

**STONY POINT TOWN BOARD MEETING – JUNE 11, 2013**

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, June 11, 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**

Susan Filgueras – Mott Farm Rd. spoke:

- Champlain Hudson Power Express Line
- Historical cemeteries within the Town need to be protected

Gerry Garafolo III and Gerry Garafolo Jr. spoke regarding the late night noise from the restaurant next to their home. Chief Moore will attempt to put a meeting together of all concerned.

George Potanovic – Old Gate Hill Rd. spoke about:

- Proposed United Water desal plant
- Proposed Champlain Hudson Power Express 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 orders:

Highway			
	PO#2496	Ruscon Truck Service	\$1,161.91
	PO#2497	Ingersoll Rand	\$3,240.00
	PO#2498	Cedar Pond Tree & Landscape	\$2,300.00

**AUDIT OF BILLS**

Joan Skinner, Town Clerk, presented the following bills to the Town Board for audit and a motion was made by Councilman White, seconded by Councilman McDonnell and **carried** by a voice vote of all board members present (Councilwoman Konopko abstained) to approve the bills as presented for payment.

**Contractual General – May**

<u>FUND</u>	<u>CLAIM #</u>	<u>BILL TOTAL</u>	<u>FUND TOTAL</u>
General	617-647	\$ 38,121.24	\$ 38,121.24
Highway	203-206	\$ 3,675.25	\$ 3,675.25
Sewer	174-177	\$ 4,030.74	\$ 4,030.74
<u>Special Districts</u>			
Enterprise	194-203	\$ 23,539.72	\$ 23,539.72
Street Lighting	7-7	\$ 21,460.32	\$ 21,460.32
<b><u>General – June</u></b>			
General	648-738		\$ 124,693.80
Highway	206-232		\$ 31,497.50
Sewer	178-197		\$ 16,668.78
<u>Special Districts</u>			
Ambulance	12-12		\$ 27,346.06
Enterprise Fund	204-241		\$ 58,736.17
Lieu of Land	3-3		\$ 2,605.62

Solid Waste 9-10 \$ 21,738.16

**MINUTES** - None

**POLICE DEPARTMENT REPORT/BUSINESS**

Chief Moore presented the following report:

Police Department Report for the Month of May, 2013

Number of calls for service:	751
Number of reported accidents:	22
Number of arrests:	45
Fuel usage:	1458.4 gallons
Sum total of all traffic enforcement action:	211
Number of Youth Officer sponsored events:	9
Number of child safety seat installations:	5
Number of commercial vehicle enforcement details:	1
Number of traffic enforcement details:	22
STEP Grant	
Number of training hours:	240:00hrs
Total fees collected:	\$167.25

(\$22.25 for FOIL; \$120.00 for prints; \$25.00 for reports)

Miscellaneous:

Youth sponsored events: 1 Youth Court Training Sessions, 1 Explorer Post Meetings, 1 Community Service day, 1 PAL Meeting, 2 classes conducted at NRHS ref texting and driving and police department policies, 3 classes conducted at Farley Upper Elementary on Bullying & conducted regular checks of schools.

Chief Moore addressed the board regarding the following matters:

- **CHIEF MOORE’S TIME RECORD**  
A motion was made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of all board members present to approve Chief Moore’s time record for the month of May 2013 as presented.
- **OVERTIME & SICK LEAVE REPORTS**  
A motion was made by Councilman White, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of all board members present to approve the overtime and sick leave reports as presented for the month of May 2013.
- **COUNTER TERRORISM TRAINING REIMBURSEMENT**  
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 agreement with the County of Rockland for reimbursement for overtime for Counter Terrorism Training in the amount of \$3,564.96 from August 1, 2009 through July 31, 2013.
- **INTER-MUNICIPAL AGREEMENT - REACT**  
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 Supervisor Finn to execute the inter-municipal agreement with the County of Rockland for the Town of Stony Point’s participation in the Rockland County Rescue Entry and Counter Terrorism (REACT) Team for the period January 1, 2013 through December 31, 2016.

**ECONOMIC DEVELOPMENT COMMITTEE**

Councilwoman Konopko gave the following update:

- Newsletter – targeted date of June 1<sup>st</sup> was missed as committee was not able to obtain funding
  - Since that time the Jewelry Gallery has donated \$500 toward the mailing
  - Continuing to look for funding

**SUPERVISOR’S REPORT**

Supervisor Finn spoke on the following:

- Re-accreditation of the Stony Point PD on June 18<sup>th</sup> in Albany
- Public meeting on June 18<sup>th</sup> in regard to the proposed Champlain Hudson Power Express line
- Town pool will open on June 22<sup>nd</sup>
- Community garden is flourishing
- Continue to wait for FEMA on height requirements for waterfront properties

**PRESENTATION**

Supervisor Finn and the Town Board presented plaques to the following in honor of their participation in erecting the new sign at Exit 14 and Willow Grove Rd.

