

**STONY POINT TOWN BOARD MEETING – FEBRUARY 28, 2012**

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, February 28, 2012 at 7:00 pm at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, NY. Supervisor Geoffrey Finn called the meeting to order and led the group in the Pledge of Allegiance. Town Clerk, Joan Skinner, called the following roll:

PRESENT: Mr. Karl Javenes Councilman  
Mr. James McDonnell Councilman  
Mr. James White Councilman  
Ms. Luanne Konopko Councilwoman  
Mr. Geoffrey Finn Supervisor

ABSENT: None

**PUBLIC INPUT**

Maryellen Gonyea – Crickettown Rd. spoke regarding opening the road to accommodate new utility services for her son’s house on Crickettown Road.

George Potanovic – Old Gate Hill Rd. spoke regarding the scheduled public hearing for United Water’s proposed de-sal plant in Haverstraw and trees that were cut down on the Letchworth campus.

Susan Filgueras, Mott Farm Rd, Tomkins Cove spoke regarding the Stony Point Historical Society and the Champlain Hudson Power Express Project.

**PURCHASE ORDER REQUEST**

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

Parks Dept. PO#2397	Ben Veltidi	\$8,400.00
Golf Course Maintenance PO#2362	LaCortte Equipment	\$2,672.79
Golf Course Clubhouse PO#2395	Acushnet Company	\$6,480.00
Sewer PO#2369	Slack Chemical Co. Inc.	\$1,634.70

**AUDIT OF BILLS** - None

**MINUTES** – None

**POLICE DEPARTMENT REPORT/BUSINESS**

Chief Brian Moore reported on:

- Creation of a North Rockland Law Enforcement Explorer Post
- Attempting to resurrect the Stony Point PAL
- Currently doing background checks on potential police officer candidates

**ECONOMIC DEVELOPMENT COMMITTEE**

Councilwoman Konopko read the following report:

- EPA’s funding for the Sustainable Communities Program has been cut
  - Stony Point’s grant is not affected

- Brownfield's Opportunity Areas sub-committee will be working on the application due at the end of March
- Rockland Riverfront Communities Council will meet on 3/1/12
  - Representative from Stony Point is needed for this meeting

### **SUPERVISOR'S REPORT**

Supervisor Finn announced:

- The Recreation Dept's. Bagels with the Bunny at Kirkbride Hall-April 7<sup>th</sup> at 10 am

### **GOLF COURSE REPORT**

Director of Golf Dave Fusco announced that the golf course will open on March 7, 2012, weather permitting.

### **Ambulance Report** – None

Jim White spoke regarding the loan process between the Ambulance Corp and Provident Bank and expressed concern regarding the compensating balances and additional fee clauses.

### **DEPARTMENTAL REPORTS** – None

### **CORRESPONDENCE** – None

### **PRESENTATIONS:**

- Supervisor Finn recognized Councilman James McDonnell for his twenty-five years of service to the Stony Point Zoning Board of Appeals, eleven of which he served as chairman of the group, and presented him with an inscribed desk clock to commemorate the occasion.
- Supervisor Finn presented certificates to the following members of the Stony Point Seals for their unending charitable efforts in the Town: Marge Adaime, Laurie Bryceland, Chris Bryceland, Ann Marie Corcoran, John Corcoran, Marjory Fox, John Fox, Patricia Lydon, Michael Lydon, Elizabeth Possell, Loraine Rizzi, Frank Rizzi, Barbara Matone.
  - John Fox thanked the Town for the recognition.

### **ADA COMPLIANT POOL LIFT**

A motion was made by Councilman White, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to authorize purchase of an ADA compliant pool lift at a price of \$3,149.00.

Supervisor Finn announced that Inserra Supermarkets donated a total of \$10,000 to the Town of Stony Point to purchase this lift and to also pay for the summer concert series.

### **2012 SUMMER PLAYGROUND PROGRAM**

A motion was made by Councilman White, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to approve four two-week sessions at \$100.00 per session for the 2012 Summer Playground Program.

