

**STONY POINT TOWN BOARD MEETING – JANUARY 14, 2014**

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, January 14, 2014 at 7:00 pm at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, NY. Supervisor Geoffrey Finn called the meeting to order and led the group in the Pledge of Allegiance. Town Clerk Joan Skinner called the following roll:

PRESENT:	Mr. Tom Basile	Councilman
	Mr. Karl Javenes	Councilman
	Mr. James White	Councilman
	Mr. Jim Monaghan	Councilman
	Mr. Geoffrey Finn	Supervisor

ABSENT: None

**PUBLIC INPUT**

Rebecca Casscles, 69 Beach Rd. spoke regarding:

- Praised the police and ambulance corp. for their quick response to a recent medical emergency.
- Pursuing legal action against the Champlain Hudson Power Express Project.
- Upstate town has adopted a law prohibiting any further underground transmission lines and fracking.
  - Can Stony Point do something similar?

Kathy Leroy, 22 Easton St. spoke regarding her concerns about safety at the intersection of Major Andre Dr. and Route 9W.

Susan Filgueras – 87 Mott Farm Rd. spoke about:

- Spectra 42” natural gas line – phase 2 of a project approved eight years ago
- Met with Richard Kaufmann Chairman of Energy & Finance for New York State regarding Champlain Hudson Power Express Project

**PURCHASE ORDER REQUEST**

A motion was made by Councilman White, seconded by Councilman Javenes and **unanimously carried** by a voice vote of all board members present to approve the following purchase orders:

Highway

PO#2527	Advantage Auto Repair	\$4,766.35
PO#2528	Expanded Supply Products Inc.	\$6,211.00
PO#2530	McDonald & McDonald Inc.	\$1,572.88

**AUDIT OF BILLS**

Joan Skinner, Town Clerk, presented the following bills to the Town Board for audit and a motion was made by Councilman White, seconded by Councilman Javenes and **unanimously carried** by a voice vote of all board members present to approve the bills as presented for payment.

**Contractual General – December**

<u>FUND</u>	<u>CLAIM #</u>	<u>BILL TOTAL</u>	<u>FUND TOTAL</u>
General	1571-1606	\$ 31,647.50	\$ 31,647.50
Highway	407-415	\$ 21,393.54	\$ 21,393.54
Sewer	365-376	\$ 6,159.65	\$ 6,159.65
<u>Special Districts</u>			
Ambulance	24-24	\$ 1,574.12	\$ 1,574.12
Enterprise	446-456	\$ 13,215.81	\$ 13,215.81
Street Lighting	14-14	\$ 25,516.27	\$ 25,516.24
<b><u>General – January</u></b>			
General	1-101		\$ 566,502.80

<u>Highway</u>	1-30	\$	43,535.83
<u>Sewer</u>	1-28	\$	42,146.65
<u>Special Districts</u>			
Ambulance	1-3	\$	27,426.06
Enterprise Fund	1-25	\$	18,404.97
Highway Cap Prj.	1-1	\$	6,484.00
Solid Waste	1-3	\$	22,228.15

**MINUTES**

A motion was made by Supervisor Finn, seconded by Councilman Javenes and **carried** by a voice vote (Councilmen Basile and Monaghan abstained) to approve the minutes of December 10, 2013.

A motion was made by Supervisor Finn, seconded by Councilman Monaghan and **unanimously carried** by a voice vote of all board members present to approve the minutes of January 7, 2014.

