

STONY POINT TOWN BOARD MEETING – APRIL 23, 2013

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, April 23, 2013 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

Laurie Cozza – Wayne Ave. spoke about the Champlain Hudson Power Express.

Benjamin Reid, Director of Rose Memorial Library spoke regarding upcoming programs at the Library and thanked Larry Brissing Superintendent of Highways and the Highway Department for removing a tree in the municipal parking lot.

Timothy Waldron spoke regarding the Master Plan, proposed desal plant, Indian Point nuclear plant and re-inspection of his mother's home in BaMar.

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 order:

Highway Department:		
PO#2491	Edward Ehrbar Inc.	\$25,500.00

AUDIT OF BILLS - None

MINUTES

A motion was made by Councilman White, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present to approve the minutes of March 19, 2013 and April 9, 2013.

POLICE DEPARTMENT REPORT/BUSINESS

CONTRACT – COUNTY OF ROCKLAND – OVERTIME TRAINING STATE

HOMELAND SECURITY 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 authorize execution of a contract between the County of Rockland and the Town of Stony Point for reimbursement in the amount of \$7,774.32 for overtime counter-terrorism training for the term of August 1, 2009 through July 31, 2010.

ECONOMIC DEVELOPMENT COMMITTEE

Councilwoman Konopko gave the following update:

- Met with Hudson Valley Marine Trades Association together with Assemblyman Skoufis, Assemblyman Zabrowski and Senator Larkin's Office
 - Some members of the Association belong to the waterfront community here and were glad to receive information regarding what relief is available
- Newsletter – sponsorship has fallen through
 - Will be appealing to the community

SUPERVISOR'S REPORT

Supervisor Finn spoke on the following:

- Supervisor's car is averaging 102 miles per gallon
- Lovett Property – possibility of a gas burning plant
- Face Book – speaking about assessments on homes damaged by storm
 - 43 homes affected – assessments have been lowered on an average of 40%
 - Doing everything possible to help everyone return to their homes as quickly as possible
- Rt. 9W/Main Street Intersection – work is progressing
- Presentation – presented Lenard Conklin with a plaque in honor of his retirement from the Town with 13 years of service
- Presentation – presented Chief Joe Robinson, First Assistant Chief Kevin Husslinger and Second Assistant Chief Curt Wicks with service bars for the members of Wayne Hose Company No. 1 for their outstanding work during Hurricane Sandy.

GOLF COURSE REPORT – None

AMBULANCE REPORT – None

ASSESSOR'S REPORT - None

DEPARTMENTAL REPORTS – None

CORRESPONDENCE - None

CONTINUED PUBLIC HEARING – MASTER PLAN

A motion was made by Councilwoman Konopko, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present to set a Workshop Meeting on the Master Plan for Tuesday, May 7, 2013 at 7 pm.

SET DAY CAMP FEES

A motion was made by Councilwoman Konopko, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to set the 2013 Day Camp Fees as follows: 1st child-\$250, 2nd child-\$150, 3rd child-\$100, 4th or more- \$50.

ADVERTISE FOR BIDS – TRANSPORTATION 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 authorize the Town Clerk to advertise for bids for bus transportation for the day camp program for 2013.

SET PLAYGROUND PROGRAM FEES AND HOURS

A motion was made by Supervisor Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to set the Playground Program fees and hours as follows:

- Program will run from 10:00 – 1:30 daily Monday – Friday for six weeks commencing July 8th and ending August 16th.
- Resident Fee - \$50 per week per child
- Non-Resident Fee - \$75 per week per child
 - In order to obtain an accurate head count for counselors, all registration fees will be collected prior to the beginning of camp. Late registrations will not be accepted.

SET POOL FEES

A motion was made by Councilwoman Konopko, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of all board members present to approve the following fees and hours for the town pool:

Hours of Operation: 11am – 7pm (weather permitting)
Registration Card - \$5.00 for town residents (per person)
Guest Pass: \$10.00 for non-resident accompanied by resident
Sr. Guest Pass: \$5.00 for non-resident accompanied by resident
Seniors – Free for town residents

RECREATION FACILITY ATTENDANT

A motion was made by Supervisor Finn, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present to approve Steve Wooley being named Head Recreation Facility Attendant at \$14.00 per hour. Mr. Wooley will be in charge of the park guard team, including scheduling of the guards.

RE-HIRE RECREATION FACILITY ATTENDANTS

A motion was made by Supervisor Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of all board members present to approve hiring seven (7) Recreation Facility Attendants (Park Guards):

Charles Palmer	@	\$10.08 per hour
Joseph Dibble	@	\$ 9.69 per hour
Vincent Lafalgio	@	\$ 9.50 per hour
Anthony Riello	@	\$10.08 per hour
Joe Schassler	@	\$10.40 per hour
William Frontino,	@	\$ 9.69 per hour
Michael Hayes	@	\$10.49 per hour

SET PUBLIC HEARING – BHS ASSOCIATES- SPECIAL USE PERMIT

A motion was made by Supervisor Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to set a public hearing on the Special Use Permit for BHS Associates for May 14, 2013 at 7:00 pm at Rho Building.

CENTURION TELEPHONE CONTRACTS

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 contracts for telephone service and maintenance at Town Hall for \$800.00 per year; Stony Point Police Department for \$900.00 per year; and Justice Court for \$700.00 per year.

ADVERTISE FOR BIDS – ROADWAY RESTORATION AND RESURFACING PROJECTS

A motion was made by Supervisor Finn, 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 2013 Roadway Restoration and Resurfacing Projects for the Highway Dept.

RETIREMENT PAYOUT

A motion was made by Councilman McDonnell, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to authorize a retirement payout of \$5,661.56 to John O'Shaugnessy for the remainder of his vacation time.

