

**STONY POINT TOWN BOARD MEETING – JANUARY 12, 2010**

The First Regular Meeting of the Town Board of the Town of Stony Point, Rockland County, New York, was held on Tuesday, January 12, 2010 at 7:00 P.M. at Rho Building, 5 Clubhouse Lane, Stony Point, New York. The meeting began with the Pledge of Allegiance.

**PUBLIC INPUT**

Ronnie Babcock, Tomkins Cove spoke against restricting the discharge of firearms within the Town for hunting purposes.

George Harris, Willow Grove Rd., spoke about the size of the meeting room and spoke against restricting the discharge of firearms within the Town.

Michael Diederich, Route 210 spoke in support of reverting back to a Town Attorney as opposed to Special Counsel.

Charles Brooks, Blanchard Rd., spoke about:

- Lack of cooperation among Town Board members
- Against the proposed desalinization plant and in favor of the Ambry Pond reservoir
- Against restricting the discharge of firearms within the Town.

Serfina Cerrati Bates, Franck Rd., Stony Point spoke at length about discharging firearms in Town, bringing forth her concerns about the safety of residents during deer hunting season. She indicated that she fears for the safety of her children and others, when they are outside of her home during hunting season and she presented the Town Board with a petition to discontinue the discharge of firearms within the Town of Stony Point.

George Potanovic, Old Gate Hill Rd suggested changing the time of the Workshop Meetings to 7:00 pm.

**LEGISLATIVE REPORT**

Legislator Douglas Jobson advised that he has presented a resolution to the Rockland County Legislature urging Cablevision to credit their customers for the loss of service of the Food Network and HGTV and calling on the Public Service Commission to investigate Cablevision’s response to the service interruption and reduction in service to its paying customers.

**PURCHASE ORDERS**

It was moved by Councilman White and seconded by Councilman Vicari to approve the following Purchase Orders:

PO#2171	H O Penn Machinery Co. Inc.	\$90,000.00
PO#2175	Cliffside Body Corporation	\$1,860.00
PO#3624	Navistar Inc.	\$88,762.45
	International Truck & Engine Corp.	

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

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

NAYS:Mr. Finn

ABSTAIN: Mrs. Konopko

**AUDIT OF BILLS**

Joan Skinner, Town Clerk, presented the following bills to the Town Board for audit:

**Contractual General – December**

<u>FUND</u>	<u>CLAIM #</u>	<u>BILL TOTAL</u>	<u>FUND TOTAL</u>
General	1563-1618	\$ 598,526.34	\$ 598,526.34
Highway	504-517	\$ 74,807.77	\$ 74,807.77

Sewer	426-438	\$	54,674.21	\$	54,674.21
<u>Special Districts</u>					
Enterprise	591-612	\$	62,954.82	\$	62,954.82
Solid Waste	26-26	\$		\$	16,000.00
Street Lighting	15-16	\$	22,626.22	\$	22,626.22
<b><u>General – January</u></b>					
<u>General</u>	1-76			\$	306,343.75
<u>Highway</u>	1-30			\$	52,562.13
<u>Sewer</u>	1-22			\$	7,198.30
<u>Special Districts</u>					
Ambulance	1-1			\$	24,717.20
Enterprise Fund	1-11			\$	6,524.75
Solid Waste	1-2			\$	21,836.93

It was moved by Councilman White and seconded by Councilman Finn to approve the above-mentioned bills as presented for payment.

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

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

NAYS: None

ABSTAIN: None

### **REPORTS**

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

#### **BUILDING & ZONING DEPARTMENT**

##### December

Applications Pending In December	12	
Applications Received		10
Applications Returned/Withdrawn		0
Applications Denied		0
Building & Blasting Permits Issued	14	
Applications Pending	8	
Certificate of Occupancy		9
Certificate of Compliance		8
Fees Collected	\$8,590.00	

#### **DOG CONTROL OFFICER**

##### December

Dogs seized and sheltered		1
Dogs returned to owner		0
Number of complaints received		8
Miles traveled patrolling the Town and transporting dogs	303	

