

STONY POINT TOWN BOARD MEETING – OCTOBER 9, 2012

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, October 9, 2012 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. Karl Javenes Councilman
Mr. James McDonnell Councilman
Mr. James White Councilman
Ms. Luanne Konopko Councilwoman
Mr. Geoffrey Finn Supervisor

MOMENT OF SILENCE – Supervisor Finn asked for a moment of silence in honor of Frank Matone, a life-long North Rockland resident and former Rockland County Commissioner of Jurors, who recently passed away.

PUBLIC INPUT

Benjamin Reed – Director of Rose Memorial Library announced:

- The Library's annual book sale and flea market
- Availability of preloaded Nook's for e-reading
- Food for Fines-Amnesty Week on Nov 12-16
 - A donation of food for the local Food Pantry will be accepted in lieu of paying library fines for this week

Susan Filgueras, Mott Farm Rd spoke:

- Against the Champlain Hudson Power Express project and urged everyone to attend a scheduled meeting on October 23, 2012, 1-4 pm at Rho Building with elected state representatives.

PURCHASE ORDER

It was moved by Councilman White, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to approve the following Purchase Order:

PO#2448 McDonald & McDonald Inc. \$1,822.96

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 McDonnell and **carried** by a voice vote of those board members present, with Councilwoman Konopko abstaining, to approve the bills as presented for payment:

Contractual General – September

<u>FUND</u>	<u>CLAIM #</u>	<u>BILL TOTAL</u>	<u>FUND TOTAL</u>
General	1071-2006	\$ 166,616.04	\$ 166,616.04
Highway	308-311	\$ 18,834.75	\$ 18,834.75
Sewer	309-316	\$ 114,886.17	\$ 114,886.17
<u>Special Districts</u>			
Enterprise	386-395	\$ 36,647.59	\$ 36,647.59
Street Lighting	11-11	\$ 23,156.48	\$ 23,156.48
<u>General – October</u>			
General	2007-2083		\$ 130,526.12
Highway	312-332		\$ 63,150.19
Sewer	316a-333		\$ 17,449.72
<u>Special Districts</u>			
Ambulance	18-18		\$ 26,679.10
Enterprise Fund	396-419		\$ 8,677.04
Sewer Cap Proj.	1-1		\$ 32,370.48

SUPERVISOR’S REPORT

Supervisor Finn spoke about the following:

- Farmer’s Market – complimented everyone involved for the great job of putting the market together in such a short period of time.
- Firehouse Dedication – October 13, 2012 at 11 am – urged everyone to attend
- Cedar Brook Construction’s upcoming activities for the benefit of Hospice – 10-14-12 Monster Mash (band) & Haunted House on 10-27 & 28
- Meet the Leaders – Supervisor Finn will be appearing on Cablevision Channel 118 at 9am – 5 pm & 11:30 pm
- North Rockland Rotary’s recent “Mr. Legs Contest” was a success and Supervisor Finn won the contest and raised the most money for the Rotary’s benefit.

AMBULANCE REPORT

Mark Engelman presented the Board with the following report:

STONY POINT AMBULANCE CORPS
CALL STATISTICS

The following is a breakdown for the Month of September 2012:

Total recorded request for service:	108
Refused Aid	15
Cancelled	4
No Crew	9
Mutual Aid	25
Standbys	3
Average “Response Time”	2.69 min.
Average “On Scene Time”	5.2 min.

ASSESSOR’S REPORT

The Assessor submitted numerous reports that are on file in the Town Clerk’s Office.

DEPARTMENTAL REPORTS

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

Golf Course Report - September

• Green Fees	\$ 197,903.66
• ID Cards	\$ 180.00
• Merchandise	\$ 10,126.05
• Range Fees	\$ 8,753.00
• Club Rental	\$ 839.54
• Misc. Golf	\$ 40.00
Total	\$ 217,842.25

Architectural Review Board

From:	9/1/2012	To:	9/30/2012
Applications Received	3		
Applications Approved	4		
Applications Pending	0		
Fees Collected:	\$ 300.00		
Money in Lieu of Land	\$ 0.00		

Building & Zoning Department - September

Applications Received	24
Applications Returned/Withdrawn	0
Applications Denied	0
Building & Blasting Permits Issued	22
Applications Pending	19

