

## STONY POINT TOWN BOARD MEETING – November 23, 2010

A Regular Meeting of the Stony Point Town Board, Rockland County, NY, was held on Tuesday, November 23, 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 (joined the meeting at 7:20 pm)	Councilman
	Ms. Luanne Konopko	Councilwoman
	Mr. William E. Sherwood	Supervisor

### Public Input

George Mulligan, Higgins Dr., questioned how the Town got to its present financial status; if finances were being properly monitored why were two police officers hired within this year? We knew that Lovett Plant would be taken down, and understanding the nature of the construction industry, US Gypsum scaled down its operations, culminating this spring with the temporary closure of the plant.

John Wood, PBA President, spoke indicating that the police department had given back over ½ million dollars to the 2011 budget and that laying off five police officers would bring the department to dangerously low staffing levels.

Susan Filgueras, Mott Farm Rd, spoke regarding the poor drainage on her property.

Ralph Heavner, Oat Ct, spoke and expressed his dismay with the November 22, 2010 Budget Hearing; adjourning into executive session immediately for over an hour, reconvening and adjourning the meeting within minutes with no explanation or discussion of the implications of the vote. Those slated for layoffs are an important part of our community and an important part of the services provided to the town and its residents. Layoffs will result in more overtime costs, delays in services and other negative affects.

### Purchase Orders

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

Golf Course			
	PO#2286	Partac Peat Corp.	\$4,650.00
	PO#2287	Terre Co.	\$42,488.00
	PO#2289	Metro Turf Specialties	\$37,827.00
Police			
	PO#2236	Amchar Wholesale	\$3,322.30

### Audit Of Bills - None

Minutes – A motion was made by Councilman Vicari, seconded by Supervisor Sherwood to **approve** the minutes of October 5, 2010, October 12, 2010 and October 26, 2010.

### Reports

Economic Development – Steve Porath reported as follows:

- Route 9W Corridor
  - Southern End
    - Shoprite has opened
    - A new rateable
    - Creates jobs
    - Anchor store
  - Northern End

- Patriot Square has been revitalized
      - New health club
  - Middle Sector
    - Key is to work closely with Master Plan committee
    - Bring efforts to a conclusion so the zoning & uses of that corridor are in place
    - Send clear message of what we want there
- Waterfront
  - Key asset – needs attention
- Marketing Brochure
  - Draft
    - reinforcing the fact that we are a business friendly town

**Police Report** – None

**Police Business:**

- Use of Department Vehicle  
A motion was made by Councilman White, seconded by Councilman Finn and unanimously **carried** by a voice vote to permit Chief Brophy to use a department vehicle to travel to the FBI Academy in Quantico, Va. to attend Lt. Williams' graduation.
- Termination of Probation – PO William Skinner  
Chief Brophy made a recommendation to the Board to remove Police Officer William Skinner from probation, effective immediately, as it may facilitate his employment at another agency in light of the lay offs.

A motion was made by Councilman White, seconded by Councilman Finn and unanimously **carried** by a voice vote as follows:

**RESOLUTION REGARDING TERMINATION OF PROBATION  
OF POLICE OFFICER WILLIAM H. SKINNER**

WHEREAS, Police Officer William H. Skinner was previously appointed and employed in a probationary position as a Police Officer in the Stony Point Police Department by actions of the Town Board for the Town of Stony Point; and

WHEREAS, the Rockland County Civil Service Rules require that the Stony Point Police Department establish a minimum period of probation of twenty-six (26) weeks and a maximum period of probation of one hundred and four (104) weeks for police officers;

WHEREAS, the Rockland County Civil Service Rules provide that the Town Board may determine that a probationary officer has successfully completed his/her probationary term at any time after completion of the minimum period of probation;

WHEREAS, Police Officer William H. Skinner has completed the minimum period of probation of twenty-six (26) weeks as required by Rockland County Civil Service Rules and the Chief of Police Patrick M. Brophy has recommended termination of Officer William H. Skinner's probationary period;

NOW, THEREFORE, it is resolved as follows:

Section 1. In consideration of the recommendation of the Chief of Police to terminate the probationary status at this time, the Town Board hereby determines that the probationary period for Police Officer William H. Skinner of the Stony Point Police Department is terminated effective immediately.

Section 2. The Town Board hereby authorizes the Town Supervisor William E. Sherwood to subscribe a letter to that effect and to forward same to the Rockland County Department of Personnel for filing.

Section 3. The probationary period for Police Officer William H. Skinner is hereby terminated as of November 23, 2010.

Section 4. This Resolution shall be effective immediately.

- Unemployment Benefits – personnel matter for executive session

**Golf Course Report** - None

**Legislative Report** – None

**Correspondence** – None

**Supervisor's Report** – Supervisor Sherwood reported:

- A Thanksgiving Eve Arts & Crafts Session will be held at Rho from 4-6pm.
- Christmas tree lighting ceremony will be held on December 6, 2010 at Kirkbride Hall.

**Continued Public Hearing – Zone Code Amendment – Outdoor Storage in LI Zone**

Supervisor Sherwood indicated that the public hearing was continued so that our Town Planner, Mr. Geneslaw, could attend. Unfortunately, he is out of town.

