. We are not going to be extending the Public Hearing because we want to vote on this tonight to get this in place ASAP. So, as I see no other people wishing to speak.

The motion to close the Public Hearing was introduced by Supervisor Hay, seconded by Boardmember Larca, and passed all in favor

WORK SESSION:

Supervisor Hay: Work session: discussion is commercial shooting ranges. John O'Connor, do you want to take the lead on this one? By the way ladies and gentleman, this was on in the past. This is a glossary review of it quickly and hopefully we can have something ready for our next meeting.

Boardmember O'Connor: Just briefly, there was a blanket restriction on shooting ranges in all types of zoning, so just to remove the restriction on the commercial one. Again, this was to remove the restriction on just the commercial zones to open up to businesses of that nature. We're looking forward to a Public Hearing on it and see where that goes.

Supervisor Hay: Any Town board member for comment?

Boardmember Lord: I'm wondering is some application coming or is this...

Supervisor Hay: No application coming, this has nothing to do with the Pugsley Road project, which they tried to weave into it somehow. It was poor timing; they came onto to the table at the same time, but there is nothing coming forward that we're aware of.

Mr. Stephens: If I could interject councilman, I believe that when there was a comprehensive amendment to our Zoning Code at some point having to do with recreation, and it was mostly residential recreation, there was a slip of the hand if you will that essentially made shooting ranges or that sort of use prohibited throughout the Town. I don't think it was ever the intention to make a blanket prohibition of shooting ranges, but it was the unintended result of some amendments that were made several years ago. I think with the assistance of our Planner and Councilman O'Connor, we tried to reverse what was done and still have a situation where it would be a Special Use Permit so that if an application were to come in, not only the Planning Board would review it, but the Town Board would be able to review it and impose reasonable restrictions where necessary.

Boardmember Lord: Yes, I went through it today and made a lot of notes. Second two excluded a lot of things, so that doesn't look like just a slip of the pen, but recreation uses...

Mr. Stephens: I think you misunderstood my statement, John.

Boardmember Lord: I'm sorry.

Mr. Stephens: What my statement was, was that they were trying to prohibit or remove from residential recreation use, gun-related uses, so in a Recreational Zone you could not have it. As a result, it also removed it from use in any other zone. With this construct, it more accurately defines what a shooting range is and provides the Special Permit restrictions and regulations.

Boardmember Lord: What I was referring to is: Section 2, what is crossed out now is 'recreation uses shall exclude automotive or go-cart tracks, shooting ranges, amusement parks, any use of archery equipment, guns, weaponry, or similar equipment that may be used to simulate combat including equipment that has the capacity to propel a projectile or emit a light or laser' so I would think that that would be like a laser park or a paintball park. So, those are also now excluded from the recreation. I don't think it was...

Mr. Stephens: That was recreation that was permitted in a Residential Zone and if you will...

Boardmember Lord: I'm looking at the...

Mr. Stephens: go back I remember there was a time not that long ago, that there was a proposal coming down the pike to put a paintball operation on North Brewster Road.

Boardmember Lord: Yes, Brewster Hill.

Mr. Stephens: And that was when a lot of these restrictions were cobbled together and meant to impact because that is residential property.

Boardmember Lord: I was reading from the definition in recreation, not recreation residential. Anyway...

Mr. Stephens: The way the Zoning Code read was that in residential zones you could have recreation uses.

Boardmember Lord: OK, I also had a question...well the way this reads: "exempt ranges are for law enforcement" or they didn't have to follow a bunch of the requirements for shooting ranges because the exempt ranges were for law enforcement and/or governmental purposes. What would governmental purposes be?

Mr. Stephens: Training facilities for law enforcement.

Boardmember Lord: OK, that would be an exempt range. The proposal for different limits on the operation. It says '1000 ft. from the entrance of any school, daycare center, or church, hospital or park.' I would want it to be from the property line and not just the entrance. I'd also like the distance to be a little bit more. I have someone who lives near me who has his own private shooting range and it's permitted within the Code.

Supervisor Hay: John, that residential as well don't forget; that's residential, not commercial.

Mr. Stephens: It's not a commercial facility; you're allowed to shoot on your own property.

Boardmember Lord: This is preamble to my why I'm telling you I am concerned about these things. I hear him shooting quite often and sometimes it's alarming, so that's why I'm a little bit cautious.

Supervisor Hay: John, if you want to make a change to the residential portion, we would consider that, but right now what's on the table is commercial, just so there's no confusion. Now, if that man brings someone in and accepts payment, that becomes commercial, but I understand he does not do that.

Boardmember Lord: I understand that. I'm just saying that the reason that I'm cautious and I'm bringing these matters up is because I live close to someone who has a range and sometimes it can be troubling, sometimes it can be disruptive and I know some of my neighbors are not appreciative. I think if a commercial range was very close to or not a significant distance from residential or even parks or schools; it could be alarming to people.

Supervisor Hay: So, do you have a recommended distance that you would recommend?

Boardmember Lord: Yes, I would recommend a quarter mile from any entrance and property line of a school, daycare center...

Supervisor Hay: Make it one or the other because no entrance is on a property line. I would make it from the property line.

Boardmember Lord: No entrances on the property line?

Supervisor Hay: No, I can't imagine an entrance on a property line. An entrance would not be on the edge of a property line so if you make it property line you would get further distance than the entrance.

Boardmember Lord: I would want it a quarter mile from any property line of a school, daycare center, church, hospital or park.

Supervisor Hay: That can be considered when we go to actually vote on it.

Boardmember Lord: OK.

Supervisor Hay: And what was the other?

Boardmember Lord: Number 8: Firearms used at shooting ranges. It's limited to rifles, shotguns, pistols, and similar firearms. Use of bows and crossbows are also permitted. Use of fully automatic firearms and explosives are permitted for official police or military training exercises only. I don't think that I'd want explosives. I know that this gentleman that lives near me detonated one one time and it was really alarming. What would the definition of military training be? Who would be using the range for military training in our town? Why wouldn't military training be done at a military installation?

Supervisor Hay: Well if law enforcement from the military is helping out the Putnam County Sheriff's Department or New York State police, we'd give them the opportunity to do it, so it covers them to do that. Let me ask a quick question of Will: will this require a Special Permit in the end?

Mr. Stephens: I think that maybe Ashley could speak to that. I believe when I read it, it was a Special Permit Use but I could be wrong.

Supervisor Hay: OK, so if it is a Special Permit Use, John, those can be written into the Special Permit just like we're doing Northwood Tree Care shortly. It's in there and we adjust the length or distance from the property line can be adjusted at that point and time, but you can make that recommendation but that where that would take place.

Boardmember Lord: OK, on the indoor shooting range, I would want that to have a stricter Noise Ordinance than is allowed in our Code only because if it's indoors I think that it could be made more quiet and I would seek to do that; than our normal Noise Ordinance and that would be a recommendation from me.

Mr. Stephens: State of the art indoor ranges are virtually unnoticeable from a sound perspective outside of the building or the enclosure. It's been my experience. John, you might want to...

Boardmember O'Connor: The technology has come a long way with the lead abatement as well as the noise abatement. So, again, technology has come a long way in that respect.

