

## STONY POINT TOWN BOARD MEETING – JANUARY 25, 2011

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, January 25, 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
	Ms. Luanne Konopko	Councilwoman
	Mr. William E. Sherwood	Supervisor

ABSENT: None

### PUBLIC INPUT

Steven Leonardo, West Main St. spoke against demolition of the Malloy Building and indicated that he has been in touch with the Governor's office, Assemblywoman Calhoun's office and Senator Carlucci's office and presented them with petitions.

Daniel Cirruzzo, Govan Dr, spoke in favor of the Historical Society of the Palisades Interstate Park Region refurbishing the Pyngyp School building.

Lillie Ann Wilson, Fonda Dr, spoke in favor of the Historical Society of the Palisades Interstate Park Region refurbishing the Pyngyp School building.

Susan Filgueras, Mott Farm Rd, spoke about Pyngyp School and the Stony Point Historical Society indicating:

- The town encompasses many groups and they all need to be recognized.
- Membership is open to everyone.
- Will promote a sense of town and explore the history of the town.
- A local contractor has volunteered to do the work on the Pyngyp building.
- Building could be a community center that encourages people to come into our town.
- We need to come together as a community and say we can make this work.

### PURCHASE ORDERS

It was moved by Councilman White, seconded by Councilman Finn and **approved** by a voice vote of all board members present to approve the following Purchase Orders:

Highway		
PO#2272	Eastern State Tire	\$1,040.46

### AUDIT OF BILLS – None

MINUTES – A motion was made by Councilman White, seconded by Councilwoman Konopko and **approved** by a voice vote of all board members present to accept the minutes of January 11, 2011.

### REPORTS

ECONOMIC DEVELOPMENT COMMITTEE – Councilwoman Konopko reported that the next meeting of the Committee would be held on February 1, 2011 and Curtis Cravens of the NYS Dept. of State will tour the Patriot Hills complex in preparation for the Brownfields Opportunities Area Grant application.

### POLICE DEPARTMENT REPORT/BUSINESS – None

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**GOLF COURSE REPORT** – Councilman White reported that fees are being revised for this season and the maintenance proposal asked for by Councilman Vicari is being worked on.

**LEGISLATIVE REPORT** – NONE

**SUPERVISOR'S REPORT – STATE OF THE TOWN ADDRESS**

Thank you Stony Point - Thank you for giving me the honor and privilege of serving as Town Supervisor. It is a continually interesting and challenging job...particularly during this past difficult year. Like every other town, county and state, we are struggling through what is a global economic downturn. States—and New York is one of the worst—are facing unprecedented fiscal challenges as costs explode and revenues decline. Hard times mean we must make hard decisions. And, together, we will make the tough decisions for the future of our Town.

Thank you Town Board - Jim White, Deputy Supervisor...thank you for your help, your insights into the finances, your financial expertise in helping us through a very difficult budget.

Geoff Finn—councilmember for 6 years...thanks for taking on several tough issues and especially for helping us settle our Police Contract before what would have been a devastating arbitration award.

Lou Vicari—thanks for your experience and knowledge of the town and its functions, your deliberate and thorough review of our many complex problems and your integrity throughout the decision process.

And, Luanne Konopko, thanks for your partnership and enthusiastic leadership on economic development and planning issues and the selfless community outreach you have been so very helpful with. You and I came to the board at the same time and we have the same visions for our wonderful town and no one has done more than you to set the stage for the future for Stony Point.

Thank you to my fellow elected officials - Town Clerk Joan Skinner for your help and guidance. You and your staff are always there to keep the enormous paperwork of this really tiny town in order and in proper form while dealing with the public and the many duties you are charged with by law and by the board's demands.

Receiver of Taxes Cathy Campbell Lyons, who has the tough job of collecting taxes but does it with a smile, and grace and skill and I might add with a very limited staff.

Superintendent Larry Brissing, who with his highway crews continues to improve the infrastructure of the town, supervised a very extensive curbing and repaving job. They make repairs and keep us in operation, particularly after this very difficult month and within the tight budget restraints imposed by the very tight economy.

We all have our differences from time to time . . . but we could not ask for officials and employees who are more devoted to our town or care more for the people of Stony Point. Every official, every department head, every employee takes their responsibility seriously and works to make our town better in any way they can. I know you will keep our citizens and taxpayers in your minds as we continue to negotiate the difficult issues. We all must work together get the best for Stony Point. Our citizens deserve the best.

Taxes and Budget - I inherited a budget that proposed taking \$2.5 million from our surplus but because of our ongoing diligent work, watching all expenses, getting money saving ideas from department heads and employees and with the Town Board's support we needed to use only \$1.6 million of that, ending the year almost \$900,000 under budget and preserves our precious surplus.

I realize that when I ask questions and demand answers and propose changes some people can take exception—but it must be done. It's clear that we can't keep doing things the same old way . . . the challenges we face are too great .... And we can't kick problems down the road to be handled by future generations.

Phase 2 of our operational reviews continue. All expenses, all processes, all hiring, all past decisions must be reviewed and thought through anew. This process is ongoing and I am particularly pleased that members of the Town Board have all agreed to sit in on this process with me and serve as liaisons with specific departments:

Deputy Supervisor White will help with the Sewer Department and our golf operations, Councilperson Konopko will work with Buildings and Grounds and on Parks and Recreation, as well as continuing her groundbreaking work on economic development; Councilman Finn will work with the Highway Department and Town Attorney; and we will benefit from Councilman Vicari's expertise on Police and Justice Court operations.

Together we will intensify our efforts to streamline operations find new efficiencies and save taxpayer money. Here in our town, despite differences in political philosophy or personal style, we all work together for the good of our town.