**SUPERVISOR’S REPORT**

Supervisor Finn announced:

- Handicap assessable bathrooms at Rho
  - Going out to bid very shortly
- Polar Plunge to be held on 2-2-2014 at the seawall
  - This year all proceeds will go to Olivia Barren
  - We should be proud of our community
- Constant Contact – sign up for this service which is an e-mail from the Town.
  - Excellent way to keep informed
- Urged everyone to attend Town Board meetings

**POLICE DEPARTMENT REPORT/BUSINESS**

Chief Moore presented the following report:

Police Department Report for the Month of December, 2013

Number of calls for service:	634
Number of reported accidents:	28
Number of arrests:	31
Fuel usage:	1258.6 gallons
Sum total of all traffic enforcement action:	69
Number of Youth Officer sponsored events:	7
Number of child safety seat installations:	6
Number of commercial vehicle enforcement details:	2
Number of traffic enforcement details:	1
Number of training hours:	40:00hrs
Total fees collected:	\$97.00

(\$12.00 for FOIL; \$40.00 for prints; \$45.00 for reports)

Miscellaneous:

Youth sponsored events: Senior Brunch, 1 Youth Court Session, Participated in Town Tree Lighting Ceremony, Youth Police Academy Graduation w/ 33 Graduates, Launched MYPD App for Android/IPhones, 1 PAL Winter Dance w/ 125 attendees & conducted regular checks of schools.

Chief Moore addressed the board regarding the following matters:

- **CHIEF MOORE’S TIME RECORD**  
 A motion was made by Councilman White, seconded by Councilman Monaghan and **unanimously carried** by a voice vote of all board members present to approve Chief Moore’s time record for the month of December 2013 as presented.
- **OVERTIME & SICK LEAVE REPORTS**  
 A motion was made by Councilman White, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to approve

the overtime and sick leave reports as presented for the month of December 2013.

- **TEMPORARY APPOINTMENT – POLICE OFFICER**

A motion was made by Supervisor Finn, seconded by Councilman Monaghan and **unanimously carried** by a voice vote of all board members present to temporarily appoint Robert Bertrand as a Police Officer for the Town of Stony Point, effective January 21, 2014.

- Joan Skinner, Town Clerk swore in Robert Bertrand as a Police Officer for the Town of Stony Point.

**DEPARTMENTAL REPORTS**

Joan Skinner, Town Clerk offered the following reports for the record:

**GOLF COURSE REPORT**

December 2013:

• Green Fees	\$	8,911.42
• Merchandise	\$	1,191.42
• Range Fees	\$	439.00
• Club Rental	\$	32.29
• Total	\$	10,574.13

**Architectural Review Board**

From:	12/01/2013	To:	12/31/2013
Applications Received			
Solar Panels	7		
Applications Approved			
Site Plan	1		
Solar Panels	6		
Applications Pending			
Solar Panels	1		
Fees Collected:	\$	500.00	
Money in Lieu of Land	\$	0.00	

**Building & Zoning Department**

December 2013

Applications Received	27
Applications Returned/Withdrawn	0
Applications Denied	0
Building & Blasting Permits Issued	17
Applications Pending	80
Certificate of Occupancy	11
Certificate of Compliance	7
Fees Collected	\$8,775.00

**Dog Control Officer**

December 2013

Dogs seized and sheltered	1
Dogs returned to owner	1
Number of complaints received	1
Miles traveled patrolling the Town and transporting dogs	400

**Fire Inspector**

December 2013

	Month	Total
Inspections Performed	12	423
Field Correction Issued	3	220
Violations Issued	0	141
Violations Outstanding	0	0
Permits Issued	0	0

Requests by Police Dept.	0	2
Requests by Fire Dept.	4	38
Fires Investigated	2	7
Flood Damaged Buildings Inspected	0	34

**Planning Board**

From:	12/01/2013	To:	12/31/2013
Applications Received	0		
Applications Approved	0		
Applications Pending			
Amended Site Plan	1		
General Category	1		
Informal Discussion	2		
Site Plan	6		
Subdivision-Major	1		
Subdivision-Minor	1		
Fees Collected:	\$0.00		
Money in Lieu of Land	\$0.00		

**Sewer Department**

**December**

Overtime Hours	
Sunday	19 hrs.
Call Ins	8 hrs.
Holiday	8 hrs.
Monday	4 hrs.
Monthly Flow	
Plant	22,158,900 gallons
Kay Fries	74,500 gallons
Fuel Usage	211.2 gallons
Heating Oil	191 gallons
Total to Sludge Compost Facility	66 Cu. Yds.
Solids	19.4%
Screenings	64.96 Cu. Ft.
Septage	2100 Gals.