#### **FIRE INSPECTOR**

##### December

	Month	Total
Number Buildings Inspected	3	153
Number Buildings Re-Inspected	0	37
Field Correction Issued	0	10
Violations Issued	0	0
Violations Complied With	0	0
Violations Outstanding	0	0
Number of Permits Issued	0	2
Requests by Police Dept.	0	1
Requests by Fire Dept.	3	34
Fires Investigated	1	13

Misc.: Field Trip w/ Zoning Board Chairman

**PLANNING BOARD**

**Monthly Report**

From:	12/1/2009	To:	12/31/2009
Applications Received			
Applications Approved			
Applications Pending			
Site Plan	1		
Subdivision-Major	4		
Fees Collected:	\$0.00		
Money in Lieu of Land	\$0.00		

**ZONING BOARD OF APPEALS**

December

Applications Pending in December		
Appeal	1	
Area Variance	3	
Applications Received		0
Applications Withdrawn and Returned		0
Decisions Rendered	1	
Informal Discussion & Interpretation Application	0	
Fees Collected	\$0.00	

**TOWN CLERK**

December

Amount Paid To County Finance Officer For Dog Licenses	\$	38.77
Amount Paid To NYS Agriculture & Markets For Spay/Neuter Program	\$	12.00
Amount Paid To NYS Health Dept. For Marriage Licenses	\$	67.50
Amount Paid To NYS Dept. Of Environmental Conservation	\$	621.59
Amount Paid To Supervisor	\$	<u>2,390.44</u>
TOTAL AMOUNT REMITTED	\$	3,130.30

**ARCHITECTURAL REVIEW BOARD**

Annual – 2009

Applications Received		10
Applications Pending	10	
Applications Approved		0
Fees Collected	\$800.00	

**BUILDING & ZONING DEPARTMENT**

Annual - 2009

Applications Received	225
Building Permits Issued	227
Applications Returned/Withdrawn	1
Applications Denied	5
Certificate of Occupancy Issued	70
Certificate of Compliance Issued	223
Fees Collected	\$ 115,831.00

**DOG CONTROL OFFICER**

Annual - 2009

Dogs seized and sheltered	27
Dogs returned to owner	23
Number of complaints received	105
Number of summonses issued	4
Miles traveled patrolling the Town and transporting dogs	4,251

**PLANNING BOARD**

Annual - 2009

	Count	Amount
Regular Fees		
Boat Storage Applications	1	\$ 100.00

Conditional Use Fees	2	\$ 600.00
Informal Discussion Fees	1	\$ 150.00
Lot Line Change Fees	4	\$ 80,107.80
Site Plan Fees	22	\$ 55,413.00
Subdivision Fees	4	\$ 1,850.00
Total Fees Collected	34	\$138,220.80

**ZONING BOARD OF APPEALS**

Annual - 2009

Applications Received	14
Applications Withdrawn and Returned	1
Decisions Rendered	9
Applications Pending	4
Interpretation Requests	0
Fees Collected	\$ 4,320.00

**TOWN CLERK**

Annual – 2009

TOWN CLERK’S ACCOUNT:

Balance-December 31, 2008	\$ 6,591.15
Total Fees Collected (January 1, 2009-December 31, 2009)	<u>\$192,424.02</u>
	\$199,015.17
Total Fees Distributed (December 1, 2007-November 30, 2008)	<u>\$195,884.87</u>
Balance – January 1, 2009	\$ 3,130.30

**CHIEF OF POLICE REPORT**

Chief Patrick M. Brophy, Stony Point Police, presented the Board with the following report:

Police Department Report for the Month of December, 2009

Number of calls for service:	605
Number of reported accidents:	41
Number of arrests:	38
Fuel usage:	1420.0 gallons
Sum total of all traffic enforcement action:	71
Number of Youth Officer sponsored events:	7
Number of child safety seat installations:	4
Number of commercial vehicle enforcement details:	0
Number of traffic enforcement details:	0
Number of training hours:	116:00hrs
Total fees collected:	\$150.00

(\$120 for prints; \$30 for reports)

Misc:

Youth sponsored events: (2) PAL dance, (3) Community Service days, the Town Holiday Tree Lighting, Seniors Holiday Brunch,