We have approved a very tight 2011 budget, which relies upon \$1.5 million from our reserves in addition to numerous cuts in all departments. But I know the departments and the Board will cooperate in seeking even more cost-cutting measures so we can protect our reserves and not use all the \$1.5 million budgeted. I know this will be even more difficult after the cuts already made, but we must continue our belt-tightening.

Economic Development – We have everything you could want in a hometown right here in Stony Point; we have beautiful scenery, amazing history, a friendly community. All we need are businesses and jobs...and we need them now.

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Substantial global market changes have hurt long-time employers like US Gypsum and we in North Rockland are still suffering from the loss of our energy economic engines of Mirant, and especially for Stony Point, the Lovett Plant. These losses must be replaced and that is my primary focus. Not a day goes by that I am not out promoting our town to business leaders. Councilperson Konopko's creative leadership is critical here and she has taken a huge leadership role in helping position the town for future growth. Inquiries are received nearly daily and I believe that businesses are just waiting for the first sign that things are about to turn around before making investments ... but that growth will happen, it will happen soon and we will be ready.

Our commercial area off Holt Drive, now even more attractive and lively with the debut of Shop Rite is a perfect place to accommodate more businesses. We finally have a grocery store. Shop-Rite is with us for only a few months but they are already apart of the community and participating in local charities always ready to make a contribution of food and services.

Before the store opened Larry Brissing pointed out the deteriorated condition of Holt Drive. He told me it would cost \$90,000 to repave the town highway and the money wasn't in the budget. I contacted Larry Inserra, the owner of some 22 Shop-Rite markets and asked for their participation. I invited him as my guest to our golf course. He suggested we split the cost 50/50. After a round of golf with him and his associates and a pleasant lunch he agreed to contract the work if the town would contribute \$25,000. They opened the store with the road repaved and lined and striped at a savings to the town of at least \$65,000.

Our waterfront area is sure to expand and grow with a new seafood restaurant that is scheduled to open by February 1. We expect increased use of our marinas.

And there is growing interest here in our beautiful Patriot Hills complex—but I will only consider plans and proposals that complement our current uses for this area, the municipal operations, baseball fields and golf course, recreation and meeting spaces. We have commissioned expert appraisals for all the surplus property at Patriot Hills so we are in a position to get this property back on the tax rolls. We now have some idea of the value of this property in today's market, and we continue to get inquiries about it. We are in a position to start to promote the proper development of this resource. We must get this property on the tax rolls and encourage development and improvements.

Seeing the revival of the Patriot Plaza with its new businesses is exciting, and again thanks largely to Councilperson Konopko, I am more optimistic than ever that the Liberty Plaza, the site of the long abandoned Stop & Shop will see some much needed improvements and business activity. We now have new lines of communication and a new level of interest from the owners in Florida and we are all very hopeful that the doors she has opened will usher in new businesses.

By spring new stores will be starting to open in the Shop-Rite mall as well and as traffic increases so will the economy in our town.

I have initiated several introductions and extended a welcoming and helpful hand to any business or service who wants to know more about why Stony Point is the place to grow their business. I consider selling the benefits of our town to the business community around the county and the Hudson Valley region as my highest priority. Quite simply, without new revenues from economic development it will be impossible to sustain the level of services that our taxpayers want and deserve.

Intergovernmental Relations - I believe that as the smallest town in the county, it is important that we always be engaged on any county, regional and state issues. My job as Town Supervisor is to protect and promote the interest of this Town. I am, therefore, interested in having us participate in all studies on shared services or consolidations to save taxpayer money and "get more bang for our buck." With the help of the other supervisors in the county we are already preparing for a study of the financial benefits of mergers and shared services.

For instance when we took delivery of a nearly \$500,000 improvement for our sewer department I reached out to the Rockland County Solid Waste Management Authority because they would benefit from our more efficient operation. By the way the Executive Director is a Stony Point resident. Through that outreach I convinced them to participate in our purchase and pay 10% of the cost of the new equipment, garnering a healthy \$47,000 contribution toward the purchase.

Through a referral from the Town of Ramapo and an introduction at last years Association of Towns meeting in New York City, I was able to refinance old high interest town bonds at a new lower rate, saving nearly \$300,000 for the town.

I have been successful in getting full cooperation from the county. Our county has personnel, human resources, planning and myriad other departments that are more than willing to share their expertise with us. For instance our procurement system is a part time operation but the county has a complete purchasing department headed by a director who literally wrote the book on bidding and procurement practices. When we need equipment that would normally require a lengthy and costly bidding process they have been able to help us find it on other bid lists that we can use . . . traveling via the internet upstate or to Long Island to locate suppliers and acceptable bids.

I have been strengthening our relationships with Haverstraw and the other towns as well as with the county. That certainly does not mean that we will approve every scheme that comes before us. But if it is a worthy project that will benefit the region, we should all be able to put political differences aside and move forward for our mutual benefit.

Of course we always must do our due diligence so we have the facts and figures to recognize how the area can benefit. I believe we have much to learn (good and bad) from the experiences of the larger towns, and because we share the responsibility for funding our joint North Rockland School District, that we deal fairly and openly with our neighbors in Haverstraw. Remember their economic success helps our taxpayers as well.

I initiated a vigorous new approach to common problems with my colleagues in the revival of a county Board of Supervisors to work together on common interests and projects. We now meet twice a month to work through issues of mutual concern.

I was shocked when I took office that they did not meet on a regular basis and I felt we were missing an opportunity. The entire county used to be run by the 5-member Board of Supervisors; and although we will not be returning to that system, we have many common problems and there are many areas where we need to work together to insist the state and county recognize and respond to the towns' needs. We have met as a group with police chiefs, the county legislature chair, the county executive, the District Attorney, the Sheriff and our state representatives so they know about and understand our problems—and the response has been very encouraging.

