

**STONY POINT TOWN BOARD MEETING – August 9, 2016**

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, August 9, 2016 at 7:00 pm at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, NY. Deputy Supervisor Javenes called the meeting to order and led the group in the Pledge of Allegiance.

Town Clerk Joan Skinner called the following roll:

PRESENT: Mr. Karl Javenes Councilman  
Mr. Thomas Basile Councilman  
Mr. James White Councilman

ABSENT: Mr. James Monaghan Supervisor  
Mr. Michael Puccio Councilman

**PUBLIC INPUT**

Susan Filgueras 87 Mott Farm Road:

- Historical Society – Spoke with Lou Durand and the new owner Ava Seevy of the Morning Glory Farm on Buckburg Road, one of the oldest houses in Stony Point.
- Taxes – There is a signup sheet in the Town Halls; Stony Point and Haverstraw for Mirant Debt Relief
- Spoke against the Coast Guard Anchorage Grounds

George Potanovic 597 Old Gate Hill Road:

- Spoke against the Coast Guard Anchorage Grounds

**PURCHASE ORDER REQUEST**

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

Buildings & Grounds:

PO#2899 Cedar Pond Tree & Crane Serv. \$1,500.00

Highway Department:

PO#2898 Corsi Tire Commercial Div. \$2,299.12

Police Dept:

PO#2820 Schultz Ford \$1,448.41

Sewer Dept:

PO#2886 Slack Chemical \$2,835.00

PO#2900 Clean Waters Inc. \$1,594.00

**AUDIT OF BILLS**

Joan Skinner, Town Clerk, presented the following bills to the Town Board for audit and a motion was made by Councilman White, seconded by Councilman Basile and **carried** by a voice vote of all board members present (Councilman Puccio, and Supervisor Monaghan was absent) to approve the following purchase orders:

**Contractual General – July 29, 2016**

<u>FUND</u>	<u>CLAIM #</u>	<u>FUND TOTAL</u>
General	816-857	\$ 257,893.51

<u>Highway</u>	269-272	\$	25,252.99
<u>Sewer</u>	240-248	\$	23,067.37
<u>Special Districts</u>			
Ambulance	20-20	\$	433.16
Enterprise Fund	275-283	\$	11,541.62
Solid Waste	12-12	\$	810.30
<b><u>General – August 9, 2016</u></b>			
<u>General</u>	858-929	\$	123,952.01
<u>Highway</u>	273-294	\$	7,752.74
<u>Sewer</u>	249-266	\$	19,516.86
<u>Special Districts</u>			
Ambulance	21-21	\$	27,893.00
Enterprise Fund	284-309	\$	44,092.88
Solid Waste	12-13	\$	4,713.62

**MINUTES** - A motion was made by Councilman Javenes, seconded by Councilman Basile and **carried** by a voice vote of those board members present to approve the minutes of June 28, 2016.

**SUPERVISOR'S REPORT**

Deputy Supervisor Basile spoke on behalf of Supervisor Monaghan:

- A reminder this is the only meeting in August, the next Town Board meeting is September 13, 2016.
- Riverfront Park concerts start at 7PM every Wednesday
- Charity Softball Game on August 14, 2016 @ 2:30pm for Tommy McGuire, a West Nyack native who suffered a swimming accident which resulted in a severe spinal injury. Legends from the NY Giants and NY Yankees will be participating along with our very own town Supervisor Jim Monaghan.
- Regarding the oil tank discussion last meeting located off of 9W; Councilman Basile reached out to Spectra and they are looking into it.
- A very big thank you to Phil and Karen Lima, Karenanne Nigro, Jared Stalter, and his men, Joe Smyth and his men for all the hard work they have done through this hot summer.

