

## **STONY POINT TOWN BOARD MEETING – JUNE 28, 2011**

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, June 28, 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. Deputy Town Clerk, Barbara Oyer, 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**

George Potanovic – Old Gate Hill Rd. questioned implementation of the Code regarding tree preservation

Susan Filgueras, Mott Farm Rd, Tomkins Cove spoke regarding:

- Drainage issues throughout the Town
- Current fill law and lack of provision for soil testing and lack of protection for the people of the town
- Drainage situation at her property

### **PURCHASE ORDER REQUEST**

A motion was made by Councilman White, seconded by Councilman Finn and **unanimously carried** by a roll call vote of those board members present to approve the following purchase orders:

Buildings & Grounds		
PO#2349	Hush Electric	\$ 2,495.00
Highway		
PO#2350	Chemung Supply Corp.	\$14,321.70
Police Dept.		
PO#2341	L-Tron Corp	\$ 4,690.70
Sewer Dept.		
PO#2321	Slack Chemical Co. Inc.	\$ 1,634.70

**AUDIT OF BILLS** - None

### **MINUTES**

A motion was made by Councilman White, seconded by Councilman Vicari and unanimously carried by a voice vote of those board members present to approve the minutes of May 10, 2011, May 16, 2011, May 24, 2011, June 2, 2011 and June 14, 2011.

### **ECONOMIC DEVELOPMENT COMMITTEE REPORT**

- Beautification Subcommittee met today and started selecting locations along Route 9W where plantings and benches might be placed.
- RFEI Subcommittee will be reviewing and submitting first draft shortly.

### **POLICE DEPARTMENT REPORT/BUSINESS**

Chief Moore addressed the Board with the following matters:

### **ADMINISTRATIVE SERGEANT PAY RATE**

A motion was made by Councilman White, seconded by Councilman Vicari and unanimously carried by a voice vote of those board members present to approve the pay rate for Administrative Sergeant Hylas at an hourly rate of \$63.0981 per hour in accordance with the Stony Point PBA contract, effective May 28, 2011.

## **APPOINTMENT SERGEANT**

A motion was made by Councilman Vicari, seconded by Councilwoman Konopko and unanimously carried by a voice vote of those board members present to appoint Officer John Wood to the permanent full time position of police sergeant, effective July 4, 2011 at the current salary rate of \$57.3213 per hour.

## **PURCHASE EQUIPMENT**

Chief Moore explained purchase order #2341, which was approved earlier. It was to purchase seven scanners and seven mobile printers for the police vehicles, utilizing federal seizure funds to purchase them. These will replace the existing equipment obtained through a grant in 2006.

## **LEGISLATIVE REPORTS** - None

## **SUPERVISOR'S REPORT** - None

## **DEPARTMENTAL REPORTS**

### **Recreation**

Noreen Smith spoke about various recreational activities throughout the Town.

### **POOL UPDATE**

Town Engineer, Kevin Maher, gave an update on the pool and is hoping that it will open on or about July 1<sup>st</sup>.

## **CORRESPONDENCE** - None

## **PUBLIC HEARINGS:**

### **Continued Public Hearing – Master Plan**

Supervisor Sherwood opened this hearing at 7:40 pm and stated that although the Town of Haverstraw requested additional time to respond, they have not responded.

### **Public Input:**

George Potanovic – Old Gate Hill Rd., spoke about his letter of June 14, 2011 which reads as follows:

*“Why is the Stony Point Master Plan Committee trying to convince the town board and residents to change the zoning code to allow high-density condos and townhouses within all zoning districts? Who is pushing for this amendment? I fail to see the logic.*

***Amendment #9 – Townhouses and Condominium Developments*** proposed change to the Town Comprehensive Plan (Master Plan) begins by claiming an unsubstantiated “fact” that townhouse and condominium development generates fewer school children than traditional single family homes – and, therefore, should be permitted in all residential zones within the town at the same residential rates and special bonus densities for up to TWICE the allowable housing densities.

