

STONY POINT TOWN BOARD MEETING – DECEMBER 13, 2011

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, December 13, 2011 at 7:00 pm at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, NY. Supervisor William Sherwood called the meeting to order and led the group in the Pledge of Allegiance. Town Clerk, Joan Skinner, called the following roll:

PRESENT:	Mr. Geoffrey Finn	Councilman
	Mr. Louis Vicari	Councilman
	Mr. James White	Councilman (arrived at 7:06 pm)
	Ms. Luanne Konopko	Councilwoman
	Mr. William E. Sherwood	Supervisor

ABSENT: None

PUBLIC INPUT

Chris Pearsall spoke regarding senior bus transportation.

Susan Filgueras, gave an update on the Stony Point Historical Society.

Philomena Devine spoke regarding senior bus transportation.

PURCHASE ORDER REQUESTS – None

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 Finn and **unanimously carried** by a voice vote of all board members present to approve the bills as presented for payment.

Contractual General – November

<u>FUND</u>	<u>CLAIM #</u>	<u>BILL TOTAL</u>	<u>FUND TOTAL</u>
<u>General</u>	1314-1367	\$ 899,033.15	\$ 939,033.15
<u>Highway</u>	484-498	\$ 92,018.91	\$ 92,018.91
<u>Sewer</u>	753-767	\$ 50,653.45	\$ 50,653.45
<u>Special Districts</u>			
Enterprise	534-552	\$ 61,238.97	\$ 186,238.97
Solid Waste	29-29	\$ 190,000.00	\$ 190,000.00
Street Lighting	13-13	\$ 22,262.41	\$ 22,262.41

General – December

<u>General</u>	1369-1448	\$1,404,246.14
<u>Highway</u>	499-524	\$ 145,128.63
<u>Sewer</u>	768-789	\$ 78,312.35
<u>Special Districts</u>		
Ambulance	21-22	\$ 26,241.65
Enterprise Fund	553-573	\$ 73,544.46
Solid Waste	29-30	\$ 21,860.21

MINUTES

A motion was made by Councilman White, seconded by Councilman Finn and **unanimously carried** by a voice vote of all board members present to approve the minutes of November 10, 2011 and November 21, 2011.

POLICE DEPARTMENT REPORT/BUSINESS

Chief Moore presented the following report:

Police Department Report for the Month of November, 2011

Number of calls for service:	635
Number of reported accidents:	33
Number of arrests:	51
Fuel usage:	1332.4 gallons

Sum total of all traffic enforcement action:	117
Number of Youth Officer sponsored events:	7
Number of child safety seat installations:	7
Number of commercial vehicle enforcement details:	0
Number of traffic enforcement details:	0
Number of training hours:	240:00hrs
Total fees collected:	\$191.50

(\$1.50 - FOIL; \$140.00 - prints; \$50.00 - reports)

Miscellaneous:

Youth sponsored events: 1 North Rockland Police Academy Graduation, 1 Youth Court sessions, 2 Community Service days & 3 lectures to Boy Scout groups.

Chief Moore addressed the board regarding the following matters:

- **CHIEF MOORE'S TIME RECORD**

A motion was made by Councilman White, seconded by Councilman Finn and **unanimously carried** by a voice vote of all board members present to approve Chief Moore's time record for the month of November 2011 as presented.

- **OVERTIME REPORT**

A motion was made by Councilman White, seconded by Councilman Finn and **unanimously carried** by a voice vote of all board members present to approve the overtime report for the month of November 2011 as presented.

- **SICK LEAVE REPORT**

A motion was made by Councilman White, seconded by Councilman Finn and **unanimously carried** by a voice vote of all board members present to approve the sick leave report for the month of November 2011 as presented.

- **PROMOTION**

A motion was made by Councilman Vicari, seconded by Councilman Finn and **unanimously carried** by a voice vote of all board members present to promote PO George Zayas to the position of Detective, effective January 1, 2012 to replace Det. Kevin O'Connor who is retiring.

- **TERMINATION OF PROBATION**

A motion was made by Councilman Vicari, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of all board members present to terminate Chief Brian Moore's probation period.

- **PRESENTATION**

Chief Moore presented Councilman Vicari with a plaque from the Police Department for his years of service to the Town of Stony Point as Town Justice, Councilman and a member of the Police Commission.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Councilwoman Konopko reported that the Committee is working diligently on numerous Issues. She attended a Pace University seminar on Sustainable Development in Tough Economic Times and found it very informing and would like to share it with the Board at another time.

LEGISLATIVE REPORT - None

SUPERVISOR'S REPORT

Supervisor Sherwood reported that he has been working closely with Supervisor-Elect Finn and the transition is going very smoothly.