**Zoning Board Of Appeals**

From:	12/01/2013	To:	12/31/2013
Applications Received			
Area Variance	1		
Applications Closed			
Area Variance	1		
Applications Pending			
Appeal	1		
Area Variance	1		
Use Variance	1		
Fees Collected:	\$400.00		

**Town Clerk**

**December**

Amount Paid To NYS Agriculture & Markets	
For Spay/Neuter Program	\$ 22.00
Amount Paid To NYS Health Dept. For Marriage Licenses	\$ 90.00
Amount Paid To NYS Dept. Of Environmental Conservation	\$ 99.22
Amount Paid To Supervisor	\$ 1,563.20
TOTAL AMOUNT REMITTED	\$ 1,774.42

**ARCHITECTURAL REVIEW BOARD**

**Annual – 2013**

Applications Received	
Amended Site Plan	1
Site Plan	3
Solar Panels	30
Applications Pending	1
Applications Approved	
Amended Site Plan	1
Site Plan	3
Solar Panels	30
Fees Collected	\$3,400.00

**BUILDING & ZONING DEPARTMENT**

**Annual - 2013**

Applications Received	380
Building Permits Issued	311
Applications Returned/Withdrawn	2
Applications Denied	4
Certificate of Occupancy Issued	124
Certificate of Compliance Issued	143
Fees Collected	\$ 203,482.00

**PLANNING BOARD**

**Annual - 2013**

	Count	Amount
Regular Fees		
Conditional Use Fees	1	\$ 300.00
Informal Discussion Fees	4	\$ 600.00
Inspection Fees	1	\$ 8,461.00
Lot Line Change Fees	1	\$ 200.00
Site Plan Fees	16	\$ 8,035.00
Subdivision Fees	3	\$ 4,060.00
Total Fees Collected	26	\$ 18,996.00
Money in Lieu of Land Fees	5	\$ 12,000.00

**ZONING BOARD OF APPEALS**

**Annual - 2013**

Applications Received	14
Applications Withdrawn and Returned	3
Decisions Rendered	8
Applications Pending	3
Fees Collected	\$ 4,695.00

**TOWN CLERK**

**Annual Town Clerk Report -2013**

Amount Paid to NYS Agriculture and Markets for Spay/Neuter Program	\$ 391.00
Amount Paid to NYS Health Department For Marriage Licenses	\$ 1,350.00
Amount Paid to NYS Dept. Of Environmental Conservation	\$ 21,286.28
Amount Paid to State Comptroller For Bell Jar Licenses	\$ 0.00
Amount Paid the NYS Comptroller For Racing & Wagering	\$ 0.00
Amount Paid to Supervisor	<u>\$ 39,243.28</u>
Total Amount Remitted	\$ 62,271.06

**CORRESPONDENCE** - None

**CONTINUED PUBLIC HEARING-PROPOSED LOCAL LAW – FLOOD DAMAGE PREVENTION AS AMENDED TO REFLECT UPDATED FLOOD INSURANCE MAPS (FIRM) PANEL NUMBERS IN CHAPTER 112 OF THE TOWN CODE**

This continued public hearing was reopened at 7:35 pm by Supervisor Finn.

Special Counsel Brian Nugent advised that we need to amend the flood damage provision law we passed at the end of last year with respect to updating FEMA map panel numbers listed in the ordinance. We have received responses from the County of Rockland and the Stony Point Planning Board. The County deferred to the local board since it was just map numbers being changed and the Town recommended adoption.

PUBLIC INPUT – None

**CLOSE PUBLIC HEARING**

A motion was made by Supervisor Finn, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present to close this public hearing.