### **RECREATION – CIRCUS BUS TRIP**

A motion was made by Councilwoman Konopko, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to approve a bus trip on March 9<sup>th</sup> for the 10:30 show at Izod Center for the Ringling Brothers & Barnum and Bailey Circus.

### **ROSE MEMORIAL LIBRARY – BUILDING PERMIT FEE**

A motion was made by Councilman White, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to approve a refund of \$485 for the building permit fee for Rose Memorial Library.

### **PLANNING CONSULTANT SERVICES**

A motion was made by Councilwoman Konopko, seconded by Supervisor Finn and **unanimously carried** by a voice vote of those board members present to approve the following resolution:

### **RESOLUTION AUTHORIZING HIRING OF TOWN PROFESSIONAL PLANNING CONSULTANT**

**WHEREAS**, the Town Board has determined that it wishes to enter an Agreement with TURNER MILLER GROUP to provide its general planning and development services; and

**WHEREAS**, a proposal was received by the Town Board, in which the proposed services and fee structure are outlined; and

**WHEREAS**, the Town Board deems it necessary to secure professional planning and development services;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Stony Point as follows:

**RESOLVED**, that the Town Supervisor is authorized to execute an agreement with TURNER MILLER GROUP in a form approved by the Town's Special Counsel;

**BE IT FURTHER RESOLVED** that Special Counsel is hereby authorized and directed to take any and all necessary steps to terminate the Agreement between the Town of Stony Point and Planner Robert Geneslaw Co. in compliance with the provisions of such agreement.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

### **BROWNFIELD OPPORTUNITY AREAS PROGRAM**

A motion was made by Supervisor Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to request a proposal from the Turner Miller Group to assist in preparing the Brownfield Opportunity Areas Program application.

### **ADVERTISE FOR BIDS**

A motion was made by Councilman White, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present to authorize the Town Clerk to advertise for bids for fertilizers and pesticides for the Golf Course 2012 season.

### **GOLF COURSE MAINTENANCE – PURCHASE MACHINERY**

A motion was made by Councilman White, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to approve the purchase of a utility trailer in the amount of \$1,611.11 from Lowes, the lower of the two quotes obtained (Lowes and Tractor Supply of Chester).

### **GOLF COURSE MAINTENANCE – PURCHASE MACHINERY**

A motion was made by Councilman White, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to approve the purchase of a turf blower in the amount of \$6,478.98 from Storr Tractor Company, the lowest of the three quotes obtained (Storr Tractor Company, Grassland and Turf Products Corp.)

### **GOLF COURSE OPERATIONS – RE-HIRE SEASONAL WORKERS**

A motion was made by Councilman White, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to re-hire employees for the 2012 golf season as submitted and on file in the Town Clerk's office for the following positions; Starters, Cart Attendants/Range, Pro Shop, and Rangers all at a 2% increase in salary.

### **GOLF COURSE – COSTCO GIFT CARD AGREEMENT**

A motion was made by Councilman White, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to authorize the

Town of Stony Point to enter into a Costco Gift Card Agreement for the Patriot Hills Golf Course, subject to approval of Special Counsel.

#### **CHANGE ORDERS – 15 DUNDERBERG & 32 PYNGYP**

A motion was made by Councilman White, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to approve the following change orders as presented by Kevin Maher Town Engineer:

- Ditch Cleaning Project - Dunderberg Rd - The contractor, Innovative Construction, will be removing the headwall on the 15" drain line running through #15 Dunderberg Rd. and installing a catch basin on the line to control the overflow of water into that property in the amount of \$2,000.
- Drainage Project between Hole #6 (Golf Course) and #32 Pyngyp Rd – The contractor, Innovative Construction, will install additional inlets on the storm drain line running through the rear sideline of #32 Pyngyp Rd which will make maintenance easier in the amount of \$1,800.

#### **RETIREMENT RESERVE FOR 2011**

A motion was made by Councilwoman Konopko, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to authorize the finance director to utilize the \$13,640.67 in the retirement reserve to reduce the retirement expenses for 2011 police retirements.

