

STONY POINT TOWN BOARD MEETING – SEPTEMBER 9, 2014

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, September 9, 2014 at 7:20 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. Tom Basile	Councilman
	Mr. Karl Javenes	Councilman
	Mr. James White	Councilman
	Mr. Jim Monaghan	Councilman
	Mr. Geoffrey Finn	Supervisor

ABSENT: None

PUBLIC INPUT

George Potanovic – Old Gate Hill Rd spoke about consistent efforts to get the public out to the special meeting held at 6 pm where waterfront zoning was discussed.

Dylan Skirloff – resident and Editor of the Rockland County Times spoke about the Town's upcoming sesquicentennial.

The Town Board indicated that they thought forming a committee to plan a series of events throughout the year would be a great idea.

Rebecca Casscles - Beach Rd. thanked the Town for removing some of the homes along Beach Rd. that were damaged by Hurricane Sandy.

Susan Filgueras, Mott Farm Rd., spoke about:

- Thanked the Stony Point Seniors for their donation of \$920 from the proceeds of their recent yard sale. This money will be used to help purchase a refrigerator for the Pyngyp School building.
- Outlined some activities the Stony Point Historical Society has planned for next year.
- R. C. Legislature will be addressing the environmental review of the Spectra Energy proposed gas line project.
- Champlain Hudson Power Express project offers no benefits for this area.
- Would like the Town Board to consider a resolution on "fracking".

Councilman Basile announced that Senator Bill Larkin has secured a \$20,000 grant for the Stony Point Police Department for their various needs and supplemental activities.

PURCHASE ORDER REQUEST

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

Golf Course			
	PO#2610	Storr Tractor Co.	\$1,925.00
Highway			
	PO#2619	H. Biehle Electric Inc.	\$2,045.00
	PO#2620	Arkel Motors	\$2,471.70
Sewer			
	PO#2616	Slack Chemical Co. Inc.	\$1,634.70
	PO#2617	Clean Waters Inc.	\$1,594.00

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

Contractual General – Sept. 9, 2014

<u>FUND</u>	<u>CLAIM #</u>	<u>BILL TOTAL</u>	<u>FUND TOTAL</u>
<u>General</u>	1006-1057	\$ 215,905.64	\$ 215,905.64
<u>Highway</u>	305-311	\$ 20,600.38	\$ 20,600.38
<u>Sewer</u>	275-287	\$ 17,805.97	\$ 17,805.97
<u>Special Districts</u>			
Enterprise	333-343	\$ 13,413.09	\$ 13,413.09
Street Lighting	8-8	\$ 25,315.43	\$ 25,315.43

General – Sept. 9, 2014

<u>General</u>	1058-1139		\$ 159,709.31
<u>Highway</u>	312-337		\$ 144,913.26
<u>Sewer</u>	288-304		\$ 4,815.89
<u>Special Districts</u>			
Ambulance	16-17		\$ 177,346.06
Enterprise	344-366		\$ 17,432.10
Solid Waste	20-21		\$ 23,558.75

MINUTES - A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to accept the minutes of August 12, 2014.

SUPERVISOR'S REPORT

Supervisor Finn spoke about:

- Restroom renovations at Rho Building will begin shortly.
- Two of the bank-owned riverfront homes damaged by Hurricane Sandy have been removed. A lien for the cost of removal will be placed on the properties for this work.
- Recreation Dept is planning a town yard sale at Kirkbride Hall on 9/14/14.
- Stony Point PAL is planning a Family Fun day at Kirkbride on 9/20/14.
- There will be a 911 Memorial Service at 7pm at Town Hall.
- Tonight's meeting will be closed in memory of Gary Zeh, a longtime North Rockland resident and owner of Haverstraw Transit bus company who recently passed away. Mr. Zeh was continually giving back to the North Rockland community.

POLICE DEPARTMENT REPORT/BUSINESS

Chief Moore presented the following report:

Police Department Report for the Month of August, 2014

Number of calls for service:	727
Number of reported accidents:	29
Number of arrests:	55
(2) Felonies (45) Misdemeanors (9) Violations	
Fuel usage:	1245.0 gallons
Sum total of all traffic enforcement action:	150
Number of Youth Officer sponsored events:	4
Number of child safety seat installations:	4
Number of commercial vehicle enforcement details:	1
Number of traffic enforcement details:	5
STEP/DWI	
Number of training hours:	40:00hrs
Total fees collected:	\$226.50
	(\$6.50 for FOIL; \$180.00 for prints; \$40.00 for reports)

Miscellaneous:

Youth sponsored events: 1 PAL meeting, 13 Youth Court Cases, participated in Town Campout at Lowland Hill with help from the NR Explorers & we conducted regular checks of schools.

