

## **STONY POINT TOWN BOARD MEETING – OCTOBER 26, 2010**

A Regular Meeting of the Stony Point Town Board, Rockland County, NY, was held on Tuesday, October 26, 2010 at 7:00 P.M. at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, NY. The meeting began with the Pledge of Allegiance.

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**

Kathy Leroy, recording malfunction-inaudible.

Gary Goldberg attempted to speak regarding a matter that had no relation to the Town of Stony Point and was asked to step down.

Steven Scurti, first Chief of Police in Stony Point urged the Board not to layoff police officers. He spoke of the detrimental affect it would have on the safety and welfare of the residents and the decrease in the quality of life for town residents. If the force is cut by seven officers there would be the same number of police on the force as there were in the 1970's. Offered his services to help resolve this matter.

Jack Bosworth, Hidden Hills Dr spoke regarding proposed layoffs. Town Hall employees, Highway Department and Police Department are always ready and willing to help the residents. Has seen first hand what happens when police services are cut; officers become fatigued and liability goes up. When you cut services, people suffer.

Susan Filgueras, Mott Farm Rd, indicated that she was scheduled to make a presentation regarding the Historical Society of the Town of Stony Point but would like to do this at a later date after the pressing issue of the budget is resolved.

**Purchase Orders** – None

**Audit Of Bills** - None

### **Reports**

#### **Economic Development Committee**

Councilwoman Konopko reported:

- Purpose of the Committee is to try to generate new business and identify businesses we should have in Town and make it easier for them to do business here.
- Establishing a Film Commission to set guidelines for film companies wishing to shoot commercials and films within the Town.

**Legislative Report** – Legislature Doug Jobson reported:

- Stony Point Little Leaguers were honored by the County Legislature for all their accomplishments.
- Contract has been awarded for the road work on Washburns Lane.
- County budget has been presented with a slated 3.9% county tax increase and no layoffs.
  - Still a work in progress

### **Police Department**

Chief Brophy indicated the only matter to be discussed was a personnel matter for Executive Session.

### **Presentation**

Christine Conklin, introduced herself as a Senior ADA from the Rockland County District Attorney's Office, Director of the Community Prosecution Initiative, and is also in charge of handling many matters relating to asset forfeiture.

She addressed the Board, explaining what seizure monies can be used for, indicating that the two main things to remember are that seizure monies need to be used for a law enforcement purpose and cannot supplant the budget, they can only supplement it. Permissible uses include investigations, training, detention facilities, improvements to the police station, law enforcement equipment, law enforcement travel and transportation, etc. Guidelines are straight forward with very little "wiggle" room. Opinions from federal government are requested if circumstances are questionable to Rockland County District Attorney's Office. There are ramifications for misspending the monies which can result in civil and criminal penalties. Federal Guidelines were distributed.

**Reports - None**

**Correspondence** – None

### **Supervisor's Report**

I will keep my report brief since we have a budget meeting when we finish the agenda items.

I did get to tour the waterfront with John Lipscomb aboard RIVERKEEPER to view our beautiful shore line from the river and we spent nearly 3 hours exploring the river and discussing development potential for that area with an eye on environmental concerns. Captain Lipscomb does regular water quality testing along the river and he pointed out that our water discharges are actually fairly benign and even when they are above standards it is usually after a major storm when discharges are greater and even then they are not high enough to cause alarm although they may be above desirable standards.

We were guests of SPACE who set up the trip and I was joined by CJ Miller the county's ne director of tourism who is very interested in the untapped potential for tourism in the North Rockland area.

Ms. Sciscente and I had a meeting with a new phone supplier who believes we can replace our antiquated phone system at the town offices with new and more efficient equipment that will save the town about \$500 per month over our current charges. When we have more information and a better understanding of how a changeover could be affected we will arrange a complete presentation to the board.

The new centrifuge has been delivered to the sewer plant and the old equipment has been removed. Installation of the new equipment is going forward and should be completed in a matter of weeks. As you know I managed to convince the RC Solid Waste Management Authority to contribute about 10% of the cost of this equipment which will amount to about \$47,000 for the town.