- Northern Landscape – landscape work
- Joe Humphrey – sign design
- Environmental Construction – cost of sign

Donald Branson Jr. presented a “Roll of Honor” containing names of Stony Pointers who served in World War II from St. Joseph’s Church in Grassy Point and Immaculate Conception Church in Tomkins Cove.

**DEPARTMENTAL REPORTS**

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

**GOLF COURSE REPORT**

May 2013:

- Green Fees \$ 219,592.76
- ID Cards \$ 3,840.00
- Merchandise \$ 11,960.10
- Misc. \$ 1,120.00
- Range Fees \$ 9,691.00
- Club Rental \$ 1,000.00
- Total \$ 247,204.85

**Architectural Review Board**

From:	05/01/2013	To:	05/31/2013
Applications Received	2		
Applications Approved	3		
Applications Pending	0		
Fees Collected:	\$ 200.00		
Money in Lieu of Land	\$ 0.00		

**Building & Zoning Department**

May

Applications Received	36
Applications Returned/Withdrawn	0
Applications Denied	1
Building & Blasting Permits Issued	40
Applications Pending	11
Certificate of Occupancy	15
Certificate of Compliance	17
Fees Collected	\$13,677.50

**Dog Control Officer**

May

Dogs seized and sheltered	1
Dogs returned to owner	0
Number of complaints received	6
Miles traveled patrolling the Town and transporting dogs	537

**Fire Inspector**

<u>May</u>	Month	Total
Inspections Performed	47	197
Field Correction Issued	31	118
Violations Issued	0	0
Violations Outstanding	0	0
Permits Issued	0	0
Requests by Police Dept.	0	0
Requests by Fire Dept.	2	17
Fires Investigated	0	4
Flood Damaged Buildings Inspected	0	34

**Planning Board**

	From: 05/01/2013	To: 05/31/2013
Applications Received	0	
Applications Approved	0	
Applications Pending		
Site Plan	5	
Subdivision-Major	1	
Subdivision-Minor	1	
Fees Collected:	\$0.00	
Money in Lieu of Land	\$1,500.00	

**Sewer Department**

<u>May</u>	
Overtime Hours	
Sunday	28 hrs.
Saturday	8 hrs.
Call Ins	16 hrs.
Holiday	8 hrs.
Controlex	4 hrs.
Monthly Flow	
Plant	26,525,700 gallons
Kay Fries	875,400 gallons
Fuel Usage	235.4 gallons
Heating Oil	37 gallons
Total to Sludge Compost Facility	86 Cu. Yds.
Solids	20.8%
Screenings	67.81 Cu. Ft.
Septage	7300 Gals.

**Zoning Board Of Appeals**

	From: 05/01/2013	To: 05/31/2013
Applications Received	0	
Applications Closed		
Area Variance	2	
Applications Pending		
Interpretation	1	
Fees Collected:	\$0.00	

**Town Clerk**

<u>May</u>	
Amount Paid To NYS Agriculture & Markets	
For Spay/Neuter Program	\$ 42.00
Amount Paid To NYS Health Dept. For Marriage Licenses	\$ 157.50
Amount Paid To NYS Dept. Of Environmental Conservation	\$ 1,422.86
Amount Paid To Supervisor	\$ 2,914.28
TOTAL AMOUNT REMITTED	\$ 4,536.64

**CORRESPONDENCE**

Joan Skinner, Town Clerk, read the following:

To the Town Board Members,

This letter is a request for the board or the supervisor of highways to make a decision on paving the northern portion of Old Rte 9W in the Jones Point area. Mr. Brissing is aware of the area I speak.

This area is very dangerous for the pedestrians that live in Jones Point, who walk along the roadway with their children, strollers and animals as well as the enormous amount of hikers, bicyclists (this is a marked bicycle route), bird watchers etc. that visit the area all spring, summer and fall due to vehicles swerving to avoid the pot holes and missing pavement. This area has no sidewalks.

I personally have requested repaving for 3 years now. And I have been told to complete this job correctly, the old pavement would have to be removed and start from scratch because of the base is concrete. I have seen portions of the P.I.P. which is concrete as well as paved over with blacktop without removing the base and it last for a few years. To avoid a costly project for our town taxpayers, perhaps this could be done when an existing job is completed and blacktop is left over from that job to be used in Jones Point at no additional cost.

