

STONY POINT TOWN BOARD MEETING – November 9, 2010

A Regular Meeting of the Stony Point Town Board, Rockland County, NY, was held on Tuesday, November 9, 2010 at 7:00 P.M. at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, NY. The meeting began with the Pledge of Allegiance.

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

Public Input

Nick Lucas, Mott Farm Rd addressed the Board regarding illegal dumping of fill and asked the Board to remedy the situation by making the Town Engineer more accessible after hours.

Christian Delisio, Filors Lane spoke regarding the golf course putting the Town further and further in debt and stated that essential services and public safety should come before anything.

Purchase Orders

It was moved by Councilman White, seconded by Councilman Finn and carried unanimously by a voice vote to approve the following Purchase Orders:

Golf Course
PO#2223 National Lawn Sprinkler \$1,300.00

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 Finn and carried by a voice vote to approve the bills as presented for payment:

Contractual General – October

<u>FUND</u>	<u>CLAIM #</u>	<u>BILL TOTAL</u>	<u>FUND TOTAL</u>
General	1376-1429	\$ 710,806.68	\$ 840,409.86
Highway	481-497	\$ 285,153.38	\$ 339,260.40
Sewer	414-435	\$ 598,793.49	\$ 760,093.49
<u>Special Districts</u>			
Cap. Projects	1-1		\$ 41,000.00
Hwy. Cap.Proj.	1-1		\$ 47,000.00
Sewer Cap. Proj.	1-1		\$ 622,000.00
Enterprise	517-542	\$ 85,652.79	\$ 279,640.61
Street Lighting	16-16	\$ 22,509.47	\$ 22,509.47

General – November

<u>General</u>	1430-1492	\$ 52,232.80
<u>Highway</u>	498-514	\$ 560,705.21
<u>Sewer</u>	436-460	\$ 303,269.36
<u>Special Districts</u>		
Ambulance	24-25	\$ 28,919.80
Enterprise Fund	543-564	\$ 22,371.33
Solid Waste	41-43	\$ 23,487.95

Minutes

A motion was made by Councilman White, seconded by Councilman Finn and unanimously carried by a voice vote to accept the minutes of September 28, 2010.

Reports

Economic Development Committee

Councilwoman Konopko reported that there is now a Chairman for the Film Commission Subcommittee and that subcommittee is proceeding with drafting guidelines.

Police Department

Chief Brophy presented the Board with the following report:

Police Department Report for the Month of October, 2010

Number of calls for service:	616
Number of reported accidents:	23
Number of arrests:	27
Fuel usage:	1441.9 gallons
Sum total of all traffic enforcement action:	39
Number of Youth Officer sponsored events:	6
Number of child safety seat installations:	3
Number of commercial vehicle enforcement details:	1
Number of traffic enforcement details:	
Deployed the speed trailer on Pyngyp Rd. & Rt. 210	
Number of training hours:	184:00hrs
Total fees collected:	\$150.60
	(\$100.00 for prints; \$50.60 for reports)

Police Business:

• **Chief Brophy's Time Record**

A motion was made by Councilman White, seconded by Councilman Vicari and unanimously carried by a voice vote to approve Chief Brophy's time sheet for the month of October.

- **Department Over-Time and Sick Leave Report**

A motion was made by Councilman White, seconded by Councilman Vicari and unanimously carried by a voice vote to approve the department overtime and sick leave reports for the month of October.

- **Training – Police Matrons**

A motion was made by Councilman White, seconded by Councilman Finn and unanimously carried by a voice vote to approve the Chief's request for Police Matron Training for one or two police matrons from 11/29/10-12/01/10 at a cost of approximately \$480 per matron. This item is not budgeted.

