

## **STONY POINT TOWN BOARD MEETING – FEBRUARY 14, 2012**

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, February 14, 2012 at 7:00 pm at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, NY. Supervisor Geoff 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

### **Public Input**

Susan Filgueras, President Stony Point Historical Society spoke regarding the parking lot and roof repairs at the Pyngyp School.

George Potanovic – Old Gate Hill Rd. spoke regarding trees that had been removed on the Letchworth Campus and the proposed United Water De-Sal Plant.

### **Purchase Orders**

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 Orders:

Golf Course Clubhouse		
PO#2394	Hi Tech Security Services Inc.	\$2,850.00
Highway		
PO#2382	W.H. Kassner Inc.	\$5,420.00

### **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 (Councilwoman Konopko abstained), to approve the bills as presented for payment:

### **Contractual General – January**

<u>FUND</u>	<u>CLAIM #</u>	<u>BILL TOTAL</u>	<u>FUND TOTAL</u>
<u>General</u>	79b-134	\$1,830,880.43	\$ 1,830,880.43
<u>Highway</u>	20-36	\$ 150,708.52	\$ 150,708.52
<u>Sewer</u>	16-33	\$ 61,809.38	\$ 61,809.38
<u>Special Districts</u>			
Enterprise	21-38	\$ 85,912.03	\$ 85,912.03
Street Lighting	1-1	\$ 22,680.55	\$ 22,680.55

### **General – February**

<u>General</u>	135-212	\$ 319,370.39
<u>Highway</u>	37-69	\$ 52,655.76
<u>Sewer</u>	34-60	\$ 105,941.11
<u>Special Districts</u>		
Ambulance	4-5	\$ 28,239.10
Enterprise Fund	39-61	\$ 10,124.84
Solid Waste	4-6	\$ 21,780.95

### **Minutes**

A motion was made by Councilwoman Konopko, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to accept the minutes of January 10, 2012 and January 24, 2012.

## Reports

### Police Department

Chief Moore presented the Board with the following report:

Police Department Report for the Month of January, 2012

Number of calls for service:	516
Number of reported accidents:	35
Number of arrests:	45
Fuel usage:	1315.8 gallons
Sum total of all traffic enforcement action:	128
Number of Youth Officer sponsored events:	5
Number of child safety seat installations:	3
Number of commercial vehicle enforcement details:	0
Number of traffic enforcement details:	0
Number of training hours:	96:00hrs
Total fees collected:	\$168.00

(\$140.00 for prints; \$25.00 for reports; \$3.00 for FOILs)

Miscellaneous:

Youth sponsored events: 1 Youth Court, 4 Community Service Days

### Police Business:

- **CHIEF MOORE'S TIME RECORD**

A motion was made by Councilman McDonnell, seconded by Councilman White and **unanimously carried** by a voice vote of all board members present to approve Chief Brophy's time record for the month of January 2012 as presented.

- **OVERTIME REPORT**

A motion was made by Councilman White, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of all board members present to approve the overtime report for the month of January 2012 as presented.

- **SICK LEAVE REPORT**

A motion was made by Councilman White, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of all board members present to approve the sick leave report for the month of January 2012 as presented.

- **STOP DWI FUNDING**

Funding for the STOP DWI initiative has been received by the Town in the amount of \$7,940.10; \$5,000 for enforcement of underage drinking and \$2,940.10 for enforcement.

### Economic Development Committee

Councilwoman Konopko reported:

- Hudson Valley Economic Development Corp.
  - Will work with the Town to help market vacant commercial properties within the Town through their data base
  - Offered assistance to help market film opportunities within the Town
- Brownfields Opportunity Areas Award Program grant application is due March 29th

### Golf Course – no report

### Ambulance Report

Mark Engelman, President of the Stony Point Ambulance Corp:

- Thanked the Town Board and Supervisor Finn for their efforts in helping to finalize the building loan.
- Work on the building is proceeding as scheduled.

- Corp will meet with billing company on 2/20/12 in regard to billing monies and will report back next month.

Mark Engelman, Pres. also presented the Board with the following report:

### **STONY POINT AMBULANCE CORPS** **CALL STATISTICS**

The following is a breakdown for the Month of January:

Total recorded request for service:	84
Total recorded "No Crew Available":	5
Total number of Mutual Aid Calls:	11
Average "Response Time"	3.1 min.
Average "On Scene Time"	4.7 min.