Please find below the Police Department report for the year ending 2009:

Number of calls for service:	7586
Number of reported accidents:	323
Number of arrests:	439
Fuel usage:	17,034.4 gallons
Sum total of all traffic enforcement action:	2651
Number of Youth Officer sponsored events:	72
Number of child safety seat installations:	126
Number of commercial vehicle enforcement details:	9
Number of traffic enforcement details:	18
(Above in addition to speed trailer deployment throughout the year)	
Number of training hours:	2492:00hrs
Total fees collected:	\$2,910.75

**GOLF COURSE**

Dave Fusco presented the Board with the following report for December 2009:

- Club Rental \$ 32.29
- Green Fees \$ 8,328.56
- Merchandise \$ 1,072.23
- Misc. \$ 200.00
- Range \$ 315.00

Dave Fusco presented the Board with the following 2009 annual report:

- Club Rental \$ 3,519.62
- Discount Book \$ 1,550.00
- Green Fees \$1,753,751.48
- Memberships \$ 26,410.00
- Merchandise \$ 95,088.52
- Misc. \$ 4,925.00
- Driving Range \$ 73,336.00
- **Total \$1,958,580.62**

**CORRESPONDENCE** – Joan Skinner Town Clerk read the following letter:

Dear Supervisor: I would like the Town of Stony Point to rescind the “NO PARKING” designation that has been enacted for my section of Cinder Road from St., Gregory’s parking lot north to Bontecou Rd. and to remove the “NO PARKING SIGNS” that have been placed in front of my property without my consultation.

We have lived at 51 Cinder Rd., right next to St. Gregory’s Church for 22 years and have never called or complained to the Town or police regarding parking in front of our home. We have sometimes parked on the street in front of our home and want to be able to continue to do so. However, we now have received a warning notice ticket that we can no longer park in front of our home. I also understand, after speaking to Chief Brophy that you and the Town Board have been receiving complaints about the parishioners parking in front of my house. I do not know who it is who has been doing all of this complaining, but I would think that the Town and the Town Board would have had the courtesy to contact me and ask me since my house is the only one that has been affected by this whole situation whether or not I wanted “NO PARKING” signs placed in front of my house.

In speaking to Chief Brophy, we discussed the removal of the signs directly in front of my home, running from St., Gregory’s parking lot in the south and going north past my driveway. You might even consider having “NO PARKING” 10 feet or whatever the designated distance it is from the corner of Bontecou on Cinder so that there is a clear line of site, as occurs on Bontecou itself and on the north corner of Cinder and Bontecou. You might also consider that in the Garnerville section of Cinder Rd. parking is allowed on my side of the street and that may be why people continue to park in front of my home.

I believe I have the right to be able to park in front of my house just like everyone else in the neighborhood who park their cars, and sometimes multiple trucks and RV’s in front of their homes. I would like this matter addressed as soon as possible and I would like to hear from you and the Town Board as to when it will be addressed. Mary Ellen Furlong, 51 Cinder Rd., Stony Point.

After further discussion between Mrs. Furlong, Chief Brophy and the Town Board, the following action was taken:

**ACTION**

A motion was made by Councilman White and seconded by Councilwoman Konopko to remove the no parking sign in front of 51 Cinder Rd.

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

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

NAYS:None

ABSTAIN: None

**SUPREVISOR’S REPORT**

Supervisor Sherwood read the following Resolution:

The Town of Stony Point having been served by numerous citizens who have selflessly given their time and expertise to the betterment of Stony Point, and

The Town Board of the Town of Stony Point wishing to recognize some of the individuals for their service, and

Two such outstanding citizens having served the town in an exemplary fashion and having devoted substantial time and effort to improving the town and the operation of the town departments, and

It being entirely fitting and proper that these individuals be recognized for their service, now therefore be it

RESOLVED, that the Supervisor and the Town Board of the Town of Stony Point officially thank on behalf of the citizens and taxpayers

SUPERVISOR PHILIP A. MARINO

Who served from January 1, 2006

To December 31, 2009

COUNCILMAN STEPHEN COLE-HATCHARD

Who served from January 1, 2006

To December 31, 2009

For their dedicated service to all of the citizens of the town and their selfless devotion and efforts to improve town services and provide Stony Point residents with the highest quality municipal government, and be it further

RESOLVED, that this first official meeting of the newly constituted Town Board held on January 12, 2010 be held in honor of these two public servants and in thanks for all of their time and efforts, and be it further

RESOLVED, that the Town Clerk be instructed to provide a certified copy of this resolution to Supervisor Marino and Councilman Cole-Hatchard.

