

STONY POINT TOWN BOARD MEETING – MAY 28, 2013

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, May 28, 2013 at 7:10 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 |
| | Mrs. Luanne Konopko | Councilwoman |
| | Mr. Geoffrey Finn | Supervisor |

ABSENT: None

PUBLIC INPUT

Gerry Garafolo – Grassy Point Rd. spoke about late night noise and live entertainment at the facility next door to him and urged the Town Board not to consider expanding the facility parking lot.

Antonio Serrano – 15 North St. spoke about the parking situation in the area around his home.

George Potanovic – Old Gate Hill Rd. and President of Stony Point Action Committee for the Environment spoke regarding flooding issues at Jessup Ridge West, information to discuss in executive session and our sign law.

Susan Filgueras – Mott Farm Rd. spoke regarding tree cutting, runoff, drainage, CSX line expansion, West Point Power Express and the Ramapo fault line.

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:

| | | |
|---------------------------|------------------|------------|
| <u>Police Department:</u> | | |
| #2471 | Amchar Wholesale | \$6,706.65 |

MINUTES

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 minutes of April 23, 2013 and May 14, 2013.

POLICE DEPARTMENT REPORT/BUSINESS

- **STOP DWI**

A motion was made by Supervisor Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to approve acceptance of \$2,942.13 from the County of Rockland for participation earlier this year in the Rockland County STOP-DWI Program through a Crackdown Enforcement Grant from the NYS Governor's Traffic Safety Committee.

ECONOMIC DEVELOPMENT COMMITTEE

Councilwoman Konopko advised that there is no major sponsor for the newsletter. They will be soliciting local businesses to see if anyone may be interested in becoming a sponsor.

SUPERVISOR'S REPORT

Supervisor Finn spoke on the following:

- Special meeting on June 18, 2013 at 7:00 pm for discussion on the proposed Champlain Hudson Power Express line.
- Thanked everyone for their participation in and for attending the Memorial Day Parade.
- Basic information has been received on West Point Partners, a proposed 80 mile transmission line running from Greene County New York to North Buchanan (Con Ed). More information will be forth coming.
- The Town is always looking for rateables that are friendly to the environment and the taxpayers.
- Old Stop & Shop Shopping Center – work is progressing and other possible tenants are surfacing for this area.

CONTINUED PUBLIC HEARING – MASTER PLAN

Supervisor Finn opened the continuing public hearing.

Max Stach, Town Planner, from the Turner Miller Group briefly reviewed the revised proposed code amendments outlined in his memo dated May 28, 2013. This memo is on file in the Town Clerk's office.

PUBLIC INPUT

Susan Filgueras – Mott Farm Rd asked what will happen to sewer hookup costs for the Town of Stony Point if the proposed desal plant goes through. Joint Regional plant is 40 years old, will it need to be modified, rebuilt, etc.?

Frank Collyer – Knapp Rd. asked if the a PDF version of the maps could also be placed on the website.

PUBLIC HEARING – IMPROVEMENTS TO SEWER DISTRICTS NOS. 1, 2 & 3

The following public hearing notice was duly posted:

Notice of Public Hearing Town of Stony Point – Sewer Districts Nos. 1, 2 and 3

Please take notice that the Town Board of the Town of Stony Point, Rockland County, New York; on behalf of the Town's Sewer District No. 1, Sewer District No. 2 and Sewer District No. 3 (collectively, "Districts"), is considering whether to authorize certain improvements to the Districts, consisting of the following: (i) the rehabilitation and repair of pipe lines to service Sewer District No. 1 and Sewer District No. 2, (ii) the installation of one (1) bare package pump at the main plant to service Sewer District No. 1 and Sewer District No. 2, (iii) the installation of one (1) sonic chlorinator at the main plant to service Sewer District No. 1 and Sewer District No. 2, (iii) the installation of one (1) polymer pump at the main plant to service Sewer District No. 1 and Sewer District No. 2, (iv) the installation of one (1) sump pump at the Beach Road pump station to service Sewer District No. 1 and Sewer District No. 2, (v) the acquisition of one (1) portable three-inch trash pump for use in all of the Districts, and (vi) the acquisition of one (1) pick-up truck for use in all of the Districts (the "Project").