**Correspondence** - None

#### **Supervisor's Report**

Supervisor Finn reported that the Parks Dept is working on restoring Lowland Park.

### **DEPARTMENTAL REPORTS**

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

#### **Architectural Review Board**

From:	1/1/2012	To:	1/31/2012
Applications Received	0		
Applications Approved	0		
Applications Pending	0		
Fees Collected:	\$	0.00	
Money in Lieu of Land	\$	0.00	

#### **Building & Zoning Department**

##### **January**

Applications Pending In January	6
Applications Received	12
Applications Returned/Withdrawn	0
Applications Denied	0
Building & Blasting Permits Issued	5
Applications Pending	13
Certificate of Occupancy	5
Certificate of Compliance	5
Fees Collected	\$ 4,875.00

#### **Dog Control Officer**

##### **January**

Dogs seized and sheltered	2
Dogs returned to owner	2
Number of complaints received	5
Miles traveled patrolling the Town and transporting dogs	666

#### **Fire Inspector**

##### **January**

	Month	Total
Number Buildings Inspected	16	16
Number Buildings Re-Inspected	8	8
Field Correction Issued	2	0
Violations Issued	0	0
Violations Complied With	0	0
Violations Outstanding	0	0

Number of Permits Issued	0	0
Requests by Police Dept.	0	0
Requests by Fire Dept.	2	2
Fires Investigated	0	0
Miscellaneous		
RC Fire Inspectors Meeting		

### **Planning Board**

From:	1/1/2012	To:	1/31/2012
Applications Received	0		
Applications Approved	0		
Applications Pending			
Site Plan	2		
Subdivision-Major	2		
Subdivision-Minor	3		
Fees Collected:	\$0.00		
Money in Lieu of Land	\$0.00		

### **Sewer Department**

#### **January**

Total Overtime Hours	54 ½ hrs
Holiday	16
Sundays	20
Call Out	13
Monday	5.5
Total Flow for 2011	
Plant	257,325,900 gallons
Kay Fries	85,923,100 gallons
Monthly Flow	
Plant	28,367,600 gallons
Kay Fries	12,452,200 gallons
Fuel Usage	194.2 gallons
Heating Oil	181 gallons
Total to Sludge Compost Facility	47 Cu. Yds.
Solids	19.2%
Screenings	80.86 Cu. Ft.
Septage	700 gallons

### **Zoning Board Of Appeals**

From:	1/1/2012	To:	1/31/2012
Applications Received	0		
Applications Closed	0		
Applications Pending			
Area Variance	1		
Fees Collected:	\$0.00		

### **Town Clerk**

#### **January**

Amount Paid To NYS Agriculture & Markets	
For Spay/Neuter Program	\$ 46.00
Amount Paid To NYS Health Dept. For Marriage Licenses	\$ 0.00
Amount Paid To NYS Dept. Of Environmental Conservation	\$ 521.32
Amount Paid To Supervisor	\$ 13,512.83
TOTAL AMOUNT REMITTED	\$ 14,080.15

### **PUBLIC HEARING – T-Mobile Northeast, LLC-Cell Tower**

The following public hearing notice was published in the Rockland County Times on February 2, 2012:

### **PUBLIC HEARING-TOWN OF STONY POINT**

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held by the Town Board of the Town of Stony Point, Rockland County, NY on February 14, 2012 at 7:00 pm at Rho Building, 5 Clubhouse Lane, Stony Point, NY concerning the application of T-Mobile Northeast, LLC (successor to "Omnipoint") for renewal of a Special Permit to continue the operation of the existing wireless telecommunications facility at 160 N. Liberty Drive in the Town of Stony Point, County of Rockland, State of New York.

All persons wishing to be heard on this matter are notified and invited to attend and be heard.

By Order of the Town Board dated January 10, 2012. This Public Hearing Notice is provided pursuant to law. Joan Skinner-Town Clerk

Supervisor Finn opened the public hearing at 7:30 pm.

Special Counsel Brian Nugent spoke indicating that this is an application to renew a special permit for an existing cell tower facility.

Cara Bonomolo, Esq., from Synder & Snyder, attorneys for the petitioner, T-Mobile, spoke indicating that all the necessary steps have been taken and all information requested has been properly submitted to the Town.

### **PUBLIC INPUT**

Peter Rao – 67 Park Rd. spoke regarding emf exposures and health concerns.

