

## STONY POINT TOWN BOARD MEETING – FEBRUARY 25, 2014

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, February 25, 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. Jim Monaghan Councilman  
Mr. Geoffrey Finn Supervisor

ABSENT: Mr. James White Councilman

### PUBLIC INPUT

- John Greeley spoke about the tremendous and organized way in which the roads and sidewalks were taken care of during the many storms this winter season.
- Curt Mulligan spoke in favor of the proposed resolution on the agenda to provide for fee reductions in recognition of the service of volunteer emergency services.
- George Potanovic – Old Gate Hill Rd spoke about the Community Reconstruction Zone Program and Open Meetings Law with regard to executive session. He read the following letter:

#### **Subject: NYS Open Meetings Law - Requirement to identify subjects being discussed during Executive Session**

Dear Supervisor Finn and Stony Point Town Board members,

I am concerned that the Town of Stony Point Town Board has been violating the provisions of the NYS Open Meeting Law by consistently not identifying subject(s) being discussed in executive session. The Opens Meeting Law, clearly states the requirement that a governmental body identify the particular subject matters being discussed. It seems clear, based on the published opinion of Robert Freeman, Executive Director of the NYS Department of State Committee on Open Government that when the Town of Stony Point votes to enter executive session by simply identifying "personal matters" falls short of the requirements under the Public Officers Law § 105 [1].

Below is an excerpt from the letter of opinion rendered by Robert Freeman concerning the requirement of a governmental body to specifically identify the subject matter being discussed before voting to enter Executive Session, dated April 22, 1997. To read the entire opinion, please click on this link: <http://docs.dos.ny.gov/coog/otext/o2748.htm> More recently, the Appellate Division, Third Department, confirmed the advice rendered by the Committee and held that:

**"...the public body must identify the subject matter to be discussed (See, Public Officers Law § 105 [1]), and it is apparent that this must be accomplished with some degree of particularity, i.e., merely reciting the statutory language is insufficient** (see, Daily Gazette Co. v Town Bd., Town of Cobleskill, 111 Misc 2d 303, 304-305). Additionally, the topics discussed during the executive session must remain within the exceptions enumerated in the statute (see generally, Matter of Plattsburgh Publ. Co., Div. of Ottaway Newspapers v City of Plattsburgh, 185 AD2d §18), and these exceptions, in turn, 'must be narrowly scrutinized, lest the article's clear mandate be thwarted by thinly veiled references to the areas delineated thereunder' (Weatherwax v Town of Stony Point, 97 AD2d 840, 841, quoting Daily Gazette Co. v Town Bd., Town

of Cobleskill, supra, at 304; see, Matter of Orange County Publs., Div. of Ottaway Newspapers v County of Orange, 120 AD2d 596, lv dismissed 68 NY 2d 807).

**"Applying these principles to the matter before us, it is apparent that the Board's stated purpose for entering into executive session, to wit, the discussion of a 'personnel issue', does not satisfy the requirements of Public Officers Law § 105 (1) (f).**

The statute itself requires, with respect to personnel matters, that the discussion involve the 'employment history of a particular person' (id. [emphasis supplied]). Although this does not mandate that the individual in question be identified by name, it does require that any motion to enter into executive session describe with some detail the nature of the proposed discussion (see, State Comm on Open Govt Adv Opn dated Apr. 6, 1993), and we reject respondents' assertion that the Board's reference to a 'personnel issue' is the functional equivalent of identifying 'a particular person' [Gordon v. Village of Monticello, 620 NY 2d 573, 575; 207 AD 2d 55 (1994)].

In the interest of transparency, the Stony Point Town Board is required to identify not only the general category ie: personnel issues but the specific subject(s) for discussion that may be legally conducted in executive session as indicated in **Section §105. Conduct of executive sessions.**

As elected officials, you take an oath of office to uphold the laws of the State of New York. In this case, it seems obvious that you are not currently complying with the NYS Open Meeting Law and I, therefore, urge you to request legal advice from the town attorney and the NYS Department of State on this matter in order to finally correct this situation because the subject has been raised repeatedly in the past and has remained unresolved.

I look forward to your reply.