**AMBULANCE CORP. REPORT**

Newly elected president, Kathy Leroy read the following report:

**May 2016**

Cash on Hand Beginning of Month \$465,899

**Income**

Donations	\$ 650
Interest	\$ 2
Net Rental	\$ 2,000
Service Receipts	\$ 54,223

**Total Monthly Deposits** \$ 56,875

**Disbursements**

Auditors Fee	\$ 5,000
Building Maintenance	\$ 3,336
General Administration	\$ 2,980
Mortgage	\$ 28,887
Operating Expenses	\$ 10,402

**Total Monthly Disbursements** \$ 50,605

**Cash on Hand End of Month** \$472,169

## **POLICE DEPARTMENT REPORT/BUSINESS**

Chief Moore read the following report:

Police Department Report for the Month of July 2016

Number of calls for service:	876	
Number of reported accidents:	22	
Number of arrests:	49	
(4) Felonies	(36) Misdemeanors	(10) Violations
Fuel usage:	1906.6 gallons	
Sum total of all traffic enforcement action:	121	
Number of Youth Officer sponsored events:	2	
Number of child safety seat installations:	6	
Number of commercial vehicle enforcement details:	1	
Number of traffic/special enforcement details:	4	
Number of training hours:	48 hrs	
Total fees collected:	\$99.00	

(Foil \$14.00, Prints \$20.00, and Reports \$65.00)

Miscellaneous:

Youth sponsored events: Assisted at 4 day Wayne Day Bazaar, Pal Meeting and we continued to conduct regular checks of the schools. Continue preparation for upcoming events 9/24/16 Fall Festival 10am-5pm & Preparation for NY Youth Police Academy Fall class.

Chief Moore addressed the board regarding the following matters:

- **Chief Moore's Time Record**

A motion was made by Councilman Basile, seconded by Councilman Javenes and **carried** by a voice vote of all board members present to approve Chief Moore's time record for the month of June 2016 as presented.

- **Overtime and Sick Leave Reports**

A motion was made by Councilman Javenes, seconded by Councilman White and **carried** by a voice vote of all board members present to approve the overtime and sick leave reports as presented for the month of June 2016.

### **Golf Court Report**

The following report was presented for July 2016:

• Green Fees	\$ 256,199.78
• ID Cards	\$ 1,245.00
• Merchandise	\$ 12,161.88
• Range Fees	\$ 10,030.00
• Club Rental	\$ 668.10
• Total	\$ 280,304.76

### **DEPARTMENTAL REPORTS**

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

#### **Architectural Review Board**

From: 07/01/2016 To: 07/31/2016

Applications Received	
Solar Panels	3
Applications Approved	
Solar Panels	2
Applications Pending	
Solar Panels	2
Fees Collected:	\$ 200.00
Money in Lieu of Land	\$ 0.00

**Building & Zoning Department**

**July 2016**

Applications Received	37
Applications Returned/Withdrawn	1
Applications Denied	0
Building & Blasting Permits Issued	37
Applications Pending	21
Certificate of Occupancy	21
Certificate of Compliance	6
Fees Collected	\$21,879.79

**Dog Control Officer**

**July 2016**

Dogs seized and sheltered	2
Dogs returned to owner	1
Number of complaints received	3
Miles traveled patrolling the Town and transporting dogs	272

**Fire Inspector**

**July 2016**

	Month	Total
Inspections Performed	12	192
Field Correction Issued	12	152
Violations Issued	0	1
Violations Outstanding	0	0
Permits Issued	0	0
Requests by Police Dept.	0	7
Requests by Fire Dept.	8	43
Fires Investigated	0	2

**Planning Board**

From: 07/01/2016 To: 07/31/2016

Applications Received	
Site Plan	1
Applications Approved	0
Applications Pending	1
General Category	2
Informal Discussion	1
Site Plan	6
Fees Collected:	\$23,373.54
Money in Lieu of Land	\$4,500.00

Submitted by the Planning Board Clerk

**Sewer Department**

**July 2016**

Overtime Hours	
Sunday	24 hrs.
Saturday	8 hrs.
Call In	8 hrs.
Elap Insp.	14 ½ hrs.
VFD Centrifuge	1 hr.
	Total: 63 ½ hrs.
Monthly Flow	
Plant	19,200,200 gallons
Kay Fries	93,000 gallons
Fuel Usage	235.4 gallons
Total to Sludge Compost Facility	25 Cu. Yds.
Solids	19.2%

Screenings 62.10 Cu. Ft.  
Septage 4200 Gals.

