

STONY POINT TOWN BOARD MEETING – SEPTEMBER 13, 2011

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, September 13, 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. Town Clerk, Joan Skinner, 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

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

- Drainage issues and flooding conditions during Hurricane Irene.

George Potanovic, Gate Hill Rd. spoke about:

- Drainage issues throughout the Town
- SPACE has asked that a closer look be taken at environmental reviews
- Army Corps of Engineers should review the flood plains as they are obviously not working
- SPACE sponsored candidate debates will be held at 7:30 pm on 10/18 & 11/1

PURCHASE ORDER REQUEST

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

Highway			
PO#2353	J&A Industries Corp.		\$1,800.00
Highway-Sewer			
PO#2352	JetVac, Inc.		\$2,145.45

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 Finn and **unanimously carried** by a voice vote of all board members present to approve the bills as presented for payment.

Contractual General – August

<u>FUND</u>	<u>CLAIM #</u>	<u>BILL TOTAL</u>	<u>FUND TOTAL</u>
General	952-1003	\$1,049,814.93	\$ 1,114,814.93
Highway	342-357	\$ 101,638.26	\$ 101,638.26
Sewer	327-346	\$ 68,727.76	\$ 68,727.76
<u>Special Districts</u>			
Enterprise	389-413	\$ 114,340.11	\$ 279,340.11
Street Lighting	8-8	\$ 20,518.94	\$ 20,518.94
<u>General – September</u>			
General	1004-1086		\$ 149,024.15
Highway	358-393		\$ 187,655.62
Sewer	347-371		\$ 170,978.61
<u>Special Districts</u>			
Ambulance	18-19		\$ 30,008.97
Enterprise Fund	414-447		\$ 20,580.01
Solid Waste	21-23		\$ 23,456.06
Street Lighting	9-9		\$ 713.71

MINUTES

A motion was made by Councilman White, seconded by Councilman Finn and **unanimously carried** by a voice vote of all board members present to approve the minutes of August 9, 2011.

POLICE DEPARTMENT REPORT/BUSINESS

Chief Moore presented the following report:

Police Department Report for the Month of August, 2011

Number of calls for service:	857
Number of reported accidents:	32
Number of arrests:	42
Fuel usage:	1527.2 gallons
Sum total of all traffic enforcement action:	187
Number of Youth Officer sponsored events:	4
Number of child safety seat installations:	3
Number of commercial vehicle enforcement details:	1
Number of traffic enforcement details:	6

6 STEP

Number of training hours:	32:00hrs
Total fees collected:	\$157.50

(\$12.50 - FOIL; \$100.00 - prints; \$45.00 - reports)

Miscellaneous:

Youth sponsored events: 1 Youth Court sessions & 3 Community Service days.

Chief Moore addressed the board regarding the following matters:

• **CHIEF MOORE’S TIME RECORD**

A motion was made by Councilman White, seconded by Councilman Vicari and **unanimously carried** by a voice vote of all board members present to approve Chief Moore’s time record for the month of August 2011 as presented.

• **OVERTIME REPORT**

A motion was made by Councilman White, seconded by Councilman Vicari and **unanimously carried** by a voice vote of all board members present to approve the overtime report for the month of August 2011 as presented.

• **SICK LEAVE REPORT**

A motion was made by Councilman White, seconded by Councilman Vicari and **unanimously carried** by a voice vote of all board members present to approve the sick leave report for the month of August 2011 as presented.

• **HURRICANE IRENE**

Chief Moore’s comments on Hurricane Irene to the Town Board

I would like to publicly commend all the Town Employees and the civilian volunteers of the Emergency Operations Committee, who manned the Emergency Operations Center during Hurricane Irene. They were of great assistance to the police and our residents during the storm. I would also like to recognize the efforts of our Highway, Parks, Sewer, and Building Departments, who worked in a coordinated effort with the police and the fire department to help keep our town and residents safe. I would like to recognize the assistance rendered by Gordon Wren, Chris Jensen, Nancy Baker and the whole staff at R.C. Office of Emergency Management in the planning and coordination of efforts before, during and after the storm. Lastly I would like to commend the actions and efforts of the men and women of the Wayne Hose Fire Department and the Stony Point Police Department, who came to the aid of many Town residents and in some instances, put themselves in harms way. Job well done! I believe that

proper planning, communication and a coordinated approach to the challenges faced during the storm were the secret to our success.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Councilwoman Konopko reported as follows:

- The Request for Expressions of Interest (RFEI) has been completed and is available on the website. This covers the 18± acres at the Patriot Hills Complex.
 - Thanks to Frank Collyer, Tom Gubatoso, and Janet Guerra for their assistance.
 - Site visit scheduled for 9/20/11
 - Submission date is 11/4/11
- Steering Committee met:
 - Purpose is to help those who want to build in Stony Point
 - Preliminary informal sessions held before the application is presented to the planning board to attempt to identify what obstacles might arise.

SUPERVISOR'S REPORT

It has been over a month since our last meeting and in spite of vacations and down time it has been an eventful time.

We survived the hurricane with property damage but happily no serious injuries to our citizens or our staff.

I want to thank Bob Morlang our director of emergency operations who got our emergency operations center up and running exactly according to plans. His volunteers and the town employees who showed up to help staff it during the storm deserve our gratitude.