I would deeply appreciate your attention and/or ideas for getting this project done as soon as possible.

Thank you in advance for your time.  
Sincerely, Debbie Babcock - Jones Point

### **CONTINUED PUBLIC HEARING – MASTER PLAN**

Supervisor Finn reopened this public hearing at 7:55 pm.

Max Stach, Town Planner from the Turner Miller Group recapped the recent progress:

- On May 28<sup>th</sup> the proposed zone changes were discussed
- On May 29<sup>th</sup> he forwarded to the Town the following items for posting on the website
  - Memo of May 28<sup>th</sup> (see below)
  - Colored map showing proposed area for ridge line preservation
  - Red-lined copy of code amendments
- Red-lined copy of code amendments was not posted on the website
- Black & white copy of map was posted

Max then reviewed with Town Board and William Sheehan Building Inspector each item contained in his memo of May 28<sup>th</sup> (attached below)

### **MEMORANDUM**

**TO:** HON. GEOFF FINN, STONY POINT SUPERVISOR  
HON. MEMBERS, STONY POINT TOWN BOARD

**FROM:** MAX STACH, AICP

**SUBJECT:** REVISED MASTER PLAN AND CODE AMENDMENTS

**DATE:** MAY 28, 2013

**CC:** DENNIS LYNCH, ESQ.  
KEVIN MULHEARN, ESQ.

*In response to our most recent code review, I have revised and attached the proposed code amendments as follows:*

- 1. Added change to excavation regulations to clarify that rock processing is limited in residential districts, not non-residential districts.*
- 2. Revised Ridge Preservation law, to remove condition governing use of natural materials.*

3. *Provided Ridge Preservation Map to identify areas that would be subject to restriction. Based on these proposed overlay districts, 542 tax parcels will be affected, which is 10.3% of Stony Point's 5,297 tax parcels. This will impact 2,088 acres of Stony Point's 19,753 acres (10.5%). As shown, no areas under 100 feet above mean sea level are proposed to be included in the overlay (faded areas). Areas within the Palisades Interstate Park (hatched area) are also excluded. Lastly, the proposed areas are intended to include areas that are over 100 feet MSL and visible from the Town's well-travelled scenic roads (green area).*

4. *Made similar changes regarding buffer to freshwater wetland chapter as were made to stream buffer requirements. Will simplify regulations without undermining protections.*

5. *Added modern standards for hotels/motels. In Clarkstown, hotels are permitted by special permit with criteria regulating only landscape buffers and parking location. In Woodbury, they are permitted by right with the definition limiting the number of guest rooms that may be connected by a common door and limiting the types of accessory uses to a dining room, restaurant, swimming pool, tennis court(s), conference and meeting facilities or an accessory convenience shop, office or personal service facility, provided that such facility or shop is located within the building without any external sign or display, and off-street parking facilities.*

*I have proposed regulations, that will insure that hotels are not converted to apartments however, flexibility to allow modern hotels is maintained. Hotels and Motels are proposed to remain a special permit of the Town Board, so additional controls may be adopted at the time of project review.*

6. *Changed Gasoline/Auto Repair to state that regulations regarding the removal of tanks must be followed.*

7. *Simplified regulations for automobile washing facilities and clarified that the requirements do not apply to accessory washing facilities.*

8. *Townhouse legislation removed.*

9. *Accessory apartment legislation adapted to Town of Orangetown standard.*

10. *Zoning Board of Appeals left at seven members.*

11. *Removed Townhouses from Use Tables.*

12. *Added items from supplemental "housekeeping items" memorandum dated May 13, 2013.*

*Additionally, changes were required to the Proposed Master Plan from last submission. Most notably the section regarding Townhouses has been made much more generic and now reads:*

### **9. Townhouse and Condominium Developments**

*Townhouse and condominium developments generate fewer schoolchildren (approximately 15% to 40% fewer) than comparable detached housing. These types of houses are also typically located on private streets, with private recreational facilities and with private trash collection and therefore demand fewer Town services. Given the rising cost of school taxes, attached housing should be permitted in select residential zoning districts at current residential densities. If a lot could have been developed for five detached homes on five one-acre lots, it should also be permitted to be developed for five attached residences on one five acre lot, a portion of which will likely remain undeveloped. Additionally, density bonuses are suggested to achieve Town goals.*

*I am also attaching larger use tables for your review, as those printed at 8.5 x11" are not legible.*

*I will be available to answer any question the Board may have on these revisions.*

The Ambry Pond area was also discussed. Max pointed out that the Ambry Pond area is zoned APRP (Ambry Pond Preservation Area) and is designated as 5 acre zoning regardless of whether water & sewer or well & septic is provided.