George Potanovic – Old Gate Hill Rd. spoke regarding increase in emissions, additional companies using the facility, and having the Town hire a consultant to measure emissions, with the applicant paying for it.

Special Counsel Brian Nugent advised that emissions are pre-empted by federal law and must be in compliance with federal regulations. The only issue before the Town Board is setting the need for the facility, etc., which has been done.

Susan Filgueras, Mott Farm Rd, Tomkins Cove asked the procedure for adding other equipment once the permit is issued.

Cara Bonomolo replied that if another carrier is interested in co-locating on the tower it would need to come before the town board for approval.

### **ACTION**

A motion was made by Councilman McDonnell, seconded by Councilman White and **unanimously carried** by a voice vote of all board members present to close the public hearing at 7:52 pm.

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

### **RESOLUTION APPROVING SPECIAL PERMIT RENEWAL OF WIRELESS TELECOMMUNICATIONS FACILITY AT 160 N. LIBERTY DRIVE**

WHEREAS, pursuant to a Stipulation of Settlement in the federal court in the Southern District of New York, dated December 12, 2006, a Special Permit was approved by the Town Board of Town of Stony Point (the "Town") for a wireless telecommunications facility at 160 N. Liberty Drive in the Town, then operated by Omnipoint Communications, Inc., and

WHEREAS, the current lessee of the wireless telecommunications site is T-Mobile Northeast, LLC, ("T-Mobile") and

WHEREAS, in accordance with Town Code 215-66, such Special Permits are required to be renewed every five years, and T-Mobile has submitted an application for renewal of such Special Permit for a wireless telecommunications facility, and

WHEREAS, the Town has requested, and T-Mobile has submitted, certain documents, including proof of FCC licensure, a statement of compliance with FCC regulations, a statement confirming that the structure is sound, and a statement confirming that the facility is fully automated, and,

WHEREAS, a public hearing is required for such applications and such hearing was held on February 14, 2012 at 7:00pm and all interested persons were provided with an opportunity to speak and,

WHEREAS, notice of such application to renew such Special Permit and of the public hearing was properly published, posted and mailed to surrounding property owners, and

WHEREAS, in accordance with Town Code § 215-66, the purpose of such public hearing is limited to determining whether the technology in the provision of the facility has changed such that the necessity for the permit at the time of its approval has been eliminated or modified such Public Hearing, and

WHEREAS, all persons having been heard, and all required submissions having been provided to the Town;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Stony Point in regular session duly convened as follows:

1. The application of T-Mobile for renewal of a Special Permit to operate a wireless telecommunications facility is hereby approved by the Town Board for a five year period, retroactive to the date of previous expiration (December 12, 2011) and expiring on December 12, 2016 at which time an application for renewal of the Special Permit shall be required to continue such facility; and
2. Such renewal is granted in reliance on the accuracy of all submissions and representations of the applicant;
3. The Town Clerk be and hereby is directed to communicate this determination to T-Mobile by transmitting to T-Mobile, via its counsel, Synder & Synder, LLP, 94 White Plains Road, Tarrytown, New York, 10591, a certified copy of this Resolution.
4. This Resolution shall take effect immediately and be retroactive to December 12, 2011.

#### **AGREEMENT ENVIRONMENTAL MAINTENANCE CONTRACTORS**

A motion was made by Supervisor Finn, seconded by Councilman White and **unanimously carried** by a voice vote of all board members present to authorize the agreement between the Town of Stony Point and Environmental Maintenance Contractors, Inc. in the amount of \$6,700 for removal and disposal of asbestos containing roofing materials from the Pyngyp School building.

Supervisor Finn announced that this project will be paid for through grant monies received by the Town.

#### **ROCKLAND RIVERFRONT COMMUNITIES COUNCIL**

Councilwoman Konopko advised that the Rockland Riverfront Communities Council highly supported Stony Point in their efforts towards the Building Blocks for Sustainable Communities Program award.

#### **BUILDING BLOCKS FOR SUSTAINABLE COMMUNITIES PROGRAM AWARD**

Councilwoman Konopko announced that the Town of Stony Point was selected to receive assistance from the Environmental Protection Agency's "Building Blocks for Sustainable Communities" Program. As a recipient, the Town will be eligible to receive consultant assistance through a one day on-site workshop on steps for sustainable growth.