Public Input – opened at 7:35pm

Steve Porath – Urged the Board to approve this amendment indicating that it is very well written legislation that allows us to accomplish something we want to do; and commended the Board on its quick action in response to a business opportunity.

Supervisor Sherwood indicated that one issue was whether this would affect the larger parcels in the LI zone. The amended version submitted sets an acreage requirement that would prevent it from affecting any of the larger properties in town.

Action

Public Hearing will be continued on December 14, 2010.

**Public Hearing – Sewer Extension 01/10 – Virgin Mary & Saint Pachomius Coptic Church**

The following public hearing notice was offered by Joan Skinner Town Clerk:

RESOLUTION OF TOWN BOARD ORDERING PUBLIC HEARING  
ON PETITION FOR SANITARY SEWER DISTRICT #2

At a meeting of the Town Board held at Rho Building, 5 Clubhouse Lane in the Town of Stony Point, Rockland County, New York, on the **26<sup>th</sup> day of October 2010**.

PRESENT: COUNCILMAN GEOFFREY FINN  
COUNCILMAN LOUIS VICARI  
COUNCILMAN JAMES WHITE  
COUNCILWOMAN LUANNE KONOPKO  
SUPERVISOR WILLIAM SHERWOOD

In the matter of the Petition of **Virgin Mary & St. Pachomius Coptic Orthodox Church** owner of more than one-half of the assessed valuation of all the taxable real property in the proposed Extension of Sanitary Sewer District #2 in the Town of Stony Point, County of Rockland and State of New York and according to the latest completed assessment roll of the said town.

WHEREAS, a written petition dated: **September 23, 2010**, has been presented to and filed with the Town Board of the Town of Stony Point praying that all the land situate in the Town of Stony Point, County of Rockland and which proposed extension, to be known as: Sewer Extension **10/01** more fully described in the Schedule "A", **14.02-1-30 & 14.02-1-31** annexed hereto, and

WHEREAS, the maximum amount proposed to be expended for the Extension of said district shall not exceed the sum of \$0.00 DOLLARS (\$0.00), and

WHEREAS, the expense occasioned by the creation of the Extension of Sanitary Sewer District #2 shall be assessed, levied and collected from the several lots and parcel of land within the said district in proportion as nearly may be to the benefit which each lot or parcel of land in said district will derive therefrom.

NOW on motion of MOVED: Councilman White  
SECONDED: Councilwoman Konopko

ORDERED that a meeting of the Town Board of the Town of Stony Point be held at Rho Building, 5 Clubhouse Lane in the Town of Stony Point on the **23<sup>rd</sup> day of November, 2010** at 7:30 PM to consider the said petition and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board with relation to such petition as may be required by law, and it is

FURTHER ORDERED that the Town Clerk give notice of such hearing by publishing in the Town's Official Newspaper, a certified copy of this order and by the applicant posting certified copies of this order in five (5) places within said proposed Extension of Sanitary Sewer District #2 in the Town of Stony Point not less than ten nor more than twenty days before such hearing.

Ira Emmanuel, Esq. & John Atzl of Atzl, Scatassa & Zigler appeared on behalf of the applicant, indicating that this sewer extension plans for future connections but does not mandate them. All septics on this property will be abandoned.

Kevin Maher, Town Engineer, and the Town Board discussed the proposed extension.

Public Input opened at 7:45 pm:

MaryEllen Gonyea, Crickettown Rd., questioned the additional flow into Ryder Hill pump station, which has experienced major odor issues.

George Harris, Willow Grove Rd., questioned who will be responsible for bonding this project.

Supervisor Sherwood indicated that the property owner will pay cost of the project. Bonding was mentioned for extending the sewer district to include other residences in the area and that part of it would need to be bonded.

Susan Filgueras, Mott Farm Rd urged that the Town Engineer make an extensive review of the sewer extension and the sewer infrastructure in the Pyngyp area.

#### **Action**

At 7:56 pm a motion was made by Councilman White, seconded by Councilwoman Konopko and unanimously **carried** by a voice vote to close the public hearing.

#### **Action**

A motion was made by Councilman Finn, seconded by Councilwoman Konopko to grant the sewer extension as follows:

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

At a meeting of the Town Board of the Town of Stony Point, held at Rho Building, 5 Clubhouse Lane, in the Town of Stony Point, Rockland County, New York, on the **23<sup>rd</sup> day of November 2010**.