Boardmember Lord: Good, yes, I would want that written into the law should we go that way. In Section E number 2: I would want no part of the shooting range located within a quarter mile of a commercial property and a half mile from a residential. Three: I'd want the wording "shooting ranges shall be oriented to take advantage of natural terrain and vegetation and must avoid watercourses and wetlands and it should minimize the effects of glare from the sun and minimize noise impacts and safety risks to adjoining property owners and those traveling on local roads."

Supervisor Hay: John, all I can say is the number of feet that you're recommending are really out there and I'm not sure you would be able to put one on any parcel in the Town. So, I'd have to ask Ashley to do a quick run of the properties here in the Town and I think the numbers that you're explaining that you wish for are a bit overboard. You can ask for it and we can look at it and review it and vote accordingly.

Boardmember Lord: On the shooting range, number 4: I would want the indoor range to have a locked door and admittance could only allowed by an attendant after an ID check. Is that restrictive?

Supervisor Hay: No, but Ashley can we write that in there?

Ms. Ley: There were some requirements that were applicable to both indoor and outdoor ranges and that was up in Section B, Supervision.

Boardmember Lord: Right.

Ms. Ley: And that required being at least 21 years of age, not having any felony convictions and that there is at least one range master / fire arms instructor / range safety officer for every five shooters.

Boardmember Lord: And an ID check is done?

Ms. Ley: Let me check.

Supervisor Hay: Well, if they're 21 years of age that would be an ID check, would it not?

Ms. Ley: Yes, that would be an ID check. We can specify, but yes.

Mr. Stephens: Why 21 years of age? I mean you can get a hunting permit at 14 years of age.

Ms. Ley: The range officer needs to be 21 years of age.

Mr. Stephens: OK, I thought you said the person shooting has to be 21 years of age.

Ms. Ley: No, the range officer.

Supervisor Hay: Is there any age on the shooter?

Boardmember O'Connor: That's set by State Statute anyway.

Ms. Ley: I don't think we had that in here.

Supervisor Hay: OK. Do you know what it is?

Boardmember O'Connor: Depending on what type of firearm it is; I think it's 14 and up if it's a rifle or shotgun for people with their parent under supervision. I'd have to look at it.

Supervisor Hay: OK, our law could have an asterisk 'in accordance with New York State DEC regulations.'

Boardmember O'Connor: It would be under New York State Penal Law 265.

Boardmember Lord: And number 5: all shooting ranges shall be designed and it lists at the bottom a minimum design features shall include but shall not be limited to adequate backstop, adequate side berms, appropriate firing line covers; is there a higher standard that adequate and who determines what adequate is?

Boardmember O'Connor: There are organizations out there, I think they're listed in the document. If you go back to that, it talks about the IDPA, the NRA, a few other authorities on that as well as New York State Division of Criminal Justice Services, etc. There are entities within those organizations that establish what a modern, safe range would entail as far as the layout enhancements. That's where I guess any commercial entity that is trying build one of these would have to go to.

Supervisor Hay: Dan Armstrong, on the Planning Board, is big on berms; he'll be right there.

Boardmember O'Connor: What you're looking for: it says adequate backstop, side berms, etc., it states there that the recommendations set forth in the most recent edition the NRA Range Sourcebook published by the National Rifle Association and best management practices for lead at outdoor shooting ranges published by the United States Environmental Protection Agency.

Boardmember Lord: OK, so adequate is the highest standard?

Boardmember O'Connor: Adequate is the standard that the Federal Government is giving.

Mr. Stephens: I would note for the record that the EPA has regulations governing outdoor shooting ranges.

Boardmember Lord: The shooting ranges, again I was hoping that we could have noise restrictions that were better than what we have in the Town Code, only because of the alarming factor. Would it be possible to...well I was going to ask: the start times on Sundays at noon, but that's...

Supervisor Hay: What time do they have?

Boardmember Lord: OK, and number 9: Site Plan drawings, would it be possible to...yeah that's fine. One other thing: are commercial activities allowed inside the shooting range? Are they allowed to sell ammunition or guns?

Mr. Stephens: If they are licensed by the ATF, yes.

Boardmember Lord: OK, is that typical?

Mr. Stephens: The only one that I know of is over in Carmel and they do have a license to sell ammo.

Ms. Ley: The draft does include a prohibition on gambling and alcoholic beverages, but no prohibition on retail sales.

Boardmember Lord: OK, and what other towns in our County or around here have similar shooting range laws like what has been proposed?

Supervisor Hay: Well at least the Town of Carmel must. I know they only have the one. John or Will, do you know of any other?

Mr. Stephens: Putnam Fish and Game is a full shooting range, trap range, rifle and pistol range and they even have archery.

Boardmember Lord: Are they a commercial entity or they're a club?

Mr. Stephens: They're a club, but you have to be a member. They're probably pre-existing, non-conforming, but they've been in existence for many, many years.

Boardmember Lord: One of my last questions: attachment 5 doesn't seem to deal at all with shooting ranges, Section 4. It seems to be coming up with new zoning descriptions for the OP-3. Was that supposed to be included?

Ms. Ley: Yes, so I can clarify that. So, a few years ago when we updated the zoning after the adoption of the Comprehensive Plan, the Comprehensive Plan had suggested combining OP-1 and OP-2 into one OP Zone and then OP-3 was proposed to be OPMU and when the Code was updated and the Zoning Table in back was updated it was corrected in the actual table part, but in the notes section there was a typo that left the notes as being OPMU instead of OP-3 so this is just correcting that typo from a few years ago.

Boardmember Lord: But this has nothing to do with shooting ranges so...

Ms. Ley: It has nothing to do with shooting ranges, but part of this recommendation is to update that table that's in the Code so it's a good time to do it because then we're only asking General Code to update that table once.

Boardmember Lord: OK, so this only pertains to really three areas in Town. OP-3 is Fields Corners. OP-1 and 2 are properties owned by Harold Lepler on Route 22 and (inaudible) and all that.

Ms. Ley: It's not a substantive change, it's correcting a typo.

Boardmember Lord: OK, thank you.

Supervisor Hay: John, if you want to further put any of those comments into writing to the Clerk, they'll be reviewed and we can discuss it.

Boardmember Lord: OK, thanks a lot.

Supervisor Hay: OK, I believe that ends the portion of the work session.

Supervisor Hay made a motion to move to Regular Session, seconded by Boardmember Larca, and passed all in favor.

REGULAR SESSION:

Supervisor Hay: The first item is a Resolution Special Permit ALKA Realty Inc., d/b/a Northwood Tree Care, 25 Fields Lane. Now, Therefore be it Resolved that the Town Board of the Town of Southeast hereby makes the following of fact in connection with the instant application:

1. Provided the stated Special Permit conditions are met, the proposed use is in such a location and in size and character that it will be in harmony with the appropriate and orderly development of the surrounding districts 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;
3. The exterior appearance of the building will not 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 a fiscal burden upon the Town greater than those which characterize uses permitted as of right.