Unanimously adopted and subscribed by the undersigned this 12<sup>th</sup> day of January, 2010.

### **ACTION**

A motion was made by Councilman Vicari and seconded by Councilman Finn to adopt the above resolution as read:

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

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

NAYS:None

ABSTAIN: None

Supervisor Sherwood spoke about the following:

- Thanked all those at Town Hall who have made him feel welcomed.
- Requesting a stop or yield sign be installed at Mott Farm Road on County Road 118A.
- Scheduling a meeting with Paul Brennan, Rockland County Purchasing regarding procurement policies.
- Reviewing a filming event for Stony Point. We have quoted a modest fee for use of some vacant buildings for a few days.
- Receiving a speeding complaint on Park Road that was referred to the Police Dept.
- Scheduling a meeting with the fire district and the building department to discuss plans for expansion of the fire substation.
- Receiving a call from Haverstraw Transit complimenting our highway department on the excellent job they did on snow removal in the recent storms.
- Receiving calls on the ongoing drainage issue at the golf course and moving forward to address them and to prevent future problems.
- Speaking with Rockland County Archivist, Peter Scheibner regarding qualifying for state grants for archiving records.
- Authorizing an emergency repair to the heating unit at the Pro Shop.
- Mortgage tax revenues having exceeded the anticipated amount which in turn will possibly help reduce the budgeted appropriation for 2010.
- Attending a very cordial luncheon meeting with Haverstraw Supervisor Phillips to attempt to resolve our differences and scheduling a meeting with the finance people from both towns to try to narrow the dispute.
- Attending a meeting with the Chairman and Executive Director of the Rockland County Solid Waste Authority regarding the proposed purchase of the centrifuge and belt press for the Sewer Dept. and further exploring that at their board meeting on January 28<sup>th</sup>.

- Meeting with Spain Agency regarding workers compensation policies and their offer of training programs for our department heads and employees to help reduce work related claims.

**PUBLIC HEARING-Community Block Grant**

Supervisor Sherwood opened this public hearing at 8:00 pm

The public notice for this hearing was published on December 31, 2009 by the Office of Community Development and is contained in the records.

Councilwoman Konopko explained the Community Block Grant Program.

**Public Input**

Police Chief Patrick Brophy spoke regarding the need of a handicapped assessable bathroom in the Emergency Operations Center located on the ground floor of the Police Station.

Steve Porath, JFK Drive and member of the Rockland Economic Development Corp. indicated that business development, accessibility of computer equipment for seniors and accessibility to the second floor of Town Hall should be considered.

Frank Collyer, Knapp Rd. suggested solar panels for the buildings at Letchworth to help defray the cost of running the buildings.

George Harris, Willow Grove Rd., suggested an elevator for the Justice Court Building so that the top floor of the building could be used for Town Hall.

Mary Ellen Furlong, Cinder Rd. urged the Town Board to plan ahead.

George Potanovic, Old Gate Hill Rd spoke about improving access to Kirkbride Hall and Justice Court buildings, rather than concentrating on improving access to Town Hall.

Ed Keegan, Slater Dr. spoke about accessibility of computer equipment for seniors.

**ACTION**

A motion was made by Councilwoman Konopko, seconded by Councilman Finn and carried by a voice vote to close the public hearing at 8:15 pm

**POLICE DEPARTMENT- Appoint Police Officer**

A motion was made by Councilman White and seconded by Councilman Finn to appoint William Skinner Jr. to the position of Police Officer for the Town of Stony Point, effective January 26, 2010.