Golf Course

Dave Fusco Director of Golf, presented, the following report for October 2010:

• Greens Fees	\$199,834.12
• ID Cards	\$ 60.00
• Merchandise	\$ 7,675.56
• Driving Range	\$ 6,918.00
• Misc.	\$ 575.00
• Club Rental	\$ 484.35
• TOTAL REVENUE	\$ 215,547.03

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

Architectural Review Board

	From: 10/1/2010	To: 10/31/2010
Applications Received	2	
Applications Approved	2	
Applications Pending	0	
Fees Collected:	\$ 200.00	
Money in Lieu of Land	\$ 0.00	

Building & Zoning Department

October

Applications Pending In October	9
Applications Received	18
Applications Returned/Withdrawn	0
Applications Denied	0
Building & Blasting Permits Issued	16
Applications Pending	11
Certificate of Occupancy	14
Certificate of Compliance	4
Fees Collected	\$ 11,167.00

Dog Control Officer

October

Dogs seized and sheltered	4
Dogs returned to owner	4
Number of complaints received	9
Miles traveled patrolling the Town and transporting dogs	244

Fire Inspector

October

	Month	Total
Number Buildings Inspected	19	170
Number Buildings Re-Inspected	3	29
Field Correction Issued	0	0
Violations Issued	0	0
Violations Complied With	0	0
Violations Outstanding	0	0
Number of Permits Issued	0	0
Requests by Police Dept.	0	0
Requests by Fire Dept.	1	29
Fires Investigated	0	1
Miscellaneous		

Planning Board

	From: 10/1/2010	To: 10/31/2010
Applications Received	1	
Applications Approved	0	
Applications Pending		
Lot Line Change	1	
Site Plan	6	
Subdivision-Major	1	
Subdivision-Minor	3	
Fees Collected:	\$200.00	
Money in Lieu of Land	\$0.00	

Zoning Board Of Appeals

	From: 10/1/2010	To: 10/31/2010
Applications Received		
Area Variance	1	
Applications Closed	1	
Applications Pending		
Area Variance	2	
Fees Collected:	\$300.00	

Town Clerk

October

Amount Paid To County Finance Officer For Dog Licenses	\$	72.32
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Amount Paid To NYS Agriculture & Markets For Spay/Neuter Program	\$ 9.00
Amount Paid To NYS Health Dept. For Marriage Licenses	\$ 67.50
Amount Paid To NYS Dept. Of Environmental Conservation	\$ 3,333.20
Amount Paid To Supervisor	<u>\$ 2,703.67</u>
TOTAL AMOUNT REMITTED	\$ \$6,185.69

Legislative Report – None

Correspondence - None

Supervisor's Report

I attended Seniors Club Luncheon for the 90's club and while I couldn't stay for lunch it was a great affair and 2 council members were present to award certificates to the 90 year olds and I want to thank Luanne Konopko and also councilman Finn for helping with the certificates.

I also attended a brunch honoring several benefactors of our own Penguin Theatre.

The Penguin Repertory Theater is a great resource for the town and that brunch represents the end of their season which was hugely successful.

And the most exciting news is that Shoprite will be opening this Friday. The new store is finally finished and there will be a ribbon cutting at 9 am Friday morning so this weekend you can shop here in Stony Point. The store is beautiful and we know they have fresh, top quality merchandise and the management has been very community minded.

As we speak the county legislature Public Works Committee is reviewing the Washburn's Lane project. Bids apparently came in a little higher than expected and the bond will be expanded to cover the extra cost. Because we had this meeting scheduled I sent a letter urging prompt action and I had a call from Committee Chair Bob Jackson who told me he believed the project would be moved ahead without any other impediments and expected full approval by all of the involved committees tonight.

I also note that the of the county legislature committee on the Environment under Legislator Connie Coker is meeting tomorrow night at 5:15 to address the discolored water problem in our town and I will be attending after Superintendent Brissing and I return from an all day seminar in Newburgh.

On that topic we did have another incident this week in the waterfront area but at least the communication setup we put in place worked and the town was notified and the affected lines were cleared in short order.

As you all should know by now United Water has offered to pay for some needed repairs at the pool that they own and the town uses with a grant of \$10,000.

Sunday evening our emergency operation plan issued a level one alert due to an event at Indian Point. The county Emergency Operation Center was activated but the town was informed there was no risk of personal injury or property damage and we were notified as a courtesy but no action was

necessary. In accordance with our emergency plan I alerted our emergency coordinator but both the county and the town were notified to stand down as the fire and explosion was handled on site and there was never any leakage nor was the nuclear portion of the facility affected, although one of the units was shut down as a precaution.