LANDSCAPE MAINTENANCE CONTRACT – PATRIOT HILLS CLUBHOUSE

A motion was made by Supervisor Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to accept the quote from Ferguson Landscape & Construction for landscape maintenance at the Patriot Hills Clubhouse for two years; year one at a cost of \$7,100 and year two at \$7,250.

GOLF COURSE OPERATIONS – NEW EMPLOYEES

A motion was made by Supervisor Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to hire Michael Bennis, Vincent Greco, Thomas Bahrs, Colin Priest, Ed Murray and Bruce Cloer as Cart Attendants/Rangers at the Patriot Hills Golf Course at \$7.60 per hour.

USE OF COMMUTER LOT

A motion was made by Councilman Javenes, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to approve the request of the Ladies Auxiliary Italian American Social Club to use the Stony Point commuter lot for a Tag/Boutique Sale on Saturday June 1, 2013 with a rain date of Sunday June 2, 2013.

2013 STORMWATER II EDUCATION PROGRAM AGREEMENT

A motion was made by Supervisor Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to authorize Supervisor Finn to execute the 2013 Stormwater II Education Program Agreement with Cornell University Cooperative Extension, once the agreement is reviewed by Special Counsel.

TOUR DE CURE BICYCLE RIDE

A motion was made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to respond to the American Diabetes Association's request to travel through the Town of Stony Point on their annual Tour de Cure bike ride. Pursuant to the information received, they will not be using Lowland Park as a rest stop.

REFUND – LIEU OF LANDS MONIES

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 a refund of \$4,500 to each of the following properties due to an overcharge of monies in lieu of land for the properties; Smith Farm Builders, Inc. for 6 Stacy Ct. (19.01-3-15) and Menna Building Corp. for 16 Brayfield Ct. (19.01-3-6).

EQUIPMENT BOND RESOLUTION

The following resolution was offered by Supervisor Finn, who moved its adoption, seconded by Councilman McDonnell, to-wit:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF \$288,755.55 IN SERIAL BONDS OF THE TOWN TO FINANCE VARIOUS PUBLIC IMPROVEMENTS AND PURPOSES

WHEREAS, the Town Board of the Town of Stony Point (the "Town") proposes to authorize the issuance of \$288,755.55 in serial bonds of the Town to finance various public improvements and purposes, as described herein; and

WHEREAS, each of such public improvements and purposes constitutes a "Type II" action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, "SEQRA") and therefore no further action need be taken by the Town Board under SEQRA as a pre-condition to the adoption of this resolution; and

WHEREAS, the Town Board of the Town now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds or bond anticipation notes to finance said appropriation.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to undertake the acquisition of items of machinery and equipment for use by the Town's Parks Department, consisting of one excavator and one replacement lawn mower and to issue up to \$63,950 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost thereof. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$63,950, said amount is hereby appropriated therefore, and the plan for the financing thereof shall consist of the issuance of \$63,950 in serial bonds of the Town authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is fifteen (15) years, pursuant to subdivision a.28. of Section 11.00 of the Law.

SECTION 2. The Town is hereby authorized to undertake the acquisition and installation of a heating system to be installed at the Town's Rho Building, and to issue up to \$34,860 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Law to finance the estimated cost thereof. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$34,860, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of the issuance of the \$34,860 in serial bonds of the Town authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is five (5) years, pursuant to subdivision a.13. of Section 11.00 of the Law.

SECTION 3. The Town is hereby authorized to undertake the acquisition of one replacement vehicle for use by the Town's Police Department and to issue up to \$27,182.55 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Law to finance the estimated cost thereof. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$27,182.55, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of the issuance of the \$27,182.55 in serial bonds of the Town authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is three (3) years, pursuant to subdivision a.77(first) of Section 11.00 of the Law.

SECTION 4. The Town is hereby authorized to undertake the acquisition of items of machinery and equipment for use by the Town's Highway Department, consisting of one pick-up truck, one trailer and one dump truck with snow plow attachment, and to issue up to \$108,175 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Law to finance the estimated cost thereof. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$108,175, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of the issuance of the \$108,175 in serial bonds of the Town authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision a.28 of Section 11.00 of the Law.

SECTION 5. The Town is hereby authorized to undertake the acquisition of equipment for use at the Town's municipal golf course, consisting of one replacement lawn mower and a public announcement system and to issue up to \$54,588 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Law to finance the estimated cost thereof. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is

\$54,588, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of the issuance of the \$54,588 in serial bonds of the Town authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is five (5) years, pursuant to subdivisions a.28, a.32 and a.89 of Section 11.00 of the Law.

SECTION 6. The final maturity of the bonds herein authorized to be issued shall not be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to Sections 1 through 5 of this resolution.

SECTION 7. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures as part of the projects described herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 8. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 9. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations, and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town (the "Town Supervisor"). Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town.

SECTION 10. The Town Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, 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 to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 11. The Town Supervisor is further authorized to enter into continuing disclosure undertakings with or for the benefit of the initial purchaser of the bonds or

notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

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

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

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

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 14. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, or a summary thereof, in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town (a) for such publication, and (b) for the publication of the notice of sale in connection with any bonds issued pursuant to this resolution.

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

Supervisor Finn	VOTING	Yes
Councilman White	VOTING	Yes
Councilwoman Konopko	VOTING	Yes
Councilman Javenes	VOTING	Yes
Councilman McDonnell	VOTING	Yes

This resolution shall take effect immediately.

EXECUTIVE SESSION

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 into executive session for the purpose of discussing personnel matters at 8:50 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 April 23, 2013 Stony Point Town Board meeting at 8:30pm.

Respectfully submitted,

Joan Skinner – Town Clerk