And be it further resolved, that based on the foregoing findings, the Town Board of the Town of Southeast hereby grants a SPECIAL PERMIT to allow the Subject Premises to be used and utilized as a "wood mill" use consistent with Statement of Use and proposed Site Development Plans prepared and submitted to the Planning Board in connection with this Project application and incorporated herein by reference, on the following conditions:

1. The applicant shall operate the facility in compliance with all conditions set forth in Article 10 of the Zoning Code.
2. Raw wood and so-called "first grind" wood piles shall not exceed twenty-five feet (25 ft.) in height and processed mulch piles shall not exceed fifteen feet (15 ft.) in height;
3. The wood mill operation, including all processing and storage areas, shall not exceed five percent (5%) of the Lot Area of the Subject Premises;
4. Materials, materials processing and equipment shall be located in the Outside Storage Area designated on drawing sheet SYI Site Plan – Phase I and II, prepared by P.W. Scott Engineering and Architecture, P.C., dated March 4, 2020; and
5. Noise producing activities, including chipping, grinding, mulching, and the operation of chainsaws, shall occur only between the hours of 9:00 am and 3:00 pm, Monday through Saturday;

And be it further resolved, that the Town Clerk is hereby authorized and directed to forward a certified copy of this Resolution to Alka Realty, Inc. and its agent, P.W. Scott Engineering and Architecture, P.C.; to the Secretary of the Southeast Planning Board and the Southeast Building Department forthwith.

So moved for discussion, seconded by Boardmember Alvarez.

Supervisor Hay: Discussion.

Boardmember Lord: Were any written comments received in the 10 days that we offered?

Supervisor Hay: None.

Boardmember Lord: None, OK. I would move to on number 2: ‘raw wood and so-called “first grind” wood piles shall not exceed 15 ft. in height’ and ‘processed mulch piles shall not exceed 15 ft. in height’ as that was the recommendation of the Planning Board and I think that I would like to adhere to their suggestion.

Supervisor Hay: And I believe during our discussion on that matter, I think most of us did agree on 25 ft. So, you’re making a motion to change the 25 ft. to 15 ft.? Is there a second on that motion? Seeing none it will be passed as read. Roll call vote.

The motion passed with a roll call vote of 4 to 1.

Supervisor Hay: Motion passes. Number 2: Resolution, Standard Work Day and Reporting. Now therefore be it resolved, that the Town of Southeast hereby establishes the following standard work days for elected and appointed officials for 2020 and will report the following days worked to the New York State and Local Employees’ Retirement System, based upon the record of activities maintained and submitted by these officials to the Town Clerk. So moved for discussion.

Boardmember Alvarez: Second.

Supervisor Hay: Discussion. All in favor?

Board: Aye.

Supervisor Hay: Number 3: Resolution Drew Realty Lot 1, Fields Lane, Architectural Review Board. Now, therefore, it be resolved, that the Town Board hereby accepts and approves the Report of the Architectural Review Board dated May 28, 2020 in connection with the application of Drew Realty, which seeks site plan approval for a Nursery Use (Landscape Supply) to be located at Fields Lane on parts of current Tax Lot # 78.-2-4 and 78.-2-5, including the construction of a 10,500 sq. ft. commercial storage building, outside storage and associated site improvements (a copy of the ARB Review and Report is annexed hereto and made a part hereof) and that such Report shall be incorporated in any Final Site Plan subsequently reviewed and approved for this project by the Planning Board. So moved for discussion.

Boardmember Alvarez: Second.

Supervisor Hay: Discussion. All in favor?

Board: Aye.

Supervisor Hay: Number 4: Restaurant Depot, Route 6 / Danbury Road, Brewster, NY – Architectural Review Board. There was a change to it this evening so I will ask to waive the rules on that submission; there was a typo and we changed it and it had a few extra words added to it. So moved?

Boardmember Alvarez: I’ll second.

Supervisor Hay: All in favor?

Board: Aye.

Supervisor Hay: I will read the resolution as presented this evening. Now, therefore, be it resolved that the Town Board hereby accepts and approves the Report of the Architectural Review Board dated May 28, 2020 in connection with the application of the Stateline Development which seeks amended site plan approval for a Large Retail use (Restaurant Depot) to be located on Danbury-Brewster Road occupying parts of current Tax Map IDs 68.-1-48.1 and 68.-1-48.2, including the construction of a 57,500 sq. ft. commercial building, associated site improvements and signage (a copy of the ARB Review and Report is annexed hereto and made part hereof) and that such Report shall be incorporated in any final Site Plan subsequently reviewed and approved for this project by the Planning Board. So moved for discussion.

Boardmember Alvarez: Second.

Supervisor Hay: Discussion. All in favor?

Board: Aye.

Supervisor Hay: Next is the recognition of Public Comment. As you know the public has until 6:00 in the evening to make their comment.

Boardmember Lord: Are we going to vote on the restaurant?

Supervisor Hay: Yes.

Boardmember Alvarez: Are we going to waive the rule?

Supervisor Hay: Sorry, I'm jumping the gun. I'm looking at my agenda and we made a change to it so I apologize. What we have this evening, we're going to first put up for vote a SEQRA Classification for the outdoor seating. I make a motion to waive the rules to accept that document. Actually let's do it as a package since we're going to do both. So, it's the SEQRA Classification and a Resolution to adopt Local Law #5 of 2020 pertaining to restaurants.

Boardmember Alvarez: I second.

Supervisor Hay: All in favor?

Board: Aye.

Supervisor Hay: So, that's the motion to accept it for this evening's meeting. Now we will read it accordingly: SEQR Classification: Now, therefore be it resolved that the Town of Southeast Town Board, pursuant to the State Environmental Quality Review Act (SEQRA) and 617.5(c)(33) finds that the Proposed Action is a Type II Action under SEQRA and no further environmental review is required. So moved for discussion.

Boardmember Alvarez: Second.

Supervisor Hay: Discussion. All in favor?

Board: Aye.

Supervisor Hay: On the approved amendment that came forward this evening as well: Now, therefore be it resolved, that the Town Board of the Town of Southeast hereby adopts Local Law No. 5 of 2020 pursuant to the Municipal Home Rule Law amending Chapters 54 and 138 of the Town Code establishing a temporary moratorium on enforcement of certain provisions of the Zoning Code relating to Site Plan approval and to establish a Temporary Outdoor Dining Permit, and be it further resolved, that the Town Clerk be and hereby is authorized and directed to (a) enter said Local Law into the minutes of this meeting and in the Code Book of the Town of Southeast; and (b) give due notice of the adoption of said law by filing such with the Secretary of State of New York within the time required by law. Behind that as well is an actual copy of the local law, which will be posted again on the website tomorrow. So moved for discussion.

Boardmember Alvarez: Second.

Supervisor Hay: Discussion. All in favor?

Board: Aye.

Supervisor Hay: OK, now we're going into the recognition of public comment and recognition of the Town Board. Two submissions were made to the Town Board prior to 6:00 this evening. The first comes from Scott Seaman and he states: "the District is distributing information about the upcoming vote and ballot procedure. We are trying to reach the voters who may not receive information as they do not have children in the school. Dr. Bandlow's office will be forwarding the information under separate cover." He says "feel free to reach out to Dr. Bandlow or the Board of Education for any assistance in this matter." That was Scott and he is a member of the Board of Education in the Brewster Central School District. Second, we had a letter from the Village of Brewster dated June 4, 2020: "Town of Southeast Council, The Village of Brewster Trustees would like to inform the Council of this Board's disapproval and anger about the events that have taken place in the last two days. The Village of Brewster Police Department had spent the last three days preparing for any outcome that may have occurred due to the demonstration for the Black Lives Matter movement to have that plan completely disrupted due to the poor decisions of a Town Council member is appalling. To have a council member make a decision without consulting the Village of Brewster Board of Trustees or even its own Board as well as the Village of Brewster Police Department to change the location of where a protest is and possibly endangering the public that the