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

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

NAYS:None

ABSTAIN: None

**POLICE DEPARTMENT-Training Request-Commercial Vehicle Enforcement**

A motion was made by Councilman Vicari and seconded by Councilman Finn to approve sending one officer to the North American Standard Truck Inspection (NASTI) course at the Massachusetts State Police Academy in Braintree, Massachusetts at a cost of approximately \$750. Authorization was also given for use of a department vehicle.

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

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

NAYS:None

ABSTAIN: None

**TOWN BOARD – Discharge of Firearms**

After discussion between Town Board members and in consideration of the input from town residents during public input, Councilman Finn agreed to form a committee to look into how this issue can be resolved to everyone's satisfaction. Councilman Finn called for volunteers to help him.

**TOWN BOARD – Appoint Planning Board Member**

Supervisor Sherwood will ask for resumes of anyone interested in filling this position and the matter will be placed on the February agenda.

**TOWN BOARD – Appoint Zoning Board of Appeals Member**

A motion was made by Councilman Vicari and seconded by Councilman White to reappoint Joseph A. Vasti Jr., 8 Dickens Street, Stony Point, NY 10980 to the Zoning Board of Appeals for a five-year term, ending in January of 2015.

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

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

NAYS:None

ABSTAIN: None

**TOWN BOARD –Appointment – Board of Assessment Review**

A motion was made by Councilman Vicari and seconded by Councilman Finn to reappoint Thomas Dunn, 65 Cinder Rd., Stony Point, NY 10980 to the Board of Assessment Review for a five-year term, ending in October of 2014 as his current term ended in October, 2009.

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

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

NAYS:None

ABSTAIN: None

**TOWN BOARD – Appointment – Ethics Board**

A motion was made by Councilman Vicari and seconded by Councilman Finn to reappoint Rev. Peter Brayda of the Tomkins Memorial Church, Tomkins Cove, NY to the Ethics Board for a three-year term, ending in June 2012, as his current term ended in June 2009.

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

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

NAYS:None

ABSTAIN: None

Supervisor Sherwood will ask for resumes of anyone interested in filling the second vacancy on the Board of Ethics and the matter will be placed on the February agenda.

**TOWN BOARD – Signage for Grille Room – Patriot Hills**

This matter has been amicably settled and no action was necessary.

**TOWN BOARD – 2010 Worker's Compensation Claims Management Agreement**

A motion was made by Councilman White and seconded by Councilman Vicari to authorize Supervisor Sherwood to execute the 2010 Workers' Compensation Claims Runoff Management Agreement with Wright Risk Management.

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

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

NAYS:None

ABSTAIN: None

**TOWN BOARD – RFP- Grant Writer**



A motion was made by Councilwoman Konopko and seconded by Councilman White to revise and resubmit the RFP for Grant Writer to be returned by February 26, 2010, and to post the RFP in more locations.

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

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

NAYS:None

ABSTAIN: None

**TOWN BOARD – Police Officer Grievance**

No one was present on behalf of the PBA. The Board deemed the complaint not a proper grievance and no action was taken on this matter.

**TOWN BOARD – Rockland County Youth Bureau**

No action necessary on this matter. Applications are available at Town Hall.

**TOWN BOARD – RFO - Insurance**

Supervisor Sherwood will contact our agent, Ducey Agency, to set up a time for a presentation regarding our insurance coverage.

**TOWN BOARD – Wave Wireless Proposal**

Wave Wireless has expressed interest in leasing ground space at the Sprint cell tower located at the Patriot Hills Golf Course. The town has presented Wave Wireless with a proposed fee and is waiting for a response.

**HIGHWAY DEPT – Plowing Permits for Private Contractors**

After discussion between the Superintendent of Highways and the Town Board it was determined that a proposed local law should be drafted covering this matter which was tabled until the February 9, 2010 Town Board meeting.