PRESENT: COUNCILMAN GEOFFREY FINN  
COUNCILMAN LOUIS VICARI  
COUNCILWOMAN LOUANNE KONOPKO  
COUNCILMAN JAMES WHITE  
SUPERVISOR WILLIAM SHERWOOD

WHEREAS, a written Petition dated **September 23, 2010** signed and acknowledged by the **Virgin Mary & St. Pachomius Coptic Orthodox Church**, has been presented to and filed with the Town Board of the Town of Stony Point requesting the Extension of a sanitary sewer and laterals in a proposed Extension of District #2 to be known as the Extension of Sanitary Sewer District #2 as more particularly described in said Petition, and

WHEREAS, a certified copy of the order of this Board calling a hearing hereon, which order is dated **October 26, 2010** was duly and regularly published in the Rockland County Times and on the official sign board of the Town on **November 4, 2010** and certified copies thereof were posted in five public places within the proposed Extension of Sanitary Sewer District #2 on **November 17, 2010**, and

WHEREAS, a Public Hearing having taken place at Rho Building, 5 Clubhouse Lane in the Town of Stony Point, Rockland County, New York on **November 23, 2010**, at 7:00 PM the petitioners having appeared in support of said application and proof having been presented concerning the same, and no objection or protest having been made to the proposed Extension.

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

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

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

FOUND, ORDERED AND DETERMINED that said petition dated , for the creation of the Extension of Sanitary Sewer District #2 in the Town of Stony Point, Rockland County, New York, is signed, approved and acknowledged, as required by law, and is otherwise sufficient and complies with the provision of Section 191 of the Town Law, constituting Chapter 62 of the Consolidated Laws of the State of New York, and such other sections of said chapter as are applicable thereto; and that there is annexed to said petition a map and plans showing the boundaries of the proposed Extension of Sanitary Sewer District #2 and a general plan of the proposed district, and it is

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

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

Schedule A

All that certain plot, piece or parcel of land designated as Tax Map Section 14.02 Block 1 Lots 30 and 31 situate, lying and being in the Town of Stony Point, County of Rockland and State of New York. Being more fully bounded and described as follows:

BEGINNING at a point on the northerly right-of-way line of Swim Club Road, said point being located at the northeasterly corner of lands now or formerly of Anthony Jr. & Nicole Celeste (Tax Lot 14.01-1-1.1); running thence

1. N44-15-43W, along the northeasterly line of lands now or formerly of Anthony Jr. & Nicole Celeste (Tax Lot 14.04-1-1.1) a distance of 275.51 feet; thence
2. N44-29-41W along the northeasterly line of lands now or formerly of Anna Castaldo (Tax Lot 14.04-1-1.2) and now or formerly of Anthony & Rosemarie Caramanno (Tax Lot 14.04-1-1.3) a distance of 353.29 feet; thence
3. N77-34-11W, along the northerly line of lands now or formerly of Anthony & Rosemarie Caramanno (Tax Lot 14.04-1-1.3) and now or formerly of Dennis III & Sandra Doss (Tax Lot 14.04-1-1.4), a distance of 139.00 feet; thence
4. Along the easterly right-of-way line of the Palisades Interstate Parkway (Tax Lot 14.00-1-5), on a curve to the left having a radius of 2400.00 feet, an arc length of 1081.80 feet, running thence along the westerly line of lands now or formerly of the Palisades Interstate Park Commission (Tax Lot 14.00-1-2), the following four(4) courses and distances;
5. S49-54-30E, a distance of 361.36 feet;
6. S39-54-10E, a distance of 381.80 feet;
7. S10-57-00E, a distance of 296.10 feet;
8. S24-52-40E, a distance of 255.78 feet; running thence along the westerly line of lands now or formerly of the County of Rockland (Tax Lot 14.02-1-32), the following two (2) courses and distances;
9. S26-07-00E, a distance of 112.80 feet;
10. S 17-05-20E, a distance of 339.90 feet; thence
11. S70-45-30W along the northerly right-of-way line of Swim Club Road, a distance of 233.12 feet to the point or place of BEGINNING.

**Public Hearing – Proposed Local Law #1 of 2010-Amending Town Code Chapter 61-Animals (Dog Licensing)**

Supervisor Sherwood explained that the State of New York, Dept. of Agriculture and Markets will no longer be responsible for dog licensing. The program was always administered by the Town Clerk's, who will now be responsible for licensing within each township. Therefore, it is necessary to change our Town Code to this regard.

The following public hearing notice was published:

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held by the Town Board of the Town of Stony Point, Rockland County, New York, on November 23, 2010 at 7:00 P.M. at Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, New York to amend the Code of the Town of Stony Point at Chapter 61 (Animals).

The full text of the proposed Law is on file in the Town Clerk's Office, 74 East Main Street, Stony Point, New York, and may be obtained by any interested parties from 8:30 AM to 4:30 PM, Monday through Friday.

By Order of the Town Board dated November 9, 2010 Joan Skinner - Town Clerk

The public hearing was opened at 8:55 pm.

No public input.

**Action**

At 8:57 pm a motion was made by Councilwoman Konopko, seconded by Councilman Vicari and unanimously **carried** by a voice vote to close the public hearing.

**Action**

A motion was made by Councilwoman Konopko, seconded by Councilman White and unanimously **carried** by a voice vote to approve Local Law No. 1 of 2010 as follows:

**TOWN OF STONY POINT  
LOCAL LAW AMENDING TOWN CODE CHAPTER 61 (ANIMALS)  
LOCAL LAW NO. 1 OF 2010**

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

The Town Code at Chapter 61 is amended and adopted, effective **January 1, 2011** to read as follows

**CHAPTER 61. ANIMALS  
GENERAL REFERENCES**

[HISTORY: Adopted by the Town Board of the Town of Stony Point 6-9-1976 by L.L. No. 1-1976. Amendments noted where applicable.]