**Zoning Board of Appeals**

7/1/2016 to 7/30/2016  
Applications Received  
    Area Variance 1  
Applications Returned/Withdrawn 0  
Applications Closed  
    Area Variance 1  
Applications Pending  
    Area Variance 1  
Fees Collected \$400.00

**Town Clerk**

**July 2016**

Amount Paid To NYS Agriculture & Markets	
For Spay/Neuter Program	\$ 42.00
Amount Paid To NYS Health Dept. For Marriage Licenses	\$ 247.50
Amount Paid To NYS Dept. Of Environmental Conservation	\$ 751.10
Amount Paid To Supervisor	\$ 2,784.71
TOTAL AMOUNT REMITTED	\$ 3,825.31

**CORRESPONDENCE – None**

**Discuss Ambulance Corp Sign**

No action taken. It was determined by the Building Inspector that the sign requested by the Ambulance Corp. is a prohibited use and would not be able to obtain a variance. Therefore the Town Board will look into amending the sign ordinance to allow readboard signs in limited used.

**Presentation & Resolution - Refinance Outstanding Debt**

James Nytko from Capitol Market Advisors gave a presentation which summarized the proposed 2016 refinancing for the Town of Stony Point.

The following resolution was offered by Councilman Basile, who moved its adoption, seconded by Councilman Javenes, and unanimously carried by a voice vote of all board members present, to-wit:

**REFUNDING BOND RESOLUTION OF THE TOWN BOARD OF TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK (THE “TOWN”) AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF THE TOWN IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$9,115,000 PURSUANT TO THE LOCAL FINANCE LAW, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY**

WHEREAS, the Town of Stony Point, Rockland County, New York (the “County”) heretofore issued its Public Improvement (Serial) Bonds, Series 2007A, dated March 1, 2007 in the original aggregate principal amount of \$10,500,000 (the “Series 2007A Bonds”), pursuant to a bond resolution adopted by the Town Board of the Town on December 12, 2006, for the specific object or purpose identified in Exhibit A-1 attached hereto, which bonds have an outstanding principal amount of \$7,925,000, and mature in the following respective years and principal amounts: \$350,000 in the year 2017, \$370,000 in the year 2018, \$385,000 in the year 2019, \$400,000 in the year 2020, \$420,000 in the year 2021, \$435,000 in the year 2022, \$455,000 in the year 2023, \$475,000 in the year 2024, \$495,000 in the year 2025, \$520,000 in the year 2026, \$540,000 in the year 2027, \$565,000 in the year 2028, \$590,000 in the year 2029, \$615,000 in the year 2030, \$640,000 in the year 2031, and \$670,000 in the year 2032 (the “Series 2007A Prior Bonds”); and

WHEREAS, the Town heretofore issued its Public Improvement (Serial) Bonds, Series 2007B, dated March 1, 2007 in the original aggregate principal amount of \$1,415,000 (the "Series 2007B Bonds"), pursuant to bond resolutions adopted by the Town Board of the Town on September 1, 1999, October 9, 2002, January 13, 2004, December 14, 2004, and January 17, 2006 for the specific objects or purposes identified in Exhibit A-2 attached hereto, which bonds have an outstanding principal amount of \$885,000, and mature in the following respective years and principal amounts: \$70,000 in the year 2017, \$75,000 in the year 2018, \$80,000 in the year 2019, \$85,000 in the year 2020, \$85,000 in the year 2021, \$90,000 in the year 2022, \$95,000 in the year 2023, \$100,000 in the year 2024, \$100,000 in the year 2025, and \$105,000 in the year 2026 (the "Series 2007B Prior Bonds" and, collectively with the Series 2007A Prior Bonds, the "Prior Bonds"); and

WHEREAS, the Town has the power and authority to issue refunding bonds of the Town for the purpose of refunding and thereby refinancing the outstanding Prior Bonds, including provision for incidental costs of issuance in connection therewith, pursuant to the provisions of Section 90.10 of the Local Finance Law; and

WHEREAS, in order for the Town to realize the potential for substantial long-term debt service savings with respect to the Prior Bonds, the Town Board of the Town has determined, acting in consultation with the financial advisory and bond counsel firms retained by the Town, that it is advisable and prudent for the Town to consider the refunding of all or a portion of the outstanding Series 2007A Prior Bonds maturing in the years 2018 and thereafter (the "Series 2007A Refunded Bonds") and all or a portion of the outstanding Series 2007B Prior Bonds maturing in the years 2018 and thereafter (the "Series 2007B Refunded Bonds" and, collectively with the Series 2007A Refunded Bonds, the "Refunded Bonds"); and