Certificate of Occupancy	19
Certificate of Compliance	3
Fees Collected	\$ 8,952.50

Dog Control Officer - September

Dogs seized and sheltered	0
Dogs returned to owner	0
Number of complaints received	3
Miles traveled patrolling the Town and transporting dogs	509

Fire Inspector - September

	Month	Total
Number Buildings Inspected	18	217
Number Buildings Re-Inspected	1	47
Field Correction Issued	0	2
Violations Issued	0	0
Violations Complied With	0	0
Violations Outstanding	0	0
Number of Permits Issued	0	0
Requests by Police Dept.	0	1
Requests by Fire Dept.	1	20
Fires Investigated	0	4
Miscellaneous:		

Planning Board

	From: 9/1/2012	To: 9/30/2012
Applications Received		
Informal Discussion	1	
Site Plan	1	
Applications Approved	0	
Applications Pending		
Informal Discussion	1	
Site Plan	2	
Subdivision-Major	2	
Subdivision-Minor	1	
Fees Collected:	\$6,900.00	
Money in Lieu of Land	\$ 0.00	

Sewer Department - September

Total Overtime Hours	36 hrs
Sundays	24 hrs
Holiday	8 hrs
Call In	4 hrs
Monthly Flow	
Plant	29,622,300 gallons
Kay Fries	4,761,900 gallons
Fuel Usage	303 gallons
Heating Oil	21 gallons
Total to Sludge Compost Facility	81 Cu. Yds.
Solids	20%
Screenings	66.6 Cu. Ft.
Septage	6,300 gallons

Zoning Board Of Appeals

	From: 9/1/2012	To: 9/30/2012
Applications Received	0	
Applications Closed		
Area Variance	1	
Applications Pending		
Area Variance	1	
Fees Collected:	\$0.00	

Town Clerk - September

Amount Paid To NYS Agriculture & Markets	
For Spay/Neuter Program	\$ 23.00
Amount Paid To NYS Health Dept. For Marriage Licenses	\$ 180.00
Amount Paid To NYS Dept. Of Environmental Conservation	\$ 5,643.39
Amount Paid To Supervisor	\$ 2,080.74
TOTAL AMOUNT REMITTED	\$ 7,927.13

CORRESPONDENCE - None

CONTINUED PUBLIC HEARING – PROPOSED LOCAL LAW - FILMING

Supervisor Finn opened this continued public hearing at 7:29 pm.

Councilwoman Konopko reviewed the second draft summarization prepared by Special Counsel of the proposed law clarifying questions that had been raised.

Public Input – None

ACTION

At 7:40 pm a motion was made by Supervisor Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board member present to close the public hearing on the proposed local.

ACTION

A motion was made by Supervisor Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to adopt Local Law No. 4 of 2012 – Filming with the changes discussed as follows:

TOWN OF STONY POINT
LOCAL LAW NO. 4 OF 2012
TO AMEND TOWN CODE BY ADDING
CHAPTER 103 ENTITLED FILMING

A Local Law to amend the Code of the Town of Stony Point by adding Chapter 103 entitled “Filming” pursuant to Municipal Home Rule Law Section 10 *et seq.* This Chapter establishes the requirement of a permit to film within the Town of Stony Point.

Be it enacted by the Town Board of the Town of Stony Point as follows:

Chapter 103 - FILMING

[HISTORY: Adopted by the Town Board of the Town of Stony Point on October 9, 2012 by L.L. No. 4-2012.]

§103-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DIRECTLY IMPACTED MERCHANTS

Those merchants whose shops are located in areas where parking, traffic and sidewalk restrictions are created as a result of the applicant's filming activities.

FILMING

The taking of still or motion pictures, either on film, videotape or similar recording medium, for commercial or educational purposes, intended for broadcast on television, display in video games, broadcast on cable television, or display in theatres or for display in conjunction with institutional use, including the use of any public lands to facilitate same. Filming shall include setup and breakdown time. Filming by bona fide press entities and individuals for news stories shall not be subject to the provisions of this chapter.

PUBLIC LANDS

Any and every public building, street, highway, sidewalk or square, public park or playground, or other public place within the Town, and under the control of the Town of Stony Point.