Finally the newly constituted Board of Supervisors is now meeting every two weeks and we are proceeding to explore the cost of a study of a regional police department and we are discussing merger of the local courts and other issues are of concern to all of the towns. They include highway and sidewalk issues on county roads and possible legislative changes that we think would benefit the towns such as the onerous MTA tax that we are currently being assessed.

Finally there will be a siren test for Indian Point tomorrow morning at about 10:30 am.

### **Equalization Rate Discussion**

Councilwoman Konopko requested that this be discussed in open meeting rather than in executive session.

Supervisor Sherwood indicated that different members of the Board had met with the Office of Real Property Tax Services and got a better understanding of how that process works. The equalization rate that we have is the proper one, and there was no reason to contest it. There was no meeting in Albany that was missed by the Town.

Councilman White spoke stating that the issue was not what the Town of Stony Point did or didn't do, but what the Town of Haverstraw did that affected us. Meetings have been held with attorneys, consultants and our assessor to evaluate what they did and the effect it has on us. Assumption is that the Board is doing nothing; however, that is not the case.

Supervisor Sherwood indicated that the equalization rates do not affect the apportionment between the towns. The apportionment between Haverstraw and Stony Point is based upon the full property value and not on the equalization rates.

Councilman Finn indicated that we need representatives in Albany with the expertise to make things equal for us.

### **Ambulance Corp Request for Code Amendment**

Presentation by Martin Sendlewski, Architect for the project reviewed the following letter from him to the Town Board dated October 21, 2010:

"In accordance with Article XIX 215-130 we are requesting that the Town Board upon recommendation of the Planning Board, amend the Table of General Use Requirements Part II and the Table of Bulk Requirements Part II (copies attached) as required for the proposed Stony Point Ambulance Corps Inc. facility to be permitted in the BU zone. We have met on numerous occasions with the Planning Board to review our current site plan and the proposed zoning revisions which are necessary for its construction and have received positive support from the Planning Board and their council regarding said amendments.

As you are aware, the ambulance corps has been planning for the construction of this facility for some time. The planned location on S. Liberty Dr. is considered an ideal centralized location for this facility with direct access to Liberty Dr. which is a primary north and south response route with access to response routes leading east and west. The construction of this facility will provide for optimum emergency response and protection of the residents of the Stony Point Ambulance District.

The current code only allows the ambulance use in the residential zone in which it is currently located on Lee Ave, which is where the facility existed when the code was adopted. Along with the Planning Board, we have investigated all avenues within the framework of the current code and have concluded that this amendment would be required for the facility to be built.

The proposed revisions are limited to the ambulance facility and would not affect any other uses in the BU zone. They include including the ambulance facility as a separate and distinct "use group" within the BU zone with accessory apartments for EMT use included as an accessory use with covenants and restrictions imposed by the Planning Board. Said new use group would also be added as a new use group on the bulk requirement table specific to this use....."

Discussion between the Town Board, Mr. Sendlewski, Charles Davis, Esq. and Shelly Cordero-Engleman Stony Point Ambulance Corp ensued.

### **Action**

A motion was made by Councilwoman Konopko, seconded by Councilman Vicari and carried to set a Public Hearing for November 23, 2010 on the question of allowing an ambulance corp. building in the BU district.

### **NYS Dept of Transportation Agreements and Resolutions**

Special Council advised that the Agreements and Resolutions were satisfactory and should be signed by the Supervisor on behalf of the Town. These are the normal agreements signed when the state performs work within a municipality and are in conjunction with the continuing work on the intersection of Route 9W

and Main St. Action had been taken at the October 12, 2010 meeting pending special counsel approval. The resolutions are as follows:

RESOLUTION TO MAINTAIN HIGHWAY LIGHTING

Resolution of the Town Board of the Town of Stony Point agreeing to maintain, repair and energize a Highway Lighting System on or along State Highway within the geographical jurisdiction of the Town, such highway identified as Route 9W PIN 8239.13, Rockland County.