**TOWN BOARD – SPECIAL PERMIT - DATILLO PETROLEUM**

A motion was made by Councilman Vicari and seconded by Councilman Finn to adopt the following resolution:

RESOLUTION REFERRING THE SPECIAL PERMIT APPLICATION TO THE COUNTY OF ROCKLAND DEPARTMENT OF PLANNING AND SETTING A PUBLIC HEARING REGARDING THE APPLICATION OF DATILLO PETROLEUM FOR A SPECIAL PERMIT TO OPERATE A GASOLINE SERVICE STATION AT THE SUPER VALUE/SHELL GAS STATION LOCATED AT 100 WEST MAIN STREET, KNOWN AS SECTION 15.19, BLOCK 1, LOT 53, PURSUANT TO SECTION 215-83 OF THE ZONING CODE OF THE TOWN OF STONY POINT.

WHEREAS, Dattilo Petroleum (the “Applicant”), the owner of a certain parcel of real property identified on the tax map of the Town of Stony Point, New York (“Town”) as Section 15.19, Block 1, Lot 53, identified as 100 West Main Street, Stony Point, N.Y.; and

WHEREAS, the Applicant has presented an application to the Town Board for the Town of Stony Point (“Town Board”) for a Special Permit under Section 215-83 of the Zoning Code for a gasoline service station on the premises (“Application”); and

WHEREAS, the Town Board, by a resolution dated August 5, 2009, requested the Planning Board of the Town of Stony Point to review and provide their findings and comments to the Town on the aforementioned Application for a Special Permit; and

WHEREAS, the Planning Board, by a resolution dated December 10, 2009, recommended the Town Board approve the Application for a Special Permit; and

WHEREAS, the Town Board wishes to hear public comment regarding the Application;

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

Section 1. The Town Board hereby refers the Special Permit Application to the Rockland County Department of Planning for review and comment.

Section 2. The Town Board hereby sets a Public Hearing for February 9, 2010 at 7:00 pm in the Rho Building located at Patriot Hills Drive to hear public comment regarding the Application for a Special Permit.

Section 3. The Town Clerk is hereby directed to publish notice of such public hearing in a newspaper of general circulation in the Town of Stony Point at least ten (10) days prior to the afore-detailed public hearing date and posting a copy thereof on the Town Clerk's bulletin board in the Town Hall of Stony Point; and

Section 4. This Resolution shall take effect immediately.

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

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

NAYS:None

ABSTAIN: None

**TOWN BOARD – Request for Extension – Special Use Permit KBT Properties**

A motion was made by Councilman White and seconded by Councilman Finn to authorize the request from the Stony Point Planning Board for an extension in the period of time to respond on the Special Use Permit filed by KBT Properties until the February 9, 2010 Town Board Meeting.

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

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

NAYS:None

ABSTAIN: None

**Town Board – Letter of Credit – Lily Pond**

Deputy Special Counsel, Elizabeth Verrier spoke regarding this matter and presented the following resolution for the Board's consideration.

A motion was made by Councilman White and seconded by Councilman Vicari to approve the resolution as follows:

RESOLUTION AUTHORIZING THE SUPERVISOR OR HIS DESIGNEE TO TAKE ALL STEPS NECESSARY TO DRAW ON KEY BANK LETTER OF CREDIT NO. S313310 IN THE AMOUNT OF \$185,850.00 PRIOR TO ITS EXPIRATION, IN THE EVENT A SATISFACTORY REPLACEMENT LETTER OF CREDIT FOR THE PUBLIC IMPROVEMENTS AT THE PROJECT KNOWN AS "JESSUP VALLEY ESTATES" IS NOT PROVIDED BY LILLY POND VALLEY LLC TO THE TOWN OF STONY POINT BY THE CLOSE OF BUSINESS ON FEBRYARY 1, 2010.

