

STONY POINT TOWN BOARD MEETING – SEPTEMBER 10, 2013

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, September 10, 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

Wellington Casscles, Beach Rd., spoke regarding the proposed Champlain Hudson Power Express project.

Karen Keahon, Lisa Denise Ct., spoke regarding her attempt to operate a small catering kitchen from her house.

Frank Collyer, Knapp Rd., spoke about the Master Plan regarding town houses, assessory apartments, and the proposed tree law and asked that the Master Plan Committee remain open.

Laura Pasarelli – Hoke Dr., spoke regarding homeowners' privacy issues with the nearby shopping center.

George Potanovic – Old Gate Hill Rd. spoke about:

- Town Hall meeting on 9/17 to discuss current issues
- Candidate debates for Supervisor and Town Counsel
 - 10/15 & 10/29
- Desal Plant
 - Public Service Commission will now look at the need for water in Rockland County
 - Meetings scheduled on 10/1 at Clarkstown High School South and 10/2 at Haverstraw Elementary School
 - Sept. 23-30 designated as Water Week in Rockland County. Some restaurants will give a percentage of proceeds to the Rockland Water Coalition.
- Master Plan – same points brought out by Frank Collyer

PURCHASE ORDER REQUEST

There were no purchase order requests.

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 **unanimously carried** by a voice vote of all board members present to approve the bills as presented for payment.

MINUTES

A motion was made by Councilwoman Konopko, seconded by Councilman Javenes and **unanimously carried** by a voice vote of all board members present to accept the minutes of July 9, 2013, July 23, 2013 and August 13, 2013.

Contractual General – August

<u>FUND</u>	<u>CLAIM #</u>	<u>BILL TOTAL</u>	<u>FUND TOTAL</u>
General	1006-1049	\$ 211,374.86	\$ 211,374.86

<u>Highway</u>	272-279	\$	21,270.48	\$	21,270.48
<u>Sewer</u>	240-251	\$	11,592.69	\$	11,592.69
<u>Special Districts</u>					
Ambulance	16-16	\$	1,876.86	\$	1,876.86
Enterprise	295-305	\$	17,573.06	\$	17,573.06
Street Lighting	10-10	\$	23,805.39	\$	23,805.39
<u>General – September</u>					
<u>General</u>	1050-1119			\$	161,137.28
<u>Highway</u>	280-301			\$	18,068.01
<u>Sewer</u>	252-270			\$	9,847.73
<u>Special Districts</u>					
Ambulance	17-17			\$	27,346.06
Enterprise Fund	306-327			\$	16,151.15
Solid Waste	17-17			\$	21,356.25

SUPERVISOR’S REPORT

Supervisor Finn spoke on the following:

- Ceremony at Town Hall on 9-11-13
- NY Rising Communities Reconstruction Program
 - Governor Cuomo was in Stony Point on 9/4 and spoke about the program
 - \$3,000,000 available to the Town through this program
 - Town must determine how we can be better prepared for a storm such as Hurricane Sandy
- School taxes – Stony Point increased approximately 6/10th of one percent while Haverstraw increased about 6%
- Master Plan – we want what’s best for the Town
- Thanked SPACE for organizing the debates for supervisor and town council candidates
- The 9/10/13 Stony Point Town Board meeting will be closed in memory of Dr. Frederick Zugibe, who passed away earlier this week. Dr. Zugibe is the father of District Attorney, Tom Zugibe and was Rockland County’s medical examiner for many years.

POLICE DEPARTMENT REPORT/BUSINESS

Chief Moore presented the following report:

Police Department Report for the Month of August, 2013

Number of calls for service:	721
Number of reported accidents:	30
Number of arrests:	30
Fuel usage:	1308.1 gallons
Sum total of all traffic enforcement action:	208
Number of Youth Officer sponsored events:	5
Number of child safety seat installations:	9
Number of commercial vehicle enforcement details:	0
Number of traffic enforcement details:	1
Number of training hours:	8:00hrs
Total fees collected:	\$115.50

(\$10.25 for FOIL; \$80.00 for prints; \$25.00 for reports)

Miscellaneous:

Youth sponsored events: Family Fun Day; 1 Youth Court Session; 2 PAL Meetings & 1 Community Service Day.

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 August 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 August 2013.

ECONOMIC DEVELOPMENT COMMITTEE

Councilwoman Konopko gave the following update:

- Thanked Councilman Javenes and Jim Monahan for helping to complete the commercial data base.
- Thanked LillyAnn Wilson, Kathy Leroy, Brenda Cirruzzo and Larry Brissing for their work on the new benches that are now installed along Route 9W.
 - Mrs. Wilson and Mrs. Leroy also thanked everyone, especially the donors
 - Mr. & Mrs. Joe Humphrey
 - Mr. & Mrs. Richard Eggers
 - Mr. & Mrs. Robert Morlang
 - Mingone Family
 - Paul Cusano & Family
 - Stony Point Senior Clubs 1 & 2
 - Future plans include possible hanging baskets on the street lights and planters near the benches.

Supervisor Finn thanked everyone involved, including the Parks Dept., for a job well done.