The aggregate estimated maximum cost of the Project is \$93,701, of which the estimated maximum cost allocated to Sewer District No. 1 is \$42,767, the estimated maximum cost allocated to Sewer District No. 2 is \$42,767, and the estimated maximum cost allocated to Sewer District No. 3 is \$8,167.

The Town Board, by resolution dated May 14, 2013, ordered that a public hearing be held at the Rho Building, (Community Room), 5 Clubhouse Lane, Stony Point, New York 10980 on May 28, 2013 at 7:00 p.m. to consider the Project and to hear all persons interested in the subject matter thereof.

Joan Skinner, Town Clerk-Dated: May 14, 2013

ACTION

A motion was made by Supervisor Finn, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present to open this public hearing at 7:55 pm.

PUBLIC INPUT - None

ACTION

A motion was made by Supervisor Finn, seconded by Councilman McDonnell and unanimously carried by a voice vote of those board members present to close this public hearing at 7:57 pm.

ACTION

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF STONY POINT,
ROCKLAND COUNTY, NEW YORK (THE "TOWN") PURSUANT TO SECTION 202-b
OF THE TOWN LAW DECLARING IT IS IN THE PUBLIC INTEREST TO
UNDERTAKE IMPROVEMENTS TO THE TOWN'S SEWER DISTRICTS NOS. 1, 2
AND 3**

WHEREAS, the Town Board of the Town of Stony Point, Rockland County, New York (the "Town"), is considering whether to authorize certain improvements to the Town's Sewer District No. 1 ("District No. 1"), the Town's Sewer District No. 2 ("District No. 2"), and the Town's Sewer District No. 3 ("District No. 3" and, collectively with District No. 1 and District No. 2, the "Districts"), consisting of the following: (i) the rehabilitation and repair of pipe lines to service District No. 1 and District No. 2, (ii) the installation of one (1) bare package pump at the main plant to service District No. 1 and District No. 2, (iii) the installation of one (1) sonic chlorinator at the main plant to service District No. 1 and District No. 2, (iii) the installation of one (1) polymer pump at the main plant to service District No. 1 and District No. 2, (iv) the installation of one (1) sump pump at the Beach Road pump station to service District No. 1 and District No. 2, (v) the acquisition of one (1) portable three-inch trash pump for use in all of the Districts, and (vi) the acquisition of one (1) pick-up truck for use in all of the Districts (the "Project"); and

WHEREAS, by resolution adopted on May 14, 2013, at a regular meeting of the Town Board held on such date, the Town Board directed that a public hearing be held on whether it is in the public interest to undertake the Project at an aggregate estimated maximum cost of \$93,701, of which the estimated maximum cost allocated to District No. 1 is \$42,767, the estimated maximum cost allocated to District No. 2 is \$42,767, and the estimated maximum cost allocated to District No. 3 is \$8,167, and to hear all persons interested in the subject thereof concerning the same on May 28, 2013 at 7:00 p.m. at the Rho Building, (Community Room), 5 Clubhouse Lane, Stony Point, New York 10980; and

WHEREAS, notice of said public hearing certified by the Town Clerk was duly published and posted as required by law, to wit: a duly certified copy thereof was published in the official newspaper of the Town, on May 16, 2013 and a copy of such notice was posted on May 16, 2013 on the signboard maintained by the Town Clerk, and on the Town's website, pursuant to Town Law Section 30(6); and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; and

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK HEREBY RESOLVES, AS FOLLOWS:

SECTION 1. It is hereby determined that the Project 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.

