

## STONY POINT TOWN BOARD MEETING – November 22, 2016

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, November 22, 2016 at 7:00 pm at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, NY. Supervisor James Monaghan led the group in the Pledge of Allegiance. Town Clerk Joan Skinner called the following roll:

PRESENT:	Mr. Karl Javenes	Councilman
	Mr. Tom Basile	Councilman
	Mr. James White	Councilman
	Mr. Michael Puccio	Councilman
	Mr. James Monaghan	Supervisor

ABSENT: None

**PUBLIC INPUT** - None

### **PURCHASE ORDER REQUESTS**

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

**Buildings & Grounds:**

PO#2937	Hudson Valley Sign	\$1,100.00
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**Golf Course:**

PO#2934	Delea Sod	\$1,450.50
PO#2935	Synergy Turf Supply	\$9,408.40

**Highway Department:**

PO#2936	Jasper Engines & Transmissions	\$2,822.00
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**Sewer Dept:**

PO#2928	Reiner Pump Systems	\$1,338.00
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**AUDIT OF BILLS** - None

### **MINUTES**

A motion was made by Supervisor Monaghan, seconded by Councilman Puccio, and **unanimously carried** by a voice vote of those board members present to accept the minutes of November 9, 2016.

### **SUPERVISOR'S REPORT**

Supervisor Monaghan spoke:

- Praised the actions of two Highway Department employees, Dan Cronk and Brett Bulson, for their recent actions in finding and returning a piece of equipment lost by a resident.
- Boy Scouts hosting a STEM (Science, Technology, Engineering and Mathematics) Fair at Kirkbride Hall on December 3<sup>rd</sup> from 9-2
- Annual tree lighting ceremony and Holiday Boutique – December 5<sup>th</sup> – 6:30 pm – at Kirkbride Hall
- Recreation Department's bus trip to Radio City Music Hall's Christmas Spectacular on December 15<sup>th</sup>
- Town offices will be closed on November 24 & 25 for the Thanksgiving holiday.
- Wished everyone a happy and healthy Thanksgiving

### **PUBLIC HEARING: Amend Sign Law**

The following public hearing notice was published:

PUBLIC HEARING NOTICE  
TOWN OF STONY POINT

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Stony Point, Rockland County, New York, on November 22, 2016 at 7:00 PM at Rho Building, 5 Clubhouse Lane, Stony Point, New York for the following matter:

AMENDMENT TO TOWN CODE, CHAPTER 215, ARTICLE IX (SIGNS)

The Town Board for the Town of Stony Point is considering amending the Town Code, Chapter 215 Article IX, adding a new section that would allow the use of LED signs on parcels occupied by emergency and/or public services organizations.

The full text of the proposed Local Law will be on file in the Town Clerk's Office, 74 East Main Street, Stony Point, New York, no later than November 14, 2016 and may be obtained by any interested parties from 8:30 am to 4:00 pm, Monday through Friday.

By Order of the Town Board dated October 11, 2016.

Joan Skinner - Town Clerk - November 14, 2016

Special Counsel, Brian Nugent, addressed the Board advising that a proposed resolution has been drawn to declare the Town Board as lead agency with respect to the environmental review of this local law. There is also a change in the format of the local law; however the substance remains the same. There was an error in the original draft that indicated that this was a SEQRA Type II action; it is not, it's an unlisted action. For public hearing purposes the substance of the law will be the same for comments and review.

The draft local law was sent on November 15<sup>th</sup> to the Rockland County Planning Board and the Stony Point Planning Board for their comments. They have 30 days to respond.

**ACTION**

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

**RESOLUTION OF THE TOWN BOARD FOR THE TOWN OF STONY POINT, NEW YORK DECLARING ITSELF LEAD AGENCY UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND DETERMINING THE SIGNIFICANCE OF THE ACTION**

WHEREAS, the Town Board for the Town of Stony Point ("Town Board") seeks to adopt a proposed Local Law to amend Chapter 215, Article IX of the Town of Stony Point Town Code entitled Signs Law of the Town of Stony Point to allow emergency and governmental service organizations such as ambulance corps, and fire and police departments to install and use LED signs for the purpose of publishing and posting messages to inform the public of emergency situations; and

WHEREAS, the proposed Local Law is an amendment to a use in the Town Zoning Code affecting less than twenty-five (25) acres, and is thereby determined to be an Unlisted action; and

WHEREAS, the Town Board is sole agency involved in the consideration of the proposed Local Law; and

WHEREAS, the Town Board desires to assume Lead Agency status and conduct a review to determine the significance of the proposed Local Law in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the regulations promulgated thereunder at 6 NYCRR 617.

WHEREAS, a public hearing has been noticed and scheduled by the Town Board for November 22, 2016 at 7:00 pm for all persons interested in presenting oral or written comments concerning the proposed local law.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. All “Whereas” clauses are hereby incorporated by reference as though set forth in full herein.