Birds — See Ch. 70.

Fees — See Ch. A221.

**§ 61-1. Purpose.** [Amended 11-23-2010 by L.L. No. 1-2010]

This chapter is adopted to promote the health, safety and welfare of the residents of the Town of Stony Point and to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property and domestic animals from dog attack and damage.

**§ 61-2. Definitions.** [Amended 8-14-1984 by L.L. No. 6-1984; Amended 11-23-2010 by L.L. No.1-2010]

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

**AT LARGE**

Any dog that is unleashed and on property open to the public or is on private property, not owned or leased by the owner of the dog unless permission for such presence has been obtained. No dog shall be deemed to be at large if it is:

(1) A guide dog actually leading a blind person; a hearing dog actually leading a hearing impaired person, a service dog, a working search dog, a war dog, detection dog or therapy dog as defined under Article 7 of the New York State Agriculture and Markets Law while under the control of the person needing assistance, and police work dogs utilized by law enforcement agencies while under the control of law enforcement for law enforcement purposes.

(2) Accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.

**DANGEROUS DOG**

Any dog, except a police service dog, which (i) without justification attacks a person, companion animal or farm animal, or domestic animal as defined in the New York State Agriculture and Markets Law, and causes physical injury or death, or (ii) behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons, companion animals, farm animals or domestic animals or (iii) without justification attacks a service dog, guide dog or hearing dog and causes physical injury or death.

**DOG**

Any member of the species canis familiaris.

**DOG CONTROL OFFICER**

Any individual appointed by the Town of Stony Point to assist in the enforcement of this section.

**HARBOR**

To provide food or shelter to any dog.

**IDENTIFICATION TAG**

A tag issued by the Town Clerk which sets forth the identification number together with the name of the Town and State, the telephone number of the Town Clerk, and any other information deemed necessary by the Town Clerk.

**OWNER**

Any person who keeps, harbors or has custody, care or control of a dog. Dogs owned by minors shall be deemed to be in the custody and control of parents or other head of household where the minor resides. Any person harboring a dog for a period of one week shall be deemed to be the owner of the dog for the purpose of enforcing this section.

**OWNER OF RECORD**

The person in whose name a dog was last licensed pursuant to this chapter.

**PARCEL OF LAND**

A contiguous piece of real property owned by the same person or persons or by members of the same household. Editor's Note: Former § 2A-3, Swine, which immediately followed this section, was deleted 6-8-1999 by L.L. No. 7-1999.

#### **PERSON**

Any individual, corporation, partnership, association or other organized group of persons, business entity, municipality or other legal entity.

**§ 61-3. Dogs.** [Amended 9-8-1976 by L.L. No. 2-1976; 8-14-1984 by L.L. No. 6-1984; 11-23-2010 by L.L. No. 1-2010]

- A. Title. This section shall be cited and may be referred to hereinafter as the "Dog Control Law of the Town of Stony Point."
- B. Legislative intent. It is the intention of the Town Board of the Town of Stony Point by the adoption of this section to preserve public peace and good order in the Town of Stony Point and to promote the public health, safety and welfare of its people by enforcing regulations and restrictions on the activities of dogs which are consistent with the rights and privileges of dog owners and the rights and privileges of other citizens of the Town of Stony Point. It is the intention of the Town Board to safeguard the health, safety and welfare of town residents and the public-at-large by providing for the rabies vaccination, seizure, disposal, and supervision of animals within the Town of Stony Point.
- C. Licensing requirements. Each owner of a dog four months of age or older shall make application for a dog license in accordance with and pursuant to the provisions of this Chapter, unless otherwise exempted.
- D. Prohibitions. It shall be unlawful for any owner of a dog in the unincorporated areas of the Town of Stony Point to permit or allow such dog to engage in the following enumerated acts:
  - (1) Running at large. It shall be unlawful for any owner of a dog within the limits of the Town of Stony Point to permit such dog, whether licensed or not, to be at large elsewhere than on the premises of the owner, or on the premises of another person without the knowledge and consent of such other person, unless such dog shall be on a leash or under the full and immediate control of a person in charge of said dog.
  - (2) Nuisance. It shall be unlawful for any owner of a dog in the Town of Stony Point to permit or allow such dog to engage in habitual loud howling, barking or whining so as to create a public nuisance or create unreasonable noise disturbance across real property boundaries.
  - (3) Dangerous dogs.
    - (a) It shall be unlawful for any dog owner who knows or has reason to know of any dangerous and vicious propensities of said dog to permit the dog to run at large in the Town of Stony Point.
    - (b) Any person may make a complaint of an attack upon a person or of an attack, chasing or worrying of a domestic animal to a dog control officer of the Town of Stony Point. Such officer shall immediately inform the complainant of his right to commence a proceeding as provided in § 61-3E(3)(c) and, if there is reason to believe the dog is a dangerous dog, the officer shall be empowered to forthwith commence such proceeding himself.
    - (c) Any person may, and any dog control officer may, make a complaint under oath or affirmation to any Municipal Judge or Justice of such attack, chasing or worrying. Thereupon the Judge or Justice shall immediately determine if there is probable cause to believe the dog is a dangerous dog and, if so, shall issue an order to any dog control officer or peace officer, directing such officer to immediately seize such dog and hold the same pending judicial determination as herein provided. Whether or not the Judge or Justice finds there is probable cause for such seizure, he shall, within five days and upon written notice of not less than two days to the owner of the dog, then order the owner of any dog, the control officer or peace officer to destroy the dog immediately or shall order the owner to confine securely such dog permanently or at such time as otherwise specified in the order. If the owner fails to destroy or confine the dog as required by such order, any dog control officer or peace officer shall destroy such dog on or off the premises of the owner.
    - (d) Nothing contained herein shall restrict the rights and powers derived from the provisions of Title 4 of Article 21 of the Public Health Law relating to rabies and any rule and regulation adopted pursuant thereto.
  - (4) Additional prohibitions.
    - (a) Interference with enforcement officer. It shall be unlawful for any person or persons to hinder, molest or interfere with any officer or agent of the township in the performance of any of the provisions of this section.
    - (b) Violation of section. It shall be unlawful for any person to violate any provision of this section whether or not he has any knowledge of or intends any violation of said section.
- E. Impoundment. [Amended 11-23-2010 by L.L. No. 1-2010]
  - (1) The duly appointed dog control officer or any peace officer shall seize and impound any dog found at large in violation of this section. The dog control officer or peace officer shall deliver such dog to a pound or shelter or the Society for the Prevention of Cruelty to Animals and notify the Stony Point Town Clerk of the identity of the owner of the dog if the same can be established. If the dog's owner can be properly identified, then the dog shall be held and maintained for a period of 10 days for redemption or, if it cannot be properly identified, for a period of five days, thereafter it