WHEREAS, the State of New York Department of Transportation proposes to construct a State Highway identified as Route 9W PIN 8239.13, Rockland County, within the geographical jurisdiction of the Town of Stony Point, and

WHEREAS, the Town of Stony Point approves of such project and desires to have a highway lighting system on such highway within its geographical jurisdiction, and

WHEREAS, the State of New York has agreed to provide as a part of the project the following items in connection with a street lighting system:

1. Underground duct system, including conduits, pull boxes, hand holes and drainage pockets.
2. Ducts, pull boxes and anchor bolts on structures.
3. Foundation for light standards.
4. Light standards and bracket arms.
5. Luminaries, wiring switches and ballasts and all other components necessary to complete the lighting system, provided that the Town of Stony Point agrees to maintain, repair and energize such highway lighting system until such time as the COMMISSIONER, in his discretion, determines that such lighting and/or the maintenance of such lighting system is no longer necessary for such Highway.

NOW, THEREFORE, THE Town Board, duly convened, does hereby

RESOLVE, the Town of Stony Point approves of the above subject project; and it is hereby further

RESOLVED, that the Town of Stony Point shall maintain, repair and energize such highway lighting system, and it is hereby further

RESOLVED, that the Town Board of the Town of Stony Point hereby authorizes the Town Supervisor of the Town of Stony Point to enter into and execute an Agreement with the State of New York and through the Commissioner of Transportation to commit the Town of Stony Point to maintain, at its own expense, the lighting system on the above-identified project, such agreement to provide that the maintenance shall include the repair and replacement of equipment and the furnishing of electric current for the lighting system, and

BE IT FURTHER RESOLVED, that the Clerk of this Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation.

Resolution for  
Maintenance of Landscaping  
(Trees, Shrubs, Planting Beds, Planting Berms, Grass, Stormwater Tree Pits,  
Benches, Brick wall and Precast Concrete Pavers)

Resolution of the Town of Stony Point Board

WHEREAS, the New York State Department of Transportation proposes the construction of in Rockland County; and

WHEREAS, the New York State Department of Transportation will include landscaping construction (planting of trees, shrubs, planting beds, planting berms, grass and precast concrete pavers) within the highway boundary and the curbed medians, as shown on the contract plans relating to the project;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor approves the placement of such landscaping (Trees, Shrubs, Planting Beds, Planting Berms, Grass, Stormwater Tree Pits, Benches, Brick wall and Precast Concrete Pavers)

on the above project, and as shown on the contract plans, relating to the project, and that the Town will maintain the landscaping (Trees, Shrubs, Planting Beds, Planting Berms, Grass, Stormwater Tree Pits, Benches, Brick wall and Precast Concrete Pavers; including necessary mowing, mulching, weeding, pruning, replacement and repair) placed as above stated and as shown on the contract plans;

BE IT FURTHER RESOLVED, that the Clerk of this is hereby directed to transit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

#### **Comprehensive Master Plan**

Comprehensive Master Plan Committee has been meeting regularly. A public hearing will be set at a time when our Town Planners are able to attend.

#### **Rockland Mobile Care Proposal**

A motion was made by Councilman Vicari, seconded by Councilman Finn and carried by a voice vote to approve the contract with Rockland Mobile Care for 2011 with a 2% increase or \$314,643 for the Town of Stony Point.

#### **Sewer Department – Purchase of Sewer Pump**

A motion was made by Councilman White, seconded by Councilman Vicari and carried by a voice vote to approve the purchase of a replacement sewer pump from Dave Heiner Associates (sole supplier) for \$15,360. The item is budgeted.

#### **Town Engineer - Storm Water Management Training**

A motion was made by Councilman Finn, seconded by Councilwoman Konopko and carried by voice vote to authorize Kevin Maher, Town Engineer to attend six classes of the 2010–2011 Stormwater Management Training Series at a cost not to exceed \$1350.00.

#### **Principal Account Clerk - Seminar**

A motion was made by Councilman Finn, seconded by Councilman White, and carried by voice vote to approve attendance by the Principal Account Clerk at the ADP Year – End Seminar on Wednesday November 17, 2010 at a fee of \$125.00.

