

**TOWN OF SOUTHEAST**  
**1360 Route 22, Brewster, New York 10509**  
**Monday June 8, 2020**  
**SPECIAL MEETING 6:00 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  
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

**RESOLUTION, PUGSLEY ROAD – PARKLAND ALIENATION**

**Supervisor Hay:** The purpose of this meeting tonight, on very short notice, because I believe it was late Thursday or early Friday we were notified by the State that we had to change the bill number and add an “a”, which means it’s an amended version and the only portion of the amended version: there was a question at the time with the State about two parcels less than 1/3 of an acre that we had to write into the plan. Just for the record: back on 2/6 we had a work session on this subject matter. We had a Public Hearing on 2/13 and on 2/20 we passed a resolution. This resolution is almost exactly similar except that the bill number has an “a” and identifies that it is an amendment. It’s a public meeting and we’re having public comment. I do have one letter that we’ll identify as having come in to be put into record. Will, did I explain that good enough you think?

**Mr. Stephens:** Yes.

**Ms. Stancati:** Do you want to open the meeting, Tony?

**Supervisor Hay:** I make a motion to open the meeting.

**Boardmember Larca:** Second.

**Board:** Aye.

**Supervisor Hay:** This is a home rule request authorizing the alienation of Parkland Open Space Pugsley Road. Now, Therefore, be it resolved, that the Town Board of the Town of Southeast, as

Lead Agency, hereby issues its Negative Declaration pursuant to SEQRA; approves the proposed action of alienation; and requests the New York State Senate and the New York State Assembly to enact the necessary parkland alienation bill during the 2020 Legislative session; and be it further resolved, that the Town Board specifically requests that the New York State Legislature pass legislation which would authorize the Town to alienate (convey) portions of the Pugsley Road Open Space Parcel by swapping such property for open space property located on Starr Ridge Road of equal or greater value as set forth in Assembly Bill No. A.10388A and Senate Bill No. S.8256A of the 2020-2021 legislative sessions; and be it further resolved, that the Supervisor and Town Clerk are authorized to execute any and all Home Rule Request Forms and any further or different documentation as may be required by the State Legislature to effectuate this request; and be it further resolved, that the Town Clerk be, and she hereby is, authorized to forward a copy of this resolution together with the requisite Home Rule Request Forms to the Town's legislative delegation forthwith. So moved for discussion.

**Boardmember Alvarez:** Second.

**Supervisor Hay:** Discussion.

**Boardmember Lord:** I would like to add to when we had our Town Board meeting on the 20<sup>th</sup>, I'd like to add a section to that. I make a motion to amend the resolution to add that if such alienation is approved by the New York State Legislature, the final decision on the sale/swap of the properties will be presented to the residents of the Town of Southeast for approval as a ballot measure.

**Supervisor Hay:** OK, you proposed that back then, right?

**Boardmember Lord:** Yes.

**Supervisor Hay:** OK and that was rejected.

**Boardmember Lord:** It wasn't rejected; it just wasn't seconded.

**Supervisor Hay:** OK, it was rejected because it wasn't seconded. So, I'm going to make the same request this evening: is there someone that wishes to second that portion to amend the resolution?

**Boardmember Lord:** John O'Connor is muted and he may want to do it.

**Supervisor Hay:** He did?

**Boardmember Lord:** No, he is muted, he may want to say something.

**Supervisor Hay:** OK, unmute John. Is there a second? Seeing none, the amendment fails.

**Boardmember Lord:** Thank you.

**Supervisor Hay:** Any other comment?

**Supervisor Hay:** OK, before we go off: James Brian Bacon, Esq., Attorney of Counsel at Law, New Paltz, NY wrote a letter on behalf of Ann Fannizzi and Rick Fuhman in opposition to this. They presented a similar letter at the time back in February when we did it and I'm ready to take a roll call vote.

**Boardmember Lord:** I didn't see the letter. Do you want to read it please?

**Supervisor Hay:** It's online. You should have gotten the letter. I sent it out immediately.

**Ms. Stancati:** In an email.

**Boardmember Lord:** Today?

**Supervisor Hay:** Yes.

**Boardmember Lord:** OK...

**Supervisor Hay:** I forwarded it to all Town Board Members at the time. It's pretty much the same opposition as the last time.

**Boardmember Lord:** OK.

**Supervisor Hay:** We are noting it for the record and it will be in the minutes of this meeting. Roll call vote.

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

**Supervisor Hay:** OK, it passes with a vote of 4 to 1, which is the majority required to move this forward.

### **COMMERICAL SHOOTING RANGES:**

**Supervisor Hay:** I will move to #2 which is to set a Public Hearing for Commercial Shooting Ranges for Thursday, July 9, 2020. Is there a second?

**Boardmember Alvarez:** I'll second.

**Supervisor Hay:** All in favor?

**Board:** Aye.

**Supervisor Hay:** Any other comment? Again, the meeting took place this evening on short notice because again the State didn't give us much notice and when you do these Home Rule Bills you have to move really fast and I said it's nothing more than was said before and this just moves it forward again with an A at the end. I'll entertain a motion...

**Mr. Stephens:** If I could interject quickly, Tony; the assistant to the assemblyman contacted us late Thursday / early Friday indicating that they were directed, meaning the assemblymen's office was directed that we had to have our Home Rule request filed by tomorrow morning so that left us very little time. So, we had to call a special meeting, which we did, and I prepared over the weekend the necessary documentation that needs to be transported to Albany tomorrow.