Chief Moore addressed the board regarding the following matters:

- **CHIEF MOORE'S TIME RECORD**
A motion was made by Councilman Basile, seconded by Councilman White and **unanimously carried** by a voice vote of all board members present to approve Chief Moore's time record for the month of August 2014 as presented.

- **OVERTIME & SICK LEAVE REPORTS**
A motion was made by Councilman White, seconded by Councilman Basile 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 2014.

DEPARTMENTAL REPORTS

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

Golf Course Report

August 2014:

- Green Fees \$229,046.53
- ID Cards \$ 570.00
- Merchandise \$ 12,163.99
- Driving Range \$ 12,256.00
- Club Rental \$ 678.09
- Total \$254,714.61

Architectural Review Board

From:	08/01/2014	To:	08/31/2014
Applications Received			
Solar Panels	8		
Applications Approved			
Solar Panels	5		
Applications Pending			
Solar Panels	1		
Fees Collected:	\$ 800.00		
Money in Lieu of Land	\$ 0.00		

Building & Zoning Department

August

Applications Received	33
Applications Returned/Withdrawn	0
Applications Denied	0
Building & Blasting Permits Issued	20
Applications Pending	76
Certificate of Occupancy	16
Certificate of Compliance	17
Fees Collected	\$13,987.50

Dog Control Officer

August

Dogs seized and sheltered	3
Dogs returned to owner	2
Number of complaints received	6
Miles traveled patrolling the Town and transporting dogs	456

Fire Inspector

August

Month	Total
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Inspections Performed	4	172
Field Correction Issued	2	44
Violations Issued	0	0
Violations Outstanding	0	0
Permits Issued	0	0
Requests by Police Dept.	0	0
Requests by Fire Dept.	2	13
Fires Investigated	0	0

Planning Board

From:	08/01/2014	To:	08/31/2014
Applications Received	0		
Applications Approved			
Amended Site Plan	1		
Applications Pending			
Amended Site Plan	1		
Amended Subdivision	1		
General Category	1		
Site Plan	4		
Subdivision-Minor	1		
Fees Collected:	\$0.00		
Money in Lieu of Land	\$0.00		

Sewer Department

August

Overtime Hours	
Sunday	28 hrs
Call Ins	4 hrs.
Monthly Flow	
Plant	19,000,500 gallons
Kay Fries	2,019,100 gallons
Fuel Usage	271 gallons
Total to Sludge Compost Facility	76 cu. Yds.
Solids	19.8%
Screenings	55.74 Cu. Ft.
Grit	12 yards
Septage	7400 gallons

Zoning Board Of Appeals

From:	08/01/2014	To:	08/31/2014
Applications Received	0		
Applications Closed	0		
Applications Pending			
Use Variance	1		
Fees Collected:	\$0.00		

Town Clerk

August

Amount Paid To NYS Agriculture & Markets	
For Spay/Neuter Program	\$ 31.00
Amount Paid To NYS Health Dept. For Marriage Licenses	\$ 112.50
Amount Paid To NYS Dept. Of Environmental Conservation	\$ 4,329.35
Amount Paid To Supervisor	\$ 3,431.06
TOTAL AMOUNT REMITTED	\$ 7,903.91

CORRESPONDENCE - None

Presentation: Turner Miller Group

Town Planner, Max Stach spoke to the Town Board reviewing the “Town of Stony Point Letchworth Village Zoning Study and Recommendations” dated July 25, 2014 and attached to these minutes as Appendix A.

Policy for use of Sound Stage

The Town Board discussed possible guidelines for use of the newly acquired Sound Stage.

Discuss Little League Fields Parking Lots

Councilman Basile asked if it would be possible to clean up the main parking lot at the Little League field. He asked Highway and Parks to work together to come up with a plan.

Service Equipment Contract – Letchworth Buildings

A motion was made by Supervisor Finn, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present to award the heating equipment service contract for 2014 to Berry Burners of Nyack, Inc. in the amount of \$9,985. 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.

Real Property Chargebacks

A motion was made by Supervisor Finn, seconded by Councilman White and **unanimously carried** by a voice vote of those board members present to pass the resolution ordering assessment of expenses against land pursuant to Chapter 78 of the Town Code of the Town of Stony Point with regard to the following properties:

- 60 Beach Rd – security fence - \$1,614.48
- 64 & 68 Beach Rd – security fence - \$2,371.96
- 12 River Rd – boarding up building - \$475.00
- 53-55 Beach Rd – boarding up building - \$475.00
- 41 Beach Rd – removal of porch roof - \$1,000.00
- 39 Beach Rd – demolition of house - \$32,500.00