Town of Southeast represents is negligent and disrespectful. This Board has done nothing but cooperate with the Town on this matter by keeping everyone informed and offering the Village Police Department to keep the protest peaceful. The Village of Brewster Police Department had spent many hours planning and preparing for what could have possibly been this event, are thankful that when organizers announced it would be a peaceful vigil and the Brewster Police would still have a presence at the event. The Town of Southeast Council is extremely fortunate that the Village is now able to hold this vigil with little notice and minimal time to prepare. If this was not a vigil and the group that was protesting was outraged with the Town for not allowing them to protest, this could be extremely dangerous for the members of this community. The Village Board would like to remind the Town of Southeast Council that the Putnam County Sheriff's Department has no jurisdiction in the Village of Brewster to do anything except uphold the law. The Town council member who told the Sheriff's office who notified the organizer that the location of the vigil was changed without consulting the Village first should be condemned for his actions. The Village Board of Trustees are outraged about the lack of respect by the Town of Southeast and would like to be heard at the Town Council Meeting on June 4, 2020 during Public Comment." I have made their comment part of the record. I want to speak to the audience as well as my board members. I hate Facebook, I hate all this social media. I'm telling you right now there are people out there that are just stirring the pot and just trying to make something of nothing. So, let me tell you exactly what happened. On Monday I had to go upstate for something and I received a phone call from a local businessman and resident asking if I was aware of a protesting being proposed in the Village of Brewster. The first thing I said to myself 'it's the Village of Brewster, we have nothing to do with the Village of Brewster.' When I got back that person had forwarded me the following: at the top left it says their names and it says Brewster Black Lives Matter Protest March. It went on to state "racism in the world in our county is unacceptable. We as human beings have normalized this horrible way of life for too long. Change starts now. Enough is enough. Brewster, whether we want to accept it or not, is an ignorant town. Now Brewster it's out of Southeast, but I don't know if we're ignorant, but they state that. There are ignorant people here who believe that black people are lesser due to their skin color. This is our chance to educate those people. The world won't change until we do. Our families, communities, etc. We must be the change we want to see in the world. On Friday, June 5, let me make our stand. Let's help our black brothers and sister voice their innocence and right to live peacefully. We must let the black community know that we are with them. We will never understand their pain and fear, but we can acknowledge their suffering. We can use our white privilege for good. We can do better." Now, I received a phone call and the person sent me an email at 4:50. At approximately 5:42 I received a call from Mayor Schoenig and Mayor Schoenig called me and informed me of this; this was forwarded to me by a private resident and not Mayor Schoenig. He said to me is Markel Park locked. As you know, Markel Park is one of the few Town recreational facilities we have. All our recreational facilities have been closed since the Governor ordered recreational facilities and parks to be closed and ours have been closed. When Jim asked me that I found that to be a very simple answer and 1) the answer is yes it was closed and he said would you open the lock. When I agreed to open the lock, I didn't check with you, I didn't feel the need to check with you. All I was doing on behalf of the Village was opening the lock on that gate to allow people to park vehicles there during the day. Now, when Jim and I spoke, and Jim agrees, it was for a protest march. Now, everyone wants to beat up on the Village and the Mayor and now myself. I did wrong maybe, but I make a lot of these decisions on my own and it was a simple matter. We had another municipality asking for mutual aid and not only that we have an agreement with the Village of Brewster with a Certificate of Insurance, Town of Southeast provided additional insured status for use of parking spaces when required by written contract or agreement and I made the agreement. So, if you want to blame someone, I'll take full blame, but all I did I was going to open that gate to allow parking to relieve the pressure of any parking problems that may be experienced in the Village. As you know, Markel Park is down on the other side of Town past the firehouse. I did not open the park, I opened the parking area, not the park. You can't have both. We're not going to have a play on words and I'm not going

to get into it. I tried to do good. Mayor Schoenig at the time was under the same impression that I am because it started out back then as a protest march. Now, these people are not in touch with the Mayor, they're not in touch with me; I don't know who they're in touch with. They're out there on Facebook and whatever other media they're going through and they are picking the location: they say this is what we're doing and where we're doing it. They didn't apply for a permit; they didn't do anything and if you recall maybe two days ago 84 over in Connecticut was closed down. People who didn't apply for a permit, didn't provide any insurance certificate like the Village of Brewster provides to us and they closed down 84. So, I'll take responsibility. I think we owe it our residents and the residents of the Village of Brewster to be proactive and I said yes to unlocking the gate. Now, I did have two council members that contacted me and said they had received phone calls from concerned residents about this taking place. I then contacted the Town Attorney and he didn't agree with me. So, I called the Mayor back and said Mayor I am not unlocking the gate. If I had my own choice, I would have done it, I think it's the right thing to do but it's me. I'm not saying that anyone did anything wrong as far as I'm concerned. I again take full responsibility. Now, right after that phone conversation with the Mayor, he in turn sent to me at 5:48 the same day on June 1, Monday and it's from New York City Antifa and of course they are all over the news. They are out there protesting and doing this and that. Every protest starts off as peaceful, but you never know if it's going to turn. There is always someone that wants to upset the applecart. Just like these people out there on Facebook yacking away, they don't know what they're talking about. So, this one says "tonight we begin our festivities in Brewster, NY. Buses will be running from Harlem, 125th, and Lexington to Lincoln Road and Putnam Avenue in Brewster." I hope we all know where Lincoln Road is, do you know where that is? It's the bottom of Brewster Heights. That road running up is Lincoln Road and Putnam Ave is the back road going down by Beecher's Funeral Home. I am going to tell you right now, if you looked on a map you couldn't find it. Then, they go on to say "we're going to white hoods taking back what is ours. Get ready." That doesn't sound very peaceful to me. Now, white hoods; I'm saying the only thing I remember as a kid of white hoods is the KKK, but that doesn't do it. I was so embarrassed when I asked someone what does it mean and it meant neighborhoods. It has been blown out of proportion. I think there is definitely an issue and I would strongly suggest any member of our Town Board to please reach out to the Mayor and sit down with him and explain what has transpired. We're not going to mention names, but I just want people to go there. Evidently now this is going to work out. They're going to have it take place and like he said in the letter, hopefully everything will go peacefully, but if any of you have anything of that nature, I just suggest that you reach out to the Mayor and discuss it with him personally. Other Town Board member comment?

Boardmember Alvarez: I had received two text messages, the same ones you actually read, and I had reached out to Mayor Schoenig and a couple of other law enforcement people just to make them aware of the situation, but I had no idea of the conversation going on with Markel Park. Had I known initially I would have supported your decision to open it. I would have been guilty of not talking to Will and would have changed it later on, but again I had no idea this was going on until tonight right before the meeting when you sent the email out. All I can say is that I apologize to the Trustees of the Village.

Boardmember Larca: I also attended the meeting of the Village Board last night. I was going to ask them to follow up on a complaint I received and then also if they issue permits to peddlers or people who do solicitation because it seems to be becoming a problem in the Town. When I joined, they were discussing this matter and there were a lot of accusations as they put in their letter. Again, I got some complaints about opening the park, I reached out to Tony, we went through it. He told me that he was opening the parking lot and that he had been in touch with Mayor Schoenig and that the police department was involved and it was going to be a safe and they had a plan for it. That calmed my concerns and I hadn't heard anything else about it until I joined the meeting last night. Had I known about it or it was discussed I probably would have agreed with Tony. I may have made a recommendation to use a different park or to not open the park, but there are parks that are not fenced

off and since no one is going for permits for these types of things, maybe there was a better location such as Electrazone Field or something like that. I share Edwin's sentiments about the communication breakdown here, but it sounds like, Tony, you had told Jim the gate would be locked and that was a little bit different than what went on last night. I can only comment to my involvement and what that was so those are my comments for now.