WHEREAS, the Town has received a draft refunding financial plan (the "Refunding Financial Plan"), a copy of which is attached hereto as Exhibit B, from Capital Markets Advisors, LLC, the financial advisory firm retained by the Town, with respect to a proposed refunding of the Refunded Bonds, which refunding would result in present value savings in debt service as required by Section 90.10 of the Local Finance Law; and

WHEREAS, Section 90.10 of the Local Finance Law requires that the Town adopt a refunding bond resolution which includes a refunding financial plan setting forth all of the details in connection with the proposed refunding transaction.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK (BY THE FAVORABLE VOTE OF NOT LESS THAN TWO-THIRDS (2/3'S) OF ALL THE MEMBERS OF THE TOWN BOARD) AS FOLLOWS:

SECTION 1. Based on the recommendation of Capital Markets Advisors, LLC, the financial advisory firm retained by the Town, the Town Board hereby determines to undertake a refunding of the Refunded Bonds, through the issuance of refunding bonds of the Town, such refunding bonds to be offered and sold either at a public sale or, at the determination of the Town Supervisor, in a negotiated sale with an underwriter selected by the Town Supervisor, in accordance with the authority granted in Section 15 hereof.

SECTION 2. For the object or purpose of refunding the \$8,390,000 aggregate outstanding principal balance of the Refunded Bonds, including providing moneys which together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (a) the principal amount of the Refunded Bonds, (b) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date or dates on which the Refunded Bonds are to be called for redemption prior to their respective maturities in accordance with the refunding financial plan, (c) the redemption premiums, if any, payable on the Refunded Bonds which are to be called for redemption prior to their respective maturities, (d) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including without limitation the development of the refunding financial plan, compensation to the Underwriter, costs and expenses of executing and performing the terms and conditions of the Escrow Contract (as defined in Section 7 of this resolution), and fees and charges of the Escrow Holder (as defined in Section 7 of this resolution), financial advisory fees, printing fees and legal fees and (e) the premium or premiums for any policy or policies of municipal bond insurance or other form of credit enhancement facility or facilities for the refunding bonds as herein authorized, or any portion

thereof, there are hereby authorized to be issued the "Public Improvement Refunding (Serial) Bonds" of the Town in an aggregate principal amount not to exceed \$9,115,000 pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being currently anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$8,680,000 as described in Section 6 hereof. The Refunding Bonds shall be dated as of such date as shall hereinafter be determined by the Town Supervisor pursuant to Section 6 hereof, and shall be of the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity. The Refunding Bonds shall mature annually and shall bear interest payable semi-annually on such dates as shall be determined by the Town Supervisor pursuant to Section 6 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the Town Supervisor. Notwithstanding anything in this resolution to the contrary, the Refunded Bonds shall only be issued by the Town if the refunding of the Refunding Bonds will result in present value savings as determined in accordance with the methodology set forth in Section 90.10(b)(2) of the Local Finance Law.

SECTION 3. The Town Supervisor, as the chief fiscal officer, is hereby delegated all powers of the Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

SECTION 4. The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Town Supervisor, and a facsimile of its corporate seal shall be imprinted thereon and attested by the Town Clerk. The Refunding Bonds shall contain the recital required by Section 90.10(j)(4) of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals as the Town Supervisor shall determine.

SECTION 5. It is hereby determined that:

(a) The maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by Section 90.10(b)(1) of the Local Finance Law;

(b) The maximum period or periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each of the objects or purposes for which the Refunded Bonds were issued is as shown in Exhibits A-1 and A-2 attached hereto.

(c) In accordance with Section 90.10(c)(1) of the Local Finance Law, the last installment of the Refunding Bonds or each separate series of Refunding Bonds will mature not later than the expiration of the remaining period of probable usefulness for each object or purpose for which the Refunded Bonds were issued, or the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with each series of the Refunded Bonds, or the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with all of the Refunded Bonds, in each case computed from the date of issuance of the Refunded Bonds, or the applicable series thereof, or from the date of issuance of the first bond anticipation note issued in anticipation thereof, whichever is earlier.

(d) The estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of Section 90.10(c)(1) of the Local Finance Law, is as shown in the Refunding financial plan described in Section 6 hereof.