**WHEREAS**, Lilly Pond Valley LLC (the "Applicant") is the owner of a certain parcel of real property identified on the tax map of the Town of Stony Point, New York ("Town") as Section 19.01, Block 2-45, Lot 71, identified as Jessup Valley Estates (the "Project") in Stony Point, N.Y.; and

**WHEREAS**, the Applicant previously presented plans and related applications to the Town and the Planning Board for the Town for the development of the Project and in connection therewith, was required to produce a Letter of Credit for the benefit of the Town in an amount of \$185,850.00 to secure the completion of the public improvements at the Project;

**WHEREAS**, on or about February 21, 2007, the Applicant secured Letter of Credit No. 2181 issued by Union State Bank for the benefit of the Town in the amount of \$185,850.00 and said Letter of Credit was converted on or about January 22, 2008 into Letter of Credit No. S313310 by Key Bank National Association, the acquirer of and successor in interest to Union State, ("Letter of Credit"); and

**WHEREAS**, on or about December 9, 2009, Town received a Notice of Non-Renewal from Key Bank, advising that Letter of Credit No. S313310 would not be extended or renewed and will expire in full at the close of business on February 22, 2010; and

**WHEREAS**, by a certified letter dated December 16, 2009, the Deputy Special Counsel for the Town advised the Applicant to produce a replacement Letter of Credit in the amount of \$185,850.00 for the benefit of the Town no later than the close of business on February 1, 2010;

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

Section 1. In the event the Applicant fails to produce a satisfactory replacement Letter of Credit in the amount of \$185,850.00 for the benefit of the Town to secure the public improvements at the Project by the close of business on February 1, 2010, the Town Board authorizes the Supervisor and/or his authorized designee(s), to undertake the steps necessary to draw on Key Bank Letter of Credit No. S313310 in the full amount of \$185,850.00 prior to its expiration and to prepare any and all such statements and/or drafts in the name of the Town as may be required by Key Bank or deemed necessary to effectuate and secure the release of the funds underlying the Letter of Credit to the Town.

Section 2. Any funds received by the Town pursuant to a draw on Letter of Credit No. S313310 are to be deposited into a special account in the name of the Town and the Town is authorized to make payment, without further resolution or approval, for the following: (A) all engineering costs incurred in determining the improvements to be performed or completed at the Project; (B) all legal costs or expenses incurred in demanding the performance of the Applicant or associated with the draw and/or enforcement of the Letter of Credit; (C) all costs necessary to have the Town or any professional selected by the Town to undertake the necessary public improvements at the Project to protect the health, safety and welfare of the Town and its residents.

Section 3. This Resolution shall take effect immediately.

**ACTION**

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

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

NAYS:None

ABSTAIN: None

**TOWN BOARD – Mirant Litigation**

David MacCartney, Special Counsel recapped this matter for the Board and advised that it was now his opinion that the Supervisor should sign the Stipulation of Discontinuance.

**ACTION**

A motion was made by Councilman Vicari and seconded by Councilman White to authorize Supervisor Sherwood to sign the Stipulation of Discontinuance in the Mirant Litigation matter, which stipulation is satisfactory to Special Counsel.

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

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

NAYS:None

ABSTAIN: None

**TOWN BOARD – RFP – Golf Course Software**

A motion was made by Councilman White and seconded by Councilman Finn to approve advertising for an RFP regarding Leasing of Services for On-Line Reservations and Call Center System for the Patriot Hills Golf Course to be returned by February 4, 2010.

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

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

NAYS:None

ABSTAIN: None

**TOWN BOARD – Renewal of Lease – Golf Carts**

A motion was made by Councilman White and seconded by Councilman Finn to authorize the renewal of the lease with Club Car, Inc. for golf carts at the golf course.

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

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

NAYS:None

ABSTAIN: None

#### **TOWN BOARD – Highway Work at the Cliffs**

A motion was made by Councilman Finn and seconded by Councilman White to authorize the Town Engineer to obtain three quotes for survey work necessary for the pending highway work in the Cliffs. Once the quotes are obtained, Supervisor Sherwood is authorized to enter into a contract for the surveying work with the company presenting the lowest quote.

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

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

NAYS:None

ABSTAIN: None

#### **RECREATION DEPT – Winter Program**

A motion was made by Councilwoman Konopko and seconded by Councilman White to approve the Winter Program for children ages 4-8 to be held at Kirkbride Hall, February 16-19, 2010 from 10:30 am – 1:30 pm. Registration is \$50 per child.

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

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

NAYS:None

ABSTAIN: None

#### **TOWN BOARD – Use of Facilities – Rho Building**

A motion was made by Councilman Finn and seconded by Councilwoman Konopko to approve the use of Rho Building for a non-denominational church group (comprised of members from adjoining states) on January 30, 2010 (bad weather date of February 6, 2010) at a cost of \$675.