SECTION 2. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake the Project all as hereinabove described at an aggregate estimated maximum cost of \$93,701, of which the estimated maximum cost allocated to District No. 1 is \$42,767, the estimated maximum cost allocated to District No. 2 is \$42,767, and the estimated maximum cost allocated to District No. 3 is \$8,167. The Town is hereby authorized on behalf of the Districts to undertake the Project at such estimated maximum cost, as so allocated among the Districts.

SECTION 3. This order shall take effect immediately.

This resolution shall take effect immediately.

ACTION

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

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING CERTAIN IMPROVEMENTS TO THE TOWN'S SEWER DISTRICTS NOS. 1, 2 AND 3; ESTIMATING THAT THE TOTAL COST THEREOF; APPROPRIATING SAID AMOUNT THEREFORE; AND AUTHORIZING THE ISSUANCE OF UP TO \$93,701 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION

WHEREAS, pursuant to a resolution adopted on May 28, 2013, immediately prior to consideration of this resolution (the "Approval Resolution"), the Town Board (the "Town Board") of the Town of Stony Point (the "Town") determined, in accordance with Section 202-b of the Town Law, it was in the public interest to undertake certain improvements to the Town's Sewer District No. 1 ("District No. 1"), the Town's Sewer District No. 2 ("District No. 2"), and the Town's Sewer District No. 3 ("District No. 3" and, collectively with District No. 1 and District No. 2, the "Districts"), consisting of the following: (i) the rehabilitation and repair of pipe lines to service District No. 1 and District No. 2, (ii) the installation of one (1) bare package pump at the main plant to service District No. 1 and District No. 2, (iii) the installation of one (1) sonic chlorinator at the main plant to service District No. 1 and District No. 2, (iii) the installation of one (1) polymer pump at the main plant to service District No. 1 and District No. 2, (iv) the installation of one (1) sump pump at the Beach Road pump station to service District No. 1 and District No. 2, (v) the acquisition of one (1) portable three-inch trash pump for use in all of the Districts, and (vi) the acquisition of one (1) pick-up truck for use in all of the Districts (the "Project"); and

WHEREAS, the Town Board proposes to authorize the issuance of up to \$93,701 in serial bonds of the Town to finance the Project; and

WHEREAS, pursuant to the Approval Resolution, the Town Board determined that the Project 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 issue up to \$93,701 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of the Project .

SECTION 2. It is hereby determined that the maximum estimated cost of the Project is \$93,701, which cost is being allocated \$42,767 to District No. 1, \$42,767 to District No. 2, and \$8,167 to District No. 3). Said amounts are hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of up to \$93,701 in serial bonds of the Town authorized to be issued pursuant to this section of bond anticipation notes issued in anticipation of such bonds.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is five year (5) years, pursuant to subdivisions a.4, a.29 and a.89. of Section 11.00 of the Law.

SECTION 4. 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 and 2 of this resolution.

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

SECTION 6. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. 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 7. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

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

SECTION 9. The Town Supervisor is 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 10. 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 11. 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 12. The Town Clerk is hereby authorized and directed to cause a copy of this resolution, or summary thereof, to be published in full in the official newspaper of the Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Law.

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

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

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

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

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

This resolution shall take effect immediately.

PRESENTATION - PYNGYP SCHOOL IMPROVEMENTS

Susan Filgueras, President of the Stony Point Historical Society gave a slide presentation depicting the work that has been accomplished with the Pyngyp School renovations and improvements.

HIRE DAY CAMP COUNSELORS

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 list of day camp counselors for the summer of 2013. (Amber Viglione will be the designated lifeguard on water trips and will receive 2% above minimum wage.)

New Counselors: Matthew Bongiardina, Dylan Cirrilla, Jillian Colleluore, Justin Duboff, Alexandra Fischer, Allison Keenan, Amanda Melton, Daniel Morina, Brian Murphy, Tara O'Brien, Countney Tello, Paul Triana, Amber Viglione.

Returning Counselors: Claudia Dentico, Robert Erbetta, Jessica Falcon, Darren Healy, Ashley Kardian, Jessica Kehoe, Nicholas Konicoff, Tara Lisewski, Jaime Lord, Taylor Maracialis, Brian Michella, Taylor Moore, Danny O'Connor, Nicole Pagano, Andrew Raju, Morgan Toscano, Taylor Vippolis, Brianne Wargo.