§103-2. Permit required; limitations; fee.

A. No person shall film or permit filming on public lands within the Town of Stony Point without first obtaining permission and thereafter receiving a permit from the Town Clerk, which permit shall set forth the location of such filming, the date or dates when filming shall take place and such other information as may be required by this chapter. No permit shall be issued in the absence of a fully completed application form satisfactory to the Town Clerk. A permit shall be required for each filming location.

B. Applications for permits shall be obtained in the office of the Town Clerk during normal business hours. Applications for such permits shall be in a form approved by the Town Board and shall be accompanied by a permit fee as hereinafter set forth.

C. If a permit is issued and, due to inclement weather or other good cause, filming does not take place on the dates specified, the Town Clerk may, at the request of the applicant who shall certify that filming did not take place on the dates specified, issue a new permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this permit.

§103-3. Issuance of permits.

A. No filming permits shall be issued by the Town of Stony Point unless applied for as follows:

(1) Applications to film a major motion picture, as defined in this chapter, shall be submitted no less than 5 business days in advance of the proposed date of the filming, unless the Town Clerk waives such notice requirements.

(2) All other types of filming shall submit their application at least 3 business days in advance of the proposed date of the filming, unless the Town Clerk waives such notice requirement.

B. No filming permits shall be issued by the Town of Stony Point for filming on public lands unless the applicant submits the Town with satisfactory proof of the following:

(1) Proof of insurance coverage, naming the Town of Stony Point as an additional insured, for bodily injury to any one person in the amount of \$500,000 and any occurrence in the aggregate amount of \$1,000,000. Additionally, property damage coverage in an aggregate amount of no less than \$300,000. Liability coverage must state that the policy covers participants.

(2) An agreement, in writing, whereby the applicant agrees to defend, indemnify and hold the Town of Stony Point harmless from any and all liability, expense, claim or damages resulting from the use of public lands.

(3) The posting of a \$1,000 cash security deposit, or \$1,000 maintenance bond running in favor of the Town of Stony Point protecting and insuring that the location utilized will be left after filming in a satisfactory condition, free of debris, rubbish and equipment, and that due observance of all Town ordinances, laws, and rules or regulations will be followed. The Town will return the security deposit or maintenance bond within 14 business days after the completion of the filming, provided that there has been no damage to public property or public expense caused by the filming.

(4) The Town may require the assignment of a Stony Point Police Officer or Officers(s) for the times set forth on the permit for the filming. The permit holder shall comply with all lawful directives of such Stony Point Police Officer(s) present for the filming, including but not limited to directives regarding the free passage of pedestrians and traffic over public lands, or to halt filming in the event of a violation of any provisions of this chapter. If the Town determines that assignment of such police officers is required, the applicant shall be required to pay for assignment of such on-site Stony Point Police Officer(s). The decision to assign officers shall be in consultation with the Chief of Police who shall examine

whether the proposed production may impede the proper flow of pedestrian or vehicular traffic or otherwise require police presence.

(5) All filming applications shall be referred to the Chief of Police for review.

(6) The Chief of Police may attach conditions and safeguards ensuring the orderly conduct of the activity and the minimization of impact of such use and shall specify the duration and hours of operation of such activity.

(7) The Chief of Police may require, as a condition of any permit, that the applicant utilize the services of that number of Stony Point Police Officers that the Chief of Police deems necessary to ensure the public safety at the location of the filming, videotaping or recording at a rate consistent with the overtime provisions of the existing collective bargaining agreement (CBA).

(8) The hiring of an on-site licensed electrician where existing electrical power lines are utilized by the applicant, or if the applicant does not have a licensed electrician on site.

(9) Written proof of agreement with impacted merchants as called for under §103-4E.

§103-4. Fees and reimbursement of costs.

The schedule of fees for the issuance of permits authorized by this chapter are as follows, and shall be paid in advance of the issuance of a permit:

A. Basic filming permit for still photography: \$350 per 1/2 day (5 hours), or \$700 per full day (10 hours). Where an applicant requests a waiver of the notice provisions of §103-3A, the basic filming permit fee for still photography shall be \$500 per 1/2 day and \$850 per full day. Overtime rates (where approved) shall be \$100 per hour outside of the Monday to Friday, 8:00 a.m. to 6:00 p.m. permissible filming period.