may be held and offered for adoption for an indefinite period or humanely destroyed at the discretion of the dog control officer.

- (2) The fact that a dog is without a current dog license tag attached to the dog's collar or harness as required by the provisions of this Chapter shall be presumptive evidence that the dog is unlicensed.
- (3) Any person claiming a dog from the pound or shelter of the Society for the Prevention of Cruelty to Animals must produce a license for such dog and pay the cost of confinement in addition to any other fees imposed for such impoundment.

**§ 61-3.1. Defecation on public property; conditions for curbing dogs.** [Added 3-9-2004 by L.L. No. 2-2004]

No person owning, harboring, keeping or in charge of any dog shall cause, suffer or allow such dog to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk or upon any public property whatsoever or upon any private property without the permission of the owner of said property. The restriction in this section shall not apply to that portion of the street lying between the curblines, which shall be used to curb such dog under the following conditions:

- A. The person who so curbs such dog shall immediately remove all feces deposited by such dog by any sanitary method approved by the local health authority.
- B. The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping or in charge of any dog curbed in accordance with the provisions of this chapter in a sanitary manner approved by the local health authority.
- C. Any person walking, accompanying or having a dog in his custody, possession or charge shall have in his possession a device sufficient to remove feces deposited by such dog.

**§ 61-4. Local dog license fees.** [Amended 11-23-2010 by L.L. No. 1-2010]

- A. A local fee of up to \$15 may be charged for each dog license issued by the Town Clerk, and said fee in the Town of Stony Point shall be as set forth in the Town fee schedule as adopted by resolution of the Town Board. (See Appendix Chapter A221). Such charge shall be added to the fee mandated by state law to be collected by the Town Clerk in connection with the issuance of such licenses.
- B.
  - (1) License Required: Any person owning, possessing or harboring a dog four (4) months of age or older in the Town of Stony Point shall obtain a current license for said dog and shall place and keep on such dog a collar to which shall be securely attached a valid identification tag for that dog, in accordance with the requirements of this chapter.
  - (2) At the time of licensing or renewal, a current, valid certificate, indicating that the dog has been vaccinated to prevent the spread of rabies as required herein below, must be provided to the Town Clerk's Office.
  - (3) Term of license and renewals. All licenses issued pursuant to this article, and any renewal thereof, shall expire on the last day of the month of the period for which they are issued, except that no license or renewal shall be issued for a period extending beyond the expiration date of the current rabies certificate for the dog being licensed. In the even an applicant for a license or renewal presents a statement certified by a licensed veterinarian, in lieu of a rabies certificate, then the license or renewal shall be issued for one (1) year from the date of the statement.
- C. Rabies Vaccination Required.
  - (1) Any person owning, possessing or harboring a dog four (4) months of age or older in the Town of Stony Point shall be required to have the dog vaccinated to prevent the spread of rabies.
  - (2) Subsection B(1) shall not apply to dogs brought into the Town for a period not to exceed fifteen (15) days; dogs confined to the premises of an incorporated society devoted to the care of lost, stray or homeless animals; dogs confined to the premises of public or private hospitals devoted to the treatment of sick animals; dogs confined to the premises of educational or research institutions for the purpose of research; or dogs confined to the premises of a persons licensed as a Class A dealer under the Federal Laboratory Animal Welfare Act engaged in the business of breeding or raising dogs for profit.
  - (3) Subsection B(1) shall not apply to any dog whose health would be adversely affected by rabies vaccination, provided that a written statement certified by a duly licensed veterinarian, specifying such condition is presented to and filed with the Town Clerk's Office.
  - (4) Any person owning, possessing or harboring a dog who willfully fails or refuses to submit said dog for vaccination within ten (10) days after a request by an Animal Control Officer, peace officer, police officer, or health officer shall be subject to the penalties provided in this article.
- D. Exemptions.
  - (1) No license is required for any dog under the age of four (4) months and which is not at large, or residing in a pound or shelter maintained by or under contract by the Town of Stony Point, Rockland County or the State of New York, or a duly incorporated society for the prevention of cruelty to animals, or a duly incorporated humane society or duly incorporated dog protective service.
  - (2) No license is required of service dogs as the term is defined in Article 7 of the Agriculture and Markets Law, or successor law. The person owning, possessing or harboring such dog bears the burden of demonstrating to the satisfaction of the Town Clerk that the dog is a service dog and exempt from licensing.