It was good to see that the emergency system worked as it is supposed to.

I also want to congratulate our officers Detective Kevin O'Connor and Sgt. Dave Kryger and all of their graduates from the North Rockland Police Academy. That graduation will be held this Thursday and the youth recruits who went through a 10 week program will be honored.

Public Hearing-Zone Code Amendment-Outdoor Storage in LI Zone-Continued

Public Hearing was continued at 7:27pm with no further input and the hearing was continued to November 23, 2010 at 7:00 pm

Final 2011 Budget Resolution Action

A motion was made by Councilwoman Konopko, seconded by Councilman Vicari and unanimously carried by a voice vote to hold a Special Budget Workshop Meeting on Monday, November 15, 2010 at 7:00 pm for the purpose of amending the preliminary budget.

Revised Bond Re-Funding

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

AMENDED AND RESTATED REFUNDING BOND RESOLUTION OF THE TOWN BOARD OF THE 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 \$7,793,500 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 "Town") heretofore issued its Public Improvement (Serial) Bonds, 2002, dated February 1, 2002 in the original aggregate principal amount of \$9,840,000 (the "Series 2002 Bonds"), pursuant to a bond resolution adopted by the Town Board of the Town (the "Town Board") on September 1, 1999, for the specific objects or purposes for which they were issued being more particularly described in Exhibit A attached hereto (the "Series 2002 Bonds"); and

WHEREAS, the Town Board received a refunding proposal containing a proposed refunding financial plan, which proposal called for the refunding of all or any portion of the outstanding Series 2002 Bonds maturing in the years 2011 and thereafter (the "Outstanding 2002 Bonds"); and

WHEREAS, by refunding bond resolution, dated September 14, 2010 (the "Original Refunding Bond Resolution"), the Town Board of the Town authorized the issuance of up to \$7,500,000 principal amount of refunding serial bonds for the object or purpose of refunding the \$6,605,000 outstanding principal balance of the Outstanding 2002 Bonds; and

WHEREAS, the Town also issued its Public Improvement (Serial) Bonds, 1998, dated May 15, 1998 in the original aggregate principal amount of \$3,000,000 (the "Series 1998 Bonds"), pursuant to a bond resolution adopted by the Town Board on August 25, 1997, for the specific objects or purposes for which they were issued being more particularly described in Exhibit A attached hereto (the "Series 1998 Bonds"); and

WHEREAS, the Town Board has received a refunding proposal containing a proposed refunding financial plan, a copy of which is attached hereto as Exhibit B (the "Refunding Financial Plan"), which proposal calls for the refunding of all or any portion of the Outstanding 2002 Bonds and all or any portion of the outstanding Series 1998 Bonds maturing in the years 2011 and thereafter (the "Outstanding 1998 Bonds" and, together with the Outstanding 2002 Bonds, the "Refunded Bonds"); and

WHEREAS, the Town Board has reviewed and considered the Refunding Financial Plan in consultation with the Supervisor of the Town Board of the Town, and the financial advisory and bond counsel firms retained by the Town; and

WHEREAS, in order for the Town to realize the potential for substantial long-term debt service savings with respect to the Refunded Bonds, the Town Board has determined, acting in consultation with the financial advisory and bond counsel firms retained by the Town, that it is prudent for the Town to consider the refunding of all or a portion of the outstanding Refunded Bonds; and

WHEREAS, the Refunded Bonds are, by their terms, subject to redemption prior to their stated maturity dates at the option of the Town; 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 Refunded 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, such refunding will 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.

WHEREAS, the Town Board now wishes to amend and restate the Original Refunding Bond Resolution in its entirety pursuant to the terms of this resolution so as to (i) increase the maximum principal amount of refunding serial

bonds authorized thereunder from \$7,500,000 to \$7,793,500 and (ii) expand the objects or purposes for which such refunding bonds are to be issued.

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. Based on the recommendation of Environmental Capital 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.