## **PUBLIC INPUT**

Supervisor Finn opened public input at 8:14 pm

George Potanovic spoke:

- Ambry Pond – town should be looking to see if property can be adjoined to the state park property and kept as open space – may be grants available
  - United Water has stated they intended to sell the property to help finance the proposed desal plant
  - What is the process that would need to be followed
  - Contact Open Space Institute and/or Scenic Hudson
- Rock crushing – board needs to evaluate this item, look at the implications and not just make an automatic change.

Susan Filgueras inquired about the tree law.

Max advised that there is a current tree law, however, the tree commission is non-existent. The board has decided to appoint a tree commission and charge the commission with a way to make the tree law better.

The public hearing will be continued at the June 25<sup>th</sup>, 2013 Stony Point Town Board meeting.

## **HIRE DAY CAMP COUNSELOR**

A motion was made by Councilman White, seconded by Councilman Javenes, and **unanimously carried** by a voice vote of those board members present to hire Anthony Gemelli as an additional day camp counselor, with a 2% raise above last year.

## **HIRE LIFE GUARDS**

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 an additional life guard, Margaret Carey at entry level \$10.00/hour, and Chelsea Oyer, as a substitute life guard , 2<sup>nd</sup> year @ \$10.20/hour.

## **ETHICS BOARD RE-APPOINTMENT**

A motion was made by Supervisor Finn, seconded by Councilman Javenes, and **unanimously carried** by a voice vote of those board members present to re-appoint Joan Skinner to the Ethics Board for a 3 year term to expire in June of 2016.

## **MAY BUDGET TRANSFERS**

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 the Financial Director's request for May budget transfers.

## **UNIFORM NOTICE OF CLAIM ACT**

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 DESIGNATING THE NEW YORK STATE SECRETARY OF STATE AS AGENT FOR SERVICE OF A NOTICE OF CLAIM**

WHEREAS, the New York State Senate has passed, and the New York State Governor has signed into effect, the Uniform Notice of Claim Act (hereinafter the "Act").

WHEREAS, Section Six (§ 6) of the Act amends the General Municipal Law by adding a new Section Fifty-Three (§ 53), effective June 15, 2013.

WHEREAS, New York General Municipal Law § 53(2) requires that all public corporations, who are entitled to service of a Notice of Claim as a condition precedent to commencement of an action or proceeding shall file a Certificate with the Secretary of State designating the Secretary of State as agent for service of a Notice of Claim.

WHEREAS, the Town of Stony Point must file such Certificate with the Secretary of State no later than thirty (30) days of the date upon which General Municipal Law § 53 took effect.

NOW, THEREFORE, the Town Board of the Town of Stony Point, duly convened in regular session, does hereby resolve as follows:

Section 1. The Clerk of the Town of Stony Point be and she hereby is directed and empowered to forward to the New York State Secretary of State a Certificate in the form annexed hereto, pursuant to General Municipal Law § 53, designating the Secretary of State as agent for service of a Notice of Claim where a Notice of Claim is required by law as a condition precedent to the commencement of an action or special proceeding against the Town of Stony Point, or any officer, appointee or employee of the Town and to take any and all other actions required to carry out the provisions of this Resolution .

Section 2. This Resolution shall take effect immediately.

#### **PROPERTY MAINTENANCE – 3 CLARK ROAD**

A motion was made by Supervisor Finn, seconded by Councilman White and **unanimously carried** by a voice vote of those board members present to exercise Section 161-12 of the Property Maintenance Law of the Town of Stony Point at 3 Clark Road.

#### **ELM AVENUE DRAINAGE**

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 re-bid Phase 1 of the Elm Avenue Drainage Project, with a completion date of August 31, 2013.

#### **WAYNE HOSE – USE OF LETCHWORTH CAMPUS FOR WAYNE DAY BAZAAR**

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 the request from Wayne Hose Company No. 1 for use of the Letchworth Campus for their Annual Wayne Day Bazaar, July 10, 11, 12, and 13 and to close Patriot Hills Drive and reroute traffic over Knapp Road during the bazaar. It was further moved to approve Wayne Hose Company's request to waive the public hearing for a mass gathering permit and to grant the mass gathering permit for the Wayne Day event.

#### **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 8:55 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 June 11, 2013 Stony Point Town Board meeting at 9:40 pm.

Respectfully submitted - Joan Skinner – Town Clerk