Councilman Finn – thanked Supervisor Sherwood for his help in making the transition as smooth as possible for him and also thanked him for his two years of service of Supervisor for the Town of Stony Point. He also thanked Councilman Vicari for his many years of service to the Town.

GOLF COURSE REPORT

Dave Fusco Director of Golf presented, the following report for November, 2011:

• Green Fees	\$	92,630.86
• ID Cards	\$	0.00
• Merchandise	\$	3,580.07
• Range Fees	\$	3,051.00
• Club Rental	\$	193.74
• Misc. Golf	\$	0.00
• Total	\$	99,455.67

ACTION

A motion was made by Councilman White, seconded by Supervisor Sherwood and **unanimously carried** by all board members present to name the Starters Shed at the Patriot Hills Golf Club in honor a John Esposito, who has worked at the course for many years and recently passed away.

DEPARTMENTAL REPORTS

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

Building & Zoning Department

November

Applications Pending In November	7
Applications Received	17
Applications Returned/Withdrawn	0
Applications Denied	0
Building & Blasting Permits Issued	19
Applications Pending	5
Certificate of Occupancy	14
Certificate of Compliance	3
Fees Collected	\$18,720.00

Dog Control Officer

November

Dogs seized and sheltered	4
Dogs returned to owner	4
Number of complaints received	11
Miles traveled patrolling the Town and transporting dogs	435

Fire Inspector

November

	Month	Total
Number Buildings Inspected	9	129
Number Buildings Re-Inspected	6	26
Field Correction Issued	0	7
Violations Issued	0	0
Violations Complied With	0	0
Violations Outstanding	0	0
Number of Permits Issued	0	1
Requests by Police Dept.	0	3
Requests by Fire Dept.	1	58
Fires Investigated	1	12
Miscellaneous		

Planning Board

From:	11/1/2011	To:	11/30/2011
Applications Received			
Site Plan	1		
Subdivision-Minor	1		
Applications Approved			
Amended Site Plan	1		

Site Plan	2
Subdivision-Major	1
Applications Pending	1
Site Plan	2
Subdivision-Major	2
Subdivision-Minor	3
Fees Collected:	\$4,836.43
Money in Lieu of Land	\$0.00

Sewer Department

November

Overtime Hours	
Sundays	24 hrs.
Call Ins	16 hrs.
Holidays	32 hrs.
Snowstorm Related	7 ½ hrs.
Monthly Flow	
Plant	26,822,700 gallons
Kay Fries	2,568,900 gallons
Fuel Usage	260.8 gallons
Heating Oil	152 gallons
Total to Sludge Compost Facility	71 Cu. Yds.
Solids	19.0%
Screenings	73.22 Cu. Ft.
Septage	3500 Gals.

Zoning Board Of Appeals

From:	12/1/2011	To:	12/31/2011
Applications Received	0		
Applications Closed			
Area Variance	1		
Applications Pending	0		
Fees Collected:	\$0.00		

Town Clerk

November

Amount Paid To NYS Agriculture & Markets	
For Spay/Neuter Program	\$ 52.00
Amount Paid To NYS Health Dept. For Marriage Licenses	\$ 67.50
Amount Paid To NYS Dept. Of Environmental Conservation	\$ 873.50
Amount Paid To Supervisor	\$ 2,338.46
TOTAL AMOUNT REMITTED	\$ 3,331.26

CORRESPONDENCE

1. Dear Stony Point Town Hall Employees,

The North Rockland food pantry would like to thank you for your continuous support of our Thanksgiving food basket distribution each year. This year we provided 154 families with a turkey, all of the necessary trimmings, and fresh fruit and vegetables. It is through caring people such as you that we can continue to do this. Without your generous donation we would not have been able to achieve our goal of having food for every family who requested it. Thank you again and may God Bless you for your kindness.

Sincerely, Paula B. Klein, Coordinator North Rockland Food Pantry @Trinity United Methodist Church, 47 E. Main St., Stony Point, NY 10980

2. Dear Mr. Sherwood,

I would like to congratulate you and the entire Town Board for not only incorporating the Rockland County Youth Police Academy, but also your continued support of this outstanding program.

I recently heard about this program and thought it would be a great learning experience for my fourteen year old daughter, Angela Kelly.

Angela graduated from this program in November 2011. I wish I could tell each and every one of you in person how much Angela got out of this program. She absolutely loved being a part of this program. I picked her up week after week from the academy and she couldn't wait to talk about what she learned and how fun it was to train the same way our outstanding Police Officers do.