SECTION 6. The financial plan for the refunding authorized by this resolution, showing the sources and amounts of all moneys required to accomplish such refunding, and the estimated present value of the total debt service savings computed in accordance with the requirements of Section 90.10(b)(2)(a) of the Local Finance Law are set forth in Exhibit B attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the principal amount of \$8,680,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Exhibit B. This Town Board recognizes that the amount of the Refunding Bonds, and the maturities, terms, and interest rate and rates borne by the Refunding Bonds will

most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The Town Supervisor is hereby authorized and directed to determine the actual amount of the Refunding Bonds to be issued (not in excess of the maximum principal amount authorized by Section 2 of this resolution), the maturities and amount of the Refunded Bonds to be refunded, the details as to the redemption of the Refunded Bonds, including the date and amount of such redemption or redemptions in accordance with Section 12 hereof and authorizing and directing the Escrow Holder described in Section 7 hereof to cause notice of such redemption or redemptions to be given in the name of the Town, the dated date of the Refunding Bonds, and the date of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds shall provide for substantially level or declining debt service as authorized by Section 21.00 of the Local Finance Law, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities pursuant to Section 168.00 of the Local Finance Law, the amount of the annual installments of the Refunding Bonds to be paid pursuant to Section 90.10(c)(3) of the Local Finance Law, whether the Refunding Bonds shall be sold at a discount in the manner authorized by Section 57.00(e) of the Local Finance Law, and the rate or rates of interest to be borne thereby, and to prepare, or cause to be provided, a final refunding financial plan (the "Final Refunding Financial Plan") for the Refunding Bonds, and, pursuant to Sections 50.00 and 56.00 of the Local Finance Law, all powers in connection therewith are hereby delegated to the Town Supervisor; provided that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Town Supervisor shall file with the Town Clerk not later than the date of issuance of the Refunding Bonds, as herein provided, (a) a certificate determining the details of the Refunding Bonds and the Final Refunding Financial Plan and (b) the Certificate of the State Comptroller setting forth the present value of the total debt service savings, as required by Section 90.10(g) of the Local Finance Law.

SECTION 7. The Town Supervisor is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in this State as the Town Supervisor shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunded Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

SECTION 8. The faith and credit of said County are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding Bonds herein authorized as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town, a tax sufficient, after taking into consideration the amount of building aid to be received by the Town from the State of New York for debt service on the Refunding Bonds, to pay the principal of and interest on such bonds as the same become due and payable.

#### SECTION 9.

(a) All of the proceeds from the sale of the Refunding Bonds, including the premium, if any (the "Proceeds of the Refunding Bonds"), shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. From the Proceeds of the Refunding Bonds, the portion thereof as is necessary to pay the outstanding principal amount of the Refunded Bonds, the aggregate amount of unmatured interest on the Refunded Bonds to and including the respective maturity dates or redemption dates thereof as set forth in the Final Refunding Financial Plan prepared by, or caused to be prepared by, the Town Supervisor in accordance with Section 6 of this resolution, and the redemption premiums, if any, payable on the Refunded Bonds on such redemption dates (such amount being hereinafter referred to as the "Escrow Deposit Amount"), shall be deposited in the escrow deposit fund to be established pursuant to the Escrow Contract, and either held in cash or invested in direct obligations of the United States of America or in obligations, the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates such moneys will be required to make payments in accordance with the Final Refunding Financial Plan. Amounts held on deposit in the Escrow Fund, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of, interest on, and redemption price of the Refunded Bonds in accordance with



Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such monies held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the Escrow Fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims or any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and liens, need be filed or recorded.

(b) After depositing the Escrow Deposit Amount into the Escrow Fund, in accordance with paragraph (a) above, the remaining balance, if any, of the Proceeds of the Refunding Bonds not so deposited shall immediately upon receipt thereof, be placed in escrow with the Escrow Holder for the Refunded Bonds and deposited in the expense fund to be established under the Escrow Contract by the Escrow Holder to pay, to the Town Supervisor, as chief fiscal officer, or as the Town Supervisor may direct and applied to pay (i) accrued interest on the Refunding Bonds from the dated date thereof to the date of issuance thereof, and (ii) costs of issuance or other administrative costs incurred in connection with the issuance of the Refunding Bonds.