Sincerely, George Potanovic, Jr. President, SPACE Stony Point Action Committee for the Environment

- Susan Filgueras – 87 Mott Farm Rd. spoke about:
  - Community Reconstruction Zone Program
  - Anti-fracking law
  - Spectra's proposed gas line installation

### **SUPERVISOR'S REPORT**

Supervisor Finn spoke about:

- The successful blood drive recently conducted by the Stony Point PBA
- Recreation Department's "Children's Bingo" night on March 7 from 6:30-8:30 pm
- Tonight's meeting will be closed in honor of two long-time community minded town residents who recently passed away; John Reilly and Bill Lewis.

### **ABANDONED AND DAMAGED HOUSES – RIVERFRONT AREA**

The Town Board would like to proceed with the repair and/or demolition of unsafe structures in the riverfront area that were affected by Hurricane Sandy last year. Special Counsel Brian Nugent spoke regarding the procedure to be followed to accomplish this initiative.

### **EXTEND DATE – RHO BUILDING ALTERATIONS BID**

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present (Councilman White was absent) to extend the bid submission date to March 20, 2014 for the RHO Building Alterations.

### **TOWN CLERK'S ASSOCIATION**

A motion was made by Councilman Basile, seconded by Supervisor Finn and **unanimously carried** by a voice vote of all Board members present (Councilman White

was absent) to approve the Town Clerk attending the New York State Town Clerk's Association in Saratoga Springs, NY at a cost of approximately \$925.

### **PATRIOT HILLS GOLF CLUB OPERATIONS - REHIRES**

A motion was made by Supervisor Finn, seconded by Councilman Javenes and **unanimously carried** by a voice vote of all Board members present (Councilman White was absent) to rehire the following people for Golf Course Operations as requested by Dave Fusco, Director of Golf:

**Starters** @ \$10.28 per hour – Al Standish, Anthony Losquadro, Rich Sloboda, Frank Schultz and Sean Murray.

**Pro Shop** @ \$13.42 per hour – Sooky Welsh.

**Pro Shop** @ \$10.82 per hour – Hughann Limpert, Jeri Meany, John Sottile and Ralph Felice.

**Rangers** @ \$8.23 per hour – Gary Dwyer, Nicholas Loucas, Pat Sullivan, Kevin Twibell, Bob Rennie, Paul Tirc.

**Rangers** @ \$8.00 per hour – Frank Capolupo, Ed Murray Bruce Cloer.

**Cart Attendants/Range** @ \$8.23 per hour – Brian McFadden, Chris Filor, Brandon Gubitosa, Evan O'Connor, Daniel Gizzi, Kyle Sullivan James White.

**Cart Attendants/Range** @ \$8.00 per hour – Chris Pagano, Troy Feniger, Anthony Mezzio, Michael Bennis, Vincent Greco, Thomas Bahrs, Colin Priest.

### **BID – HIGHWAY DEPT 2014 AERIAL TRUCK**

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of all Board members present (Councilman White was absent) to award the bid for a 2014 Ford aerial truck at a cost of \$59,400.00 to the lowest bidder, Mobile Lifts Inc.

### **FEE REDUCTIONS IN RECOGNITION OF THE SERVICE OF VOLUNTEER EMERGENCY SERVICES**

Councilman Basile read the following resolution:

WHEREAS, Stony Point's place in history was made by people who had the courage to serve a cause greater than themselves and our volunteer emergency services volunteers exhibit that spirit every day; and

WHEREAS, the Town of Stony Point is served today by dedicated citizens who give of their time and talents to ensure public safety often at significant personal risk; and

WHEREAS, these residents repeatedly demonstrate a courage and commitment that significantly contributes to protecting our health, safety and overall high quality of life;

WHEREAS, the Town seeks to recognize those volunteers of the Stony Point Fire District, Stony Point Ambulance Corps and Stony Point Auxiliary Police for their exemplary service; and

WHEREAS, the Town of Stony Point has a significant interest in fostering a culture of service within our community particularly with respect to supporting the volunteer emergency services; and

WHEREAS, the Town seeks to aid in the recruitment process for these organizations by providing recognition for service that demonstrates the Town's appreciation for our volunteers; and

NOW, THEREFORE, be it resolved as follows:

1. The above "Whereas" paragraphs are incorporated herein by reference.

2. The Town shall offer **eligible** volunteers of the above emergency services organizations the following set of discounts at Stony Point Town facilities, amenities and offerings:

- a. Stony Point Town Pool – No fee
- b. Highway Department Dump Pass – No Fee
- c. Patriot Hills Resident Golf Card fee– 50% discount
- d. Stony Point Playground Program – 25% discount
- e. Stony Point Day Camp Registration – 20% discount
- f. Individual Rounds at Patriot Hills – 25% discount
- g. Town Swim Lessons – 25% discount
- h. Tennis Lessons – 20% discount
- i. Use of Facilities – 25% discount

3. “Eligible volunteers” **shall be defined as those members who are active and in good standing, including those recognized as life members of their respective organizations so long as such life members maintain Stony Point residency.**

4. Social members, honorary members **or persons with any other form of membership other than active members** shall not be eligible to receive these benefits.