**ADOPT LOCAL LAW NO. 1 OF 2014 - FLOOD DAMAGE PREVENTION AS AMENDED TO REFLECT UPDATED FLOOD INSURANCE MAPS (FIRM) PANEL NUMBERS IN CHAPTER 112 OF THE TOWN CODE**

A motion was made by Supervisor Finn, seconded by Councilman Monahan and **unanimously carried** by a voice vote of all board members present to adopt the following resolution:

**RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF STONY POINT OF LOCAL LAW NO. 1 OF 2014 TO AMEND LOCAL LAW NO.1 OF 2013 (“FLOOD DAMAGE PREVENTION - CHAPTER 112 OF THE TOWN CODE”)**

WHEREAS, following public hearings and comments on proposed Local Law No. 1 of 2013, the Town Board of the Town of Stony Point, on October 8, 2013, adopted such local law entitled **FLOOD DAMAGE PREVENTION** which repealed and replaced Chapter 112 (Flood Damage Prevention) of the Town’s Code, and

WHEREAS, new Flood Insurance Maps (FIRM) and Flood Insurance Study have been released by the Federal Emergency Management Agency (FEMA) requiring amendment to the local law to reflect the updated FIRM panel numbers in Chapter 112 of the Town Code and a public hearing, and

WHEREAS, notice of said public hearing was duly advertised in the Rockland County Times, the official newspaper of said Town, on **November 21, 2013** and copies of said proposed local law were made available to the public at the Town Clerk’s Office, and

WHEREAS, said public hearing was duly held on **November 26, 2013** at 7:00 P.M. at the Stony Point Community Center (Rho Building) and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Amended Local Law (or any part thereof) to amend the current Chapter 112 (Flood Damage Prevention) of the Town Code, and

WHEREAS, said public hearing was continued on **December 10, 2013** at 7:00 P.M. at the Stony Point Community Center (Rho Building) and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Amended Local Law (or any part thereof) to amend the current Chapter 112 (Flood Damage Prevention) of the Town Code, and

WHEREAS, said hearing was continued on **January 14, 2014** at 7:00 P.M. at the Stony Point Community Center (Rho Building) and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Amended Local Law (or any part thereof) to amend the current Chapter 112 (Flood Damage Prevention) of the Town Code, and

WHEREAS, the Stony Point Planning Board on **December 16, 2013** reviewed the proposed Flood Damage Prevention Local Law and determined that the Planning Board recommended adoption of the Proposed Amended Local Law and had no objections to the Proposed Amended Local Law, and

WHEREAS, the Rockland County Department of Planning on **November 26, 2013**, having determined pursuant to Section 239-m of the General Municipal Law that the proposed local law amendments are to reflect the newer map panel information and flood insurance study information and accordingly the matter be remitted for local determination, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it was previously determined by the Town Board of said Town that adoption of said Local Law was classified as an unlisted action, and

WHEREAS, upon review of a Short Form Environmental Assessment Form (EAF) the Town Board, on **September 10, 2013**, issued a negative declaration, determining that the proposed action will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared, and

WHEREAS, the amendment to the local law is limited to updating the map panel numbers as established by FEMA and accordingly not an action within the meaning of SEQRA, and

WHEREAS, the Town Board of the Town of Stony Point, after due deliberation, finds it in the best interest of said Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED,

1. That the above WHEREAS clauses are incorporated herein by reference.
2. That the Town Board of the Town of Stony Point hereby adopts said amended Local Law No. 1 of 2014 entitled FLOOD DAMAGE PREVENTION, a copy of which is attached hereto and made a part of this resolution.
3. That such amended Local Law shall amend the current Flood Damage Prevention Local Law (Chapter 112 of the Town Code).
4. That such local law shall be effective immediately upon filing with the Secretary of State.
5. That the Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Stony Point, and to give due notice of the adoption of said Local Law to the Secretary of State of New York and the New York State Department of Environmental Conservation.

The Resolution was thereupon duly adopted.