The consolidation study we are initiating should be paid for by money controlled by the District Attorney and Police Chiefs not from town budgets.

I will also be watchful as the County Legislature reapportions itself this spring following the release of the 2010 census numbers. I have notified the legislative chair and all members that it is critical that our small town not be divided into separate legislative districts. I know that County Legislator Jobson feels the same way and will fight for us so that our voice as a town will not be diluted.

Thank you Stony Point Employees - You're great. Getting to know you all and working with you has been a pleasure. As we review operations, solve problems, reset our processes, and negotiate contracts we have learned a lot about what is best for this town. I hope all of our employees know that my questions are only aimed at learning from them so that together we can be as efficient and effective and affordable as possible in providing services. We are doing more with less – we have to -- and I appreciate the help I have received from the employees and especially the unions. Our retirement incentive helped us reduce the workforce and we secured very helpful concessions on work rules, to be voted on tonight, with CSEA agreeing that sewers, highways and building and grounds can schedule multiple shifts so department heads can provide proper coverage without overtime, generate savings and avoid layoffs—and nobody wants layoffs if they can be avoided.

I appreciate the leadership of Chief Brophy in his efforts to reduce overtime costs this year and for working with the board to serve our citizens with a smaller police payroll (reduced from 30 to 26 this year and expected to be at 24 by next year at this time). I also appreciate the cooperation of the PBA in resolving an overdue contract negotiation with an outcome that is fair to both the police officers and the taxpayers. Again I want to recognize Councilman Finn for his important role in securing this agreement. The arbitration as submitted would not have gone well for the town and would have resulted in a crippling blow to our budget.

I have also asked all town employees to contribute toward their town purchased health insurance and most of our non-union employees have started making a modest contribution. This will be an important issue in our union negotiations in the year ahead. Everyone has come to realize that “free” health insurance for many of our employees and “defined benefit” pension plans are unsustainable for the government at every level and that they must be phased out as they have been in private industry. The families in our town are all facing challenges in controlling their costs. So must we.

We have to look at everything we've been doing and we all must share the burden in these tough times. We must all work together because the taxpayers of this town, our school district, our county and state can no longer afford to see uncontrolled tax increases. And although town taxes are still a small portion of the homeowner's tax bill, only about 17%, it is essential that all levels of government hold the line and if we must set the standard we shall do it as the government that is closest to the citizens.

Town Services - Our town services, even in these tight fiscal times, are superb for a town of our size. Our police force and emergency services, our highway and public works, and our parks and recreation all provide excellent service for our residents. The needed emphasis on reducing costs does not in any measure reduce our respect and appreciation for the fine work provided by our employees.

Stony Point, as a family-oriented community, enjoys a great variety of recreational activities. Seniors, kids, families all enjoy our recreational amenities. And our new Town Web Site is making it even easier for residents to learn what's going on. Designed by my assistant Rosemarie Caramanno, with the special skills of Councilperson Konopko, it is now up and running. Please check it out, give us your ideas and sign up to receive news of interest.

Kudos to Dave Fusco, under whose leadership (and with the help of the good-weather gods) he had a great season at Patriot Hills. Dave is a great manager who continues to do an outstanding job. He is marketing our golf facility like an advertising professional. He is running a “host” business like a fine hotel and he and his staff are very successfully making our premier golf course something way beyond a typical municipal facility. It is a destination course and this year is honored as one of the top 20 courses in New York State by Golf Magazine. That is not an accident or luck. It reflects a devotion to making this facility a huge economic attraction for our town.

And a very special Thank You to Recreation Director Noreen Smith. Her devotion to our youth in her recreation program, and our seniors here in the community center is never fully recognized.

Tonight I want to announce that I am naming Noreen Smith my Employee of the Year. She was a surprise find when I took office.

Last year I proposed to the board that we reduce the membership fee on the town pool so that more families would use it. The board not only agreed, Councilman Finn expanded that idea and suggested that we entirely waive the fee as a trial. We wanted our very lovely pool to be more accessible and more popular for our residents.

Membership and attendance had really fallen over the past few years, and in 2009 only about 50 families joined. We all believed that Stony Point families were looking for great things to do close to home—especially during these economic times. So, not knowing exactly what to expect or how many families to plan for, we “dove right in.” And leading the way was Noreen Smith.

No one knew how we would run a free pool for Stony Point residents but Noreen stepped up and set up a program, issued resident cards, and struggled to guess at the staffing needs. She found a local

restaurant owner to run a small refreshment stand. She went from 50 families to between 1500 and 2000 participating residents who got pool cards. Our pool had record use.

Noreen has only a one part time assistant and of course gets help as needed from other town departments, but she organizes staffs and runs programs for our youths from holiday events to summer concerts and outdoor movies and picnics. Almost all of this is done with volunteers and donations of materials and goods.

When we were addressing budget issues we talked about the cost of concert bands, and she suggested that we seek sponsors for those great community concerts. She immediately contacted local merchants and businesses and rounded up sponsors to help support these great summer events. If the town must learn to do more with less we could all take lessons from Noreen Smith.

This summer we will propose to charge a very modest registration fee that the board will be discussing tonight to support the pool facility. But I believe that our experiment reminded so many Stony Pointers about the pool and introduced so many new families to this town treasure that we will have another successful season.

I'd also like to thank United Water for their recent contribution of \$10,000 towards improvement at the pool—as well as to acknowledge their continued agreement to allow the town to use the pool and property for the token price of \$1/year. This also accommodates our day camp and I will be meeting this week with United Water and representatives of the North Rockland Midget Football program to see if they can build a home field for their State Championship team on that land. The pool and the surrounding recreation area is a huge amenity for our town and we appreciate it.