#### **SURVEY OF ROADS-LETCHWORTH CAMPUS**

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

#### **AUTHORIZING THE SUPERINTENDENT OF HIGHWAYS TO OBTAIN WRITTEN QUOTES – SURVEY WORK FOR HIGHWAY DEDICATION**

**WHEREAS**, the Town of Stony Point owns and maintains the roadways known as Fernald Drive, Patriot Hills Drive and Clubhouse Lane, all located within the Patriot Hills complex, and

**WHEREAS**, these roadways have not been previously dedicated as public highways, and

**WHEREAS**, in order for the Town of Stony Point to receive CHIPS (Consolidated Highway Improvement Program) monies for these roadways it is necessary that these roadways be dedicated or public highways, and

**WHEREAS**, in order to dedicate these highways, it is necessary to obtain a current survey of the roads, now, therefore, be it

**RESOLVED** that the Town Board hereby authorizes the Superintendent of Highways to obtain written quotes for the necessary survey work to be done so that the three roadways can be dedicated.

#### **SUMMER DAY CAMP PROGRAM**

A motion was made by Supervisor Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to change the Summer Day Camp registration age to include six (6) years olds who have **not** completed first grade.

#### **NYS TOWN CLERK'S ASSOCIATION**

A motion was made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to authorize the Town Clerk's attendance at the 2012 NYS Town Clerk's Association Conference in Saratoga Springs, NY.

#### **BID – SURVEY SERVICES – DUNDERBERG ESTATES**

This item was tabled to enable the Town Engineer to review the bids further.

#### **SEWER DEPT – CONCRETE WORK**

A motion was made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to accept the February 2<sup>nd</sup> proposal from JJJ Concrete Corp to place a concrete generator pad at the Sewer Dept at a cost of \$4,120.

### **LEGAL SERVICES**

A motion was made by Councilman White, seconded by Councilman McDonnell and **carried** by a voice vote of those board members present (Councilman Konopko voted nay) to adopt the following resolution:

#### RESOLUTION REGARDING CONTINUED SERVICES OF SPECIAL COUNSEL FEERICK LYNCH MacCARTNEY PLLC

WHEREAS, the needs of the Town of Stony Point, New York (the "Town") for experienced municipal attorneys in various aspects of municipal matters has grown as the Town has grown in size and concomitant complexity of legal issues involving the Town;

WHEREAS, having experienced municipal counsel with the capability of servicing the complex and various needs of the Town in legal matters is important for the best interests of the Town Board and its taxpayers;

WHEREAS, by Resolution dated January 3, 2006, the Town employed the services of Feerick Lynch MacCartney PLLC as Special Counsel for the Town in certain matters;

WHEREAS, by Resolution on January 2, 2008, Feerick Lynch MacCartney LLP (the "Firm") was reappointed and continued as Special Counsel for the Town by unanimous vote; and

WHEREAS, by Resolution on March 9, 2010, the Firm was reappointed and continued as Special Counsel for the Town; and

WHEREAS, the scope of services has been changed from time to time by direction of the Town Board and the Town Supervisor;

WHEREAS, the Town Board for the Town of Stony Point ("Town Board") wishes to identify and confirm the scope of services for which the Firm has been retained to perform;

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

Section 1. For the monthly retainer payment in the amount of Nine Thousand Five Hundred (\$9,500) Dollars per month the Firm shall perform the following services:

- (a) Draft all Town Board Resolutions;
- (b) Prepare and/or review Town Public Notices;
- (c) Telephone and other conferences with as well as the provisions of legal advice to the Town Supervisor;
- (d) Consultation with and provision of legal advice to Town Council Members regarding Town Matters;
- (e) Consultation with and provision of legal advice to Town Engineer regarding Town Matters;
- (f) Consultation with and provision of legal advice to Town Highway Superintendent regarding Town Matters;
- (g) Consultation with and provision of legal advice to Town Building Inspector regarding Town Matters;