*More than a year ago, a builder proposed condos on Jessup Lane, where the RR district allows for only single-family homes. The reaction was swift by the residents from Jessup Lane, who turned out en-masse to oppose the proposed high-density development on their street. SPACE opposed that development as a “give away” to builders who prefer building high-density instead of single-family homes due to the slump in the housing market. However, builders’ inability to sell more houses is not the town’s problem. Overbuilding is exactly the root cause of skyrocketing North Rockland school taxes.*

*This is suspicious. Why are the supervisor and town board proposing the same high-density change to town zoning that was opposed by the public in the updated Stony Point Master Plan? Will high-density housing in the RR zone, Letchworth and Ambrey Pond Watershed District invite unanticipated high-density development, which has become such a big issue in the Town of Ramapo? This amendment is short-sighted and we question whether it is simply a plan to serve the builder’s interests, behind the scenes.*

*In addition, **Amendment #10 – Accessory Apartments**, would allow single-family homes to become two-family homes with some restrictions enforced by the Building Inspector. Proposed as a way to make taxes more affordable for older residents who live in large homes, a special permit could also turn oversized McMansions into multi-family homes. The old Victorian homes that line 9W in Haverstraw were once single-family and now contain multi-family apartments with several electric meters outside. Will this eventually lead to higher school populations and higher school and town taxes for the rest of us?*

*While the SPACE Board agrees with and supports some aspects of the revised Master Plan – especially those sections that would enhance the town's business zone, this process has languished under two administrations for five-years, been largely unfocused and has not kept the public informed. Instead of inviting the public into the process, public hearings receive only the minimal legal notice and requests by SPACE for more open "town hall" type meetings in order for the public to better understand, exchange ideas and participate in the planning process have been completely ignored."*

Susan Filgueras – Mott Farm Rd. spoke:

- Indicated that residents do not understand the concept and asked if there might be a way to set up a focus group to have an ongoing dialog with the residents.
- If multi family housing is allowed you must consider the costs of education.
- Tree and fill laws are weak. No enforcement exists.

George Harris, Willow Grove Rd. spoke:

- Not in favor of subcommittees; we've elected to Town Board to represent us to do this best for the town.
- What impact will these proposed changes have on our taxes?
- Multi family houses will devalue neighbor's property.

### **ACTION**

A motion was made by Councilman Finn, seconded by Councilwoman Konopko and unanimously carried by a voice vote of those board members present to close the public hearing at 8:00 pm.

This item will be put on the July 12<sup>th</sup> meeting.

### **Sewer Extension – Lukenda**

The public hearing was opened at 8:10 pm and the following Public Hearing Notice was offered:

#### 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 **May 24, 2011**

PRESENT: Councilman Geoffrey Finn, Councilman Louis Vicari, Councilman James, White, Councilwoman Luanne Konopko and Supervisor William Sherwood.

In the matter of the Petition of **Joseph Lukenda** 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: **May 9, 2011**, 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 **11/02** more fully described in the Schedule "A", **15.01-3-1** 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 of **MOVED: Councilman White**; **SECONDED: Councilman Vicari**

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 **June 28<sup>th</sup>, 2011** at 7:00 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.

### **ACTION**

A motion was made by Councilman White, seconded by Councilman Finn and unanimously carried by a voice vote of those board members present to close the public hearing.

### **ACTION**

The following resolution was offered and adopted:

#### RESOLUTION AND ORDER OF TOWN BOARD APPROVING PETITION FOR SANITARY SEWER DISTRICT **#2**

At a meeting of the Town Board of the Town of Stony Point, held at Rho Building, 5 Clubhouse Lane, in the Town of Stony Point, Rockland County, New York, on the **28<sup>th</sup> day of June, 2011**.