United Water has had difficulties in our town as we all are very aware. But we have opened new lines of communication and they are reporting regularly on the efforts to resolve recurring problems with their delivery system.

Thank You Volunteers - In reviewing the last year I began to realize that many of the best things in town are a result of volunteer efforts. Little League state champs, midget football state champs, cheerleading national champs, the Polar Plunge and of course our firemen and ambulance corps. . . all of the things and many more that I am most proud of in Stony Point, all of our greatest successes are the result of volunteer efforts.

Thank you Stony Point Residents - Thanks for being such good responsible citizens. Thanks for attending board meetings, thanks for letting your opinions be known, thanks for signing petitions that helped save our battlefield, thanks for volunteering—thanks for paying the bills.

The Town Board and I have had to make many tough and some unpopular decisions. We can't fund every program, we can't save every building, we can't let salaries and fringes escalate, we simply can't grow expenses without growing revenues. We can't just add annual percentage increases to our costs and contracts. Without additional revenues we simply cannot sustain services.

Help us as we struggle through the challenges of these tough times. Which services are really needed? What are we willing to pay for? Give us your ideas and suggestions on how we can save you money. To make this easier we will develop a survey form and put it on the town's new website. Copies will also be available at town hall. I welcome your input and advice and remind you that my office is always open for you to call or visit.

In closing, I will tell you what you already know – The Town of Stony Point remains the best place in Rockland County to live and raise a family and I am grateful for the privilege of serving as your Town Supervisor.

## **DEPARTMENTAL REPORTS** – None

Councilman White indicated that the overtime/operations report requested by him from the Sewer Department had been received.

## **CORRESPONDENCE** – None

## **CONTINUED PUBLIC HEARING-ZONE CODE AMENDMENT-OUTDOOR STORAGE IN LI ZONE**

Supervisor Sherwood opened this continued public hearing at 7:50 pm.

Max Stach, Town Planner, addressed the Board outlining all the steps that have been taken thus far and clarified that accessory use (outdoor storage use) is clearly subordinate to and incidental to the primary use. Part I of the EAF has been revised, Part II of the EAF has been completed and a Negative Declaration has been drawn.

Councilman Finn – questioned storage of mulch on any of the properties.

Max Stach indicated that the law specifically excludes landscape materials which would include mulch.

## **Public Input** – None

Action

A motion was made by Councilwoman Konopko, seconded by Councilman White and **unanimously carried** by a voice vote of all board members present to close the public hearing at 8:02 pm.

Action

A motion was made by Councilman White and seconded by Councilman Finn to adopt the following resolution and local law:

**RESOLUTION**

**RESOLUTION ADOPTING LOCAL LAW No. 3 of 2011 AMENDING THE ZONING CODE TO ALLOW ACCESSORY OUTDOOR STORAGE IN THE LI ZONING DISTRICT BY RIGHT.**

**WHEREAS**, the Town Board of the Town of Stony Point finds that the marketability of properties in the LI zoning district is limited because the zoning code currently requires Planning Board approval for outdoor storage accessory to uses that are permitted therein; and

**WHEREAS**, the draft report of the Stony Point Comprehensive Plan Advisory Commission recommended modifying zoning regulations and restrictions that will have the effect of encouraging economic development, particularly activities that will increase the Town's tax base and provide jobs; and

**WHEREAS**, outdoor storage is an appropriate accessory use in the LI zoning district as long as facilities are adequately screened and landscaped and other regulations are followed; and

**WHEREAS**, the Building Inspector of the Town of Stony Point is able to insure standards for screening and landscaping are met in the LI zoning district and Planning Board review is not necessary; and

**WHEREAS**, under the provision of 6 NYCRR 617 (SEQR) the proposed amendment is a Type 1 action changing the permitted uses in a zoning district and affecting 25 acres or more; and

**WHEREAS**, on or about July 22, 2010 the Clerk of the Town of Stony Point referred the proposed amendment to the Town of Stony Point Planning Board, the Rockland County Planning Department, the Town of Haverstraw and the Village of West Haverstraw;

**WHEREAS**, on or about July 27, 2010 the Town Board of the Town of Stony Point declared lead agency status and commenced environmental review of the proposed local law pursuant to SEQR; and

**WHEREAS**, the Town of Stony Point Planning Board made its affirmative recommendation for adoption of the local law in a letter dated August 26, 2010; and

**WHEREAS**, on October 12, 2010 the Town Board reviewed the Full Environmental Assessment Form ("EAF"), Parts 1 and 2 as prepared with the assistance of the Town Planner, and the contents of both parts appears acceptable with the modification to item A 20 of the Part 1, which should indicate that the site has been used for the disposal of solid or hazardous wastes; and

**WHEREAS**, the Town Board duly noticed and opened a public hearing on October 12, 2010 and continued that public hearing on November 9, 2010, November 23, 2010, December 14, 2010 and January 11, 2010 to consider the Proposed Amendment and the significance of such Proposed Amendment under New York State Environmental Quality Review Act ("SEQRA") and all parties were given an opportunity to be heard and present evidence; and

**WHEREAS**, on December 14, 2010 the Rockland County Department of Planning recommended approval of the Local Law upon modification of the local law; and

**WHEREAS**, the Town Board having considered all public and agency input on the proposed local law closed the public hearing on January 11, 2011; and

**WHEREAS**, at this meeting the Town Board determined the Proposed Amendment if adopted, would not have a negative impact on the environment under SEQRA; and

**WHEREAS**, the Town Board has considered the recommendations of the Rockland County Planning Department, dated December 14, 2010, and responds that:

1. The Town Board believes that a special permit process will be cumbersome, unnecessary and discourage taxpaying employers from establishing businesses in Stony Point; and

2. The Town Board recognizes the need for screening, especially adjacent to neighboring properties and believes that the local law contains adequate requirements enforceable by the Building Inspector;

3. The proposed amendment was sent to the adjoining municipalities and no comments received;

4. The Town Board does not believe that reviews by NYSDOT, PIPC, RCHD, RCDA and Helen Hayes Hospital are warranted given the proposed amendment has been modified to no longer apply to parcels over 10 acres in size, and most of the remaining eligible parcels are on Holt Drive, which is a Town road.