Of course our first responders did a first class job under the extreme weather conditions and I want to thank the police chief and his department for the professional response and a very special thanks to our volunteer firemen and ambulance corps for the enormous effort. Wayne Hose was fully staffed throughout the storm and responded heroically to calls for assistance throughout the storm. Deputy Supervisor White and Councilperson Konopko both volunteered assistance. The county emergency headquarters helped with communication and the county provided shelters for families that needed to be evacuated. All of our Highway, Parks, and Sewer staff did outstanding work throughout the storm and the combined effort certainly prevented even more damage from occurring.

We have a number of homes severely damaged and substantial infrastructure damage that we are still assessing.

The Request for Expressions of Interest for our surplus Patriot Hills property has been posted on the web site and gone out to various developers and sources who might possibly be interested in developing the property. I want to congratulate Councilperson Luanne Konopko who worked very hard to put together a very professional and inviting brochure that will certainly get some attention and if, in this market, there are any developers around we should get some proposals. Again thanks to Councilperson Konopko for the great job. I know it was an enormous effort.

I want to thank Councilperson Finn for coordinating a town ceremony of remembrance for 9/11 this Sunday. I was fortunate to be able to attend the county's very impressive ceremony Sunday morning at the Haverstraw Bay Park memorial site and also I met with Governor Cuomo at a ceremony at RCC at noon as part of his "Remember New York" series of events and displays to commemorate that tragic day. I finished the day at our own candlelight event held at town hall.

I have been working on the budget with our finance director and with the assistance of Deputy Supervisor White to take advantage of his financial expertise in another very challenging year. As you are all aware we are facing a 2% cap on our tax levy and with retirement contributions slated to increase 16% and health insurance projected to increase 20% it is a difficult process.

For any one who could not be here earlier I want to once again thank our Little League for the glory they brought to our town. I find it amazing that our tiny town had 4 state championship teams and it is a great credit to the managers and coaches who volunteer so much time and effort and of course to our ball players who make the town so proud.

I enjoyed the Stony Point Seniors picnic last week where we had a great lunch and music as well as raffles and even managed to call off the rain for the afternoon so it was a very enjoyable day.

The North Rockland Soccer Association suffered a lot of flooding damage from the storms and I have met with them and offered our parking areas near Kirkbride if needed when they get their season opened. I understand they hope to get the season started this week after a 2 week delay while hundreds of volunteers pitched in to get fields into playing condition. I know County Legislator Doug Jobson was there at least 2 days helping out and at my request our town engineer Kevin Maher volunteered some drainage advice on Labor Day to guide them in protecting those valuable fields.

Our Little League fields, the proud home of 4 state championship teams, survived quite well and we hosted a very successful concert at the fields featuring Sponge Bob as the final concert of the season. Thanks again to the Inerra Shop-Rite family for their generous support to help us finance the concerts this summer. I got to just about every concert except when I was on vacation and it was a very successful program.

Our pool now has a first class, modern filter system that should serve for generations. We need to look at upgrading the pools themselves and I have asked Kevin Maher to give the board plans and estimates so if the board wishes we can get that work done before the season starts. I have asked Noreen Smith in the Recreation Department to give us a plan for special events at the pool that will increase utilization of that town amenity by more of our citizens.

Finally, now that school tax bills are out, I want to again thank our assessor Jack O'Shaughnessy for the fine job he did in getting us the best possible equalization rate this year and I want to thank the Haverstraw-Stony Point School Board for adopting a tax levy that used reserves to keep school taxes down for our residents this year.

They had a very difficult budget and when Haverstraw and I approached them with suggestions on using some substantial reserves we were able to convince them that this was the time to give our taxpayers some much needed relief. We in Stony Point actually saw a small decrease. I recognize that it was a difficult decision for them but we all know school taxes are just too high and I hope they will continue their efforts to provide the quality education our children deserve at the lowest possible cost to our taxpayers.

This year was a good start on that path for the school board and a welcome relief for our taxpayers.

GOLF COURSE REPORT

Dave Fusco Director of Golf presented, the following report for August, 2011:

• Green Fees	\$ 209,057.06
• ID Cards	\$ 1,020.00
• Merchandise	\$ 9,455.94
• Range Fees	\$ 9,165.00
• Club Rental	\$ 516.64
• Misc. Golf	\$ 180.00
• Total	\$ 229,394.64

Weather

- I think our weather speaks for itself. It was the wettest month ever recorded since 1868.
- We had almost 20 inches for the month. The 30 year average is 3.28 inches for the month of August; obviously this had a negative impact on our rounds and revenue.

Course Condition

- Patriot Hills did better than most courses during this difficult stretch of storms. There are some courses in the area that suffered very badly. One such course is likely to only have 6 holes open for the balance of the golf season. After Hurricane Irene we had no major damage except for a few small trees and light debris. Our cart paths had some erosion and our Sand Bunkers did wash out. After all of this we were able to open only one full day after the storm.
- Tropical Storm Lee was similar. Once again we only had bunkers washed out and small amounts of debris, unfortunately this kept us closed for 2 days.
- Currently, the course is in good condition, is drying out and we are finally getting caught up on our mowing. We should be in outstanding shape by week's end.