RESOLUTION

The following resolution was duly offered by Supervisor Finn, seconded by Councilman White and **unanimously carried** by a voice vote of all board members present to wit:

RESOLUTION ORDERING ASSESSMENT OF EXPENSES AGAINST LAND PURSUANT TO CHAPTER 78 OF THE TOWN CODE OF THE TOWN OF STONY POINT

WHEREAS, the Town Board, after compliance with notification requirements of the Town Code and after a public hearing commenced on May 13, 2014 and continued on May 27, 2014, June 10, 2014, June 17, 2014 and June 24, 2014, passed a Resolution, authorizing Town officials to take any and all necessary steps to repair, remove an otherwise secure (“the services”) certain structures on parcels identified in Exhibit "A" annexed to this Resolution; and

WHEREAS, the Town caused such services to be performed consistent with the findings and recommendations of the Town’s Building Inspector and in doing so performed the work and incurred the expenses set forth in Exhibit “A” for properties located at **60 Beach Road, 64 Beach Road, 68 Beach Road, 53-55 Beach Road, 41 Beach Road, 12 River Road, and 39 Beach Road in the Town of Stony Point** as specifically set forth in Exhibit “A”; and

WHEREAS, Chapter 78 of the Town Code of the Town of Stony Point provides that All expenses incurred by the Town in connection with the proceedings to repair and secure or demolish and remove an unsafe building and/or abate the public nuisance, including the cost of actually removing such building and legal expenses, shall be assessed against the land on which such building is located and further provides that

the expense so assessed shall constitute a lien and charge on the real property against which it is levied until paid or otherwise satisfied or discharged and further provides that such assessment shall be collected in the same manner and at the same time as other town charges, and that the same shall be placed on the tax assessment roll and levied against the property

NOW THEREFORE, BE IT RESOLVED as follows:

1. The above WHEREAS clauses are incorporated herein by reference.
2. The Town Board of the Town of Stony Point, after due deliberation, hereby:
 - a. Determines that the costs and expenses set forth in Exhibit "A" shall constitute a lien and charge on the real properties identified in Exhibit "A."
 - b. Authorizes the Town Assessor, Building Inspector, Finance Director, Town Clerk and any other Town Official whose assistance is required to carry out the provisions of this Resolution, to cause the costs and expenses set forth in Exhibit "A" to be assessed against the lands identified in Exhibit "A" and to collect such assessment in the same manner as other Town charges and, if not satisfied, to place same on the tax assessment roll and levy same against the subject parcels.
3. This Resolution shall take effect immediately.

Mass Gathering Permit – Hospice

A motion was made by Councilman Basile, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present to waive the fee for the use of the Riverfront Park and Mass Gathering requirements for United Hospice of Rockland for their annual Monster Mash fundraiser to be held on October 18, 2014, with a rain date of October 19th.

Settlement of Grievance Pensions

A motion was made by Councilman Basile, seconded by Supervisor Finn and **unanimously carried** by a voice vote of all board members present as follows:

EXECUTE STIPULATION OF SETTLEMENT WITH PBA AND EXECUTE AND FILE ALL DOCUMENTS WITH THE NYS COMPTROLLER'S OFFICE TO OPEN ENROLLMENT IN THE 384-d RETIREMENT PLAN

BE IT RESOLVED that:

1. The Town Board of the Town of Stony Point hereby authorizes Special Counsel to execute the Stipulation of Settlement with the Stony Point PBA resolving the outstanding Pension Grievance in PERB CASE #A2011-396.

AND BE IT FURTHER RESOLVED that:

2. The Stony Point Town Board hereby authorizes the Supervisor to execute and file all documents with the New York State Comptroller's Office as necessary to open the enrollment period for Officer Dennis Tobin, Officer Christopher Schulok and Officer Thomas Clarke to enroll in the 384-d retirement plan.

This resolution shall take effect immediately.

Approve Resolution – Home Rule Legislation

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

RESOLUTION REOPENING SECTION 384-D OF THE RETIREMENT AND SOCIAL SECURITY LAW FOR DENNIS TOBIN, THOMAS CLARKE, AND CHRISTOPHER SCHULOK AS SET FORTH IN CHAPTER 175, LAWS OF 2014

BE IT RESOLVED that the governing board of the Town of Stony Point, does hereby assume the additional cost required to provide the reopening of Section 384-d of the Retirement and Social Security Law, pursuant to Chapter 175 of the Laws of 2014.”

Request to waive fees – Bldg. Permit

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present to waive the fee to extend a building permit #20110200 for F.F.C. Residential Remolding Inc. working for the Stony Point Center building an Arts & Crafts building working from grants and charitable contributions.