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

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

NAYS:None

ABSTAIN: None

#### **TOWN BOARD – Part-Time Clerk – Receiver of Taxes**

A motion was made by Councilman Konopko and seconded by Councilman Finn to hire Michelle Lyons as a part-time clerk in the Tax Receiver's Office. The salary for this position is \$12.8357 per hour with a total of 290 hours per year.

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

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

NAYS:None

ABSTAIN: None

#### **TOWN BOARD – Telephone Service**

A motion was made by Councilman White and seconded by Supervisor Sherwood to authorize Supervisor Sherwood to accept Proposal #4931-348 from Corner Stone Telephone Company for phone service for the Town of Stony Point for 2010.

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

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

**TOWN BOARD – Use of Facilities- Rho Building**

A motion was made by Councilman Vicari and seconded by Councilman Finn to approve use of Rho Building Dining Area by the Rose Memorial Library on January 23, 2010 (snow date of 1/30/10) for a three-hour seminar on new dog ownership. The fee for use of the building was waived.

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

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

**TOWN BOARD – Use of Facilities – Kirkbride Hall**

A motion was made by Councilman White and seconded by Councilman Vicari to approve use of Kirkbride Hall on March 20, 2010 by the Boy Scouts to hold their pinewood derby. The fee for use of the building was waived.

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

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

**TOWN BOARD – Stony Point Seals, Inc.**

A motion was made by Councilwoman Konopko and seconded by Councilman Finn to permit the Stony Point Seals, Inc. to use the following parking lots on Sunday February 7, 2010 for their fund raising event; Route 9W Commuter Lot, Town Hall, Library, Clark Par and Riverfront Park.

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

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

**PARKS DEPT – Purchase Equipment**

A motion was made by Councilman White and seconded by Councilman Finn to authorize the Parks Dept. to purchase a Jacobsen 628 Turfcut from Wilfred MacDonald, Inc. for the state bid price of \$18,619.00.

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

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

**PARKS DEPT – Purchase Equipment**

A motion was made by Councilman Vicari and seconded by Councilman White to authorize the Parks Dept. to purchase a Country Tilt Bed Trailer from Wilfred MacDonald, Inc. for the state bid price of \$6,495.00.

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

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

**TOWN BOARD – Renewal of Contract – Computer Services**

A motion was made by Councilman White and seconded by Councilman Vicari to authorize Supervisor Sherwood to execute the contract for services with VJ Networks, Inc. as outlined in the attached contract. The fixed monthly fee is \$2,400 and any services that are not included in the scope of the work, as outlined in the contract, will be performed at the hourly rate of \$90.

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

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

NAYS:None

ABSTAIN: None

**TOWN BOARD – Extension Agreement – Paramedic Services**

A motion was made by Councilman White and seconded by Councilman Vicari to approve the extension agreement between the Town of Stony Point and Rockland Mobile Care, Inc. at a monthly rate of \$25,706.17.

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

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

NAYS:None

ABSTAIN: None

**ADJOURN**

A motion was made by Councilman Vicari, seconded by Councilwoman Konopko and unanimously carried by a voice vote to adjourn into Executive Session for personnel matters and legal update at 9:39 pm.

**RECONVENE**

A motion was made by Councilman Finn, seconded by Councilman Vicari and carried by a voice vote to reconvene at 9:57 pm.

**TOWN BOARD – Agreement – Residential Carters**

A motion was made by Councilwoman Konopko and seconded by Councilman White to authorize Supervisor Sherwood to execute an agreement with the Residential Carters on the terms and conditions agreed upon and approved by Special Counsel.

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

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

NAYS:None

ABSTAIN: None

**EXECUTIVE SESSION**

A motion was made by Councilman Finn, seconded by Councilman Vicari and carried by a voice vote to adjourn back into executive session.

**ADJOURN**

The January 12, 2010 meeting of the Stony Point Town Board was adjourned at 11:30 pm

Respectfully submitted,  
Joan Skinner  
Town Clerk