**NOW THEREFORE**, be it resolved by the Town Board as follows:

Section 1. The Town Board adopts Part 1 and Part 2 of the Environmental Assessment Form as prepared by the Town Planner and submitted to the Town Board in a memorandum dated October 12, 2010 except that Item A 20 of the Part 1 be responded to in the affirmative.

Section 2. The Town Board adopts the Negative Declaration – Determination of Non-Significance as prepared by the Town Planner and submitted to the Board in a memorandum dated October 12, 2010.

Section 3. The Town Board adopts Local Law No.3 of 2011 entitled:

**A LOCAL LAW MODIFYING CHAPTER 215 (“ZONING”) OF THE CODE OF  
THE TOWN OF STONY POINT TO PERMIT ACCESSORY OUTDOOR  
STORAGE BY RIGHT IN THE LIGHT INDUSTRIAL (LI) DISTRICT**

Section 4. The Town Clerk is directed to file the Local Law pursuant to Section 27 of the Municipal Home Law.

This Resolution shall take effect immediately.

**TOWN OF STONY POINT  
LOCAL LAW NO. 3 of 2011**

**A LOCAL LAW MODIFYING CHAPTER 215 (“ZONING”) OF THE CODE OF  
THE TOWN OF STONY POINT TO PERMIT ACCESSORY OUTDOOR  
STORAGE BY RIGHT IN THE LIGHT INDUSTRIAL (LI) DISTRICT**

BE IT ENACTED by the Town Board of the Town of Stony Point, Rockland County, New York as follows:

**SECTION 1. FINDINGS.**

The Town Board of the Town of Stony Point finds that the marketability of properties in the LI zoning district is limited because the zoning code currently requires Planning Board approval for outdoor storage accessory to uses that are permitted therein; and

The draft report of the Stony Point Comprehensive Plan Advisory Commission recommended modifying zoning regulations and restrictions that will have the effect of encouraging economic development, particularly activities that will increase the Town’s tax base and provide jobs; and

Outdoor storage is an appropriate accessory use in the LI zoning district as long as facilities are adequately screened and landscaped and other regulations are followed; and

The Building Inspector of the Town of Stony Point is able to insure standards for screening and landscaping are met in the LI zoning district.

**SECTION 2. PURPOSE.**

The purpose of this local law is to revise Chapter 215 (“Zoning”) of the Code of the Town of Stony Point to permit accessory outdoor storage of materials necessary for the operation of a use permitted in the LI district without Planning Board review, provided that the area for open storage be fully screened on all sides up to a height of eight feet and landscaped, and that other requirements are met to ensure the health, safety and general welfare of the community in the provision of outdoor storage.

### SECTION 3. ACCESSORY OUTDOOR STORAGE ADDED

The Code of the Town of Stony Point, “Table of General Use Requirements: Part II Nonresidential Districts: O and LI Districts” is amended by adding the following item 3 to the list of “Accessory Uses Permitted by Right” (Column E) for the LI District and it shall read as follows:

*3. Accessory Outdoor Storage of materials necessary for the operation of a use permitted in the LI District on a property no larger than 10 acres provided that the area for open storage be fully screened on all sides up to a height of 8 feet and landscaped. The need for security gates surrounding the outdoor storage shall be determined by the Building Inspector based on the item(s) being stored: that materials be placed or stacked no higher than two thirds the height of the principal building, but in no case higher than twenty feet; that landscaping material such as gravel, loose stone, mulch, soils, salt and similar materials shall not be stored outside; that the fire department have the opportunity to review and approve emergency entry point and designate areas for passage of personnel and equipment if necessary, that any storage of combustible materials be at least 150 feet from any lot line, that uses prohibited in Sec. 215-13 of this zoning code are prohibited as accessory outdoor storage; that no accessory outdoor storage be located between the required front setback or between the street right of way and the front of the building, whichever is greater; the Building Inspector may require conformance with any other necessary requirement in order to prevent a nuisance to neighboring properties by reasons of dust, noise or any other nuisance that could potentially be associated with the intended use.*

### SECTION 5. EXISTING REQUIREMENT FOR ACCESSORY OUTDOOR STORAGE REMOVED

The Code of the Town of Stony Point, “Table of General Use Requirements: Part II Nonresidential Districts: O and LI Districts” is amended by restating item 1 of the list of “Additional Use Requirements” (Column G) for the LI District and it shall read as follows:

*1. Same as O Nos. 1,2,3 and 5.*

### SECTION 4. SEQRA

This proposed amendment is considered to be a Type 1 Action under SEQR; and

The Town Board of the Town of Stony Point is the sole agency with jurisdiction to enact the zoning change and is therefore the Lead Agency for the proposed Action; and

Based upon statutory requirements the proposed Action has been referred to the Stony Point Planning Board, the Rockland County Planning Department, the Town of Haverstraw and the Village of West Haverstraw and their comments considered; and

A Public Hearing was held on the proposed Action on October 12, 2010; and

The Town Board reviewed and approved the Full Environmental Assessment Form, Parts I and II and adopted a Negative Declaration on January 25, 2011 concluding the SEQR process.