B. The daily filming fee for a film and video shall be: \$500 per 1/2 day (5 hours), or \$1,000 per full day (10 hours).

D. In addition to any fees or costs mentioned in this chapter, the applicant shall reimburse the Town for any lost revenue, repairs to public property, or revenues the Town may be prevented from earning because of the filming.

E. In addition to any fees or costs mentioned in this chapter, the applicant shall present proof that some compensation agreement has been reached for each day of filming, or that an offer, deemed reasonable by the Town Board, was made and declined by such directly impacted merchants.

F. In addition to the cost and fees set forth in 103-4 A and B, applicant shall be responsible for other costs and fees as set forth herein.

G. Students attending a bona fide educational institution may request a reduction in the permit fees by submitting such request in writing to the Town Board along with an explanation of the purpose of the filming and proof of school enrollment.

§103-5. Rules and regulations.

A. The holder of a permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Stony Point Police Officer with respect thereto.

B. The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets. The holder shall avoid any interference with previously scheduled activities upon public lands and limit to the extent possible any interference with normal public activity on such public lands.

C. The holder of a permit shall take all reasonable steps to minimize the creation and spread of debris and rubbish during filming and shall be responsible for the removal of all equipment, debris and other rubbish from the filming location upon the completion of the filming or upon the expiration of the permit, whichever comes first. of such equipment and vehicles at the end of the filming shall be accomplished within

E. The Town Clerk may refuse to issue a permit whenever it is determined, on the basis of objective evidence after a review of the application and a report thereon from the Police Department and by any other applicable Town departments or agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate any law or would unreasonably interfere with the public's use of public lands, unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of pedestrian and vehicular traffic or otherwise endanger the public health and welfare or unreasonably disturb the peace and tranquility of adjoining property owners.

F. Any person aggrieved by a decision of the Town Clerk denying or revoking a permit or a person requesting relief pursuant to Subsection E may appeal in accordance with Article 78 of the Civil Practice Law and Rules. Any such appeal must be filed not later than 30 days after the decision of the Town Clerk.

G. The Town Board may authorize a waiver of any of the requirements or limitations of this chapter whenever it determines that such a permit may be issued without endangering the public health, safety and welfare and without unreasonably disturbing the peace and tranquility of the neighborhood where it is proposed to film.

H. Applicant agrees to include a credit line in the moving picture or, if appropriate, the photographs, to the Town of Stony Point.

I. Applicant understands that a permit is not transferable and may be revoked or suspended by the Town at any time at the discretion of the majority of the Town Board or the Chief of Police and the reason for such suspension or revocation shall be communicated to the applicant.

§103-6. Violations and penalties; enforcement.

Any person violating this chapter or the rules and regulations contained therein, shall, upon conviction thereof be punished by a fine not exceeding \$1,000 for a first offense, \$1,500 for a second offense, and \$1,500 and loss of filming rights for six months for third and subsequent offenses. Conviction for any offense may result in forfeiture of the security deposit or maintenance bond posted in connection with the issuance of a filming permit. Where the owner of the premises is not an applicant, the owner and the applicant shall each be liable for violations of this chapter. As to private property, this chapter shall be enforced by the Building Inspector and/or the Police Department, and as to public property, this chapter shall be enforced by the Police Department. This chapter may also be enforced by direct action of the Town Board. The following acts shall constitute *prima facie* violations of any filming permit:

- A. Unauthorized street closings.
- B. Illegal parking.
- C. The use of equipment and/or vehicles not disclosed on the application.

§103-7. Exemptions.

The provisions of this chapter shall not apply to:

- A. Filming, video and still photography by bona fide press/media personnel in conjunction with news stories and coverage.
- B. Filming, video and still photography by commercial or non-commercial photographers engaging in photography for weddings, family or individual portraits, scenery or other subjects where the resulting photographs are not intended for commercial purposes, and where such activity is of a limited duration (one hour or less), does not tend to obstruct access to or use of the location at which such photography, video or filming is taking place and does not interfere with the use and enjoyment of others in and about the location.
- C. Private filming, video and still photography intended solely for personal use and such activity does not tend to obstruct access to or use of the location at which such photography, video or filming is taking place and

does not interfere with the use and enjoyment of others in and about the location.