PRESENT: Councilman Geoffrey Finn, Councilman Louis Vicari, Councilwoman Luanne Konopko, Councilman James White, Supervisor William Sherwood.

WHEREAS, a written Petition dated **May 9, 2011** signed and acknowledged by **Joseph Lukenda**, has been presented to and filed with the Town Board of the Town of Stony Point requesting the Extension of a sanitary sewer and laterals in a proposed Extension of District **#2** to be known as the Extension of Sanitary Sewer District **#2** as more particularly described in said Petition, and

WHEREAS, a certified copy of the order of this Board calling a hearing hereon, which order is dated **May 24, 2011** was duly and regularly published in the Rockland County Times and on the official sign board of the Town on **June 9, 2011** and certified copies thereof were posted in five public places within the proposed Extension of Sanitary Sewer District **#2** on **June 12, 2011**, and

WHEREAS, a Public Hearing having taken place at Rho Building, 5 Clubhouse Lane in the Town of Stony Point, Rockland County, New York on **June 28<sup>th</sup>, 2011**, at 7:00 PM the petitioners having appeared in support of said application and proof having been presented concerning the same, and no objection or protest having been made to the proposed Extension.

WHEREAS, the Town Board has given due deliberation to the hearing and the testimony and allegations presented and has determined to grant the prayer of said petition, and

WHEREAS, the map and plan aforesaid has been approved by the State Department of Health, and copies thereof filed with said Department, and with the Town Clerk, pursuant to Section 192 of the Town Law.

Now on motion of **Councilwoman Konopko**, seconded by **Councilman White** all members present voting therefor, it is

FOUND, ORDERED AN DETERMINED that said petition dated , for the creation of the Extension of Sanitary Sewer District **#2** in the Town of Stony Point, Rockland County, New York, is signed, approved and acknowledged, as

required by law, and is otherwise sufficient and complies with the provision of Section 191 of the Town Law, constituting Chapter 62 of the Consolidated Laws of the State of New York, and such other sections of said chapter as are applicable thereto; and that there is annexed to said petition a map and plans showing the boundaries of the proposed Extension of Sanitary Sewer District #2 and a general plan of the proposed district, and it is

FOUND, ORDERED AND DETERMINED by the Town Board of the Town of Stony Point that it is in the public interest to grant the whole relief sought by said petition, and that all of the property, property owners and interested persons within said proposed Extension of District #2 are benefited thereby, and that all property, or property owners benefited are included therein, and that no property or property owners or interested persons benefited thereby have been excluded therefrom, and it is

ORDERED that the petition for the creation of the extension of Sanitary Sewer District #2 be established in said Town of Stony Point, as described in said petition, map and plan, to be known as the Extension of Sanitary Sewer District #2 and to include the following property:

### **AGENDA ITEMS:**

#### **DRIVEWAY REPAIR – 25 STUBBE DRIVE**

A motion was made by Councilman Finn, seconded by Councilman White and unanimously carried by a voice vote of all board members present to direct the Highway Department to uncover the area in question, determine what the problem is and make repairs if it is our problem.

#### **STONY POINT LITTLE LEAGUE FIELDS**

No action was necessary on this item.

#### **POOL MEMBERSHIP ADJUSTMENTS**

A motion was made by Councilwoman Konopko, seconded by Councilman White and unanimously carried by a voice vote of all board members present to offer two free guest passes to members who could not use the pool for two weeks.