SECTION 10. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Refunding Bonds, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, if applicable, to designate the Refunding Bonds authorized by this resolution as "qualified tax-exempt bonds" in accordance with Section 265 of the Code.

SECTION 11. The Town Board hereby determines that issuance of the Refunding Bonds is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION 12. In accordance with the provisions of Section 53.00 and of paragraph (h) of Section 90.10 of the Local Finance Law, the Town Board of the Town hereby elects to call in and redeem the Refunded Bonds on March 1, 2017 or such later date or dates as may be hereinafter determined by the Town Supervisor and provided for in the Final Refunding Financial Plan (each a "Redemption Date"). The sum to be paid therefor on each such Redemption Date shall be the par value of the Refunded Bonds being redeemed on such date plus the redemption premium, if any, and the accrued interest thereon to such Redemption Date. The Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the times provided in the respective Refunded Bonds being redeemed or in the certificates or documentation of the Town pursuant to which they were issued. Upon the issuance of the Refunding Bonds or a series thereof, the election to call in and redeem the applicable Refunded Bonds that are subject to redemption at the option of the Town and the direction to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of Section 53.00(a) of the Local Finance Law, or any successor law thereto.

SECTION 13. In connection with the issuance of the Refunding Bonds, the Town Supervisor is further authorized to enter into a continuing disclosure undertaking on behalf of the Town, containing provisions in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 14. In the absence or unavailability of the Town Supervisor, the Deputy Supervisor then in office is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 15. Subject to compliance with the provisions of Section 90.10(f)(2) of the Local Finance Law, the Refunding Bonds shall be sold at either a public sale or a private sale, as determined by the Town Supervisor to be in the best financial interest of the Town. If the Refunding Bonds are sold at a private sale, the Town Supervisor is hereby authorized to negotiate the terms of such private sale with such underwriter or underwriters as may be

selected by the Town Supervisor, consistent with the Refunding Financial Plan approved in Section 6 hereof. Subject to the approval of the terms and conditions of such sale by the State Comptroller as required by Section 90.10(f)(2) of the Local Finance Law, the Town Supervisor is hereby authorized to execute and deliver a bond purchase agreement for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds. After the Refunding Bonds have been duly executed, they shall be delivered by the Town Supervisor in accordance with said bond purchase agreement upon the receipt by the Town of said purchase price, including accrued interest.

SECTION 16. The Town Supervisor and the Town Clerk and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

SECTION 17. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Town Supervisor and all powers in connection therewith are hereby delegated to the Town Supervisor.

SECTION 18. The validity of the Refunding Bonds may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money; or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(c) Such obligations are authorized in violation of the provisions of the Constitution.

SECTION 19. Upon this resolution taking effect, the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, together with a notice in substantially the form set forth in Section 81.00 of the Local Finance Law in the official newspaper of the Town for legal notices.

SECTION 20. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was thereupon declared duly adopted.

### **Resolution Opposing Coast Guard Anchorage Grounds**

The following resolution was offered by Councilman Basile, who moved its adoption, seconded by Councilman Javenes, and unanimously carried by a voice vote of all board members present, to-wit:

#### **A RESOLUTION OPPOSING THE ESTABLISHMENT OF ANCHORAGE GROUNDS IN THE HUDSON RIVER**

WHEREAS, the United States Coast Guard ("Coast Guard") is considering establishing new anchorage grounds in the Hudson River from Yonkers, New York to Kingston, New York;

WHEREAS, under Title 33 Code of Federal Regulation (CFR) 109.05, U.S. Coast Guard District Commanders are delegated the authority to establish anchorage grounds by the Commandant of the U.S. Coast Guard;

WHEREAS, the Coast Guard establishes Anchorage Grounds under the authority in Section 7 of the Act of March 4, 1915, as amended (38 Stat. 1053; 33 U.S.C. 471), and places these regulations in Title 33 CFR part 110, subpart B;

WHEREAS, Hudson River Anchorage Ground regulations were last amended by rules published on March 31, 2016, January 15, 2015, and on July 20, 1999; these are 81 FR 18494, 80 FR 2011, and 64 FR 38828, respectively.