Patriot Golf Day

- This past Labor Day Weekend we conducted **Patriot Golf Day** at Patriot Hills Golf Club. Last year we raised \$3100 and this year \$4000. This event is to benefit **The Folds of Honor Foundation**. This foundation provides post secondary educational scholarships for children and spouses of military service men and women killed or disabled while serving our great country. Patriot Golf Day has raised more than \$8 million dollars in the past 4 years and The Folds of Honor has awarded more than 2100 scholarships. This event was sponsored by The Patriot Hills Players Club and spearheaded by one of its members and a Stony Point resident, Mr. Bob Marino. I would like to thank my staff, all the volunteers who donated their time, The Patriot Hills Players Club and especially Bob Marino for all he has given to this wonderful cause.

RECREATION REPORT

Noreen Smith, Recreation Facility Supervisor reported on upcoming recreational events.

DEPARTMENTAL REPORTS

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

Building & Zoning Department

August

Applications Pending In August	6
Applications Received	23
Applications Returned/Withdrawn	0
Applications Denied	0
Building & Blasting Permits Issued	20
Applications Pending	9
Certificate of Occupancy	17
Certificate of Compliance	3
Fees Collected	\$8,805.00

Dog Control Officer

August

Dogs seized and sheltered	2
Dogs returned to owner	2
Number of complaints received	8
Miles traveled patrolling the Town and transporting dogs	410

Fire Inspector

August

	Month	Total
Number Buildings Inspected	9	106
Number Buildings Re-Inspected	0	9
Field Correction Issued	1	6
Violations Issued	0	0

Violations Complied With	0	0
Violations Outstanding	0	0
Number of Permits Issued	0	0
Requests by Police Dept.	3	3
Requests by Fire Dept.	28	49
Fires Investigated	1	9
Miscellaneous	1	

Flooding from Storm 8-8-2011

Planning Board

	From: 8/1/2011	To: 8/31/2011
Applications Received	1	
Applications Approved	0	
Applications Pending	2	
Site Plan	3	
Subdivision-Major	2	
Subdivision-Minor	3	
Fees Collected:	\$150.00	
Money in Lieu of Land	\$0.00	

Sewer Department

August

Hurricane Irene Overtime	
Double Time	114 hrs.
Time & Half	54 ¾ hrs.
Sleep Time	14 hrs.
Meal Vouchers	29
Total Overtime Hours	
Sundays	12 hrs.
Saturdays	4 hrs.
Call Ins	20 hrs.
Monday	4 hrs.
Monthly Flow	
Plant	14,924,200 gallons
Kay Fries	10,413,900 gallons
Fuel Usage	413.7 gallons
Heating Oil	34 gallons
Total to Sludge Compost Facility	44 Cu. Yds.
Solids	21.3%
Screenings	71.67 Cu. Ft.
Septage	5900 Gals.

Zoning Board Of Appeals

	From: 8/1/2011	To: 8/31/2011
Applications Received	0	
Applications Closed	0	
Applications Pending		
Area Variance	2	
Fees Collected:	\$0.00	

Town Clerk

August

Amount Paid To NYS Agriculture & Markets		
For Spay/Neuter Program		\$ 43.00
Amount Paid To NYS Health Dept. For Marriage Licenses		\$ 67.50
Amount Paid To NYS Dept. Of Environmental Conservation		\$ 4,281.45
Amount Paid To Supervisor		<u>\$ 12,782.93</u>
TOTAL AMOUNT REMITTED		\$ 17,174.88

CORRESPONDENCE - None

PUBLIC HEARING
MASS GATHERING LOCAL LAW

Supervisor Sherwood opened this public hearing at 7:38 pm.

Town Clerk Joan Skinner presented the following public notice:

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Stony Point on September 13, 2011 at 7:00 P.M. at the Stony Point Community Center, Rho Building, 5 Clubhouse Lane, Stony Point, NY regarding the adoption of a Local Law of the Town of Stony Point for the year 2011 which would amend Chapter 105 of the Town Code (Mass Gatherings) to remove the requirement of a mandatory public hearing prior to issuance of a permit and increase the penalties for violations of said Local Law.

PLEASE TAKE FURTHER NOTICE that the environmental significance, if any, of said proposed Local Law will be reviewed by the Town Board of the Town of Stony Point incident to and as a part of said public hearing. Copies of said proposed Local Law are available for review at the Office of the Town Clerk at 74 East Main Street, Stony Point, New York 10980. By order of the Town Board of the Town of Stony Point, dated August 9, 2011. Joan Skinner, Town Clerk.

Special Counsel, Brian Nugent, explained the proposed changes to the Mass Gathering Law:

- Removes the requirement for a public hearing
- Increases the amount of the maximum fine

PUBLIC INPUT - None

ACTION

A motion was made by Councilman Vicari, seconded by Councilman White and **unanimously carried** by a voice vote of those board members present to close the public hearing at 7:40 pm.