Supervisor Hay: Again, my initial reaction was a definite yes without any thought whatsoever. Again, helping and the mutual aide happens all the time. By the way, I was never contacted by anyone from the Sherriff's Department or any other department, just Mayor Schoenig. He was a perfect gentleman the entire time with our conversation. I know he was a little upset when we told him we couldn't do it, but again, I had other board members – not make comment, they received information and comments from the public and I did check with the Town Attorney and thank you Will for setting me straight because you know I'm kind-hearted and always try to do what I think is the right thing, sometimes not. In this case I think it would have been.

Mr. Stephens: If I could interject for a second: when you called me, my question to you was "why are the parks closed?" and you said "because the Governor ordered them to be closed." I said "if you're going to change the policy i.e. open all the parks, then change the policy" and that is where we left it.

Supervisor Hay: A park in my mind, you can say whatever semantics you want, I was not opening the park, I was opening the parking area for the Village of Brewster to allow a march on the Village. When it started out it was supposed to start there based on these people who have nothing to do with anything and they had no idea where it was going to go to. So, the Village had more information than us, but they didn't have full information either.

Mr. Stephens: Well, in total candor, I read some of the Facebook postings and I believe it was always intended to take place at Markel Park and as far as I know no one ever contacted the Town in any form or manner email, phone or otherwise to request that that park be used.

Supervisor Hay: No they did not by any means. The Mayor did because he was up against it because these people said 'we're going to start here in the Village of Brewster,' which is our park. Again, it may be semantics, I did not open the park I opened the gate to allow for the parking; just to be on the record. Anyone else on that matter?

Boardmember Lord: I think some of the Village board members may be listening in on the meeting. Would you consider hearing a comment from them?

Supervisor Hay: Not yet, not our normal protocol. Our protocol has been the same through all these Zoom meetings. They had the opportunity to make comment. I think I spoke well on their behalf, maybe I didn't, but by 6:00 in the evening and that's our policy.

Boardmember Lord: OK.

Boardmember Alvarez: They did send a letter and they're all on. I think just as a courtesy we should allow them. I mean it's almost no different than public comment sometimes. I mean if they have something to say I'd like to hear it

Supervisor Hay: I believe they'd probably have something to say. Roll call vote on it.

The Board voted 4-1 in favor of allowing the Village of Brewster to speak at the Town Board Zoom meeting.

Supervisor Hay: It was a policy I brought to this Town and you can challenge the ruling of the Chair if you choose. Now whether this is a challenge to the ruling of the Chair, you can challenge my ruling and I don't get to vote. Then, you can make it unanimous.

Boardmember Alvarez: Not challenging you to Town, just simply there are times that you have to make exceptions to the rules, that's all.

Supervisor Hay: If someone wants to make a challenge to the chair you can do that. I don't get to vote on that challenge. I'm not going to be upset by it. I'd like them to speak, but we have a policy and I'm a stickler for adhering to policy.

Mr. Stephens: What was the last vote?

Boardmember Alvarez: Tony voted no, that was the last vote.

Supervisor Hay: It has to be unanimous to bend the rule. Look it, I didn't, John brought it up. It's nothing against Tony Hay. You can challenge the chair, someone second it. Anyone, you're not going to hurt my feelings.

Boardmember Alvarez: I'll second.

Supervisor Hay: OK, roll call vote on challenging the chair, which would prohibit me from voting and allowing the Village of Brewster to speak; I'm just going by principle.

The Board voted in favor of challenging the Chair and allowing the Village to speak by a vote of 4 to 0.

Supervisor Hay: OK, let them raise their hand to speak.

Boardmember Alvarez: Eric, are you unmuting people?

Mayor Schoenig: Just to clarify a little bit what Tony had spoken about. I call him after we found out that this protest was going to start at Market park. We had no idea where this thing was going so as a courtesy to him because it is Town property, I gave him a call and asked him if he would open up the gates because that's where the protest was supposed to start; where it was ending up we had idea and it would have been easier to just have people park in there instead of trampling over the fence or destroying anything like that. So, when Tony had said yes and then we get a call from the Sherriff's Department that everything changed yesterday after three days of us planning on how to take care of this. After that, when we decided to go to Wells Park or it was pushed on Wells Park, the question became last night 'who authorized that this protest that was going to start at Markel Park go up to Wells Park' and that's a question that this Village Board has as to who on this Board had authorized to take it off where it was supposed to start at Mark Park and then decided to push it up to Wells Park.

Boardmember Alvarez: This is the first time I'm hearing this so I don't know if there's an answer to this or not.

Supervisor Hay: It was not myself.

Boardmember Larca: Mayor Schoenig, this is Eric, again I had no clue this was changing. I had concerns. I heard from the public. I listened and talked to Tony about it. I was satisfied with his responses and that was it.

Mayor Schoenig: Well now it's gone further than this because now we've received information tonight that due to the vigil tomorrow being pushed to and debunked to a smaller event because of the fear tactics by some now they're marching on Main Street, so thank you. We appreciate this because now this thing is a total disaster and if you think you were helping us out, you weren't and to go around our backs without making a decent phone call to us shows total disrespect for us. Besides that we lease that park from the Town so my question then becomes, if the Town did not lease it to the Village would they have sent it up there anyway or was this just a 'let's get it out of the Town, we're not going to have a protest on Town property, let's send it to the Village.'

Boardmember Alvarez: Mayor, I'm confused, I mean do we know...you claim or say that somebody I guess changed the venue on this? I know it wasn't me. Eric says it wasn't him. Tony says it wasn't him. That leaves the two Johns. I don't know if this is just miscommunication, hearsay.

Mayor Schoenig: No, it's not miscommunication because I was on the phone with my police chief, who was at the Sherriff's Department. We we're discussing how this was going on and then all of a sudden everything changed. So then the Sherriff's Department decided to call the people that were protesting and said you can't do it in Markel Park, you have to do it up at Wells Park. They have no jurisdiction on that.

Supervisor Hay: Jim, I have just one comment based on what you just said. Initially, as you know I read that it was supposed to be a march and now the march is taking place so what is the difference there?

Mayor Schoenig: Well the difference is because if there was going to be a march and it started at Markel Park and where ever it was going to go, it was easier to control.

Supervisor Hay: Where is it supposed to start now, do you know?

Mayor Schoenig: Wells Park. So, now we have people that can go two, three different ways in a neighborhood. When before, we had it on a main street and we were figuring that they were going to go to the train station and it would have been up to the train station and it was easy as anything to control. Emergency service was involved with this, the Sherriff's Department was involved with this, the State Police were involved with this and then your board member decided to change everything after three days of us wasting our resources trying to figure this out.

Boardmember O'Connor: And what board member was that?

Mayor Schoenig: You.

Boardmember O'Connor: Really?

Mayor Schoenig: Yes.

Boardmember O'Connor: And how do you know this?

Mayor Schoenig: Because when my chief was on the phone, he asked me who is John O'Connor.