I have never seen a program so detail oriented and taught so well. Every one of you should be commended for this.

With that being said, I would like to acknowledge Sgt. Michael Canavan, Police Officer Richard Spatta and Police Officer George Zayas. These Officers are nothing short of being the ultimate professionals. It takes a "special" Police Officer to train and teach these youths. Every one of these kids will tell you first hand they have a new found respect for Police Officers and the difficulties they face while performing their duties. This is a great way for the Police and the youths of today better understand each other.

I understand the difficult times that are here and are ahead, but by chance if this program is expanded, I would offer my assistance and volunteer to assist in any way I can. PS: I would get in a lot of trouble if I didn't mention a special "Thank You" to Officer Gaynor and his partner "CHASE". The most popular class of all.

Sincerely, Kevin Kelly, 43 Oakley Blvd. Garnerville, NY 10923

3. Dear Mr. Sherwood

RE: Stony Point District School No.4-Central Drive at Cedar Flats Rd., Stony Point, NY 10980 Rockland County

Following a detailed review, the State Review Board has recommended to the Commissioner of Parks, Recreation and Historic Preservation, who is the New York State Historic Preservation Officer (SHPO), that the property identified above listed on the New York State Register of Historic Places and nominated to the National Register of Historic Places.

After reviewing the nomination, the SHPO has agreed with the recommendation of the State Review Board and has listed the property on the State Register of Historic Places. We shall now forward the nomination to the Keeper of the National Register in Washington, D.C.

If the Keeper of the National Register approves the nomination, the property will be listed on the National Register. You will be notified when this decision is made.....

Sincerely, Ruth L. Pierpont, Deputy Commissioner for Historic Preservation
N Y S Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189 Waterford, NY 12188

PRESENTATION:

Jeff Albanese, real estate manager for Quick Chek, a New Jersey based fuel and deli chain presented preliminary plans to build a store on the Route 9W corridor.

RE-ORGANIZATION MEETING

A motion was made by Councilman Vicari, seconded by Councilman Finn and **unanimously carried** by a voice vote of all board members present to set the re-organization meeting of the Stony Point Town Board for 7:00 pm on Tuesday, January 3, 2011.

SETTLEMENT OF LITIGATION

A motion was made by Councilman White, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of all board members present to authorize settlement of litigation as follows:

RESOLUTION AUTHORIZING THE SETTLEMENT OF LITIGATION FILED AGAINST THE TOWN OF STONY POINT

WHEREAS, petitioners Benjamin E. Selig and WJS Realty LLC commenced Real Property Tax Law Article 7 tax certiorari proceedings to review the assessment by

the Town of Stony Point on the assessment rolls for each of the years 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010 of certain real property designated as the Liberty Building, Route 9W, Stony Point, New York, S/B/L No.:20.11-2-18 (the “Property”) entitled Benjamin E. Selig, et al. v. Assessor of the Town of Stony Point, et al., Supreme Court, Rockland County, Index Nos.: 5326/03, 4722/04, 5375/05, 6036/06, 6673/07, 8797/08, 7624/09 and 10217/10, and

WHEREAS, a resolution of the petitioners’ claims to reduce the 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010 assessments has been discussed and a proposed settlement has been reached, and

WHEREAS, the Town Assessor supports the proposed settlement,

NOW, upon motion duly made and carried, the following resolution of the Town Board of the Town of Stony Point is hereby made and adopted:

RESOLVED, that the Town Board of the Town of Stony Point authorize and hereby authorizes the execution and delivery by the attorneys for the Town of Stony Point of a consent judgment:

1. Setting the assessments as follows:

Assessment Year	Assessed Value	Settlement Assessed Value	Amount of Reduction
2003	\$109,100	\$109,100	\$0
2004	\$96,800	\$96,800	\$0
2005	\$96,800	\$96,800	\$0
2006	\$96,800	\$87,290	\$9,510
2007	\$83,700	\$75,460	\$8,240
2008	\$83,700	\$83,700	\$0
2009	\$83,700	\$83,700	\$0
2010	\$83,700	\$83,700	\$0

2. The amount of the refunds to be paid are approximately \$152.45 by the county of Rockland, \$1,419.15 by the Town of Stony Point and \$4,460.94 by the North Rockland Central School District, for an approximate total of \$6,032.55 without interest paid within sixty (60) days.