#### **PAVING BOND RESOLUTION**

A motion was made by Councilman White and seconded by Councilman Finn as follows:

#### **RESOLUTION OF THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK (THE "TOWN"), AMENDING A BOND RESOLUTION DATED APRIL 13, 2010, RELATING TO THE AUTHORIZATION OF SERIAL BONDS OF THE TOWN TO FINANCE CERTAIN ROAD RECONSTRUCTION AND REPAVING IMPROVEMENTS**

WHEREAS, the Town Board (the "Town Board") of the Town of Stony Point (the "Town") by bond resolution duly adopted by the Town Board on April 13, 2010 (the "Original Bond Resolution"), authorized the issuance of \$2,200,000 in serial bonds of the Town to finance the estimated cost of reconstructing, repaving and repairing certain roads located in the Town as specified therein, at a total estimated maximum cost of \$2,200,000 (the "Original Project"); and

WHEREAS, the Board now wishes to amend the Original Bond Resolution to amend the Original Project to broaden the scope of the road reconstruction and repaving project (as so revised, the "Project"); and

WHEREAS, the Project constitutes a "Type II" action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, "SEQRA") and therefore no further action need be taken by the Town Board under SEQRA as a pre-condition to the adoption of this resolution.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. Section 1 of the Original Bond Resolution is hereby amended in its entirety to read as follows:

“SECTION 1. The Town is hereby authorized to undertake and to issue up to \$2,200,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”) to finance the estimated cost of reconstructing, repaving and repairing of roads located throughout the Town, including, in each case, the construction or reconstruction of curbs, gutters, drainage, landscaping, grading or improving the rights of way, or the elimination of any grade crossings (exclusive of bridges therefor) or improvements in connection therewith, and the acquisition and installation of any materials, equipment, furnishings, machinery or apparatus, and including any ancillary or related work required in connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$2,200,000; said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of up to \$2,200,000 in serial bonds of the Town authorized to be issued pursuant to this section of bond anticipation notes issued in anticipation of such bonds. ”

SECTION 2. Pursuant to subdivision b. of Section 35.00 of the Law, this resolution is subject to a permissive referendum in the manner prescribed by Article Seven of the Town Law of the State of New York (the “Town Law”). The Town Clerk is hereby authorized and directed, within ten (10) days after the date of adoption of this resolution, to post and publish a notice satisfying the requirements of Section 90 of the Town Law, which shall set forth the date of adoption of this resolution, shall contain an abstract hereof, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the official newspaper of the Town for such purpose.

SECTION 3. This resolution shall take effect thirty (30) days after the date of its adoption or, if within such thirty (30) day period there is filed with the Town Clerk a petition subscribed and acknowledged by the number of qualified electors of the Town required by Section 91 of the Town Law and in the manner specified in such Section, until approved by the affirmative vote of a majority of such qualified electors voting on a proposition for its approval.

SECTION 4. Except as specifically amended herein, all the terms and provisions of the Original Bond Resolution shall remain in full force and effect.

This resolution shall take effect immediately.

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

### **ECONOMIC REVITALIZATION CORRIDOR**

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

### **ECONOMIC REVITALIZATION OF THE AREA GENERALLY KNOWN AS THE LIBERTY DRIVE CORRIDOR IN THE TOWN OF STONY POINT**

WHEREAS, the Town of Stony Point seeks to promote the economic revitalization of an area generally known as the Liberty Drive Corridor (hereinafter “Liberty Drive Corridor”) within the own of Stony Point; and

WHEREAS, the Stony Point Economic Development Committee presented information to the Town Board outlining recommendations for the economic revitalization of an area generally known as the Liberty Drive Corridor; and

WHEREAS, the Economic Development Committee has reviewed the potential economic revitalization of the Liberty Drive Corridor and determined that

such revitalization would result in expansion of tax ratables (commercial and otherwise), create local employment opportunities, and improve quality of life in the Town; and

WHEREAS, the Town Board seeks to authorize a preliminary review of the economic revitalization of the Liberty Drive Corridor with the assistance of the Town's Departments, professionals and consultants; and

Now, therefore, be it

RESOLVED, that the Stony Point Town Board authorizes the Town Departments, professionals and consultants to participate and assist in a preliminary review and investigation of the economic revitalization of the Liberty Drive Corridor, including:

- 1) Identification of parcels appropriate for inclusion in such economic revitalization area; and
- 2) Exploration of state and federal programs that may facilitate such revitalization; and
- 3) Review and research similar initiatives undertaken by other communities; and
- 4) Take any other steps necessary to facilitate the adoption of a final resolution by the Town Board at a later date

Now, therefore, be it further

RESOLVED, that nothing in this Resolution shall bind the Town of Stony Point or require the Town of Stony Point to take any formal action or further action with respect to revitalization of the Liberty Drive Corridor and the this Resolution is limited to authorizing Town Departments, professionals and consultants to assist and participate in preliminary review of such revitalization as set forth above.