Boardmember O'Connor: OK, so when I was on the phone...after I concluded a conversation with Supervisor Hay who said the park is going to be locked, I said are you going to inform the Sherriff's Department of that and then hearing no answer I called the undersheriff and let him know that that park was going to be locked. As far as anything else that occurred, that's out of my jurisdiction.

Mayor Schoenig: Well, I was told that you had said that the park was going to be open and then you went back to the Sherriff's Department the next day and said that the park was going to be closed.

Supervisor Hay: That's true because I made the comment and when I had comments from two board members and I spoke to Will, I called Jim immediately and I apologized. I said I'm not going to unlock the gate.

Mayor Schoenig: So, the question is: why wouldn't you have the decency to call this Village and discuss it with us. Who authorized to go up to Wells Park? You don't know, of course.

Boardmember O'Connor: It wasn't me. They asked me about Electrazone Park, they said that belongs to the New York City DEP. They asked me about is there anything else. I said Garden Street School got sold so that's private property and Wells Park I believe is in the Village. Did they reach out to you about that?

Mayor Schoenig: No, it was changed and from I'm told from the Sherriff's Department, it was changed because of you.

Boardmember O'Connor: It wasn't changed by anybody on this Board so you're looking in the wrong place.

Mayor Schoenig: No, I'm not.

Boardmember O'Connor: Yes, you are.

Mayor Schoenig: No, I'm not.

Supervisor Hay: OK, John, please. John, maybe you guys can get together some time and talk it out, but we're not going to go back and forth. John said what he said. The Mayor is saying what he's saying. It's not going to go anywhere. Jim, anything else on this? Again, I apologized and if I had to do it again I would do it. I just think it was the right thing to do but it is what it is.

Boardmember O'Connor: You're saying a lack of communication from the Town to you. I see every member of this Board, other than the supervisor to a small degree, also seem to lack communication on this whole thing. We did not know that you were engaged with the State Police, the Sherriff's Department, MTA police from what I understand; all these agencies conducting an operation on Town property. So, where was the communication coming from the Village on that may I ask?

Mayor Schoenig: The communication was as soon as we found out they wanted to start at Markel Park I reached right out to Tony. This had all been in the works before we found out where this protest was going to start. Once we found out where this protest was going to start, my first call was to the Supervisor: Tony, it's on Town property, it's not Village, the gates are closed over there. If there is any possible way you could open these gates so that we don't have any issues with people trampling the fence because the fence is so small you can walk over it. You can walk through the

gate, even though the gate is closed to traffic, you can still walk around it because there is like a 3 or 4 ft. opening over there.

Supervisor Hay: And I said yes to that.

Mayor Schoenig: Right and I reached directly out to Tony after I heard where this was supposed to start.

Supervisor Hay: And I had no communication with any law enforcement whatsoever; just the Mayor and myself and I don't know if I should have been. The Mayor communicated with me, I communicated with him – no foul. I don't think, but it is what it is. I saw Tom Boissonault had his hand up possibly. Mayor, do you have anything else to say?

Mayor Schoenig: No.

Supervisor Hay: Tom Boissonault, you had your hand up earlier: do you still want to speak? OK, I see a thumbs up – what does that mean?

Mr. Stephens: That means he wants to.

Mr. Boissonault: Well, it sounds like you sir were in contact with the Sherriff.

Supervisor Hay: Who?

Mr. Boissonault: I'm talking to Mr. O'Connor.

Boardmember O'Connor: I was briefed Tuesday during my day shift at the County on the fact that Markel Park...it was a surprise to me that Markel Park was being used for this event. I was being briefed, along with a number of other people, on all the events that were going on throughout the County and then the Commissioner of Services turned to me and said 'is Markel Park unlocked?' I said I don't know. I actually didn't know it was locked.

Mr. Boissonault: And you mentioned Garden Street School but not Wells Park?

Boardmember O'Connor: What's that?

Mr. Boissonault: Earlier you mentioned that I said Garden Street School is there; you mentioned Garden Street School but you didn't mention Wells Park.

Boardmember O'Connor: No, I said to the Sherriff...

Mr. Boissonault: I'm just using your words.

Boardmember O'Connor: Yes, I said Garden Street had been sold and I said I believe Wells Park was a Village property.

Mr. Boissonault: Folks, the problem our Board has with this is we had a park, we obviously didn't want the protest there in Markel Park; we didn't want the protest anywhere in the Village or in the Town, but we were dealing with a bad situation. But Markel Park is not in a residential area per se or is not in as much of a residential area as Wells Park is. So, now we have a protest in our residential area: Oak Street is there, Prospect Street is there. All of our Village is 0.4 square miles. So, when you switch it off of a main street, which is where Markel Park to a private road, which is where Wells Park is now you've invited all these protesters to try to come to Wells Park. One of the biggest problems Wells Park has is we have no parking – zero. So, now all of these protesters, it could be 10, we don't know, we don't know with social media – it could be 10, it could be 100. Now, all those people are going to need to park. We can fit 35 cars in Wells Park on a good day with direction. On a bad day you can get 15 or 20 cars in there. The rest of those people are now going to be parking in our residential streets and your residential streets. Each one of you guys represents the people of the Village also. We vote for you, we expect your compassion, we expect forethought. We needed your help. We didn't need this pushed into a Wells Park, which is a terrifically bad venue. There is one way in and one way out. The rest of it is completely fenced in. We have a playground there. Our park has been closed for the season since the end of the year. So, it's actually been closed longer than Markel Park. A phone call to anyone on the Board would have told you – he guys we can contain it the best we can. We don't know what we're up against; we've been planning for three days. We don't want this. We know that these protests happen whether you want them to or not so we're planning because that's what we're supposed to do and the Mayor called you guys, called the Supervisor and started formulating a plan and now we have a protest that's going to begin in a residential area. Now, because the venue has been moved so many times the protesters are going to

march down Main Street. Guys, we all need to work together. You know the Town and the Village we spar back and forth, but we all got into this to make this place better. We all took these jobs; we all swore to make this place better and to keep the people safe. My constituents are the people within 0.4 square miles of me. I'm a very small fish in a very small pond and we vote for you guys and we want to get along with you guys. We hope to get along with you guys in the future. We need to get along with you guys because when things like this happen, we need good communication. I don't know what happened here, but all I know is we have a protest. I don't know if it's going to go well, I don't know if it's going to be a bad protest. We just don't know., but it's now in our neighborhoods and that's what I wanted to say. It doesn't matter who did what, but we all can't act on our own in certain situations. Yes, we can make calls: if there's a Code violation on our own, we can do all these things, but we have to act as a Board or Boards. I'm just terrifically saddened by the fact that we all couldn't get together and do this well and that's really all I have to say.