SECTION 2. For the object or purpose of refunding the \$6,885,000 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 which are optionally redeemable 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 as hereinafter defined, 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 a policy or policies of municipal bond insurance or other form of credit enhancement facility or facilities for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued the Public Improvement Refunding (Serial) Bonds, 2010 of the Town in an aggregate principal amount not to exceed \$7,793,500 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 \$7,085,000 as described in Section 6 hereof. The Refunding Bonds shall be dated as of such date as shall hereinafter be determined by the Supervisor of the Town Board of the Town 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 Supervisor of the Town Board of the Town 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 Supervisor of the Town Board of the Town. Notwithstanding anything in this resolution to the contrary, the Refunding Bonds shall only be issued by the Town if the refunding of the Refunded Bonds hereby 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 Supervisor of the Town Board of the Town, 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 Supervisor of the Town Board of the Town, 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 Supervisor of the Town Board of the Town 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 upon Exhibit A attached hereto.

(c) In accordance with Section 90.10(c)(1) of the Local Finance Law, the last installment of the Refunding Bonds will mature not later than the expiration of the maximum period of probable usefulness determined as of the date of issuance of the Refunding Bonds, of the specific objects or purposes for which the Refunded Bonds were issued.

(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(b)(2) 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 (the "Refunding Financial Plan"), 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, is 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 \$7,085,000 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 to be issued by the Town 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 Supervisor of the Town Board of the Town 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 date of such bonds and date of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, 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, whether the Refunding Bonds shall be sold at a discount in the manner authorized by Section 57.00(e) of the Local Finance Law, whether the Refunding Bonds shall provide for substantially level or declining debt service as authorized by Section 21.00 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 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 Supervisor of the Town Board of the Town; 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 Supervisor of the Town Board of the Town shall file with the Town Clerk not later than the date of issuance of the Refunding Bonds, as herein provided, (1) a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan and (2) 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 Supervisor of the Town Board of the Town 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 the State of New York (the "State") as the Supervisor of the Town Board of the Town 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(i)(1) of the Local Finance Law.

SECTION 8. The faith and credit of said District are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding Bonds herein authorized as the same 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 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 or caused to be prepared by the Supervisor of the Town Board of the Town 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.

(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 Supervisor of the Town Board of the Town, as Chief Fiscal Officer, or as the Supervisor of the Town Board of the Town may direct and be 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 Supervisor of the Town Board of the Town, as chief fiscal officer, 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 Sections 53.00 and 90.10(h) of the Local Finance Law, the Town Board of the Town hereby elects to call in and redeem all the Refunded Bonds which are subject to redemption according to their terms on their earliest respective redemption dates in accordance with the terms of the Refunding Financial Plan. 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, the election to call in and redeem the 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. The Supervisor of the Town Board of the Town is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the Refunding Bonds authorized by this resolution, if required, containing provisions which are satisfactory to such purchaser 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. Subject to compliance with the provisions of Section 90.10(f)(2) of the Local Finance Law, the Refunding Bonds shall be sold at a private sale. The Supervisor of the Town Board of the Town is hereby authorized to negotiate the terms of such private sale with an underwriter hereinafter selected by the Supervisor (the "Underwriter"), 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 Supervisor of the Town Board of the Town 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 Supervisor of the Town Board of the Town in accordance with said bond purchase agreement upon the receipt by the Town of said purchase price, including accrued interest. After the Refunding Bonds have been duly executed,

they shall be delivered by the Supervisor of the Town Board of the Town to the purchaser of such Refunding Bonds, upon the receipt by the Town of the applicable purchase price, including any premium or accrued interest.

SECTION 15. The Supervisor of the Town Board of the Town 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 16. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Supervisor of the Town Board of the Town and all powers in connection therewith are hereby delegated to the Supervisor of the Town Board of the Town.

SECTION 17. The validity of the Refunding Bonds may be contested only if:

- (a) Such obligations are authorized for an object or purpose for which said District 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 18. Upon this resolution taking effect, the Supervisor of the Town Board of the Town is hereby authorized and directed to publish the same, or a summary thereof, together with a notice in substantially the form set forth in Section 81.00 of the Local Finance Law.