- D. Filming, video or still photography conducted by or at the direction of the Town of Stony Point or its agents, or by another governmental entity (with notice to the Town).

POLICE LIFE INSURANCE – This item was tabled.

PRINCIPLE ACCOUNT CLERK GRADE CHANGE

A motion was made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to reinstate the position of Principle Account Clerk into the CSEA Union at a Grade 16 retroactive to October 1, 2012.

RETIREMENT INCENTIVE – BAN TO BOND

A motion was made by Councilman White, seconded by Supervisor Finn and **unanimously carried** by a voice vote of those board members present to convert the retirement incentive BAN issued in November of 2011 and coming due in November 2012 to a nine year Bond.

RESIGNATION PAYOUT – RECREATION DEPARTMENT

A motion was made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to approve the resignation payout for Noreen Smith, Recreation Facilities Supervisor, in the amount of \$9,632.58.

REVIEW 2013 TENTATIVE BUDGET

The 2013 tentative budget was reviewed with input from members of the Town Board, the Financial Director, the Chief of Police, the Building Inspector, and the President of the Ambulance Corp.

The following changes were accepted:

Town of Stony Point					
Approved changes to budget V1					
2013					
	Account #	Levy	Sewer	Other Districts	Explanation
Version 1 levy		\$13,278,328	\$1,215,075	\$797,728	\$15,291,131
Suggested Version 2 Changes					
Health and Dental increase	A9060.8	\$17,983			\$39k reduction elim, 2 new family
Health and Dental decrease	D9060.8	(\$500)			
Equipment machine decrease	D5130.4	(\$5,200)			
Computer upgrades PD	A3120.2	(\$2,250)			Reduce from \$4500 to \$2250
Recomputed PD expense	A3120.401	(\$10,033)	\$0	\$0	
V2 10/09/2012		\$13,278,328	\$1,215,075	\$797,728	2.5663%/8.5868%
Not available yet	FIRE DISTRICT			\$0	Fire District Budget Submission
		\$13,278,328	\$1,215,075	\$797,728	2.5663%/8.5868%

ACTION

A motion was made by Councilman White to accept Version 1 of the Tentative Budget, with no changes, as the 2013 Preliminary Budget. **There being no second, the motion was not considered.**

ACTION

A motion was made by Supervisor Finn and seconded by Councilman McDonnell to accept Version 1 of the Tentative Budget with approved changes, as the 2013 Preliminary Budget for the Town of Stony Point.

The following roll call vote was taken and the motion was **carried**:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Supervisor Finn	[X]	[]	[]	[]
Council Member White	[]	[X]	[]	[]
Council Member Konopko	[X]	[]	[]	[]
Council Member Javenes	[X]	[]	[]	[]
Council Member McDonnell	[X]	[]	[]	[]

EXECUTIVE SESSION

At 9:01 pm a motion was made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to adjourn into executive session to discuss personnel matters.

RECONVENE

At 9:40 pm a motion was made by Supervisor Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to reconvene the October 9, 2012 Stony Point Town Board Meeting.

RECREATION DEPT

A motion was made by Supervisor Finn, seconded by Councilman McDonnell and **carried** by a voice vote of those board members present, with Councilwoman Konopko voting no and Councilman White abstaining, to appoint Mary Ellen White as Senior Clerk Part-Time in the Recreation Department at \$14.28 per hour effective October 15, 2012.

ASSESSOR'S OFFICE

A motion was made by Councilman McDonnell, seconded by Councilman White and **carried** by a voice vote of those board members present, with Councilwoman Konopko voting no, to appoint Bill Beckman as a consultant/assistant in the Tax Assessor's Office at \$4,000 per month effective October 15, 2012 and continuing until Mr. O'Shaughnessy's current waiver is up.

EXECUTIVE SESSION

At 9:47 pm 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.

ADJOURN

At 10:20 pm a motion was made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to adjourn the October 9, 2012 Stony Point Town Board Meeting.

Respectfully submitted,

Joan Skinner
Town Clerk