Supervisor Hay: So, with that, I will take full responsibility. My job is to be the supervisor. I don't have to tell you how many hours I'm here every day, the past week has been really bad because I'm putting together the plan that's going to be out Monday for the re-opening of the Town. So, I will apologize. I have done this on numerous occasions unbeknownst to you guys and I don't think I need to call you and tell you. I opened Tonetta Lake Park two weeks ago. I unlocked the gate, not for the park but for the ladies that sell the flowers every year. Every year they come to us; they supply a Certificate of Insurance. I think it was planned prior to the Corona Virus and I let them in the park. We unlocked the gate only for them to set up that. They practiced social distancing although it wasn't part of the thing early on. I made sure that they wore masks and they stayed 6 ft apart. I didn't tell you and I don't know why I would tell you. The Post Office two years ago, they re-paved their parking lot. They contacted me and asked can they use Scolpino Park to park their vehicles. I said yes, I didn't tell the Board. Look we are dealing with I hate to say crazies, but it's really – I don't know you got good guys, you got bad guys; we're peaceful. Hey, everybody is peaceful until something goes wrong. So, I will take full responsibility for the lack of communication with the Board. I would probably do it again the same way because I'm here. I didn't think it was a big deal to unlock a gate and allow 10-20 cars, they weren't going to be using the field and I didn't consider it opening the park, I don't. Now I heard people wanted to bring it down to Electrazone Field because it doesn't have a gate so people could just walk there. I don't believe that, it's the same damn thing. It's our park and if it's locked, they shouldn't be there. So, I'll take full responsibility for lack of communication and if you want me to resign it ain't happening.

Boardmember Larca: Hey Tom, I just want to say I appreciate your comments and I think we should all move forward, the Village and the Town, with better communication because I think it will do all of us good so I agree.

Supervisor Hay: Any other comment on this subject matter? Town Board members any comments? Is there anyone else? I see Jamie and Scott, if you want to make a comment it's open to the public. Do you want to make any comment?

Boardmember Larca: I'll make a comment for Scott that I received my ballot for the school budget today in the mail. I think I read something in there that it needs to be there by the 6th. I think? That's can't be right, I don't know if Scott wants to comment.

Supervisor Hay: It is, it's not like a general election where it's postmarked the day of.

Boardmember Lord: 5:00 on June 9 is when it has to be back to the District Office and the District Office is accepting ballots.

Boardmember Larca: Scott raised his hand; I don't know if we can allow him to speak.

Supervisor Hay: We opened it up to the public.

Mr. Seaman: Yes, there was an issue with the ballots on the supply chain and it got delayed. Actually, my daughter just got hers today as well. Our fear is that we sent out notices saying please fill it out and mail it back. They have to be postmarked and received by the Brewster Central School District by Tuesday at 5:00pm. Knowing the mail in Brewster, it's hit or miss I would say. There is a lockbox outside the central office on Farm to Market Road that will be accepting ballots. People can

drop them off, of course with social distance rules. If you see someone else, wait for them. But there is a box and it is monitored by the Sherriff's Department, we have cameras, and it's monitored by school people as well. So, we ask that whichever people are comfortable with, but they do have to be received by Tuesday. Like I said by 5. Anything after that by State Education Law and Executive Order it's not accepted and we want to make sure that the people have their vote. Dr. Bandlow I believe forwarded some information. I did send it to the Village and I also sent it up to Patterson that they can inform their voters as well. In case there are any questions, there's a frequently asked questions section, there's all kind of information available on the link and we're just trying to get the information out. I appreciate your giving me this time to put the message out.

Supervisor Hay: Scott I have one question: is this normal? I mean with general elections you're allowed one week with the postmark. Did the State say that you only had that amount of time?

Mr. Seaman: I believe it was part of the Executive Order because we have never had an only by mail vote and there are only four or five companies that produce these ballots with the barcodes and everything and then you had 700 school districts looking to get this done in like a week or two so it was a little bit cumbersome shall we shall – that's a nice way to put it.

Supervisor Hay: Anyone else have anything? Any comment from the Board? One order from the governor's office is we will have a Zoom meeting as our next meeting, today is the 4th so it will be on the 18th Michele?

Ms. Stancati: Let me check, yes.

Supervisor Hay: That will be a Zoom meeting. I already contacted the videographer and told him until the lifted the order for social distancing. Again tomorrow I'm going to be distributing to the entire Town employee chain, which will be yourselves; I'm going to hand deliver to each department. Thanks to John, he allowed us to get a lot of the equipment we needed from Putnam County and thank you Putnam County for supplying it – infrared thermometer that you put to your head. We will pass that out tomorrow and you will all get it by email. I spent quite a bit of time putting it together; I may have said too much, I may have said too little. I had the social distancing by department how many people will be there. The social distancing rules. In this courtroom I identified every area, every department the maximum number of people per room, when they have to wear a mask. I probably missed something. The weird thing is we can fit nine people out in our main lobby at any one time practicing social distancing. Now, if and when and I did not touch the court. I identified the courtroom as a meeting room and the bottom line in this room here we can have 27 seats, one for the cameraman, one for someone to speak from the podium. Up here three people fit across the dais. Will will be able to sit there and two members will sit down below, but there are four members when you come to the Planning Board, if and when we get going. I put it together and covered everything but there are going to be a lot of problems here as far as the number of people that can come in. If we start school tax collection it's going to be a nightmare, I'm talking with Susan about what we can do. We might have to put seats outside, but we're going to have to do some strange things here because we just don't have the room or capacity. Now, we are very fortunate that we can't allow people past a certain area where other small towns with big town halls they have a big problem. We can adjust. The whole time we were closed while I was here, I was able to wait on everyone just in this little area, but if you have something like in Patterson, they have two stories, Carmel is really big, Kent is a good-sized place. They have a bigger problem. Our problem is the number of people that we can allow in here at a time. So, I don't know how long this is going to last, hopefully it's not much longer. Based on the traffic out there we're getting back to normal quicker than I thought. I will send it out to you tomorrow, read it and that's how we are going to be practicing and doing business for now until whenever the Governor says no more. Anyone else? I will entertain a motion.

The motion to close tonight's meeting was introduced by Boardmember Alvarez, seconded by Boardmember O'Connor and passed all in favor.

Supervisor Hay: Ashely, thank you for helping.

July 4, 2020/CAC

THE FULL ZOOM RECORDING OF THIS MEETING IS AVAILABLE AT:

<http://www.southeast-ny.gov/370/Town-Board-Zoom-Meeting-Videos-Starting->

**RESOLUTION NO. 27 / 2020 ALKA REALTY, INC., d/b/a NORTHWOOD TREE CARE
25 FIELDS LANE SPECIAL PERMIT REQUEST**

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Alvarez

WHEREAS, Alka Realty Inc. d/b/a NORTHWOOD TREE CARE, owners of premises located at 25 Fields Lane (Tax Map No. 72.-2-73) (the “Subject Premises”) has made application to this Town Board for a Special Permit to allow the expansion and reconfiguration of a pre-existing “wood mill” use which, under current zoning, is a Special Permit Use in an OP-1 Zone pursuant to the provisions of Chapter 138 of the Town Code; and

WHEREAS, the Subject Premises are predominately located in an OP-1 zone;
and

WHEREAS, the Town Board is in receipt of a report and recommendation from the Southeast Planning Board dated April 27, 2020 wherein the Planning Board has recommended the grant of the Special Permit on certain conditions and has found that the proposal of Alka Realty, Inc. d/b/a NORTHWOOD TREE CARE, 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 acting as lead agency pursuant to the State Environmental Quality Review Act (“SEQRA”) has adopted a Negative Declaration indicating that the project is not likely to adversely affect the environment; and

WHEREAS, a duly noticed public hearing on the Special Permit application was held by the Town Board on May 21, 2020 and such public hearing was continued for ten (10) days to allow written submissions by interested parties and duly closed on June 1, 2020 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. Provided the stated Special Permit conditions are met, the proposed use is in such a location and is a size and character that it will be in harmony with the appropriate and

orderly development of the surrounding districts 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;