SECTION 19. This resolution shall take effect immediately upon its adoption.

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

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

Section 211 – Tax Assessor

A motion was made by Councilwoman Konopko, seconded by Councilman White as follows:

RESOLUTION APPOINTING TAX ASSESSOR

WHEREAS, pursuant to the New York State Retirement and Social Security Law Section 211, the Town Board of the Town of Stony Point wishes to retain the services of John O'Shaughnessy as the Tax Assessor to properly administer Town government at this most difficult time in the Town's economy; and

WHEREAS, the Town seeks to maintain the efficiency of government and provide for greater stability and continuity in the administration of its public services at all times by reappointing John O'Shaughnessy as the Tax Assessor for an additional one year as his services are critical to the Town.

NOW, THEREFORE, it is resolved as follows:

Section 1. The Town Board hereby retains the services of John O'Shaughnessy as the Tax Assessor with all benefits to which the office holder is entitled for an additional term of one year and requests all approvals required to do so under the New York State Retirement and Social Security Law.

Section 2. This Resolution shall be effective immediately.

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

AYES: Mr. Finn, Mr. Vicari, Mr. White, Ms. Konopko, Supervisor Sherwood

NAYS: None

ABSTAIN: None

ABSENT: None

2011 Community Development Block Grant Funding

A motion was made by Councilwoman Konopko, seconded by Councilman White as follows:

RESOLUTION REGARDING COMMUNITY BLOCK GRANT

WHEREAS, the Town of Stony Point wishes to submit an application to be considered for a Community Block Grant administered by the Rockland County Office of Community Development, now therefore, be it

RESOLVED that the Town of Stony Point is hereby authorized to submit an application for federal funding under the Community Block Grant Program.

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

AYES: Mr. Finn, Mr. Vicari, Mr. White, Ms. Konopko, Supervisor Sherwood

NAYS: None

ABSTAIN: None

ABSENT: None

Local Law Dog Licensing – Set Public Hearing

The State of New York Department of Agriculture and Markets will no longer be responsible for dog licensing and as of January 1, 2011 has turned that function over to the Town & Village Clerks in the State. We have a proposed Local Law that will clarify the duties of the dog licensing agent and the fees to be charged.

Action

A motion was made by Councilman White, seconded by Councilman Finn and unanimously carried by a voice vote to set a public hearing for November 23, 2010 at 7:00 pm for the purpose of reviewing the proposed Local Law to add a new Chapter 61:Animals to the Stony Point Town Code.

Tolake Conservation Easement Extension

A motion was made by Councilman Vicari, seconded by Councilwoman Konopko and unanimously carried by a voice vote to set a public hearing for December 14, 2010 at 7:00 pm for the purpose of reviewing the Tolake Conservation Easement Extension. The extension is for the length of time the easement will run.

Ethics Board Appointment

Elizabeth Verrier, Deputy Special Counsel, has been serving as the employee member of the Stony Point Board of Ethics and her term on the Ethics Board actually expired in June 2010. Regrettably, Ms. Verrier has submitted her resignation as Deputy Special Counsel effective January 1, 2011 and will no longer be able to serve on the Board of Ethics as the employee member.

Action

A motion was made by Councilman Finn, seconded by Councilwoman Konopko and unanimously carried by a voice vote to appoint Town Clerk, Joan Skinner to the Ethics Board as the employee member of that Board. Her term will expire in June 2013.

December Town Board Meetings

A motion was made by Councilman Vicari, seconded by Councilman Finn and unanimously carried by a voice vote to eliminate the December 28, 2010 Stony Point Town Board meeting.

Court Officer – Appointment

A motion was made by Councilman Vicari, seconded by Councilman Finn and unanimously carried by a voice vote to hire Mike Reiss, as a part time Justice Court Attendant, at \$15.00 per hour.

Executive Session

At 8:10 pm a motion was made by Councilman Vicari, seconded by Councilman Finn and unanimously carried by a voice vote to adjourn into executive session for legal update.

Adjourn

The November 9, 2010 Stony Point Town Board meeting was adjourned at 9:15 pm.

Respectfully submitted,

Joan Skinner
Town Clerk