## SECTION 5. SEVERABILITY.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

## SECTION 6. EFFECTIVE DATE.

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.

### Action

The following roll call vote was recorded and the motion was duly **adopted**:

AYES: Mr. Finn, Mr. Vicari, Mr. White, Ms. Konopko, Supervisor Sherwood

NAYS: None

ABSTAIN: None

ABSENT: None

### **PRESENTATION – DUCEY AGENCY – INDEPENDENT INSURANCE BROKER FOR TOWN**

Frank Borelli and Tom Torpey spoke to the Town Board giving a synopsis of the Town's insurance coverage:

- The Ducey Agency has been in business since 1915 and has been the Town's insurance agent since 1996.
- Coverage provided
  - Property insurance, general liability, public official liability, police law enforcement liability, auto liability and excess or umbrella coverage
- 2010-2011 premium was \$221,000
  - 2011-2012 premium was reduced by 7%
- Not all insurance companies will write insurance for a municipality
- Went out to market for the past two years for quotes as per the Town Board's instructions
  - Not advisable to do this every year
  - As an independent agent, Ducey has been able to approach all the markets available for quotes
  - All correspondence was presented to the Supervisor & Financial Director as proof that this was done
- Risk Management services were offered this year as well
  - Presentation to department heads and board members regarding sexual harassment in the workplace
  - Offered ways to minimize the risk
  - This year the program will be opened to all employees

Councilman White asked how the state of the economy will affect coverage and pricing for next year:

- Frank Borelli nothing on the horizon that would affect any change in coverage, in fact, we have added some coverages through the years such as coverage for non-monetary claims.

Councilman White questioned if the insurance quote should be approved by the Town Board:

- Supervisor Sherwood explained that since the quote came in late in the year he contacted the Board members by e-mail to advise them of the quote.

Councilman White asked if any coverage or limitations have changed

- Frank Borelli indicated that there have been no negative changes in limitation; in fact some are better than last year.

Councilman White requested the following:

- Premiums and coverages be broken out for ease in reviewing.
  - Frank Borelli explained that the cover letter spells out any differences from the year before.
- That quotes for coverages be obtained earlier in the year so that there is more time to review.
  - Tom Torpey indicated that they start well in advance, but lateness in replies is the nature of the industry

Councilman Vicari asked if the golf course is still the leading generator of claims.

- Frank Borelli responded that the Town's overall loss history is better than last year and the market has become more competitive, etc.

### **EXECUTIVE SESSION**

At 8:15 pm a motion was made by Councilman White, seconded by Councilman Finn and **unanimously carried** by a voice vote of all board members present to enter into executive session to discuss personnel matters.

### **RECONVENE**

At 8:27 pm a motion was made by Councilwoman Konopko, seconded by Councilman White and **unanimously carried** by a voice vote of all board members present to reconvene the January 25, 2011 Stony Point Town Board Meeting.

Supervisor Sherwood indicated that the Board will withhold voting on the agreement with the CSEA until the next town board meeting.

Councilman Finn indicated that he wanted to make sure that all employees understand the agreement that was voted on.

Carl Gilpatrick, CSEA President asked for a copy of the potential layoff list from Rockland County Personnel.

### **TOWN PROCUREMENT POLICY**

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 following resolution as amended:

#### **RESOLUTION REGARDING TOWN PROCUREMENT POLICY**

WHEREAS, the Town Board for the Town of Stony Point wishes by Resolution to adopt policies and procedures regarding the procurement of goods and services which are not required to be made pursuant to the competitive bidding requirements of state laws; and

WHEREAS, the Procurement Policy shall pursuant to Town Law Section 104-b(2)(f) shall be updated biennially concerning the individual or individuals responsible for purchasing and their respective titles; and

WHEREAS, the individuals responsible for purchasing is the Department heads for each Department and the assistant to the Supervisor for all Town Board requirements whose names are attached to this Resolution; and

WHEREAS, the Procurement Policy of the Town shall be set forth in detail and shall be reviewed annually pursuant to Town Law Section 104-b (4).

NOW, THEREFORE, it is resolved as follows:

1. **Adoption; applicability.** The Town of Stony Point, New York does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.
2. **Determination of purchase.** Every purchase made will be initially reviewed

to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good-faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. As a general guide, items of work of the same or similar nature which are customarily handled by the same vendors or contractors should be treated as single items for purposes of determining whether the dollar threshold will be exceeded.

3. **Purchases not subject to competitive bidding.** The following items are not subject to competitive bidding pursuant to §103 of the General Municipal law:

- A. Purchase contracts under \$20,000 and public works contracts under \$35,000.
- B. Emergency purchases.
- C. Goods purchased from correctional institutions or agencies for the blind or severely handicapped.
- D. Purchases under state and county contracts.
- E. Surplus and secondhand purchases from another governmental entity.
- F. Items which may only be purchased from one source.
- G. Goods purchased at auction.
- H. Professional Services.
- I. True Leases.

4. **Documentation of decision regarding bidding.** The decision that a purchase is not subject to competitive bidding will be documented, in writing. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase or any other written documentation that is appropriate.

5. **Purchase to be at lowest price and responsible provider.** All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and responsible provider.