Section 2. The Town Board determines that the proposed action will require review pursuant to the State Environmental Quality Review Act (SEQRA), and the governing regulations promulgated thereunder.

Section 3. The Town Board hereby declares itself as Lead Agency in connection with the SEQRA review of this application and, in this capacity, the Town Board will determine if the proposed Local Law will have a significant adverse environmental impact.

Section 4. The Town Board hereby determines that the proposed Local Law is an Unlisted Action under SEQRA.

Section 5. The Town Board directs that a Short Environmental Assessment Form (SEAF) be prepared and reviewed.

Section 6. The Town Board directs the Town Clerk and any other officer of employee, as directed by the Supervisor, to take any action necessary to carry out the provisions of this Resolution.

Section 7. This Resolution shall take effect immediately.

#### Open Public Hearing

A motion was made by Supervisor Monaghan, seconded by Councilman Puccio and **unanimously carried** by a voice vote of those board members present to open this public hearing at 7:06 pm.

Supervisor Monaghan explained that this proposed amendment is to allow LED signs for first responders, such as ambulance, fire and police, not for commercial and retail stores.

#### Public Input

- George Potanovic, 597 Old Gate Hill Road
  - Questioned the notification process
  - What is the true purpose of the signs
  - Who has control of sign content
  - Concerned about distracted driving
- Supervisor Monaghan
  - Indicated that this public hearing was set earlier in the fall and has been announced and talked about numerous times
- Kathy Leroy – President, Stony Point Ambulance Corp
  - Signs will not be flashing and there will be no commercial advertising
- Chief Brian Moore
  - Messages will involve safety, road closures, amber alerts, evacuation routes, fire safety – health, safety and general welfare of the community
- Susan Filgueras, 87 Mott Farm Rd
  - Fifth amendment right – can we dictate what a message will be
  - Will signs be within the character of what we want the town to be
  - How can we control what happens when new people come in
- George Potanovic, 597 Old Gate Hill Road
  - Is there a sample sign that can be looked at that shows size, type and style
- Rich Perry – Stony Point Ambulance Corp Sr. Advisor/Youth Corp
  - A sign like this will get message to the youth of the town

- Councilman Basile
  - Make sure it is well planned
  - Will get message to potential volunteers
  - Should go with the look of the town
  
- Supervisor Monaghan
  - Fire department and ambulance corp are second and third generations of volunteers
  - Great way to get the message out
  - We can't stop progress being concerned about lawsuits
  
- Councilman Javenes
  - Signs should be consistent with the look of the town
  
- Brian Nugent, Special Counsel spoke as to the legal challenges:
  - Proposed Local Law is not a restriction on speech or anything of that nature
  - Town Board is authorizing a particular type of sign – not necessarily relative to the content
  - The purpose of this law is to authorize specific types of messages which is the community welfare/emergency public notice type of messages
  - A goal of the Town Board in doing this is to make these LED signs unique in that when you see them, especially when you are driving, the messages are always going to be public notices
  - If you allow commercial entities to have these signs you defeat the purpose of the law
  - Compelling government interest to get those messages out is one of the issues that would be looked at
  - If a commercial entity should sue because these signs are authorized it can be compared to the Town saying every emergency service could have a flashing purple light on the roof and no one else can – we are putting our messages out and no one else is going to be able to do that
  - Anyone can sue – the question is whether or not they would prevail
  - We can't stop anyone from going to court
  - We can move to dismiss an action and in this case we would succeed if that's the kind of claim that was brought for this local law

#### **ACTION- CONTINUE PUBLIC HEARING**

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to continue the public hearing at the December 13<sup>th</sup> Town Board meeting.

#### **USE OF SOUND STAGE - PAL**

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by those board members present to allow PAL to use the sound stage and Kirkbride Hall, surrounding grounds and the parking lot adjacent to Cornell Cooperative Extension for their Bike Safety/Touch a Truck Event on June 4, 2017 with a rain date of June 11, 2017.

#### **BOY SCOUT CHRISTMAS TREE PERMIT**

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present to waive the fee and grant the permit to sell Christmas trees to Boy Scout Troop 10 at the Atonement Lutheran Church 71 Central Highway from November 25-December 23, 2016.

#### **BUDGET TRANSFERS**

A motion was made by Supervisor Monaghan, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present to authorize budget transfers as presented by the Director of Finance.