#### **GREEN INFRASTRUCTURE – NYSDEC**

Kevin Maher, Town Engineer, spoke regarding the new "Green Infrastructure" regulations that have been adopted by the New York State Department of Environmental Conservation.

**KEEP ROCKLAND BEAUTIFUL**

A motion was made by Councilman White, seconded by Councilman Javenes, and **unanimously carried** by a voice vote of all board members present to sponsor the Great American Cleanup initiative in the amount of \$500.00.

**RE-INVENTORY UPDATE PROPOSAL**

A motion was made by Councilman McDonnell, seconded by Councilman White and **unanimously carried** by a voice vote of all board members present to approve the comprehensive property inventory and appraisal update services proposal dated 2-1-12 from Asset Works; with the following changes - the threshold amount from \$500 to \$5,000 and the date of the next inventory to 2017.

**SETTLEMENT OF LITIGATION**

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

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

WHEREAS, petitioner New York Telephone Company a/k/a Verizon New York, Inc., 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, 2010 and 2011 of certain real property described as property identifier 628.000-9999-631.900/1881, Stony Point, New York (the “Property”) entitled *New York Telephone Company a/k/a Verizon New York, Inc. v. Assessor of the Town of Stony Point, et al.*, Supreme Court, Rockland County, Index Nos.: 06-6088, 07-6596, 08-7158, 09-6677, 10-7954 and 11-31384

WHEREAS, a resolution of the petitioner’s claims to reduce the 2006, 2007, 2008, 2009, 2010 and 2011 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	\$215,000	\$215,000	\$0
2007	\$215,000	\$215,000	\$0
2008	\$215,000	\$215,000	\$0
2009	\$215,000	\$215,000	\$0
2010	\$215,000	\$215,000	\$0
2011	\$215,000	\$160,000	\$55,000

- 2. The amount of the refunds to be paid are approximately \$840.75 by the County of Rockland, \$2,107.36 by the Town of Stony Point and \$9,682.15 by the North Rockland Central School District, for an approximate total of \$12,630.26 without interest paid within sixty (60) days.

### **BUILDING & GROUNDS – PURCHASE TRAILER**

A motion was made by Councilman White, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of all board members present to approve the purchase of a cargo trailer from Hudson River Truck and Trailer in the amount of \$7,771.00.

### **ASSISTANT BUILDING INSPECTOR – NYSBOC SPRING SEMINAR**

A motion was made by Councilman White, seconded by Councilman Javenes and **unanimously carried** by a voice vote of all board members present to authorize the Assistant Building Inspector to attend the New York State Building Officials Conference, May 1-3, 2012 at a cost of \$300.

### **CAMP VENTURE – REQUEST FOR TRAFFIC CONTROL**

Chief Moore and Superintendent of Highways Larry Brissing have met to discuss Camp Venture's concerns regarding traffic safety in the Letchworth Complex area. They will have new signs posted to suggest lower speed limits, golf course crossings and turns in the roadway.

### **TOWN HALL REPAIRS**

Supervisor Finn reported that recent emergency repairs had been made to the porch roof at Town Hall. While the contractor was on the premises he presented the Town with proposals to repair the roof and replace the windows.

### **POOL REPAIRS**

A motion was made by Councilman Supervisor Finn, seconded Councilman White and **unanimously carried** by a voice vote of all board members present to hire John Petroccione, a pool consultant, for a total amount of \$3,000 as per his proposal of February 7, 2012.

### **ECCHER PARK – PURCHASE OF FENCE**

A motion was made by Councilman McDonnell, seconded by Councilman Javenes and **unanimously carried** by a voice vote of all board members present to purchase a fence from Homestead Fence in the amount of \$7,025 for use at Eccher Park at Lowland.

### **EXECUTIVE SESSION**

At 8:39 pm a motion was made by Councilman White, seconded by Councilman Javenes and **unanimously carried** by a voice vote of all board members present to adjourn into executive session to discuss legal and contract issues.

Prior to adjourning Supervisor Finn announced that the February 14<sup>th</sup>, 2012 Stony Point Town Board Meeting was being closed in honor of Brian Gilmartin, a Stony Point resident and good friend, who passed away 25 years ago at the age of seventeen.

### **ADJOURN**

The February 14, 2012 Stony Point Town Board meeting was adjourned at 10:30 pm on a motion made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of all board members present.

Respectfully submitted,

Joan Skinner  
Town Clerk