5. Discounts shall be extended to spouses and minor children of **eligible** volunteers. **Minor children shall be defined as children under eighteen (18) years of age that are residents of the Town. A minor child shall also include a child residing with an eligible volunteer where the eligible volunteer is the legal guardian of such child.**

6. **In order to establish and/or maintain eligibility**, each organization shall furnish a list of active members in good standing to the Town Recreation Department, Patriot Hills Golf Course and the Town Clerk every **six (6) months, indicating any roster changes.**

7. The above discounts **may** be offered as a family discount when multiple registrations are necessary or requested.

8. In order to be eligible for such discounts, the eligible volunteer must be present with the organization’s official valid, identification documentation designating said individual as an eligible volunteer of the organization at the time discount is to be applied or at time of registration.

9. Spouses of eligible volunteers **may** also be eligible for the above discounts provided proper documentation **and/or identification issued by an eligible organization is presented.**

10. **In addition to any other rights the Town may have, the Town shall have the right to deny or revoke the above discounts for any otherwise eligible volunteer who is determined by the Town Board to have engaged in any improper act, including but not limited to, misrepresentation as to eligibility, identity or any other information pursuant to this discount program. A person subject to such denial or revocation shall be afforded an opportunity to be heard by the Town Board before such denial/revocation.**

11. **The Town Board shall review the discount program annually and may, at its sole discretion, amend the discounts offered, eligibility requirements, or any aspect of the discount program, including discontinuance of the discount program entirely.**

12. This Resolution shall be effective immediately and supersede Resolution 08-136.

### **ACTION**

Councilman Basile then made a motion to accept this resolution and Supervisor Finn seconded it. However, after much discussion between members of the Town Board and department heads, Supervisor Finn withdrew his second and this matter was **tabled** until the March 11, 2014 Town Board meeting.

### **PENGUIN REP THEATRE REQUEST**

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of all Board members present (Councilman White was absent) to support Penguin Rep Theatre with a \$1500 contribution.

### **USE OF RIVERFRONT PARK – NORTH ROCKLAND CREW TEAM**

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of all Board members present (Councilman White was absent) to approve the request of the North Rockland Crew Team for use of Riverfront Park from April 7 – May 31, Monday – Friday from 2:30-5:30 pm. The proper certificate of insurance must be presented to the Town.

### **AGREEMENT - SIMONS RECOVERY CONSULTING**

A motion was made by Supervisor Finn, seconded by Councilman Javenes and **unanimously carried** by a voice vote of all Board members present (Councilman White was absent) to authorize the Supervisor to enter into a contract with Simmons Recovery Consulting Firm to aid the Town in the recovery of FEMA funding for damages to our parks during recent disasters. Their fees are part of the submission to FEMA for reimbursement by FEMA at the 90% rate and the contract will run for sixty days.

### **HIGHWAY DEPT – REQUEST FOR EQUIPMENT**

Superintendent of Highways Larry Brissing submitted a request to purchase a truck and plow from municipal bid and to budget for a second truck and plow next year. After discussion, our Finance Director will analyze the best way to pay for this and report back at the next regular meeting.

### **CLOSE MEETING**

A motion was made by Supervisor Finn, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present (Councilman White was absent) to close the February 25, 2014 Stony Point Town Board meeting in loving memory of John Reilly and William Lewis, two gentlemen who called Stony Point home for many years, volunteering and giving back to the community in many ways.

### **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 (Councilman White was absent) to enter into executive session for personnel matters and the to discuss a potential transaction that involves the financial credit and employment history of a particular corporation. No votes will be taken.

### **ADJOURN**

The February 23, 2014 Stony Point Town Board meeting adjourned at 9:30 pm.

Respectfully submitted

Joan Skinner – Town Clerk