ACTION

A motion was made by Councilwoman Konopko and seconded by Councilman White to adopt the following resolution and Local Law No. 4 of 2011:

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF STONY POINT OF LOCAL LAW NO. 4

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Stony Point for a public hearing to be held by said Governing Body on September 13, 2011 at 7:00 P.M. at the Stony Point Community Center (Rho Building) to hear all interested parties on a proposed amendment to a Local Law entitled Mass Gatherings, and

WHEREAS, notice of said public hearing was duly advertised in the Rockland County Times, the official newspaper of said Town, on September 1, 2011, and

WHEREAS, said public hearing was duly held on September 13, 2011 at 7:00 P.M. at the Stony Point Community Center (Rho Building) and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Amended Local Law, or any part thereof, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board of said Town that adoption of said proposed Amended Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the proposed amended local law does not affect real property as set forth in New York State General Municipal Law, Section 239-m, and accordingly no referral is required to the Rockland County Department of Planning, and

WHEREAS, the Town Board of the Town of Stony Point, after due deliberation, finds it in the best interest of said Town to adopt said Amended Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Stony Point hereby adopts said Amended Local Law No. 4 entitled Mass Gatherings, a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Amended Local Law in the minutes of this meeting and in the Local Law Book of the Town of Stony Point, and to give due notice of the adoption of said Amended Local Law to the Secretary of State of New York.

TOWN OF STONY POINT
LOCAL LAW NO. 4 OF 2011
TO AMEND TOWN CODE REGARDING MASS GATHERINGS

A Local Law to amend the Code of the Town of Stony Point by amending Chapter 105 entitled "Mass Gatherings" pursuant to Municipal Home Rule Law Section 10 et. seq. This amendment removes the mandatory requirement for public hearings and increases the penalties for violations.

Be it enacted by the Town Board of the Town of Stony Point as follows:

Section 1:

The Code of the Town of Stony Point, Chapter 105 (Mass Gatherings) is hereby amended to read as follows:

- 105-1. Purpose.
- 105-2. Definitions.
- 105-3 Permit Required.
- 105-4. Assemblies for private profit not permitted.
- 105-5. Participation; interference.
- 105-6. Permit application; process; information required.
- 105-7. Standards for issuance or denial of a permit.
- 105-8. Regulations for conduct.
- 105-9. Compliance with conditions of permit; revocation of permit.
- 105-10 Penalties.
- 105-11 Savings Clause.
- 105-12. Effective Date.

§ 105-1. Purpose.

The purpose of this chapter is to protect the public health, safety and welfare by regulating public assemblies within the Town of Stony Point, New York.

§ 105-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

MASS GATHERINGS -- Any assemblage or gathering of people with or without the levy of an admission fee; however, such "mass gathering" shall not include any activity having less than fifty (50) people in attendance, nor shall the term apply to operations, activities or affairs of any duly established municipal institution located in the Town of Stony Point.

MOTORCADE -- An organized procession, except funeral processions, upon any public street, sidewalk or alley.

PARADE -- Any march or procession consisting of people, animals or vehicles, or combination thereof, except funeral processions, upon any public street, sidewalk, or alley, which does not comply with normal and usual traffic regulations or controls.

PUBLIC ASSEMBLIES -- An assembly of persons upon any public street, sidewalk or alley which impedes or tends to impede pedestrian or vehicular traffic.

§ 105-3. Permit required.

It shall be unlawful for any person to conduct a parade, motorcade, public assembly or mass gathering in or upon any public street, sidewalk or alley in the Town or knowingly participate in any such parade, motorcade, public assembly or mass gathering unless and until a permit to conduct such parade, motorcade, public assembly or mass gathering has been obtained.

§ 105-4. Participation; interference.

No person shall knowingly join or participate in any parade, motorcade, public assembly or mass gathering conducted under permit in violation of any terms of said permit nor knowingly join or participate in any permitted parade, motorcade, public assembly or mass gathering without the consent and over the objection of the permittee nor in any manner interfere with its progress or orderly conduct.

§ 105-5. Permit application; process; information required.

A. Any person who desires to conduct a parade, motorcade, public assembly or mass gathering shall apply to the Town Board for a permit at least forty-five (45) days in advance of the date of the proposed parade, motorcade, public assembly or mass gathering. The Town Board may, in its discretion, schedule a public hearing prior to issuing a permit where a majority of the Board determine that any of the following criteria exist based on the application and that a public hearing is warranted:

1. The propose event may require use of significant Town resources; and/or
2. The proposed event may result in substantial inconvenience to persons residing in or traveling through the Town of Stony Point; and/or
3. The proposed event is a substantially large gathering expected to involve more than 250 persons; and/or
4. Other unusual circumstances exist, as determined and identified by Town Board, that warrant a public hearing on the issuance of a permit;

B. Said application shall be submitted to the Town Clerk and to the Town Board who may, in its discretion, issue a permit by a majority vote. If the Town Board determines that a public hearing is warranted, no permit shall be issued, if at all, until after the close of the public hearing.

C. The Town Board may, at its discretion, consider any application for a permit to conduct a parade, motorcade, public assembly or mass gathering which is filed less than forty-five (45) days prior to the date such parade, motorcade, public assembly or mass gathering is to be conducted. If the Town Board determines that a public hearing is warranted for an application, the Town Board shall only consider an application filed with less than forty-five (45) days notice if the public hearing can be timely noticed and held before the event.

D. The application for a permit shall be made in writing on a form approved by the Town Board. In order that adequate arrangements may be made for the proper policing of the parade, motorcade, public assembly or mass gathering, the application shall contain the following information:

- (1) The name of the applicant, the sponsoring organization, the parade, motorcade, public assembly or mass gathering chairman and the address and telephone number of each.

(2) The purpose of the parade, motorcade, public assembly or mass gathering, the date when it is proposed to be conducted, the location of the assembly area, the location of the disbanding area, the route to be traveled and the approximate time when the parade, motorcade, public assembly or mass gathering will assemble, start and terminate.