SETTLEMENT OF LITIGATION

A motion was made by Councilman White, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of all board members present to authorize settlement of litigation as follows:

RESOLUTION
AUTHORIZING THE SETTLEMENT OF LITIGATION
FILED AGAINST THE TOWN OF STONY POINT

WHEREAS, petitioner 42 Gate Hill Road Corp. commenced Real Property Tax Law Article 7 tax certiorari proceedings to review the assessment by the Town of Stony Point on the assessment rolls for each of the years 2006, 2007, 2008, 2009, and 2010 of certain real property designated as 380 Route 210, Stony Point, New York, S/B/L 14.04-1-28 (the “Property”) entitled 42 Gate Hill Corp. v. Assessor of the Town of Stony Point, et al., Supreme Court, Rockland County, Index Nos.: 6041/06, 6664/07, 8798/08, 7623/09 and 10212/10, and

WHEREAS, a resolution of the petitioner’s claims to reduce the 2006,2007,2008,2009 and 2010 assessments has been discussed and a proposed settlement has been reached, and

WHEREAS, the Town Assessor supports the proposed settlement,

NOW, upon motion duly made and carried, the following resolution of the Town Board of the Town of Stony Point is hereby made and adopted:

Resolved, that the Town Board of the Town of Stony Point authorize and hereby authorizes the execution and delivery by the attorneys for the Town of Stony Point of a consent judgment:

1. Setting the assessments as follows:

Assessment Year	Assessed Value	Settlement Assessed Value	Amount of Reduction
2006	\$328,000	\$304,000	\$24,000
2007	\$283,550	\$262,000	\$21,550
2008	\$283,550	\$283,550	\$0
2009	\$283,550	\$283,550	\$0
2010	\$283,550	\$283,550	\$0

2. The amount of the refunds to be paid are approximately \$391.27 by the County of Rockland, \$3647.48 by the Town of Stony Point and \$11,474.71 by the North Rockland Central School District, for an approximate total of \$15, 513.46 without interest paid within sixty (60) days.

BID SENIOR BUS TRANSPORTATION

A motion was made by Councilman White, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of all board members present to reject all bids regarding 2012 bus transportation for the Stony Point Senior Citizens and to authorize issuance of a new bid for a maximum two-year contract with additional specifications to be added to the new bid.

BID DRAINAGE IMPROVEMENTS-14 ZACHORY TAYLOR DR.

A motion was made by Councilman White, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of all board members present to permit Environmental Construction to withdraw its bid due to an error. The Town Board rejected the remaining bids upon a reasonable belief that re-bidding will result in lower cost proposals on the Project.

BID KIRKBRIDE HALL-INSTALLATION THREE PHASE PAD MOUNT ANSFORMER

A motion was made by Councilman White, seconded by Councilman Finn and **unanimously carried** by a voice vote of all board members present to authorize the Town Clerk to advertise for bids for installation of a three phase pad mount transformer at Kirkbride Hall, once specifications are drawn for a fee not to exceed \$3,000.

BUDGET TRANSFERS

A motion was made by Councilman White, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of all board members present to authorize the Finance Director to make budget transfers as necessary for closing the 2011 year.

ASSET VALUATION

A motion was made by Councilman White, seconded by Councilman Finn and **unanimously carried** by a voice vote of all board members present to authorize a contract for services in the amount of \$1,200 with Asset Works to provide updated depreciation schedules.

APPOINTMENT – ZONING BOARD OF APPEALS

A motion was made by Councilman Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of all board members present to reappoint James McDonnell to another five year term on the Zoning Board of Appeals, ending December 2016.

HEARING OFFICER-CSEA DISCIPLINARY HEARINGS

This item was put over to executive session.

AMENDMENT TO LICENSE AGREEMENT-INCREDIBLE CATERERS

A motion was made by Councilman White, seconded by Councilman Finn and **unanimously carried** by a voice vote of all board members present to authorize Supervisor Sherwood to sign an amendment to the license agreement with Incredible Caterers as on file with the Town. (The Amendment changes installation time of carpeting from every five years to every seven years and indicates it is the responsibility of the caterer to arrange the installation and purchase of the carpeting subject to the Town Board's approval of the price for it.)

SPECIAL SEGMENT RATE UPDATE

Brian Nugent, Special Counsel advised the Town Board that the Complaint, Notice of Petition and the Petition have been filed in Albany Supreme Court via an Order to Show Cause, which was signed by the Court. The Town must serve the papers on the State by December 19, 2011 and the Court set a return date of February 17, 2012.

A motion was made by Councilman Finn and seconded by Councilman Vicari to accept the fee arrangement with the firm of Feerick Lynch MacCartney with regard to the Special Segment Rate Issue. **THIS MATTER WAS TABLED TO THE JANUARY 10, 2012 MEETING.**

VOLUNTARY GRIEVANCE ARBITRATION

A motion was made by Councilman White, seconded by Councilwoman Konopko and unanimously carried by a voice vote of all board members present to authorize special counsel to proceed with selection of an arbitrator in PERB Case No. A2011-396.