- (3) No license is required of a dog confined to a public or private hospital devoted solely to the treatment of sick animals, or confined for the purposes of research by any college or other educational research institution.
  - (4) The following dogs shall be exempt from the licensing and identification requirements of this Chapter for a period of thirty (30) days: A dog harbored within the Town of Stony Point which is owned by a resident of New York City or licensed by the City of New York, or which is owned by a non-resident of New York State and licensed by a jurisdiction outside the State of New York. Any person owning or harboring such dog must present proof of its license in New York City or other jurisdiction outside New York State.
- E. Application for a License
- (1) Applications for a license or renewal thereof shall be accompanied by a non-refundable processing fee as set forth in the Town fee schedule (see Appendix Chapter A221), which shall not include such additional state fees that the Town Clerk must collect as required by law. An application for a license or renewal shall be in the form prescribed by the Town Clerk and shall provide for the following minimum information:
    - a. The name, residence address and telephone number of each owner; and
    - b. The name, sex, approximate age, breed, color, markings and other identifying details of the dog; and
    - c. State whether the dog has been spayed or neutered; and
    - d. Such other information or documentation deemed necessary by the town Clerk to effectuate the purpose of this chapter.
  - (2) Rabies certification. The application for a license or renewal shall be accompanied by a statement certified by a licensed veterinarian showing that the dog has received the rabies vaccine; or, in lieu thereof, a statement certified by a licensed veterinarian that because of the dog's age or other reason, the life of the dog would be endangered by the administration of the vaccine.
  - (3) In the case of an altered dog, every application shall be accompanied by a certificate signed by a licensed veterinarian or a sworn affidavit signed by the owner in the form acceptable to the Town Clerk showing that the dog has been spayed or neutered, except that such certificate or affidavit is not required if same is already on file with the Town Clerk. In lieu of the spay or neuter certificate an owner may present a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that because of old age or other reason, the life of the dog would be endangered by spaying or neutering. In such case, the license fee for the dog shall be the same as an altered dog.
  - (4) An individual under the age of eighteen (18) years shall not be deemed an owner of record and shall not be issued a dog license.
- F. Issuance of license; identification tag.
- (1) Upon validation by the Town Clerk or authorized dog control officer, a dog license shall be issued and a record of its issuance retained in the office of the Town Clerk. Such record shall be made available upon request to the State Commissioner of Agriculture and Markets, or successor thereof.
  - (2) No licensee shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately notify the Town and apply for a new license for the dog. A license can not be transferred to another dog.
  - (3) Identification tag.
    - a. The Town Clerk shall assign an identification number to a dog when it is first licensed. Such identification number shall be carried by the dog on an identification tag which shall be affixed to the collar of the dog at all times, except that the tag is not required to be worn while the dog is participating in a dog show.
    - b. No tag carrying an identification number shall be affixed to the collar any dog other than the one which the number has been assigned
    - c. Any person wishing to replace a tag previously issued shall pay the sum of three (\$3) dollars to the Town Clerk for a replacement tag.
- G. Change of ownership; lost or stolen dog; death.
- (1) Change in owner or address. In the event of a change in ownership of any dog which has been licensed pursuant to this chapter or change of address of the owner of record of any dog, the owner of record shall, within ten (10) days of the change, file with the Town Clerk a written notification of such change. Such owner of record shall be liable for any violation of this chapter until such filing is made or until the dog is licensed in the name of the new owner.
  - (2) Lost or stolen dog. If any dog which has been licensed is lost or stolen, the owner of record shall, within ten (10) days of discovery of such loss or theft, file with the Town Clerk a written notification of such event. In the case of loss or theft, the owner of record shall not be liable for any violation of this chapter committed after such notification has been made.
  - (3) Death of dog. In case of the death of a licensed dog, the owner of record shall notify the Town Clerk of the dog's death either before or upon receipt of a renewal notice from the Town Clerk.