(3) A description of the any individual floats, marching units, vehicles and bands.

(4) The number of persons expected to attend such event and the location thereof.

(a) The date or dates thereof.

(b) The duration of the event.

(c) The means of accommodating said personas as to:

[1] Food.

[2] Shelter (if overnight stay is requested).

[3] Facilities for toilet and other personal sanitary needs for men and women.

[4] Emergency first aid.

[5] Parking of cars, showing the means of ingress, egress and parking areas.

[6] Provision for public safety, guards or special police assisting in the control of traffic and the supervision of those persons attending the event.

(5) Each applicant shall submit a statement specifying whether food or beverage is intended to be prepared, sold and distributed. If food or beverages are intended to be prepared, sold or distributed, each applicant shall submit a statement specifying the manner of preparation and distribution of such and the method of disposal of garbage, trash, rubbish or any other refuse arising there from.

(6) Each applicant for permit shall submit proof of an adequate comprehensive liability insurance policy, issued by a reputable insurance company, insuring the Town of Stony Point, its officers and employees from liability to persons or property with limits of not less than one million dollars (\$1,000,000.) and naming the Town of Stony Point, its officers and employees as being coinsured persons or as additional insured parties. Such policies shall not be cancelable by the insurer without ten (10) days' prior written notice to the Town of Stony Point.

(7) A separate permit is required for each such event.

(8) Such other information as the Town Clerk may deem reasonably necessary.

E. The Town Board may, upon a showing of good cause that certain conditions or requirements as hereinbefore set forth are not applicable or would cause an unreasonable burden upon the applicant, modify the foregoing requirements after review of the circumstances presented by the applicant.

§ 105-6. Standards for issuance or denial of permit.

A. Standards for issuance. The permit shall be issued for a parade, motorcade, public assembly or mass gathering, conditioned upon the applicant's written agreement to comply with the terms of such permit, unless it is found that:

(1) The time, route and size of the parade, motorcade, public assembly or mass gathering will disrupt to an unreasonable extent the movement of other vehicular and pedestrian traffic.

(2) The parade, motorcade, public assembly or mass gathering is of a size or nature that requires the diversion of so great a number of police officers to

properly police the line of movement and the areas contiguous thereto that allowing the parade, motorcade, public assembly or mass gathering would deny reasonable police protection to the Town.

(3) Such parade, motorcade, public assembly or mass gathering will interfere with another parade, motorcade, public assembly or mass gathering for which a permit has been issued.

B. Standards for denial. The permit shall be denied for a parade, motorcade, public assembly or mass gathering permit, and the applicant notified of such denial where:

(1) There is a finding contrary to the findings required to be made for the issuance of a permit.

(2) The information contained in the application is found to be false or nonexistent in any material detail.

(3) The applicant refuses to agree to abide by or comply with all conditions of the permit.

(4) No mass gathering authorized pursuant to the provisions of this chapter shall be held or conducted between the hours of 10:00 p.m. and 9:00 a.m.

§ 105-7. Contents of permit; conditions of permit.

In each permit there may be specified:

A. The assembly area and time therefore.

B. The starting time.

C. The minimum and maximum speeds.

D. The route of the parade, motorcade, public assembly or mass gathering.

E. What portions of streets, sidewalks or alleys to be traversed may be occupied by such parade, motorcade, public assembly or mass gathering.

F. The maximum number of platoons or units and the maximum and minimum intervals of space to be maintained between the units of such parade, motorcade, public assembly or mass gathering.

G. The maximum length of such parade, motorcade, public assembly or mass gathering in miles or fractions thereof.

H. The disbanding area and disbanding time.

I. The number of persons required to monitor the parade, motorcade, public assembly or mass gathering.

J. The number and type of vehicles, if any.

K. The material and maximum size of any sign, banner, placard or carrying device therefore.

L. That the permittee advise all participants in the parade, motorcade, public assembly or mass gathering, either orally or by written notice, of the terms and conditions of the permit prior to the commencement of such parade, motorcade, public assembly or mass gathering.

M. That the parade, motorcade, public assembly or mass gathering continue to move at a fixed rate of speed and that any willful delay or willful stopping of said parade, motorcade, public assembly or mass gathering, except when reasonably required for the safe and orderly conduct of the parade, motorcade, public assembly or mass gathering, shall constitute a violation of the permit.

N. The applicant may be required to post a letter of credit or cash deposit suitable to the Town Board as to amount and surety to ensure cleanup and restoration of the area at which such event takes place within 48 hours after the close of the event.

O. The individual or organization sponsoring or holding parade, motorcade, public assembly or mass gathering shall be responsible to the Town for damage caused to Town property by the participants of the gathering. Likewise, the individual or organization sponsoring or holding the parade, motorcade, public assembly or mass gathering shall indemnify the Town and hold the Town harmless from any liability to third persons or their private property as a result of property damage or personal injury or death caused or attributable to the parade, motorcade, public assembly or mass gathering.

P. The individual or organization sponsoring or holding the parade, motorcade, public assembly or mass gathering shall be responsible to the Town

for the additional costs and expenses incurred by the Town for providing additional police protection and/or additional cleaning or maintenance services for the mass gathering. If the applicant is not the individual or organization sponsoring or holding the parade, motorcade, public assembly or mass gathering, then the Town shall have the right to make a claim against the applicant for reimbursement of the cost and expenses noted above and for reimbursement of any damages sustained to Town property caused by the participants in the parade, motorcade, public assembly or mass gathering.