#### **Justice Court – Grant Application**

A motion was made by Councilman Vicari, seconded by Councilman Finn and carried by a voice vote to approve the following resolution:

#### **RESOLUTION AUTHORIZING THE FILING OF THE GRANT APPLICATION FOR THE JUSTICE COURT ASSISTANCE PROGRAM GRANT.**

WHEREAS the Justice Court for the Town of Stony Point is again filing for a Justice Court Assistant Program Grant which shall supply the Court with office and security equipment furniture, and courtroom and court facility improvements; and

WHEREAS it is in the interest of the Town to receive the benefits associated with such grant it is hereby resolved that the Court personnel of the Justice Court are directed to file the grant application on the Town's behalf for the Justice Court Assistance Program grant in accordance with the grant instructions.

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

Section 1. The Town Board authorizes the filing of the grant application.

Section 2. This Resolution shall take effect immediately.

#### **Authorize Bid – Senior Bus Transportation for 2011**

A motion was made by Councilman White, seconded by Councilman Vicari and carried by a voice vote to authorize the Town Clerk to advertise for bids for Bus Transportation for the Stony Point Seniors for the 2011 season.

### **Cell Tower Lease**

A motion was made by Councilman White, seconded by Councilman Finn and carried by a roll call vote to authorize the Town Supervisor to execute Acknowledgment of Lease Amendment between GTP Towers I, LLC and New York SMSA Limited Partnership (d/b/a Verizon Wireless) which permits installation of emergency generator and other improvements within existing lease area at 79 Route 210 (Section 2006, Block 001, Lot 038 on the Tax Map of the Town of Stony Point)."

### **Conservation Easement – Tolake Corp.**

After discussion on the request of Tolake Corp. to extend the conservation easement scheduled to expire in 2014, the matter was referred to Deputy Special Counsel, Elizabeth Verrier.

### **Set Public Hearing – Sewer Extension 10-01 – Virgin Mary & Saint Pachomius Coptic Christian Church**

After discussion and referral by the Town Engineer a motion was made by Councilman White, seconded by Councilwoman Konopko and carried by a voice vote as follows:

#### RESOLUTION OF TOWN BOARD ORDERING PUBLIC HEARING ON PETITION FOR SANITARY SEWER DISTRICT #2

At a meeting of the Town Board held at Rho Building, 5 Clubhouse Lane in the Town of Stony Point, Rockland County, New York, on the **26<sup>th</sup> day of October 2010.**

PRESENT: COUNCILMAN GEOFFREY FINN  
COUNCILMAN LOUIS VICARI  
COUNCILMAN JAMES WHITE  
COUNCILWOMAN LUANNE KONOPKO  
SUPERVISOR WILLIAM SHERWOOD

In the matter of the Petition of **Virgin Mary & St. Pachomius Coptic Orthodox Church** owner of more than one-half of the assessed valuation of all the taxable real property in the proposed Extension of Sanitary Sewer District #2 in the Town of Stony Point, County of Rockland and State of New York and according to the latest completed assessment roll of the said town.

WHEREAS, a written petition dated: **September 23, 2010**, has been presented to and filed with the Town Board of the Town of Stony Point praying that all the land situate in the Town of Stony Point, County of Rockland and which proposed extension, to be known as: Sewer Extension **10/01** more fully described in the Schedule "A", **14.02-1-30 & 14.02-1-31** annexed hereto, and

WHEREAS, the maximum amount proposed to be expended for the Extension of said district shall not exceed the sum of \$0.00 DOLLARS (\$0.00), and

WHEREAS, the expense occasioned by the creation of the Extension of Sanitary Sewer District #2 shall be assessed, levied and collected from the several lots and parcel of land within the said district in proportion as nearly may be to the benefit which each lot or parcel of land in said district will derive therefrom.

NOW on motion MOVED: Councilman White

SECONDED: Councilwoman Konopko

ORDERED that a meeting of the Town Board of the Town of Stony Point be held at Rho Building, 5 Clubhouse Lane in the Town of Stony Point on the **23<sup>rd</sup> day of November, 2010** at 7:30 PM to consider the said petition and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board with relation to such petition as may be required by law, and it is

FURTHER ORDERED that the Town Clerk give notice of such hearing by publishing in the Town's Official Newspaper, a certified copy of this order and by the applicant posting certified copies of this order in five (5) places within said proposed Extension of Sanitary Sewer District #2 in the Town of Stony Point not less than ten nor more than twenty days before such hearing.