**§ 61-5. Penalties for offenses.**

Any violation of this chapter shall be punishable as follows:

- A. Up to \$250 or by imprisonment not to exceed 15 days, or both, for the first offense.

- B. Up to \$500 or by imprisonment not to exceed 15 days, or both, for the second offense.
- C. Up to \$1,000 or by imprisonment not to exceed 15 days, or both, for a third and subsequent offenses.

**§ 61-6. Enforcement.**

- A. This chapter shall be enforced by a Dog Control Officer, the Stony Point Police Department or anyone else who shall be appointed by the Town Board to serve at the will of the Town Board and shall be paid such compensation as duly fixed for such services plus expenses, not exceeding, however, the amounts set forth in the budget therefor. Such Dog Control Officer shall have all the powers of a constable or other peace officer in enforcing this chapter and the applicable provisions of the Agriculture and Markets Law.
- B. The Town Board may also enforce obedience to this chapter by injunction.

**AMENDMENT TO FEE SCHEDULE A221-1**

**Chapter 61, Animals [Amended 5-9-2006 by L.L. No. 3-2006; 11-23-2010 by L.L. No. 1-2010]**

§ 61-4	Town dog license fee ( <i>fees do not include mandatory state surcharge</i> )	\$6.00
	Altered Dog	\$12.00
	Unaltered Dog	\$3.00
	Replacement ID Tag	

**Public Hearing – Ambulance Corp – Text Amendment**

The following public hearing notice was published:

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held by the Town Board of the Town of Stony Point, Rockland County, New York, on November 23, 2010 at 7:00 P.M. at Rho Building, 5 Clubhouse Lane, Stony Point, New York for the following matter.

The Town Board for the Town of Stony Point is considering a Local Law to add a new Chapter to the Town Code under the Table of General Use Requirements: Part II: Nonresidential Districts, B.U. District by adding "Uses Permitted by Right" under Column B to add "Use Permitted by Right No. 7 for Ambulance Facilities" as well as other related changes pursuant to Municipal Home Rule Law Section 10 et. seq. Since revisions to the draft Local Law have been made, this additional Public Hearing is being scheduled.

The full text of the proposed Law is on file in the Town Clerk's Office, 74 East Main Street, Stony Point, New York, and may be obtained by any interested parties from 9:00 AM to 5:00 PM, Monday through Friday.

By Order of the Town Board dated Oct 26, 2010, Joan Skinner, Town Clerk, Nov. 11, 2010.

Supervisor Sherwood stated that the Town Planner has suggested that we refer the proposed text of the zone change to the Stony Point Planning Board for their formal recommendation and to the Rockland County Planning Board for their review. He indicated that he would open the public hearing tonight since it was noticed and would like to continue it on Dec. 14, 2010.

**Public Hearing was opened at 8:58 pm**

**Public Input**

Charles Davis, Esq. spoke on behalf of the Ambulance Corp. indicating that they support the recommendations from Town Planner and indicated that the Stony Point Planning Board is the lead agency for SEQRA.

**Action**

A motion was made by Councilman Vicari, seconded by Councilman Finn and unanimously **carried** by a voice vote to continue the public hearing on December 14, 2010, and to refer the text change to the Stony Point Planning Board and the Rockland County Planning Board for their recommendations and review.

**Permits – Engineering Department**

Discussion between the Town Board and the Town Engineer regarding the possibility of issuing permits for filling, grading and tree removal. Special Council was asked to review this possibility.

**Bid - Senior Bus Transportation**

A motion was made by Councilman White, seconded by Councilman Finn and unanimously **carried** by a voice vote award the bid for Senior Bus Transportation for 2011 to J&R Tours in the amount of \$17, 095.00.

**Use of Kirkbride hall – Wayne Hose Company**

A motion was made by Councilman Finn, seconded by Councilwoman Konopko and unanimously **carried** by a voice vote to approve Wayne Hose Company’s request for the use of Kirkbride Hall, September 6-8, 2012 for the purpose of the 2012 Rockland County Volunteers Fireman’s Association Convention.

**Wayne Hose Company – Waiver of Fee**

A motion was made by Councilman White, seconded by Councilman Finn and unanimously **carried** by voice vote to waive the Christmas Tree Permit fee for Wayne Hose Company #1.

**Boy Scout Troup 10 – Waiver of Fee**

A motion was made by Councilman White, seconded by Councilman Finn and unanimously **carried** by voice vote to waive the Christmas Tree Permit fee for Boy Scout Troup 10.