Q. Such other requirements as are found by the Town Board to be reasonably necessary for the protection of persons or property.

R. All conditions of the permit shall be complied with so far as reasonably practicable.

S. The applicant for a permit shall be responsible for payment of the costs of publication necessary for the public hearing.

§ 105-8. Revocation of permit.

Any permit for a parade, motorcade, public assembly or mass gathering pursuant to this chapter may be summarily revoked by the Town Board or Stony Point Police Department at any time, when, by reason of disaster, public calamity, riot or other emergency, it is determined that the safety of the public or property requires such revocation.

§ 105-9. Penalties for offenses.

A. Any person who shall violate any of the provisions of this chapter or of the terms of any permit issued hereunder shall be punishable, upon conviction thereof, by a fine not to exceed one-thousand dollars (\$1,000) or imprisonment for a term not to exceed fifteen (15) days, or both.

B. In addition to the above-provided penalties, the Town of Stony Point may maintain any action or proceeding in the name of the borough in any court of competent jurisdiction, whether at law or in equity, to compel compliance with or to enforce any violation of this chapter.

105-10. Savings Clause.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly referred to in said judgment.

105-11. Effective Date.

This local law shall take effect immediately upon being filed in the Office of the Secretary of State.

The following roll call vote was recorded and the resolution and Local Law No. 4 of 2011 were **unanimously adopted**:

Council:	Mr. Finn	Yes
	Mr. Vicari	Yes
	Mr. White	Yes
	Mr. Konopko	Yes
Supervisor:	Mr. Sherwood	Yes

NOVEMBER TOWN BOARD MEETING

Supervisor Sherwood reminded everyone that per Town Board action in January the November 8th Town Board meeting is cancelled, since November 8th is Election Day.

REQUEST FOR USE OF RHO BUILDING

A motion was made by Councilman White, seconded by Councilman Finn, and **unanimously carried** by a voice vote of those board members present to approve the request for use of Rho Building by AA on a weekly basis. All fees and certificates of insurance are waived.

FALL TENNIS LESSONS

A motion was made by Councilwoman Konopko, seconded by Councilman Finn, and **unanimously carried** by a voice vote of those board members present to approve indoor tennis lessons at Kirkbride Hall at the fee of \$75.00 for 5 lessons. Monies received will be deposited by the Town and the instructor will be paid a fee no greater than the amounts collected.

OVERCHARGES FOR PLAYGROUND PROGRAM

A motion was made by Councilman Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to refund the \$50 overpayment for the playground program registrations to the Lynch and Burns families.

REQUEST FOR USE OF COMMUTER LOT

A motion was made by Councilman Finn, seconded by Councilman White and **unanimously carried** by a voice vote of those board members present to approve the Lions Club request for use of the commuter parking lot on Saturday, October 8, 2011 for a charitable sidewalk sale with a rain date of Saturday, October 15, 2011.

SEMINAR – FIRE INSPECTOR

A motion was made by Councilman White, seconded by Councilman Finn and **unanimously carried** by a voice vote of those board members present to approve the fire inspector's attendance at the Life Safety Code Essentials Seminar on October 10 – 12, 2011 in Hasbrouck Heights, New Jersey for a fee of \$1165.00.

APPOINTMENT – ASSESSMENT REVIEW BOARD

A motion was made by Councilman Finn, seconded by Councilman Vicari and **unanimously carried** by a voice vote of those board members present to re-appoint A. Douglas Jobson to the Board of Assessment Review for a term to expire in October 2016.

ASSESSOR- ADJUSTED BASE PROPORTIONS

A motion was made by Councilwoman Konopko, seconded by Councilman White and **unanimously carried** by a voice vote of those board members present to accept the Certificate of Base Percentages and the Certificate of Adjusted Base Proportions pursuant to Article 19, RPTL for 2011 as presented by Assessor Jack O'Shaughnessy.

STORM SEWER RECONSTRUCTION – ZACHARY TAYLOR ST.

A motion was made by Councilman White, seconded by Councilman Finn and **unanimously carried** by a voice vote of those board members present to authorize the Town Clerk to advertise for bids on specifications to be provided by the Town Engineer for improvements to the drainage system on Zachary Taylor Street.

BID – GOLF COURSE DRAINAGE

A motion was made by Councilman Finn, seconded by Councilman Vicari and **unanimously carried** by a voice vote of those board members present to award the bid for drainage improvements at the Patriot Hills Golf Course to Innovative Excavating, the lowest bidder, in the amount of \$28,600.

SEWER DEPT – ELECTRICAL WORK

Kevin Maher, Town Engineer, explained the scope of the work and advised that he is preparing the specs.

H2M PROPOSAL-ENGINEERING SERVICES

A motion was made by Councilman Finn, seconded by Councilman White and **unanimously carried** by a voice vote of those board members present to accept H2M's proposal in the amount of \$6,500 to provide the engineering services necessary to assist the Town in updating current applications before the NYS

Environmental Facilities Corporation for projects in Town for rehabilitation of the sanitary sewage collection system and upgrade of the sewage treatment facility.