AMBULANCE FUNDING

A motion was made by Councilman White, seconded by Councilman Finn and **carried** by a voice vote of those board members present (Supervisor Sherwood opposed) to withhold funding from the ambulance corp. until all issues are resolved with regard to renegotiating the contract and requested information is received concerning current cash balance and loan agreement for construction of the ambulance building.

COMPREHENSIVE MASTER PLAN

Robert Geneslaw, Town Planner was present and briefly recapped where this matter now stands. When the Draft Generic Environmental Impact Statement meets the Board's tensions, a Notice of Completion will need to be distributed. After discussion it was decided to table this item to the January 24, 2012 Town Board meeting for an opportunity for further review.

SPRUCE COTTAGE – REPORT

A motion was made by Councilman White, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of all board members present to authorize the Supervisor to explore with the State DDSO the possibility of swapping the Spruce Cottage lease for other Stony Point property.

PHONE SYSTEM – JUSTICE COURT

A motion was made by Councilman Finn, seconded by Councilman Vicari and **unanimously carried** by a voice vote of all board members present to accept the proposal from Centurion Telephone S/S Inc. in the amount of \$4,900 for a new phone system for Justice Court.

STREET LIGHT – 38 EAST MAIN ST.

A motion was made by Councilman Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of all board members present to authorize the Superintendent of Highways to contact Orange & Rockland Utilities for a proposal for installation of a street light at 38 East Main Street.

WORKERS COMPENSATION INSURANCE-MUNICIPAL GROUP SELF-INSURANCE PROGRAM

A motion was made by Councilman White, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of all board members present to adopt the following resolution, subject to Special Counsel's approval:

RESOLUTION TO JOIN MUNICIPAL GROUP SELF-INSURANCE PROGRAM

WHEREAS, the Authorized Representative of the Town of Stony Point desires to secure the Town of Stony Point's obligation to provide volunteer firefighters' benefit law, volunteer ambulance workers' benefit law and workers' compensation benefits, as applicable through participation in a group self-insurance program of which the Town of Stony Point will be a member.

The Authorized Representative of the Town of Stony Point duly convened in regular session, does hereby resolve, pursuant to, and in accordance with the provisions of Section 50 of the New York State Workers Compensation Law and other applicable provisions of law and regulations there under as follows:

Section 1. The Authorized Representative (hereinafter "Representative") of the Town of Stony Point does hereby resolve to secure the Town of Stony Point's obligation to provide volunteer firefighters' benefit law, volunteer ambulance workers' benefit law and workers' compensation benefits, as applicable through participation in a group self-insurance plan of which the Town of Stony Point will be a member;

Section 2. The Authorized Representative of the Town of Stony Point does hereby resolve that the Town of Stony Point become a member of the Public Employer Risk Management Association, Inc., a workers' compensation group self-insurance program for local governments and other public employers and instrumentalities of the State of New York;

Section 3. In order to affect the Town of Stony Point's membership in said group self-insurance program, the authorized officer of the Town of Stony Point is hereby authorized to execute and enter into the Public Employer Risk Management Association Workers' Compensation Program Agreement, on file in the Office of the Town Clerk, on behalf of the Town of Stony Point.

Section 4. This Resolution shall take effect immediately.

EXECUTIVE SESSION

At 9:19 pm a motion was made by Councilman White, seconded by Councilman Vicari and **unanimously carried** by a voice vote of all board members present to adjourn into executive session to discuss personnel matters.

RECONVENE

A motion was made by Councilman Finn, seconded by Councilman Vicari and **unanimously carried** by a voice vote of all board members present to reconvene the December 13, 2011 Stony Point Town Board Meeting at 9:52 pm.

DISCIPLINARY ACTION

A motion was made by Supervisor Sherwood, seconded by Councilman Vicari and **unanimously carried** by a voice vote of all board members present to authorize Special Counsel to provide disciplinary charges under the CSEA Collective Bargaining agreement to be drafted and served on two employees and to withdraw Section 75 charges.

EXECUTIVE SESSION

A motion was made by Councilman White, seconded by Councilwoman Konopko and **unanimously carried** to adjourn the December 13, 2011 Stony Point Town Board meeting to executive session at 9:55 pm.

ADJOURN

At 10:20 pm a motion was made by Councilman Finn, seconded by Councilman Vicari and **unanimously carried** by a voice vote of all board members present to adjourn the December 13, 2011 Stony Point Town Board meeting.

Respectfully Submitted, Joan Skinner, Town Clerk