### **SPECIAL COUNSEL'S COMPENSATION**

#### **ACTION #1**

A motion was made by Councilman Vicari and seconded by Councilman Finn to amend and supersede the motion adopted by this Board at its March 9, 2010 meeting wherein the compensation of the law firm of Feerick, Lynch & MacCartney was established at the hourly rate of \$200 with a monthly cap of \$9,500 for legal services to the town as set forth in their retainer agreement dated February 17, 2010 which shall include labor relations in the following respects: The hourly rate basis shall not apply to the performance of services set forth in the said retainer agreement of February 17, 2010 but instead shall be compensated at the rate of \$9,500 per month. All other services not covered by said retainer agreement shall be compensated at the hourly rate of \$250.

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

#### **ACTION #2**

A motion was made by Councilman Vicari and seconded by Councilman Finn that the Supervisor be and he hereby is directed by this Town Board to promptly pay any and all bills, invoices or vouchers heretofore or hereafter submitted by the firm of Feerick, Lynch & MacCartney for services rendered to the town pursuant to their retainer agreement dated the 17<sup>th</sup> day of February, 2010. This motion is intended to be retroactive to March 9, 2010 and shall be effective as of such date.

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

AYES: Mr. Finn, Mr. Vicari, Mr. White

NAYS: Supervisor Sherwood  
ABSTAIN: Councilwoman Konopko  
ABSENT: None

### **ACTION #3**

A motion was made by Councilman White and seconded by Councilman Vicari to authorize Councilman Finn and Councilman White to sit down with our Special Counsel to try to negotiate a retainer agreement of \$6,000 or under in order to meet our budget guidelines for the remaining months of 2011.

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

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

### **ACTION #4**

A motion was made by Supervisor Sherwood and seconded by Councilwoman Konopko to expand Councilmen Finn's and White's authority to negotiate with other law firms that might be able to offer the services.

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

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

### **HIGHWAY DEPT – MEO II POSITION**

A motion was made by Councilman Finn and seconded by Councilman Vicari to fill the MEO II position in the Highway Dept.

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

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

### **AMERICORP PROGRAM FUNDING**

A motion was made by Supervisor Sherwood, seconded by Councilman Finn and **unanimously carried** by a voice vote of those board members present to authorize a donation of \$250 from the Town of Stony Point to the AmeriCorp Program. Supervisor Sherwood will personally donate an additional \$250.

### **DEBT MANAGEMENT POLICY/FUND BALANCE POLICY**

The Government Accounting Standards Board has changed their guidelines with respect to how we are to show our fund balance and have made the recommendation that the Town should have policies with regard to debt management and fund balances.

### **ACTION**

A motion was made by Councilwoman Konopko, seconded by Councilman White and unanimously carried by a voice vote of those board members present to authorize the Director of Finance to develop Debt Management and Fund Balance Policies.

### **EXECUTIVE SESSION**

At 9:30 pm a motion was made by Councilwoman Konopko, seconded by Supervisor Sherwood and **unanimously carried** by a voice vote of all board members present to adjourn into executive session to discuss employment contracts.



**ADJOURN**

A motion was made by Councilman Finn, seconded by Councilman Vicari and **unanimously carried** by a voice vote of all board members present to adjourn the June 28, 2011 Stony Point Town Board Meeting at 10:35 pm.

Respectfully submitted,

Joan Skinner  
Town Clerk