CONTRACT - HEATING SYSTEMS AT LETCHWORTH CAMPUS FACILITIES

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 quote from Berry Burners of Nyack, Inc. in the amount of \$9,895.00, for an annual service contract for boiler cleaning and inspection at Rho Building, Justice Court, Kirkbride Hall and the Patriot Hills Club House.

FUND BALANCE POLICY

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

RESOLUTION ADOPTING
THE TOWN OF STONY POINT
FUND BALANCE POLICY

WHEREAS, the Town believes that sound financial management principles require that sufficient funds be retained by the Town to provide a stable financial base at all times. To retain this stable financial base, the Town needs to maintain fund balances at a level sufficient to provide for the required resources to meet operating costs, and to allow for unforeseen needs in the nature of an emergency and to permit orderly adjustment to changes resulting from fluctuations of revenue sources, and

WHEREAS, credit rating services such as Moody's Investors Services and Standard and Poor's Corporation have recommended that municipalities maintain conservative budgeting and sound fiscal management in order to sustain levels of fund equity, and

WHEREAS, the Town of Stony Point's financial advisor, Capital Market Advisors, LLC., has recommended that the Town adopt a Fund Balance Policy to maintain sound fiscal management, and

WHEREAS, it would be in the best interest of the Town of Stony Point to adopt a Fund Balance Policy,

NOW, THEREFORE, be it

RESOLVED, that it is the Town of Stony Point's intention to maintain total Fund Balance of the General Fund at the end of each fiscal year, equal to no less than 20% of its total operating budget, and hereby adopts the Fund Balance Policy which is annexed hereto as Exhibit "A".

EXHIBIT A
THE TOWN OF STONY POINT
FUND BALANCE POLICY

Purpose

The purpose of this policy is to establish goals and provide guidance concerning the desired level of year-end fund balance to be maintained by the Town of Stony Point, hereafter referred to as the Town.

The Town recognizes that the maintenance of a fund balance is essential to the preservation of the financial integrity of the Town of Stony Point and is fiscally advantageous for both the Town and the Taxpayer. It helps maintain stable tax rates when the Town encounters revenue shortfalls and unanticipated expenditures.

Sound financial management principles require that sufficient funds be retained by the Town to provide a stable financial base at all times. To retain this stable financial base, the Town needs to maintain fund balances at a level sufficient to provide for the unforeseen needs and opportunities. This sound financial management also assists in the maintenance and upgrading of necessary and valuable bond ratings by

the rating agencies, such as Moody's Investor Services and Standard and Poor's Corporation.

Background

The Governmental Accounting Standards Board, hereafter referred to as GASB, issued GASB Statement 54, Fund Balance Reporting and Governmental Fund Type Definitions. GASB Statement 54 establishes five new classifications for Governmental Funds: non-spendable, restricted, committed, assigned and unassigned. The statement will be effective for the Town's financial statements ending December 31, 2011.

Definitions

Fund balance is a measurement of available financial resources and represents the difference between total assets and total liabilities in each fund.

GASB Statement No. 54 distinguishes fund balance classifications based on the relative strength of the constraints that control the purposes for which specific amounts can be spent. Beginning with the most binding constraints, fund balance amounts will be reported by the following classifications:

Non-spendable – amounts that cannot be spent because they are in a non-spendable form, i.e. prepaid items or inventory, or legally or contractually required to be maintained intact.

Restricted – amounts limited by external parties or legislation, i.e. seizure funds, grants or donations.

Committed – amounts constrained to specific purposes by a government itself using its highest level of decision-making authority, i.e. The Town Board. To be reported as committed, amounts cannot be used for any other purpose unless the Town Board takes the same highest level action to modify the constraint.

Assigned – amounts intended to be used for a specific purpose, i.e. the planned use of fund balance in the subsequent year's budget.

Unassigned – amounts available for consumption or not restricted in any manner. These amounts are **only** reported in the General Fund.

Guidelines:

The fund balance of the Town's General Fund has been accumulated to provide stability and flexibility and to respond to unexpected adverse conditions or opportunities. Fund balances should be managed and reviewed on a regular basis.

The five major classifications of fund balance are to be spent down in the following order as they become available:

- Restricted Fund Balance,
- Committed Fund Balance,
- Assigned Fund Balance and
- Unassigned Fund Balance.

The approval to spend down these funds shall come from Town Board Resolutions authorizing same. The approval to commit funds shall also come from the Town Board, as well as the authorization to identify and create assigned fund.

The auditors for the Town have expressed a need to maintain a healthy fund balance in the General Fund. Towards that end, in recognition of sound fiscal policy, the Town Board will make all reasonable efforts to maintain Fund Balance for the General Fund at the end of the fiscal year, equal to no less than 20% of its operating budget. Fund Balance is inclusive of committed, assigned, unassigned funds.

This policy will remain in effect until the Town of Stony Point, by resolution, amends or revises it.

LETCHWORTH CAMPUS ELECTRIC

Discussion developed regarding the feasibility of installing another electric sub-meter on the campus. The Director of Finance will investigate and report back to the board.