<b>2016 Budget Transfers</b>			
<b>Highway</b>			
Expenses			
	<b>Acct. #</b>	<b>Description</b>	<b>\$ Amount</b>
Dr	D1989.4	Misc Highway exp	\$210.69
	D5110.4	General Expense other	32,676.05
	D5130.2	Mach & Equip Other	\$6,287.23
	D9710.6	Debt Service Principal	\$500.24
	D9060.8	Employee Benefit	\$43,944.92
Total:			\$83,619.13
Revenues			
Cr	D9710.7	Debt Service Interest	\$3,866.08
	D599	Appropriated Fund Balance	\$79,753.05
<b>Enterprise(Golf)</b>			
Expenses			
	<b>Acct. #</b>	<b>Description</b>	<b>\$ Amount</b>
Dr	E7140.2	Golf Maintenance Equipment	\$3,639.97
	E7140.4	Golf Maintenance Exp	\$28,232.59
	E7180.2	Golf Course Ops Equip	\$3,953.80
	E7197	Clubhouse Exp	\$4,466.07
	E9040.8	Workers Comp	\$20,609.40
	E910.6	Debt Service Principal	\$64,995.60
Total:			\$125,897.43
Total:			
Revenues			
Cr	E2701	PY Refund	\$20,912.31
	E9710.7	Debt Service Int	\$105,537.66
	E599	Appropriated Fund Balance	-\$552.54
<b>Sewer</b>			
Expenses			
	<b>Acct. #</b>	<b>Description</b>	<b>\$ Amount</b>
Dr	S1989.4	Misc Exp Other	\$1,002.36
	S8130.102	Sewer Overtime	\$40,691.35
	S8130.2	Equipment treatment & Disposal	\$19,757.85
			\$61,451.56
Total:			
Revenues			
Cr	S2680	Insurance Recovery	\$53,983.61
	S599	Appropriated Fund Balance	\$7,467.95
<b>Solid Waste</b>			
Expenses			
	<b>Acct. #</b>	<b>Description</b>	<b>\$ Amount</b>
Dr	SR81604	Solid Waste Exp	\$8,963.18
Total:			\$8,963.18
Revenues			
Cr	SR2130	Refuse and Garbage	\$2,264.31
Dr	SR599	Appropriated Fund Balance	\$6,698.87

<b>General</b>			
<b>Expenses</b>	<b>Acct. #</b>	<b>Description</b>	<b>\$ Amount</b>
	A1220.4	Supervisor Exp	\$5,891.02
Dr	A1330.4	Tax Receiver Exp	\$6,524.93
	A1355.4	Assessor Exp other	\$9,442.76
	A1414.402	Town Attorney Special Counsel	\$6,508.96
	A1620.102	Building Wages-Non Rho/Kirkbride	\$8,279.77
	A20.205A	Building Equip HHO CBDG	\$12,995.68
	A20.205	Buildings-Expense - Other	\$2,132.31
	A20.207	Bldg Equip Police	\$1,675.00
	A20.208	Bldg Equip Parks Garage	\$3,172.84
	A1620.402	Building Trailer	\$702.85
	A1620.410	Building Letchworth	\$16,464.00
	A1950.4	Taxes	\$2,321.86
	A1989.403	Refunds Misc	\$1,092.50
	A3120.102	Police Overtime	\$284,789.23
	A3120.106	Dispatcher	\$3,342.82
	A3120.109	Police Wages Forf of Crime Proc	\$1,024.25
	A3120.201	Equipment Restricted Sales	\$503.00
	A3120.202	Equipment Other	\$46,733.85
	A3620.2	Safety Inspector Equip	\$27,242.00
	A7110.104	Youth Laborers	\$8,050.98
	A7110.2	Park Equip	\$114,976.96
	A7110.402	Parks Eqp LL	\$1,207.86
	A7150.2	Pool Equip	\$2,499.00
	A7150.4	Pool Exp	\$6,968.31
	A7310.101	Day Camp Wages	\$726.79
	A7310.401a	Day Camp Exp Trip	\$6,248.09
	A7310.401a	Day Camp Exp	\$2,426.67
	A7310.407	Recreation Exp Trips	\$3,145.73
	A7320.4	Camp Venture	\$39.34
	A8020.4	Planning Exp	\$51,900.27
Total:			\$639,029.63
Revenues	A1081	Money in Lieu of taxes	\$953.82
Cr	A1689	WC Income	\$29,498.59
	A2001b	Day Camp Income	\$11,836.50
	A2001c	Day Trip Income	\$11,754.00
	A200h	Recreation Concerts	\$1,000.00
	A2001i	Recreation Other	\$3,057.00
	A2001j	Recreation bottle return	\$136.51
	A2025A	Facility Rental	\$7,164.00
	A2025B	Boat launch Income	\$1,061.00
	A2115	Planning Fees	\$22,394.24
	A2401	Interest Income	\$1,388.41
	A2665A	Sale of Equipment	\$3,875.00
	A2680	Insurance Recoveries	\$7,452.03
	A2770C	Misc Income Police OT	\$624,812.16
	A3001	State Aid	\$1,193.00
Total:			\$727,576.26
	A599	Appropriated Fund Balance	-\$88,546.63

**DISCUSS ZONING AND PLANNING BOARD APPOINTMENTS**

There will be an opening on the Zoning Board for 2017. If anyone is interested they should submit their resume.

**EXECUTIVE SESSION**

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present to adjourn into executive session for litigation update and pending contract negotiations.

**ADJOURN**

The November 22, 2016 Stony Point Town Board meeting adjourned at 8:20pm and **no further votes were taken.**

Respectfully submitted – Joan Skinner, Town Clerk