DEPARTMENTAL REPORTS

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

GOLF COURSE REPORT

August 2013:

- Green Fees \$ 227,966.34
- ID Cards \$ 735.00
- Merchandise \$ 11,528.69
- Misc. \$ 625.00
- Range Fees \$ 11,538.00
- Club Rental \$ 936.41
- Total \$ 252,329.44

Architectural Review Board

From:	08/01/2013	To:	08/31/2013
Applications Received	0		
Applications Approved	0		
Applications Pending	0		
Fees Collected:	\$	0.00	
Money in Lieu of Land	\$	0.00	

Building & Zoning Department

August

Applications Received	46
Applications Returned/Withdrawn	0
Applications Denied	2
Building & Blasting Permits Issued	25
Applications Pending	19
Certificate of Occupancy	17
Certificate of Compliance	4
Fees Collected	\$30,385.00

Dog Control Officer

August

Dogs seized and sheltered	1
Dogs returned to owner	0
Number of complaints received	7
Miles traveled patrolling the Town and transporting dogs	499

Fire Inspector

August

	Month	Total
Inspections Performed	41	325
Field Correction Issued	19	184
Violations Issued	0	141
Violations Outstanding	0	0
Permits Issued	0	0
Requests by Police Dept.	0	0
Requests by Fire Dept.	0	23
Fires Investigated	0	5
Flood Damaged Buildings Inspected	0	34

Planning Board

From:	08/01/2013	To:	08/31/2013
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	\$0.00		

Sewer Department

August

Overtime Hours	
Sunday	32 hrs.
Saturday	4 hrs.
Monday	4 hrs.
Call Ins	8 hrs.
Monthly Flow	
Plant	20,275,100 gallons
Kay Fries	1,324,800 gallons
Fuel Usage	232.1 gallons
Heating Oil	8 gallons
Total to Sludge Compost Facility	54 Cu. Yds.
Solids	20.5%
Screenings	64.37 Cu. Ft.
Septage	2900 Gals.

Zoning Board Of Appeals

From:	08/01/2013	To:	08/31/2013
Applications Received			
Area Variance	3		
Applications Closed	0		
Applications Pending			
Area Variance	3		
Fees Collected:	\$1000.00		

Town Clerk

August

Amount Paid To NYS Agriculture & Markets	
For Spay/Neuter Program	\$ 33.00
Amount Paid To NYS Health Dept. For Marriage Licenses	\$ 270.00
Amount Paid To NYS Dept. Of Environmental Conservation	\$ 3,892.13
Amount Paid To Supervisor	<u>\$ 2,694.20</u>
TOTAL AMOUNT REMITTED	\$ 6,889.33

CORRESPONDENCE - None

PUBLIC HEARING – PROPOSED LOCAL LAW – ZONING RELIEF ACT AND ADVISORY BASE FLOOD ELEVATION NUMBERS

The following Public Hearing Notice was properly issued:

TOWN OF STONY POINT
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Stony Point on September 10, 2013 at 7:00 p.m. or as soon thereafter as said public hearing may be commenced on such date at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, NY regarding the adoption of a Local Law of the Town of Stony Point for the year 2013 which would amend/replace the existing Chapter 112 (Flood Damage Prevention) to incorporate updated federal advisory base flood elevations and to provide a limited exemption for structures located in areas of special flood hazard requiring reconstruction/repair as a result of flooding/storm damage.

PLEASE TAKE FURTHER NOTICE that the environmental significance of said proposed Local Law will be reviewed by the Town Board of the Town of Stony Point incident to and as a part of said public hearing. Copies of said proposed Local Law shall be available seven (7) days prior to the Public Hearing at the Town Clerk’s Office.

By order of the Town Board of the Town of Stony Point, dated August 13, 2013.

Joan Skinner
Town Clerk

Supervisor Finn opened the public hearing at 7:40 pm and explained that this law was put in place to help home and business owners in the waterfront area who had damage during the storm.

Special Counsel Brian Nugent and Max Stach, Town Planner both spoke explaining the proposed law.

• **PUBLIC INPUT**

- George Potanovic – Old Gate Hill Rd., spoke regarding the Local Waterfront Revitalization Plan.
- Frank Collyer – Knapp Rd. spoke cautioning that making it easier to get back into homes, may just set the homeowners up for as much or more damage in the future.

• **PUBLIC HEARING TO REMAIN OPEN**

Supervisor Finn indicated that this public hearing will remain open.

- **ACTIONS:**

- **ADOPT SHORT ENVIRONMENTAL ASSESSMENT FORM**

A motion was made by Supervisor Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to adopt the Short Environmental Assessment form as presented.

- **NEGATIVE DECLARATION**

A motion was made by Supervisor Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to adopt the negative declaration as presented.

- **REFERRAL TO AGENCIES**

A motion was made by Supervisor Finn seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to refer this proposed Local Law and other pertinent information to the Rockland County Planning Board and the Stony Point Planning Board for their recommendations.

EXPENDITURE - BUILDING FACILITIES FUND

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 an expenditure of \$15,000 from the Building Facilities Fund to be applied to the reconstruction of the foundation of the Pyngyp School building. This resolution is subject to permissive referendum.