BONDING OF 2011 RETIREMENTS

A motion was made by Councilman White and seconded by Supervisor Sherwood to adopt the following resolution:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF \$515,684.40 IN SERIAL BONDS OF THE TOWN TO FINANCE SEVERANCE AND BENEFIT PAYMENTS TO OR FOR THE BENEFIT OF QUALIFYING EMPLOYEES UPON SEPARATION OF SERVICE FROM THE TOWN

WHEREAS, pursuant to Chapter 482 of the Laws of 2011 of the State of New York (the "Special Legislation") the Town of Stony Point (the "Town") is authorized to issue its serial bonds or bond anticipation notes for the purpose of financing the cost of payments by the Town to or for the benefit of employees upon separation from employment, as may be approved by the Town and including, but not limited to, cash payment for separation incentives and/or payment of the monetary value of accrued and accumulated but unused and unpaid sick leave, personal leave, holiday leave, vacation time, time allowances granted in lieu of overtime compensation, premiums or contributions with respect to health, dental and vision care insurance plans for the fiscal year in which such separation occurs, and any other forms of payment required to be paid to or for the benefit of such employees in connection with the separation from employment; and

WHEREAS, by resolution adopted on November 23, 2010, the Town of Stony Point Town Board (the "Town Board") authorized the establishment of the 2010 Voluntary Retirement Incentive Plan (the "Incentive Retirement Plan"), pursuant to which certain eligible Town employees that elect to retire from Town service by March 31, 2011 are eligible to receive a payment in the gross amount equal to six months of such employee's base salary, including longevity bonuses, less applicable taxes, withholdings and deductions; and

WHEREAS, by resolutions adopted as March 22, 2011, April 12, 2011 and June 14, 2011, the Town Board authorized payments to certain qualified retiring employees (the "Retired Employees") either under the Incentive Retirement plan or for other purposes consistent with the Special Legislation (collectively, the "Severance Payments"); and

WHEREAS, the Town Board intends to authorize the issuance of \$515,684.40 in serial bonds or bond anticipation notes of the Town to finance the costs of the Severance Payments as well as the cost of premiums or contributions paid or to be paid by the Town for the benefit of the Retired Employees to health, dental and vision care insurance plans for the fiscal year ending December 31, 2011 (the "Project"); and

WHEREAS, the Project constitutes a "Type II" action under the New York State Environmental Quality Review Act and the regulations promulgated hereunder (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; and

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. The Town is hereby authorized to issue up to \$515,684.40 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the Project.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$515,684.40, said amount is hereby appropriated therefore, and the plan for the financing thereof shall consist of the issuance of \$515,684.40 in serial bonds of the Town authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation of such serial bonds.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is ten (10) years, pursuant to subdivision a.105 of Section 11.00 of the Law, as added by the Special Legislation.

SECTION 4. The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to Section 1 of this resolution.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00(d)(9) of the Law.

SECTION 6. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution.

SECTION 7. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 8. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations, and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town (the "Town Supervisor"). Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for the specific objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town.

SECTION 9. The Town Supervisor is further authorized to enter into continuing disclosure undertakings with or for the benefit of the initial purchaser of the bonds or notes 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 10. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 11. 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 12. 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. As soon as reasonably possible after the date that this resolution takes effect, the Town Clerk is hereby authorized and directed to cause a copy of this resolution to be published in full in the official newspaper of the Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Law.

SECTION 13. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the constitution.

The following vote was taken and recorded in the public or open session of said meeting:

Supervisor Sherwood	VOTING	Yes
Councilman Vicari	VOTING	Yes
Councilman White	VOTING	Yes
Councilman Finn	VOTING	Yes
Councilwoman Konopko	VOTING	Yes

This resolution shall take effect immediately.

NORTH ROCKLAND SOCCER ASSOCIATION FUNDING

A motion was made by Councilman White, seconded by Councilman Finn and **unanimously carried** by a voice vote to approve funding for the North Rockland Soccer Association in the amount of \$500.

COMMUNITY DEVELOPMENT BLOCK GRANT

Councilwoman Konopko announced that the Citizens Advisory Committee for the Community Development Block Grant must be announced to the Rockland County Office of Community Development by September 20th and asked that anyone interested in serving on the committee contact her.

SCHOOL TAX APPORTIONMENT

Councilman Vicari voiced his concern regarding the Office of Real Property Tax Services' denial of Stony Point's request for a special segment equalization rate. Special Counsel has agreed to institute court proceedings on a contingency basis; if they are unsuccessful no fee is involved, if successful they would be compensated at their hourly rate of \$250.00 per hour.

ACTION

A motion was made by Councilman Vicari and seconded by Councilman Finn to authorize special counsel to commence litigation challenging the administrative decision of the state Office of Real Property Tax Services in connection with Stony Point's request for a special segment equalization rate. **(No vote was taken)**

Discussion regarding this issue developed between all board members with some members expressing the need for more time to review the matter.

ACTION

A motion was made by Councilman White and seconded by Supervisor Sherwood to table the pending motion to the September 27, 2011 Town Board meeting.

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

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

SPECIAL PERMIT - SANTILLI

Discussion developed regarding a request from Frank Santilli for a special permit concerning rock crushing operations on property on Holt Drive. Since no recommendation was received from the Stony Point Planning Board, the Town Board did not take any action on this matter.

EXECUTIVE SESSION

At 9:14 pm a motion was made by Councilman Vicari, seconded by Councilman White and **unanimously carried** by a voice vote of all board members present to adjourn into executive session for the purpose of discussing personnel and litigation issues.

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 September 13, 2011 Stony Point Town Board Meeting at 10:30 pm.

Respectfully submitted,

Joan Skinner
Town Clerk