6. **Methods of purchase.**

A. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

<b>Estimated Amount of Purchase Contract</b>	<b>Method</b>
\$250 to \$4,999	2 verbal quotations
\$5,000 to \$19,999	3 written/FAX quotations or written request for proposals

<b>Estimated Amount of Public Works Contract</b>	<b>Method</b>
\$250 to \$4,999	2 verbal quotations
\$5,000 to \$9,999	2 written/FAX quotations
\$10,000 to \$34,999	3 written/FAX quotations or written request for proposals

B. A good-faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

7. **Documentation required.**

- A. Documentation is required for each action taken in connection with each procurement.
- B. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings and/or why it is in the best interests of the Town and its taxpayers to make an award to other than the low bidder and/or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may be reviewed by the Town Board.
- C. A Request for Proposal may be restricted within the Town or county, provided that it does not violate this Policy. In the event that a Request for Proposal will contain such a geographic restriction the purchaser shall document the manner in which it does not violate this Policy.

**8. Alternative proposals not required.**

Pursuant to General Municipal Law § 104-b, Subdivision 2f, a procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the Town Board, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the Town of Stony Point to solicit quotations or document the basis for not accepting the lowest bid:

- A. Professional services or services requiring special or technical skill, training or expertise.
  - (1) The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price, and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures. In determining whether a service fits into this category, the Town Board shall take into consideration the following guidelines:
    - (a) Whether the services are subject to state licensing or testing requirements.
    - (b) Whether substantial formal education or training or successful experience is a necessary prerequisite to the performance of the services.
    - (c) Whether the services require a personal relationship between the individual and municipal officials.
  - (2) Professional shall include but not be limited to the following: services of an attorney; services of a physician; services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; economic development; professional; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs or services involved in substantial modification and customizing of prepackaged software.
  - (3) The Town by and through the Town Board may, at its discretion, require that the professional provide the following:
    - (a) A completed acquisition form submitted to the department head which provides a request for work to be performed, including hours to be spent, description of work to be performed and projected cost.
    - (b) The Town shall have the option of obtaining additional quoted for the services to be provided and may accept a lower quote.
    - (c) In the event that the cost of services to be provided shall exceed the amounts specified on the acquisition form the professional shall submit an extension request form to the Town Board for approval prior to expending additional materials or services in excess of the amount specified in the original acquisition form.

- (d) Prior to payment the professional shall submit the following:
    - [1] Complete description of work performed;
    - [2] Where appropriate, hours for each item with appropriate rate charged; and
    - [3] Copy of approved acquisition form signed by any appropriate department head together with any signed extension forms for sums due in addition to the amounts set forth in the original acquisition form.
  - B. Emergency purchases pursuant to § 103, Subdivision 4, of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately, and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This subsection does not preclude alternate proposals, if time permits.
  - C. Purchases of surplus and secondhand goods from any source. If alternate proposals are required, the Town is precluded from purchasing surplus and secondhand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods, and a lower price may indicate an older product.
  - D. Goods or services under \$250. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition it is not likely that such small contracts would be awarded based on favoritism.
9. **Effective date: annual review.** This policy shall go into effect January 11, 2011, and will be reviewed annually.

**NAMES OF INDIVIDUALS RESPONSIBLE FOR PURCHASING  
PURSUANT TO THIS TOWN PROCUREMENT POLICY**

1. Rosemarie Caramanno, Assistant to Supervisor, is responsible for the purchase of all office supplies.
2. Larry Brissing, Superintendent of Highways for Highway Department.
3. Chief Patrick M. Brophy, Police Chief for the Police Department.
4. Kathy Lyons Campbell, Tax Receiver for Tax Receiver's Office
5. Judge William Franks, Senior Judge for Justice Court
6. David Fusco, Director of Golf for Golf Operations
7. James O'Connor, Chief Operator Stony Point Sewer Department for Sewer Department
8. John O'Shaughnessy, Tax Assessor for Assessor's Office
9. Richard Ryder, Superintendent Buildings, Grounds and Parks for Buildings, Ground and Parks
10. William Sheehan, Building Inspector for Building Department and Safety
11. Joan Skinner, Town Clerk for Clerk's Office
12. Joseph Symth, Golf Course Superintendent for Golf Course Maintenance

**CONTRACT – VJ NETWORKS COMPUTER SERVICES**

A motion was made by Councilman Finn, seconded by Councilman White and **unanimously carried** by a voice vote of all board members present to authorize Supervisor Sherwood to execute the contract for computer services from February 1, 2011 – January 31, 2013, with VJ Networks at a fixed monthly fee of \$2,400 and \$90 per hour for any services not included in the scope of the work.

**CONTRACT - ROBERT GENESLAW CO - PLANNING & DEVELOPMENT CONSULTANTS**

A motion was made by Councilman White, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of all board members present to renew the contract with Robert Geneslaw Co., Planning Consultant, for the year 2011 as outlined in the fee schedule attached to said agreement.

**STORMWATER SEWER HOOK UP FEES**

No action was taken on this item and it was removed from the agenda.

## **SET FEES-RECREATION DEPARTMENT ACTIVITIES**

The following actions occurred:

### **Pool Fees:**

A motion was made by Councilman White and seconded by Councilwoman Konopko to approve a change in fees for the 2011 Town Pool Season as follows:

- Town Resident Family Pass \$50.00
- Town Resident Individual Pass \$25.00

The following roll call vote was recorded and the motion was duly **adopted**:

AYES: Mr. Vicari, Mr. White, Ms. Konopko, Supervisor Sherwood

NAYS: Mr. Finn

ABSTAIN: None

ABSENT: None

### **Other Pool Fees:**

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 following additional pool fees:

- Town Resident Senior Citizen (60 or older with I.D.) Free
- Sr. Non-Resident (60 or older with I.D. accompanied by a Stony Point resident) \$3.50
- Guest Pass - \$7.00 per person accompanied by a Stony Point Resident
- "Guest Pass Book" containing 10 passes to be sold for \$50.00.

### **Swim Lessons:**

A motion was made by Councilman White and seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of all board members present to approve a \$150 fee per session for swim lessons. Each session runs 45 minutes.