FGEIS MASTER PLAN AND ZONING AMENDMENTS

Max Stach, Town Planner, addressed the board outlining all the steps taken thus far.

- **ACTION**

A motion was made by Councilman White, seconded by Supervisor Finn and **unanimously carried** by a voice vote of those board members present to accept the Final Generic Environmental Impact Statement (FGEIS) for the 2013 Amendment to the 1995 Master Plan for the Town of Stony Point.

USE OF COMMUTER LOT – LIONS CLUB

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 Lions Club request to use the commuter lot for a tag sale on September 28th, with a rain date of September 29th.

2013-14 JCAP GRANT APPLICATION

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 Justice Court to apply for the grant of State funds offered by the Justice Court Assistance Program Grant.

GRAND FONDO BIKE RACE

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 Grand Fondo Bike race route through the Town on May 18, 2014 and to authorize the police department to engage in traffic control for that race, pursuant to an agreement being drawn between the Police Dept. and the organizers of the race.

HEATING SERVICE CONTRACT – LETCHWORTH CAMPUS

A motion was made by Councilman Javenes, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to award the heating equipment service contract for 2013 to Berry Burners of Nyack, Inc. in the amount of \$9,895. This service includes seasonal startup and service for the boilers at the RHO Building, Justice Court Building, Kirkbride Hall and Patriot Hills Club House,

together with an annual boiler cleaning and inspection and quarterly preventative maintenance visits.

SEWER DEPARTMENT – PURCHASE - SONIC CHLORINATOR

A motion was made by Supervisor Finn, seconded by Councilman Javenes, and **unanimously carried** by a voice vote of those board members present to purchase a sonic chlorinator for the sewer plant for \$2,140, plus shipping, from G. P. Jager & Associates, 143 Miller Rd., Kinnelon, NJ.

SEWER DEPARTMENT – PURCHASE EQUIPMENT

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 purchase of a sump pump for Beach Road at a cost of \$7,500.00 and the purchase of a sewer pump for the sewer plant at a cost of \$10,200.00 from Dave Heiner Associates, Inc., Parsippany, NJ.

MEMORANDUM OF AGREEMENT – NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION (SEA LEVEL RISE STORM SURGE)

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 Supervisor to enter into a Memorandum of Agreement with the New England Interstate Water Pollution Control Commission which sets forth the conditions under which the Contractor will assist the Hudson River Estuary Program of the New York State Department of Conservation in conducting the Stony Point Community Waterfront Task Force project.

LICENSE AGREEMENT WITH MOONDOG INDUSTRIES

After discussion, no action was taken on this matter.

SPECIAL COUNSEL – ARTICLE 78

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 LEGAL SERVICES BY TARSHIS, CATANIA,
LIBERTH, MAHON & MILLIGRAM PLLC, AS SPECIAL COUNSEL,
IN AN ARTICLE 78 PROCEEDING AGAINST THE TOWN OF STONY POINT
ZONING BOARD OF APPEALS
(TOWN OF HAVERSTRAW v. THOMAS WRIGHT, et al. - Index No.: 1596/13)**

WHEREAS, the Town of Stony Point desires to retain Special Counsel to represent the Town of Stony Point in the foregoing Article 78 proceeding; and

WHEREAS, such Article 78 proceeding has been commenced against, among others, the Town of Stony Point Zoning Board of Appeals and certain of its individual members under Index Number 1596/2013 in the County of Rockland Supreme Court, State of New York; and

WHEREAS, the Town of Stony Point requires legal Counsel to undertake representation of the Town in the Article 78 proceeding; and

NOW, THEREFORE, it is resolved as follows:

Section 1. The above “Whereas” paragraphs are incorporated herein by reference.

Section 2. Special Counsel, Tarshis, Catania, Liberth, Mahon & Milligram PLLC, is authorized to appear and defend the Town and shall be compensated for all services performed for the Town of Stony Point with regard to the aforesaid Article 78 proceeding against the Zoning Board of Appeals for the Town of Stony Point under Index Number 1596/2013 at the hourly rate of **\$200.00**, plus disbursements.

Section 2. This Resolution shall be effective 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 8:45 pm.

RECONVENE

A motion was made by Supervisor Finn, seconded by Councilman McDonnell and unanimously carried by a voice vote of those board members present to reconvene the September 10, 2013 Stony Point Town Board meeting at 9:13 pm.

SEWER DEPARTMENT - HIRE – MAINTENANCE HELPER

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 Christopher Gustavsen for a position in the Sewer Department as a Maintenance Helper at an annual salary of \$43,035 to commence on September 30, 2013.

EXTENSION OF SICK LEAVE

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 extended sick leave at half pay pursuant to the CSEA Collective Bargaining Agreement for a certain Parks Department Employee, per the employee's request, from September 14 through October 8, 2013 at which time the extended sick leave approval shall be re-evaluated by the Town Board.

EXECUTIVE SESSION

A motion was made by Supervisor Finn, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present to adjourn into executive session to discuss personnel matters at 9:16 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 September 12, 2013 Stony Point Town Board meeting at 9:45 pm.

Respectfully submitted

Joan Skinner – Town Clerk