**Supervisor Hay:** And by the way, he wanted the meeting on Friday but I was told at like 2:00 in the afternoon and I told him there was no way that could happen and that's why you put it off until tonight. That would have been really quick.

**Mr. Stephens:** Friday we didn't even have the bill draft confirmation.

**Supervisor Hay:** Right, couldn't have had a resolution prepared. OK, is there a motion to close?

**Boardmember Lord:** Can I ask a question?

**Supervisor Hay:** Sure.

**Boardmember Lord:** Not related to either of the topics tonight.

**Supervisor Hay:** Say that again?

**Boardmember Lord:** May I ask a question? It's not related to any of the topics from tonight.

**Supervisor Hay:** Let's try and see if we can answer it tonight.

**Boardmember Lord:** Pardon?

**Supervisor Hay:** I'll see if we can answer it tonight.

**Boardmember Lord:** It relates to that notice we got from Victoria about Michael Levine doing an inspection and finding that property was still in violation.

**Supervisor Hay:** And if you read your email earlier, we forwarded it to Michael Levine and we'll be checking on it tomorrow.

**Boardmember Lord:** I'm just wondering what impact that has on the Special Permit. I'm asking the question of Will; I'm not asking for any determination now. Should he still be in violation, does that make our Special Permit null?

**Supervisor Hay:** I believe that purpose of that Special Permit request was to bring it back into compliance. In other words, if we didn't do what we did he'd be in violation. Now that we've done what was requested, it should be in compliance. Will, is that correct?

**Mr. Stephens:** That will be left to be seen, but the violation that they were referring to was a

violation that was originally (inaudible) property before they went through the process to amend the Site Plan and to get the Special Permit that this Board acted on last week.

**Supervisor Hay:** Any also the violation I believe, John, was for sprawl and not for what we ended up passing. I believe when they went through the entire process with the Planning Board, that sprawl had been addressed. Michael Levine will respond back and let us know.

**Boardmember Lord:** OK, no, I just had a question, but thank you.

**Supervisor Hay:** OK, it would not change the Special Permit that we passed. OK, is there anyone that would like to entertain a motion?

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

**July 16, 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. 35 / 2020 HOME RULE REQUEST AUTHORIZING ALIENATION OF PARKLAND / OPEN SPACE – PUGSLEY ROAD**

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Alvarez

**WHEREAS**, at the request of this Town Board certain “Home Rule” legislation has been introduced in the Senate and Assembly of the State of New York to authorize the alienation (conveyance) of certain real property currently designated as open space (parkland); and

**WHEREAS**, in 2007 the Town of Southeast acquired certain lands located on Pugsley Road known generally as Tax Map #45, Block 1, Lot 10 (160 Pugsley Road) and Tax Map #45, Block 1, Lot 11 (132 Pugsley Road) (hereinafter the “Pugsley Road Open Space Parcel”) and paid for such acquisition using funds raised through sale of bonds authorized for open space acquisition; and

**WHEREAS**, the Town of Southeast has been approached by a private land owner seeking to swap certain lands located on Starr Ridge Road (known generally as Tax Map 79, Block 1, Lot 10.1) for portions of the Pugsley Road Open Space Parcel; and

**WHEREAS**, if the alienation of portions of the Pugsley Road Open Space parcel is authorized by the New York State Legislature, the parcel of property located on Starr Ridge Road to be conveyed to the Town in consideration therefor will be dedicated as Parkland; and

**WHEREAS**, this Town Board has reviewed a long-form Environmental Assessment Form (EAF) relative to the proposed alienation; and

**WHEREAS**, the proposed alienation has been determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, the Town Board declares itself as Lead Agency for this Action; and

**WHEREAS**, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative effects associated with the proposed action including other simultaneous and subsequent actions and finds no significant adverse environmental impacts associated with the proposed alienation.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Southeast, as Lead Agency, hereby issues its Negative Declaration pursuant to SEQRA; approves the proposed action of alienation; and requests the New York State Senate and New York State Assembly to enact the necessary parkland alienation bill during the 2020 Legislative Session; and be it further

**RESOLVED**, that the Town Board specifically requests that the New York State Legislature pass legislation which would authorize the Town to alienate (convey) portions of the Pugsley Road Open Space Parcel by swapping such property for open space property located on Starr Ridge Road of equal or greater value as set forth in Assembly Bill No. A.10388A and Senate Bill No. S.8256A of the 2020-2021 legislative session; and be it further

**RESOLVED**, that the Supervisor and Town Clerk are authorized to execute any and all Home Rule Request Forms and any further or different documentation as may be required by the State Legislature to effectuate this request; and be it further

**RESOLVED**, that the Town Clerk be, and she hereby is, authorized to forward a copy of this resolution together with the requisite Home Rule Request Forms to the Town's legislative delegation forthwith.

**UPON A ROLL CALL VOTE:**

Councilman Alvarez	<u>Aye</u>
Councilman Larca	<u>Aye</u>
Councilman Lord	<u>Nay</u>
Councilman O'Connor	<u>Aye</u>
Supervisor Hay	<u>Aye</u>

VOTE: Resolution passed, by a vote of 4, to 1, 0 abstained.

Respectfully Submitted,  
Michele Stancati  
Southeast Town Clerk