**LOCAL LAW NO. 1 OF 2014 IS ATTACHED  
AS APPENDIX A TO THESE MINUTES.**

**SETTLEMENT – GATOR TAX CERT (SBL20.04-11-1)**

A motion was made by Supervisor Finn, seconded by Karl Javenes and **unanimously carried** by a voice vote of all board members present to approve settlement of the Gator Property tax cert in the amount of \$22,930.38, which represents a reduction for 2011 and 2012. The assessment for 2013 will remain the same.

**SETTLEMENT – HIGGINS FUNERAL HOME TAX CERT (SBL15.19-2.45)**

A motion was made by Supervisor Finn, seconded by Councilman White and **unanimously carried** by a voice vote of all board members present to approve settlement of the Higgins Funeral Home tax cert in the amount of \$2,831.21, which represents a reduction for 2008-2011. The current assessment will remain the same.

**SETTLEMENT – JOHN MAGEE – 263 ROUTE 210 (SBL14.04-1-18)**

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to approve settlement of the John Magee tax cert for 263 Route 210 in the amount of \$717.30 for the years 2012 & 2013.

### **RESIGNATION – ARCHITECTURAL REVIEW BOARD**

A motion was made by Karl Javenes, seconded by Councilman Monaghan and **unanimously carried** by a voice vote of all board members present to accept George Newmann's resignation from the Architectural Review Board, effective 1/1/2014.

### **APPOINTMENT ZONING BOARD OF APPEALS**

- A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to re - appointment Ed Keegan to the Zoning Board of Appeals, term to begin January 1, 2014 and run through December 31, 2018.
- A motion was made by Councilman Monaghan, seconded by Councilman Javenes and **unanimously carried** by a voice vote of all board members present to appointment Joe Anginoli to the Zoning Board of Appeals, for a 5 year term which will expire on December 31, 2018.

### **APPOINTMENT PLANNING BOARD**

A motion was made by Councilman Javenes, seconded by Councilman Monaghan and **unanimously carried** by a voice vote of all board members present to appoint Eric Jaslow to the Planning Board, for a 7 year term to expire on December 31, 2020.

### **APPOINTMENT ARCHITECTURAL REVIEW BOARD**

A motion was made by Councilman Basile, seconded by Councilman Monaghan and **unanimously carried** by a voice vote of all board members present to appoint Johanna Neumann to the Architectural Review Board for a 3 year term to expire on December 31, 2016.

### **SET 2014 FEES – PATRIOT HILLS GOLF COURSE**

A motion was made by Councilman White, seconded by Councilman Javenes and **unanimously carried** by a voice vote of all board members present to approve the recommended prices set forth by Dave Fusco, Director of Golf and the members of the Golf committee as follows:

All pricing to remain the same except for the following:

<u>Stony Point ID</u>	
Sat/Sun/Holiday	\$53.00
Sat/Sun/Holiday/Twilight	\$40.00
Weekday	\$45.00
Weekday Twilight	\$40.00
Weekday Jr/Sr	\$35.00
Super Twilight	\$30.00

### **MASS GATHERING PERMIT-POLAR PLUNGE 2014**

A motion was made by Supervisor Finn, seconded by Councilman Monahan and **unanimously carried** by a voice vote of all board members present to grant the Stony Point Seals permission to use the following parking lots to facilitate transportation of spectators to the annual Polar Plunge; Route 9W Commuter lot, Town Hall lot, lot adjacent to Town Hall, Clark Park and Riverfront Park. The board further issued a mass gathering permit for the Stony Point Seals, Inc. for their Polar Plunge fundraising event on February 2, 2014 in the area of the Grassy Point Seawall on River Road.

### **UNIFORM CONTRACT – HIGHWAY-SEWER-PARKS DEPTS.**

A motion was made by Councilman White, seconded by Councilman Monaghan and **carried** by a voice vote of all board members present (with Councilman Basile abstaining) to approve the Uniform Contract with American Wear for the same price as last year's contract.

### **RE-DEDICATION OF IRONWOOD COURT & YOUNGSTOWN COURT**

A motion was made by Councilman Basile, seconded by Councilman White and **unanimously carried** by a voice vote of all board members present to approve the

Superintendent of Highway's request to **re-dedicate** Ironwood Court and Youngstown Court to the State Inventory List, as the State lost them off their inventory.