**Rockland County Multi-Jurisdictional Hazard Mitigation Plan**

A motion was made by Councilman Finn, seconded by Councilman White and unanimously **carried** by a voice vote as follows:

**RESOLUTION - ROCKLAND COUNTY  
MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

WHEREAS, the Disaster Mitigation Act of 2000 (DMA 2000) (P.L. 106-390) provides an opportunity for States, Tribes, and local governments to take a new and revitalized approach to mitigation planning; and

WHEREAS, DMA 2000 amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Act) by repealing the previous Mitigation Planning section and emphasizes the need for State, Tribal, and local entities to closely coordinate mitigation planning and implementation efforts; and

WHEREAS, the Town of Stony Point, in partnership with the County of Rockland and with the assistance of U.R.S. Corporation, has gathered information and prepared the Rockland County Multi-Jurisdictional Hazard Mitigation Plan; and

WHEREAS, the Rockland County Multi-Jurisdictional Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Town of Stony Point has made the plan available to the public for input on the Plan and the actions in the Plan; and

WHEREAS, the Town of Stony Point has reviewed the Plan and affirms that sections pertaining to the Town will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED that the Town of Stony Point adopts the Rockland County Multi-Jurisdictional Hazard Mitigation Plan as this jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

This Resolution will take effect immediately.

**Planning Board Appointment**

A motion was made by Councilman Vicari, seconded by Councilman Finn and **carried** by a voice vote, with one abstention, to re-appoint Gladys Callaghan to the Stony Point Planning Board to another seven year term to end in 2017.

**Agreement-Rockland County Solid Waste Management – Decanter Centrifuge**

A motion was made by Councilman White, seconded by Councilman Finn and unanimously **carried** by a voice vote to adopt the following resolution:

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH THE ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY REGARDING THE OWNERSHIP AND

OPERATION OF A DECANter CENTRIFUGE FOR THE STONY POINT  
WASTEWATER TREATMENT PLANT.

**WHEREAS**, the Town of Stony Point ("Town") provides sludge to the Rockland County Solid Waste Management Authority's (the "Authority") cocomposting facility, is planning to upgrade the Stony Point Wastewater Treatment Plant (the "Plant"), including its sludge management and dewatering processes, through the purchase of a decanter centrifuge (the "Equipment"); and

**WHEREAS**, such upgrade to the Plant is believed to be of benefit to the Authority's cocomposting facility because further dewatering of sewage sludge can increase the sludge processing capacity of the cocomposting operation by requiring less wood amendment; and

**WHEREAS**, greater dewatering of sewage sludge at the Plant creates greater efficiencies by minimizing the amount of sludge requiring transport to and processing at the Authority's cocomposting facility; and

**WHEREAS**, the Authority desires to acquire a partial ownership interest in the Equipment in the amount of \$47,277.00, which is submitted as the present value of the total benefit due to reduction in sludge generation, and in consideration of the Town maintaining said asset for the benefit of the Authority; and

**WHEREAS**, the Town submits that its best interest will be served by the execution of an agreement specifying the respective rights of the parties and obligations relating to the ownership and operation of the Equipment (the "Intermunicipal Agreement"); and

**NOW THEREFORE**, it is resolved by the Town Board as follows:

Section 1. The Town Board authorizes the Supervisor to enter into the Intermunicipal Agreement on behalf of the Town of Stony Point with the Rockland County Solid Waste Management Authority regarding the ownership and operation of the Decanter Centrifuge for the Town's Wastewater Treatment Plant, subject to the approval of Deputy Special Counsel Elizabeth Verrier.

Section 2. The Supervisor is authorized to take all necessary and appropriate actions to effectuate the purpose of the Intermunicipal Agreement.

Section 3. There are no other conditions, limitations or restrictions on this resolution.

This Resolution will take effect immediately.

**Retirement Incentive Plan**

A motion was made by Councilman Finn, seconded by Councilwoman Konopko and unanimously **carried** by a voice vote to adopt the following resolution (subject to changes that the Board may make during executive session):

**RESOLUTION RETIREMENT INCENTIVE PLAN**

**WHEREAS**, the Town of Stony Point has determined that ever-increasing costs necessitate an effort to consider a range of possibilities for reducing Town expenditures; and

**WHEREAS**, the Town has determined that a retirement incentive plan for Town employees is in the best interests of the Town:

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Stony Point hereby approves the 2010 Voluntary Retirement Incentive Plan of the Town of Stony Point ("Plan") in the form attached hereto. Participation in the Plan is conditioned on the eligible employee meeting the election time period requirements and other conditions and requirements of attached Plan, and be it further

**RESOLVED**, that the Plan shall expire on April 30, 2011 for and purposes and shall be a one-time measure with no precedential effect, and be it further

**RESOLVED**, that the undersigned, being all of the members of the Town Board of the Town of Stony Point, hereby approve, adopt and confirm the passage of the Plan in the form attached hereto; and be it further

**RESOLVED**, that the Town Supervisor is hereby authorized to take such action as necessary to carry out and implement the Plan.

*Councilman Finn, Councilman Vicari, Councilwoman Konopko, Councilman White, Supervisor Sherwood*

Councilman Finn and Councilwoman Konopko both spoke regarding the 2011 Budget vote on November 22, 2010.

**Executive Session**

At 8:47 pm a motion was made by Councilwoman Konopko, seconded by Councilman Finn and unanimously **carried** by a voice vote to adjourn into executive session for legal update and personnel matters.

**Adjourn**

The November 23 2010 Stony Point Town Board meeting was adjourned at 10:35 pm.

Respectfully submitted,

Joan Skinner  
Town Clerk