### **Winter Program:**

A motion was made by Councilwoman Konopko, seconded by Councilman White and **unanimously carried** by a voice vote of all board members present to approve a \$50.00 per child fee for the Winter Program.

### **Summer Playground Program:**

A motion was made by Councilwoman Konopko, seconded by Councilman Finn and **unanimously carried** by a voice vote of all board members present to approve three two-week sessions for the Summer Playground Program with the following fees:

- Each Session \$100 per child (discounts for siblings)
- North Rockland non Stony Point resident \$150 per child
- Register by May 1<sup>st</sup> - \$10 family discount for each session

## **HIGHWAY SUPERINTENDENT - CONFERENCE**

A motion was made by Councilman Finn, seconded by Councilman Vicari and **unanimously carried** by voice vote of all board members present to approve the Highway Superintendent's attendance at the 2011 Grassroots Local Roads & Bridges Conference in Albany on March 8 - 9, 2011, at a cost of \$142.00 for hotel accommodation.

## **BUILDING DEPARTMENT – NYS Code Division Classes**

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 following New York State Department of State Code Division Classes:

### **Association of Towns – New York City (Feb. 20, 21, 23):**

- Building Inspector & Fire Inspector at a cost of \$100 each plus commuting.

### **Fire Training Center (May 5):**

- Building Inspector & Fire Inspector at a cost of \$110 each.

### **Fire Training Center (May 4):**

- Fire Inspector at a cost of \$55.

### **Fire Training Center (May 3,4,5)**

- Assistant Building Inspector at a cost of \$275 (early registration).

**BROWNFIELD AREA OPPORTUNITY GRANT**

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

NEW YORK STATE  
DEPARTMENT OF STATE OF ENVIRONMENTAL CONSERVATION  
LEAD APPLICANT RESOLUTION

Brownfield Opportunity Areas Name: Patriot Hills Complex

Resolution authorizing the items listed below pursuant to §970-r of the General Municipal Law.

WHEREAS, the Town of Stony Point herein called the “Applicant”, after thorough consideration, has hereby determined that certain work, as described in its application and attachments, herein called the “Project”, is desirable; and

WHEREAS §970-r of the General Municipal law authorized State assistance to eligible parties for Brownfield Opportunity Areas Program grants by means of a State Assistance Contract (SAC) and the Applicant deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY the Town of Stony Point:

1. The Town Engineer is the representative authorized to act in behalf of all applicants in all matters related to State assistance under §970-r of the General Municipal law for the Project. The representative is also authorized to sign and submit the application, execute the SAC, request sac advances and reimbursements, redistribute sac reimbursements as appropriate, submit project documentation, and otherwise act for all applicants in all matters related to the Project and to State assistance;
2. That the Applicant agrees that it will complete the Project;
3. That the Applicant agrees that it will fund its portion of the Applicant’s 10% share of the Project; and
4. That this Authorization take effect immediately.

**PYNGYP SCHOOL**

A motion was made by Supervisor Sherwood and seconded by Councilman Vicari to appoint a committee, headed by Carl Javenes, to raise the money and go forward with the repair of the Pyngyp School building.

The following roll call vote was recorded and the motion was duly **adopted**:

AYES: Mr. Vicari, Mr. White, Supervisor Sherwood

NAYS: Mr. Finn, Ms. Konopko

ABSTAIN: None

ABSENT: None

**REFUND – PLANNING BOARD**

A motion was made by Councilman White, seconded by Councilman Vicari and **unanimously carried** by a voice vote of all board members present to approve a refund of \$5,635.00 for Planning Board fees to Mr. Petr Tomkevich.

**BUDGET RESONSE - OFFICE OF STATE COMPTRROLLER**

A motion was made by Councilman Vicari, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of all board members present to authorize Supervisor Sherwood to send the response, dated 1/25/11, to the letter from the State Comptroller’s Office, dated 11/2/11, regarding their audit of our 2011 budget.

**INSURANCE RENEWAL FOR 2011**

A motion was made by Councilwoman Konopko, seconded by Councilman Vicari and **unanimously carried** by a voice vote of all board members present to

approve the proposal from Ducey Agency to renew the insurance for the Town of Stony Point for 2011 as presented.

### **EXECUTIVE SESSION**

At 9:24 pm a motion was made by Councilman White, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of all members present to adjourn into executive session to discuss litigation and personnel matters.

### **RECONVENE**

At 11:15 pm a motion was made by Councilman Finn, seconded by Councilman White and **unanimously carried** by a voice vote of all members present to reconvene the January 25, 2011 Stony Point Town Board meeting.

### **SPECIAL SEGMENT EQUALIZATION RATE APPLICATION**

A motion was made by Councilman Vicari, seconded by Councilman White as follows:

RESOLVED that the Town Board authorizes the William Beckmann Firm to proceed at an hourly rate of \$200 an hour, but in no event to exceed \$5,000, for an analysis regarding the Special Segment Equalization Rate Application and that Special Counsel Feerick Lynch MacCartney shall proceed with the administrative filing of a Special Segment Equalization Rate application.

The following roll call vote was recorded and the motion was duly **adopted**:

AYES: Mr. Finn, Mr. Vicari, Mr. White  
NAYS: Ms. Konopko, Supervisor Sherwood  
ABSTAIN: None  
ABSENT: None

Councilwoman Konopko indicated that she would prefer to wait until after the Tax Assessor's Pre-Decisional Collaboration meeting with Office of Real Property Services to act on this issue.

### **ADJOURN**

The January 25, 2011 Stony Point Town Board meeting was adjourned at 11:30 pm.

Respectfully submitted,

Joan Skinner  
Town Clerk