3. The exterior appearance of the building will not 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 PERMIT** to allow the Subject Premises to be used and utilized as a “wood mill” use consistent with Statement of Use and proposed Site Development Plans prepared and submitted to the Planning Board in connection with this Project application and incorporated herein by reference, on the following conditions:

1. The applicant shall operate the facility in compliance with all conditions set forth in Article X of the Zoning Code;

2. Raw wood and so-called “first grind” wood piles shall not exceed twenty-five feet (25’) in height and processed mulch piles shall not exceed fifteen feet (15’) in height;

3. The wood mill operation, including all processing and storage areas, shall not exceed five percent (5%) of the Lot Area of the Subject Premises;

4. Materials, materials processing and equipment shall be located in the Outside Storage Areas designated on drawing sheet *SYI Site Plan – Phase I & II*, prepared by P.W. Scott Engineering and Architecture, P.C., dated March 4, 2020; and

5. Noise producing activities, including chipping, grinding, mulching, and the operation of chain saws, shall occur **ONLY** between the hours of nine o’clock AM (9:00 AM) and three o’clock PM (3:00 PM) Monday through Saturday.

And be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to Alka Realty, Inc. and its agent, PW Scott Engineering and Architecture PC; to the Secretary of the Town of Southeast Planning Board; and to the Southeast Building Department, forthwith.

UPON A ROLL CALL VOTE:

Councilman Alvarez Aye
 Councilman Larca Aye
 Councilman Lord Nay
 Councilman O'Connor Aye
 Supervisor Hay Aye

VOTE: carried by a vote of 4 in favor, 0 against; 0 abstained.

RESOLUTION NO. 28 / 2020 TOWN OF SOUTHEAST, NEW YORK
STANDARD WORK DAY and REPORTING RESOLUTION

INTRODUCED BY: Supervisor Hay
 SECONDED BY: Councilman Alvarez

WHEREAS, Regulations of the New York State Comptroller require the adoption of a ‘standard work day’ by each municipality and imposes additional reporting requirements for elected and appointed officials for membership and service credit in New York State Retirement System.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Southeast hereby establishes the following as the standard work days for elected and appointed officials for 2020 and will report the following days worked to the New York State and Local Employees’ Retirement System based upon the record of activities maintained and submitted by these officials to the Town Clerk:

| Title | Name | Social Security Number (Last 4 Digits) | Registration Number | Standard Work Day | Term Begins/Ends | Participates In Employer’s Time Keeping System (Y/N) | Days/Month (based on Record of activities) | Not Submitted |
|--------------------------|--------------------|--|---------------------|-------------------|-----------------------|--|--|---------------|
| ELECTED OFFICIALS | | | | | | | | |
| Town Clerk | Michele Stancati | 3519 | 38431599 | 6 | 01/01/2020-12/31/2023 | N | 26.00 | |
| Town Board | John O’Connor | 8941 | 60562188 | 6 | 01/01/2020-12/31/2023 | N | 11.17 | |
| Town Board | Edwin Alvarez | 8351 | 50617935 | 6 | 02/02/2020-12/31/2023 | N | 17.45 | |
| Town Board | Eric Larca | 5341 | 61784260 | 6 | 01/01/2019-12/31/2022 | N | 12.10 | |
| Town Board | John Lord | 9882 | 62216536 | 6 | 01/01/2018-12/31/2022 | N | 11.56 | |
| Justice | Richard Vercollone | 4422 | 33970153 | 6 | 01/01/2018-12/31/2022 | N | 11.18 | |
| Justice | Gregory Folchetti | 1853 | 43404763 | 6 | 01/01/2018-12/31/2022 | N | 12.38 | |
| Hwy Supt | Michael Burdick | 5854 | 38551073 | 6 | 01/01/2020-12/31/2023 | N | 38.90 | |

| APPOINTED OFFICIALS | | | | | | | | |
|---------------------|-----------------|------|----------|-----|-----------------------|---|-------|--|
| Tax Receiver | Susan Tobacco | 2324 | 40015828 | 7.5 | 01/01/2017-12/31/2020 | Y | NA | |
| Assessor | Laurie Bell | 3469 | 38399937 | 7.5 | 10/30/2019-09/30/2025 | Y | NA | |
| Town Attorney | Willis Stephens | 7293 | 14686190 | 6 | 01/01/2020-12/31/2021 | N | 25.50 | |

UPON A ROLL CALL VOTE:

Councilman Alvarez Aye
 Councilman Larca Aye
 Councilman Lord Aye
 Councilman O'Connor Aye
 Supervisor Hay Aye

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

RESOLUTION NO. 29 / 2020 DREW REALTY – LOT 1 FIELDS LANE
ARCHITECTURAL REVIEW BOARD

INTRODUCED BY: Supervisor Hay
 SECONDED BY: Councilman Alvarez

WHEREAS, the Town Board is in receipt of a Report of the Architectural Review Board (“ARB”) of the Town Southeast dated May 28, 2020 in connection with the application of Drew Realty, which seeks site plan approval for a Nursery Use (Landscape Supply) to be located on Fields Lane on parts of current Tax Lot # 78.-2-4 and 78.-2-5, including the construction of 10,500 square foot commercial storage building, outside storage and associated site improvements; and

WHEREAS, the Report concludes that the ARB positively recommends the project to the Town Board; 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 the instant application,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts and approves the Report of the Architectural Review Board dated May 28, 2020 in connection with the application of Drew Realty, which seeks site plan approval for a Nursery Use (Landscape Supply) to be located on Fields Lane on parts of current Tax Lot # 78.-2-4 and 78.-2-5, including the construction of 10,500 square foot commercial storage building, outside storage and associated site improvements (a copy of the ARB Review and Report is annexed hereto and made part hereof)

and that such Report shall be incorporated in any final Site Plan subsequently reviewed and approved for this project by the Planning Board.

UPON ROLL CALL VOTE:

Councilman Alvarez Aye
Councilman Larca Aye
Councilman Lord Aye
Councilman O'Connor Aye
Supervisor Hay Aye

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

RESOLUTION NO. 30 / 2020 RESTAURANT DEPOT Route 6 / Danbury-Brewster Road ARCHITECTURAL REVIEW BOARD

INTRODUCED BY: Supervisor Hay
SECONDED BY: Councilman Alvarez

WHEREAS, the Town Board is in receipt of a Report of the Architectural Review Board (“ARB”) of the Town Southeast dated May 28, 2020 in connection with the application of Stateline Development, which seeks amended site plan approval for a Large Retail use (Restaurant Depot) to be located on Danbury-Brewster Road on parts of current Tax Map IDs 68.-1-48.1 and 68.-1-48.2, including the construction of 57,500 square foot commercial building, associated site improvements and signage; and

WHEREAS, the Report concludes that the ARB positively recommends the project to the Town Board; 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 the instant application,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts and approves the Report of the Architectural Review Board dated May 28, 2020 in connection with the application of Stateline Development which seeks amended site plan approval for a Large Retail use (Restaurant Depot) to be located on Danbury-Brewster Road occupying parts of current Tax Map IDs 68.-1-48.1 and 68.-1-48.2, including the construction of 57,500 square foot commercial building, associated site improvements and signage (a copy of the ARB Review and Report is annexed hereto and made part hereof) and that such Report shall be incorporated in any final Site Plan subsequently reviewed and approved for this project by the Planning Board.