**LICENSE AGREEMENT – POLICE FIRING RANGE**

A motion was made by Supervisor Finn seconded by Councilman Monaghan and **unanimously carried** by a voice vote of those board members present to authorize Supervisor Finn to sign a License Agreement for the use of the Town of Ramapo Police Firing Range for calendar year 2014.

**SENIOR BUS TRANSPORTATION**

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present to award the bid for senior bus transportation for February 1, 2014 thru January 31, 2015 in the amount of \$20,870.

**REQUEST TO INSTALL FENCING IN TOWN UTILITY EASEMENT**

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present to approve the request to install fencing in a town utility easement at 7 Don Bosco Lane (SBL 20.09-4-30), subject to receipt of an updated plan and review by special counsel.

**ASSISTANT BUILDING INSPECTOR – SEMINAR**

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to approve the Assistant Building Inspector's attendance at a three day NYSBOC seminar at a cost of \$275.00.

**PYNGYP SCHOOL-CAPITAL IMPROVEMENTS**

A motion was made by Councilman White, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present to approve the following resolution:

**RESOLUTION APPROVING A MAXIMUM OF \$25,000 FROM THE  
TOWN'S BUILDING AND FACILITIES IMPROVEMENT FUND  
FOR CAPITAL IMPROVEMENTS TO THE PYNGYP SCHOOL BUILDING**

The Town Board of the Town of Stony Point, duly convened in regular session, does hereby resolve as follows:

**SECTION 1.** That a maximum of **TWENTY-FIVE THOUSAND DOLLARS (\$25,000)** be used from the Town's Building and Facilities Improvement Fund for capital improvements to the Pyngyp School building, as listed on the attached "Schedule A," subject to approval of the Town Finance Director confirming that such improvements are authorized capital improvements within the meaning of applicable New York State statutes. The maximum amount set forth above shall include the cost of reconstruction of the Pyngyp School building foundation approved by Town Board on September 10, 2013.

**SECTION 2.** This resolution shall be subject to permissive referendum as permitted by law.

**SCHEDULE A**

**CAPITAL IMPROVEMENTS TO BE PAID FROM  
BUILDING & FACILITY IMPROVEMENTS  
FOR PYNGYP SCHOOL**

Windows as per plan	\$2,000.00
Siding – match existing with trim and fasteners	\$2,100.00
AC/Heat – Ductwork and controls	\$1,000.00

Kitchen sink and faucet	\$ 500.00
Electric Fixtures	\$ 400.00
Sheetrock to code materials (labor donated)	\$1,000.00
Tile as per plan	\$3,000.00
Interior Doors – hardware 3 total	\$ 700.00
Kitchen Cabinets 12’ of cabinetry	\$1,500.00
Appliances – under cabinet fridge and under cabinet microwave	\$1,500.00

**REQUEST TO GO OUT TO BID – HIGHWAY GARAGE BUCKET TRUCK**

A motion was made by Supervisor Finn, seconded by Councilman Basile and **carried** by a voice vote of board members present (**Councilman White voted no**) to approve the Superintendent of Highway’s request to go out to bid for a bucket truck and the Town Clerk was authorized to do so.

**REQUEST TO ATTEND COUNTY HIGHWAY SUPERINTENDENTS ASSOCIATION**

A motion was made by Supervisor Finn, seconded by Councilman Monaghan and **unanimously carried** by a voice vote of all board members present to approve the Superintendent of Highway’s attendance at the County Highway Superintendents’ Association Conference March 4-5, 2014 in Albany at a cost of approximately \$145.00.

**PROPOSAL – SANITARY SEWER LINE REHABILITATION**

A motion was made by Councilman Basile, seconded by Supervisor Finn and **unanimously carried** by a voice vote of those board members present to accept the proposal for sanitary sewer line rehabilitation from Berger Engineering and Surveying in the amount of \$15,000, subject to review by special counsel of the proposal.