#### Schedule A

All that certain plot, piece or parcel of land designated as Tax Map Section 14.02 Block 1 Lots 30 and 31 situate, lying and being in the Town of Stony Point, County of Rockland and State of New York. Being more fully bounded and described as follows:

BEGINNING at a point on the northerly right-of-way line of Swim Club Road, said point being located at the northeasterly corner of lands now or formerly of Anthony Jr. & Nicole Celeste (Tax Lot 14.01-1-1.1); running thence

1. N44-15-43W, along the northeasterly line of lands now or formerly of Anthony Jr. & Nicole Celeste (Tax Lot 14.04-1-1.1) a distance of 275.51 feet; thence
2. N44-29-41W along the northeasterly line of lands now or formerly of Anna Castaldo (Tax Lot 14.04-1-1.2) and now or formerly of Anthony & Rosemarie Caramanno (Tax Lot 14.04-1-1.3) a distance of 353.29 feet; thence
3. N77-34-11W, along the northerly line of lands now or formerly of Anthony & Rosemarie Caramanno (Tax Lot 14.04-1-1.3) and now or formerly of Dennis III & Sandra Doss (Tax Lot 14.04-1-1.4), a distance of 139.00 feet; thence
4. Along the easterly right-of-way line of the Palisades Interstate Parkway (Tax Lot 14.00-1-

- 5), on a curve to the left having a radius of 2400.00 feet, an arc length of 1081.80 feet, running thence along the westerly line of lands now or formerly of the Palisades Interstate Park Commission (Tax Lot 14.00-1-2), the following four(4) courses and distances;
5. S49-54-30E, a distance of 361.36 feet;
  6. S39-54-10E, a distance of 381.80 feet;
  7. S10-57-00E, a distance of 296.10 feet;
  8. S24-52-40E, a distance of 255.78 feet; running thence along the westerly line of lands now or formerly of the County of Rockland (Tax Lot 14.02-1-32), the following two (2) courses and distances;
  9. S26-07-00E, a distance of 112.80 feet;
  10. S 17-05-20E, a distance of 339.90 feet; thence
  11. S70-45-30W along the northerly right-of-way line of Swim Club Road, a distance of 233.12 feet to the point or place of BEGINNING.

### **Executive Session**

At 8:43 pm a motion was made by Councilman White, seconded by Councilman Finn and carried by a voice vote to adjourn to executive session to consider personnel matters.

### **Reconvene**

At 9:40 pm a motion was made by Councilman White, seconded by Councilwoman Konopko and carried by a voice vote to reconvene the October 26, 2010 Stony Point Town Board Meeting.

### **Budget Review**

The tentative budget for the Recreation Department was discussed between the Town Board, Finance Director and Noreen Smith (Recreation Facility Supervisor).

The tentative budget for the Day Camp Program was discussed between the Town Board, Finance Director and Phil Lima (Camp Director).

The tentative budget for Golf Course Maintenance was discussed between the Town Board, Finance Director and Joe Smyth (Greenskeeper).

The tentative budget for Golf Course Operations was discussed between the Town Board, Finance Director and Dave Fuso (Director of Golf).

The tentative budget for the Parks Department and Buildings and Grounds was discussed between the Town Board, Finance Director and Rich Ryder (Maintenance Supervisor Grounds).

The tentative budget for the Highway Department was discussed between the Town Board, Finance Director and Larry Brissing (Superintendent of Highways).

Chief Brophy questioned the Board asking when he will know the affect of the cost savings he has suggested and when it will be translated into number of jobs saved and number of layoffs. Those affected need to know if their jobs are secure or if layoffs will be forthcoming.

### **Adjourn**

At 11:45 pm a motion was made by Councilwoman Konopko, seconded by Supervisor Sherwood to adjourn the October 26, 2010 Stony Point Town Board Meeting.