Discuss – Toro NSN Irrigation Contract

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 entering into a 36 month contract with Toro NSN for a new computer system to run the irrigation system at the golf course at \$223 per month and an initial payment of \$500 for a total of \$8,528.00.

Authorize Legal Services by Special Town Counsel

The following resolution was duly offered Supervisor Finn, seconded by Councilman White and unanimously carried by a voice vote of all board members present to wit:

**AUTHORIZING LEGAL SERVICES BY SPECIAL TOWN COUNSEL FOR
GENERAL MUNICIPAL LAW § 207-c MATTERS**

WHEREAS, the Town of Stony Point previously retained Special Counsel, Feerick Lynch MacCartney, PLLC, to represent the Town of Stony Point in certain legal matters; and

WHEREAS, pursuant to General Municipal Law § 207-c (“GML § 207-c”), police officers employed in the Town of Stony Point who claim injury in the line of duty may be entitled to benefits set forth in the GML § 207-c, including payment of wages and the costs of medical treatment resulting from such injuries; and

WHEREAS, such GML § 207-c matters are often complex matters that require legal representation and guidance due to the deprivation of such benefits being subject to legal Due Process requirements and further may involve hearings and related proceedings; and

WHEREAS, the Town desires to have competent legal counsel on such matters to assist the police administration and the Town Board in carrying out the provisions of GML § 207-c and providing legal advice on GML § 207-c claims, representing the Town at any GML § 207-c hearings and otherwise providing guidance and representation to the Town on such matters; and

WHEREAS, such legal matters are not included within the standard retainer services currently provided by the Town’s Special Counsel and therefore, pursuant to the terms of the February 28, 2012 resolution of the Town Board, Special Counsel would be paid at \$250 per hour; and

WHEREAS, Special Counsel for the Town, in an continued effort to avoid any increased burden to the Town and its taxpayers, has advised the Town in its August 29, 2014 proposal that it would reduce such hourly rate to \$200 per hour for such GML § 207-c matters to be consistent with the hourly rate that was paid to previous Special Counsel for such services; and

NOW, THEREFORE, it is resolved as follows:

Section 1. Special Counsel, Feerick Lynch MacCartney, PLLC, is authorized to provide legal services, represent the Town of Stony Point, assist the Chief of Police and take any other actions in providing legal representation to the Town with respect to matters involving the administration of, and claims for GML § 207-c benefits and Special Counsel shall be compensated for all services performed for the Town of Stony Point with regard to said matters at the hourly rate of \$200 as set forth in the August 29, 2014 letter proposal to the Town Board, and such modified hourly rate shall only apply to GML § 207-c matters, and all other legal services outside Special Counsel’s standard

retainer services, including matters before the Public Employment Relations Board, shall continue be paid as set forth in the February 28, 2012 Town Board Resolution.

Section 2. This Resolution shall be effective immediately.

NY Magistrates Training Conference

A motion was made by Supervisor Finn, seconded by Councilman Monaghan and **unanimously carried** by a voice vote of those board members present to approve the request of Judge Franks to attend Magistrates Training Conference in Syracuse, NY from September 21 – September 24, 2014 at a cost of approximately \$597.00 to the town.

Approve Retirement Payout

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 retirement payout for Jennifer Sciscente as submitted by the Finance Director.

Simmons Recovery Contract Modification

A motion was made by Supervisor Finn, seconded by Councilman Monaghan and **unanimously carried** by a voice vote of those board members present to approve contract modification with Simmons Recovery for FEMA Assistance not to exceed \$75,000.

Emergency Payout for Irrigation Pump

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 emergency spending from Enterprise Fund of \$1925 for replacement of pump used for irrigation at the golf course. Pump was hit by lightning.

Set Public Hearing for Sign Law

No action was taken on this matter.

Discuss Tax Cap

After discussion, no action was taken on this matter.

Change of Title - Parks Department

A motion was made by Supervisor Finn, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present to promote Jared Stalter as Maintenance Supervisor in the Buildings and Grounds Department.

Nominate Police Officer

A motion was made by Supervisor Finn, seconded by Councilman Monaghan and **unanimously carried** by a voice vote of those board members present to nominate Daniel O. Hylas for the position of Spanish speaking Officer.

Close Meeting

The September 9, 2014 Stony Point Town Board meeting was closed in memory of Gary Zeh, who as a life-long resident of North Rockland and owner and operator of Haverstraw Transit Gary touched many of our lives and will always be remembered as the kind and generous person he was.

EXECUTIVE SESSION

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to adjourn into executive session at 8:58. Supervisor Finn announced that no votes will be taken.

ADJOURN

The September 9, 2014 Stony Point Town Board meeting adjourned at 9:30 pm. No further votes were taken.

Respectfully submitted

Joan Skinner – Town Clerk