**REQUEST TO GO OUT TO BID – SOUND STAGE TRAILER**

This matter was tabled.

**HIGHWAY GARAGE – HIRE MECHANIC 1**

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present to hire Richard T. Badenchini for the Mechanic 1 position at the Highway Garage. The position will commence on February 1, 2014 at a starting salary of \$47,320.

**EXECUTIVE SESSION**

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present to adjourn into executive session to discuss personnel matters at 8:32 pm. Supervisor Finn announced that a vote would be taken after executive session.

**RECONVENE**

A motion was made by Councilman Basile, seconded by Supervisor Finn and **unanimously carried** by a voice vote of those board members present to reconvene the January 14, 2014 Stony Point Town Board meeting at 9:15 pm.

**MATTER OF THE TERMINATION OR CONTINUATION OF STATUTORY BENEFITS PURSUANT TO GENERAL MUNICIPAL LAW § 207-c**

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to adopt the following resolution:

**RESOLUTION**

**RESOLUTION ACCEPTING AND ADOPTING THE FINDINGS AND RECOMMENDATIONS OF RICHARD K. ZUCKERMAN, ESQ., AS HEARING OFFICER, IN THE MATTER OF THE TERMINATION OR CONTINUATION OF STATUTORY BENEFITS PURSUANT TO GENERAL MUNICIPAL LAW § 207-c**

The Town Board of the Town of Stony Point, duly convened in regular session, does hereby resolve as follows:

**WHEREAS**, pursuant to notice dated September 12, 2012, an administrative hearing was held at Stony Point Police Headquarters on December 18, 2012, January 3, 2013, June 11, 2013 and June 19, 2013, before Richard K. Zuckerman, Esq., as Hearing Officer, to make findings and recommendations concerning whether statutory benefits paid to a member of the Town's Police Department pursuant to General Municipal Law § 207-c should continue or terminate; and

**WHEREAS**, after completion of a full evidentiary hearing and the submission of post-hearing briefs by Counsel for the Town and the member, the Hearing Officer has reported his Findings and Recommendations by written Decision dated January 6, 2014;

**NOW, THEREFORE**, upon reading the Findings and Recommendations of Richard K Zuckerman, Esq., as set forth in his Decision dated January 6, 2014, it is

**RESOLVED**, that the Town Board hereby accepts and adopts the Hearing Officer's Decision dated January 6, 2014, a copy of which has been provided to Counsel for the parties, and it is hereby further

**RESOLVED**, that prior to the receipt of the Hearing Officer's Decision, the member was granted a performance of duty disability retirement, effective December 19, 2013, pursuant to New York State Retirement and Social Security Law, and as a result, the member's 207-c benefits terminated pursuant to General Municipal Law § 207-c on December 19, 2013; and it is hereby further

**RESOLVED**, that to the extent that any such 207-c benefits are subsequently determined by any tribunal of binding and competent jurisdiction to have continued beyond December 19, 2013, that the Town Board hereby terminates the member's 207-c benefits based upon the Findings and Recommendations of the Hearing Officer and such determination shall be deemed retroactive to January 6, 2014, the date of the Decision of the Hearing Officer; and it is further

**RESOLVED**, that the Town Clerk will provide copies of the Town Board's determination to the member and the member's legal counsel, to the Chief of Police and to Special Counsel.

The Resolution was thereupon duly adopted.

#### **TEMPORARY POSITION – ASSESSORS OFFICE**

A motion was made by Supervisor Finn, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present to authorize creating a three-month **temporary position** (Real Property Valuation Assistant) in the assessor's office at \$30.00 per hour.

#### **EXECUTIVE SESSION**

A motion was made by Supervisor Finn, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present to adjourn back into executive session at 9:17 pm.

#### **ADJOURN**

The January 14, 2014 Stony Point Town Board meeting adjourned at 10:15 pm.

Respectfully submitted

Joan Skinner – Town Clerk