Recreation Activity Specialist – Karen Lima

Recreation Supervisor – Phil Lima

HIRE PLAYGROUND PROGRAM COUNSELOR

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 Tim Brenner as an additional Summer Playground Program counselor for the 2013 season.

DAY CAMP TRANSPORTATION BID

A motion was made by Councilman McDonnell, seconded by Supervisor Finn and **unanimously carried** by a voice vote of those board members present to award the bid for day camp transportation for 2013 to Haverstraw Transit in the amount of \$40,970.00.

AYERS ROAD DRAINAGE BID

A motion was made by Supervisor Finn, seconded by Councilman White and **unanimously carried** by a voice vote of those board members present to award the bid for Ayres Road Drainage Improvements to Scaffidi's Paving & Drainage in the amount of \$79,840.00.

ROADWAY RESURFACING BID

A motion was made by Supervisor Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to award the bid for 2013 Roadway Resurfacing to Tilcon New York as follows: Milling per sq. yd \$6.25, Tack Coat per sq. yd. \$0.29, Asphalt per ton \$90.90 and Keyway is Asphalt each \$400.00.

SET SPECIAL MEETING

A motion was made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to set a Special Meeting on June 18th at the RHO Building at 7:00PM for discussion on the proposed Champlain Hudson Power Express line.

BUDGET TRANSFERS

A motion was made by Supervisor Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to approve the Director of Finance's request to make budget transfers on a monthly basis as necessary and per auditors' recommendation.

SPEED LIMIT – ROUTE 210

Discussion developed regarding lowering the speed limit along portions of Route 210. Special Counsel will advise as to what the process is.

JESSUP RIDGE WEST

Discussion developed regarding Jessup Ridge West. Dave Zigler of Atzl, Scatassa & Zigler will put together a submission regarding the status of past approvals and current issues on the subject property in anticipation of setting a meeting with Town officials to further discuss this matter.

TWO-ROW WAMPUM TREATY RENEWAL CAMPAIGN

Miriam Rubin and Turtle McDermott from the Stony Point Conference Center spoke to the Board in regard to the Two-Row Wampum Treaty Renewal Campaign. Members of the Campaign will be traveling south on the Hudson River and will need to come ashore at Stony Point for the night of August 5, 2013. They would like to use Clark Park to dock and store their boats. The Stony Point Center will transport them to their facility for the night. It was agreed by the members of the Town Board that the park can be used for this purpose on August 5th upon receipt of a proper certificate of insurance.

NR HIGH SCHOOL GOLF TEAM

A motion was made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to establish a \$15.00 greens fee for any member of the North Rockland High School Golf teams. This fee includes use of a cart but is based upon one person per cart having a valid New York State driver's license. The time slot is based on availability and at the discretion of the pro shop.

ADVERTISE FOR BIDS – HIGHWAY EQUIPMENT

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 go out to bid for a 2014 Ford Mason Dump Truck or substantial

equivalent and a 2014 Ford 4x4 Pickup Truck or substantial equivalent for the Highway Department.

APPLY FOR GRANT

A motion was made by Councilwoman Konopko, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present to authorize Jennifer Lima to apply for a grant for repair and upgrades to freight railway lines in order to prepare for new green industry opportunities within the Town of Stony Point. Authorization is contingent upon legal review of the grant application.

CLOSE MEETING

Supervisor Finn announced that the May 28, 2013 Stony Point Town Board meeting will close in memory of Harriet Loscher, a former Justice Court Clerk for the Town of Stony Point, who recently passed away.

EXECUTIVE SESSION

A motion was made by Supervisor Finn, seconded by Councilman Javenes 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 9:29 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 May 28, 2013 Stony Point Town Board meeting at 10:08pm.

Respectfully submitted,

Joan Skinner – Town Clerk