- (h) Consultation with and provision of legal advice to Town Zoning Board of Appeals Chairman regarding Town Matters;
- (i) Consultation with and provision of legal advice to Town Planning Board Chairman regarding Town Matters;
- (j) Consultation with and provision of legal advice to Town Assessor regarding Town Matters;
- (k) Consultation with and provision of legal advice to Town Finance Director regarding Town Matters;
- (l) Consultation with and provision of legal advice to Town Clerk regarding Town Matters;
- (m) Consultation with and provision of legal advice to Town Tax Collector regarding Town Matters and all other Department heads and all Board Chairpersons;
- (n) Receipt and review of Town Code changes;
- (o) Receipt and review of Town Public Bid Proposals;
- (p) Receipt and review of Town Public Bid responses from proposed vendors;
- (q) Receipt and review of correspondences and communications to and from Town Board;
- (r) Receipt and review of correspondences and communications to and from Town Zoning Board of Appeals;
- (s) Receipt and review of correspondences and communications to and from Town Planning Board;
- (t) Preparation for and appearance at Town Board Regular Meetings;
- (u) Preparation for and appearance at Town Board Workshop Meetings;
- (v) Preparation for and appearance at Town Zoning Board of Appeals Meetings;
- (w) Preparation for and appearance at Town Planning Board Meetings;
- (x) Preparation for and appearance at Town Technical Advisory Committee Meetings;
- (y) Preparation for and appearance at required meetings as directed by Town Supervisor;
- (z) Preparation for and appearance at required Police Commission meetings;
- (aa) Review and receipt of correspondence and communications to contracting entities or agents with Town;
- (bb) Review and receipt of correspondence and communications regarding Police Commission matters;
- (cc) Monitor and review of communications with Town and insurance counsel defending Town on litigation covered by insurance policies;
- (dd) Review and legal advice regarding any Freedom of Information Law and Open Meetings Law issues;
- (ee) Draft and dissemination of Requests for Qualifications and Requests for Proposals;
- (ff) Draft and other preparation of internal procedures for Town Officials regarding legal issues for road dedications, street opening permit procedures and other permit requirements;
- (gg) Draft and revise Planning Board Decisions;
- (hh) Draft and revise Zoning Board of Appeals Decisions;
- (ii) Draft and revise new Town Code provisions;
- (jj) Draft and revise new Local Laws;
- (kk) Legal research regarding Town laws, Codes, rules and regulations;
- (ll) Draft of opinion letters regarding Town laws, Codes, rules and regulations; and
- (mm) Labor negotiations for the Stony Point PBA.
- (nn) Receipt and review of Notices of Claim against Town.
- (oo) Labor Relations services up to and including Mediation;
- (pp) Review of all Article 78 proceedings and negotiation of Stipulation of Settlement.

Section 2. Excluded from the regular retainer scope of duties as referenced in Section 1 herein are the following legal services that the Firm shall provide to the Town and be compensated at the municipal hourly rate of \$250 per hour plus all disbursements which service shall be paid in addition to the monthly retainer payment set forth in Section 1 of this Resolution:

- (a) All labor relations matters involving PERB or binding arbitration;

- (b) All matters not set forth in Section 1 of this Resolution.
- (c) All services for the "Tax Shift" issues as previously approved by the Town Board.

Section 3. This Resolution shall take effective immediately.

### **CLOSING**

**The Board, lead by Councilwoman Konopko, closed the February 28<sup>th</sup> Town Board meeting in loving memory of Paul Coté; a member of the Stony Point community who passed away recently after a very brief illness. Paul's presence at our Town Board meetings will be missed.**

### **EXECUTIVE SESSION**

A motion was made by Councilman McDonnell, seconded by Supervisor Finn and **unanimously carried** by a voice vote of all board members present to adjourn into executive session for the purpose of discussing PBA and CSEA negotiations at 8:07 pm.

### **ADJOURN**

A motion was made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of all board members present to adjourn the January 24, 2012 Stony Point Town Board meeting at 9:30 pm.

Respectfully submitted,

Joan Skinner  
Town Clerk