WHEREAS, the Coast Guard received requests from the Maritime Association of the Port of NY/NJ Tug and Barge Committee, the Hudson River Port Pilot's Association, and the American Waterways Operators to consider establishing new anchorage grounds on the Hudson River;

WHEREAS, the anticipated users of the proposed anchorage grounds are commercial vessels and their attending tug, tow, or pushboats; and

WHEREAS, the Coast Guard is considering, among other sites, a "Tomkins [sic] Cove Anchorage Ground" that would cover approximately 98 acres for up to three (3) vessels, encompassing waters within lines connecting the following points: 41– 15.91' N., 073–58.51' W.; thence to 41– 15.91' N., 073–58.21' W.; thence to 41– 15.27' N., 073–58.38' W.; thence to 41– 15.28' N., 073–58.65' W.; thence to the point of origin (NAD 83); and

WHEREAS, such proposed location would have serious, detrimental impacts on the Town of Stony Point and its environs due to the proximity of such proposed anchorage location:

a) being less than one mile from the Indian Point Nuclear Power Plant "Indian Point") where such anchorage would include commercial vessels that would be carrying hazardous materials and be consistently anchored in close proximity to Indian Point;

b) having a detrimental impact on the scenic views of the Hudson River enjoyed by those residing and visiting the Town of Stony Point as well as those persons traveling upon the Hudson River near such proposed anchorage;

c) being proposed to be located in a narrow location on the Hudson River where the river is less than one mile wide and therefore having a detrimental impact to navigation and maneuverability upon the waters of the Hudson River since the proposed swing radius of the vessels to be anchored is identified as being 1200 feet, thus having a potential full swing circle of 2400 feet, thereby causing such swing circle to cover over 70% of the width of the Hudson River at location of the southernmost proposed anchorage point;

d) having a detrimental effect on the navigability, views and enjoyment of the Hudson River at the proposed location by persons kayaking and utilizing other recreational watercraft and participating in other recreational activities;

e) adversely affecting fishing activity in the area of the proposed location and having a detrimental effect on the Sturgeon and other aquatic life in the area; and

f) creating noise and light pollution that will adversely affect persons residing in the area of such proposed location as well as persons enjoying the use of the Hudson River; and

WHEREAS, the Town Board of the Town of Stony Point seeks to ensure the safety, health and welfare of the residents of the Town of Stony Point and to preserve the environment in and around the Town of Stony Point, including the Hudson River.

NOW THEREFORE BE IT RESOLVED that:

1. The above "WHEREAS" clauses are incorporated herein by reference as if set forth fully herein.

2. For the reasons set forth herein, the Town Board opposes any legislative enactment or rule that would establish an anchorage ground by the United States Coast Guard at any location along the Hudson River in proximity to the Town of Stony Point, including specifically, the proposed anchorage location at Tomkins Cove as set forth in the Federal Register, Volume 81, No. 111 (June 9, 2016).

3. The Town Board hereby requests that the public comment period be extended for at least ninety (90) days beyond September 7, 2016 to allow sufficient notice and public input.

4. The Town Board hereby requests that requests for public meetings also be extended for ninety (90) days beyond September 7, 2016 to allow sufficient opportunity for affected communities to request a public meeting.

5. The Town Board hereby requests that a public meeting be scheduled in the Town of Stony Point in light of the proposed anchorage location in Tomkins Cove.

6. The Town Clerk, or her designee, is hereby authorized to transmit a certified copy of this Resolution to the United States Coast Guard in addition to transmitting the contents of this Resolution to the Coast Guard via the Federal eRulemaking Portal at <http://www.regulations.gov> using docket number USCG-2016-0132.

7. This Resolution shall be effective immediately.

The Resolution was thereupon duly adopted.

**Refund – Tennis Lessons**

A motion was made by Councilman Basile seconded by Councilman Javenes and **carried** by a voice vote of those board members present to approve a \$180.00 refund for tennis lessons which was cancelled by the Town.

**Hire – Lifeguard**

A motion was made by Councilman Basile seconded by Councilman Javenes and **carried** by a voice vote of those board members present to approve hiring Stephen Appicella as a lifeguard for the summer season of 2016 @ \$10.00 an hour.

**ADJOURN**

The August 9, 2016 Stony Point Town Board meeting adjourned at 8:15 pm.

Respectfully submitted

Joan Skinner, Town Clerk