

STONY POINT TOWN BOARD MEETING – January 24, 2023

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, January 24, 2023 at 7:00 pm at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, NY. Supervisor Monaghan called the meeting to order and led the group in the pledge of allegiance.

Town Clerk, Megan Carey called the following roll:

PRESENT:

Michael Puccio	Councilman
Todd Rose	Councilman
Paul Joachim	Councilman
James Monaghan	Supervisor
Brian Nugent	Attorney

ABSENT: Keith Williams Councilman

At this time Supervisor Monaghan called up Eagle Scout, Wesley Miles to present him with a certificate of recognition for his United States Flag Retirement Box which was donated to the Town for his Eagle Scout badge and placed at Town Hall.

SUPERVISOR’S REPORT

Supervisor Monaghan reported on the following:

- This is the 24th year the Stony Point will be raising money for local disabled children. This year the money raised will be going to Santiago Noguera and Liam Fernandez. Santiago was born with a rare unknown genetic condition causing his growth to under develop. He’s had multiple surgeries to help his lungs, heart, brain and spine. Liam was diagnosed with Pelizaeus Merzbacher disease, a progressive central nervous system disorder, in which coordination, motor abilities, and intellectual function deteriorate. There will be a kick-off on February 4th at Fireside at noon. The Super Bowl Polar Plunge will be February 12th, 10am – 2pm at the Grassy Point Seawall. Please come out to support.
- At the previous meeting, a representative of SPACE spoke to the Town Board on the Champlain Hudson Power Express (CHPE) project coming down the 9W corridor. After the meeting he spoke to the (CHPE) Vice President and found that the information given by SPACE was erroneous.

PURCHASE ORDER REQUEST

A motion was made by Councilman Puccio, seconded by Councilman Rose and unanimously carried by a voice vote of those board members present with Councilman Williams being absent to approve the following purchase orders:

Buildings & Grounds		
PO#3577	Town and Country Ceramic Tile	\$4,908.40
PO#3579	County Garage Door Inc	\$3,668.00

AUDIT OF BILLS – A motion was made by Councilman Puccio, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Councilman Williams being absent to approve the following bills as presented for payment:

CONTRACTUAL FUND JANUARY 24, 2023

<u>FUND</u>	<u>CLAIM#</u>	<u>FUND TOTAL</u>
General	71-111	\$ 334,990.77
Cap Projects	6	\$ 20,000.00

Highway	35-47	\$ 348,093.33
<u>Sewer</u>	26-37	\$ 95,585.90
<u>Special Districts</u>		
Enterprise	17-20	\$ 14,382.17
Ambulance	1-2	\$ 37,212.58
Street Light	2	\$ 20,912.27
Sewer Cap	1	\$ 31,142.50

MINUTES - A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Councilman Williams being absent to approve the minutes of January 10, 2023, Town Board Meeting.

CORRESPONDENCE - None

PUBLIC INPUT –

George Potanovic-597 Old Gate Hill Rd., SPACE Pres.,

- defended his comments on the CHPE project, and the lack of information given to the public.
- His lawsuit against the Town claiming violation of his 1st Amendment right to freedom of speech lost with the Judge adopting the town’s position. Stated the NYS amended the Open Meeting Law to require viewing to all.

Ellie Kassner- 9 West Shore Dr., asked for the Town to livestream the Town Board meetings to make it more available for those unable to attend.

Open Public Hearing-Improvements to Sewer Districts 2 & 3 – Vactor Truck

At 7:29pm a motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Councilman Williams being absent to open the public hearing for the improvements to Sewer Districts 2 & 3 – Vactor Truck.

**NOTICE OF PUBLIC HEARING
TOWN OF STONY POINT – IMPROVEMENTS TO
SEWER DISTRICTS NO. 2 AND NO. 3**

PLEASE TAKE NOTICE that the Town Board of the Town of Stony Point, Rockland County, New York, by resolution dated January 10, 2023, ordered that a public hearing be conducted at a meeting of said Town Board to be held on January 24, 2023 at 7:00 p.m. at the Town Hall, 74 East Main Street, Stony Point, New York 10980 to consider whether it is in the public interest to approve the hereinafter described project:

The Town Board is considering the acquisition of equipment consisting of (i) one Vactor truck, the cost of which shall be shared with the Town, and (ii) camera equipment, all for use in the Town’s Sewer Districts No. 2 and No. 3, at an estimated maximum cost of \$570,000.

All persons interested in the aforementioned project, and the subject matter thereof, are invited to attend.

Megan Carey, Town Clerk

Dated: January 10, 2023

PUBLIC INPUT - None

Close Public Hearing - Improvements to Sewer Districts 2 & 3 – Vactor Truck

At 7:31pm a motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Councilman Williams being absent to close the public hearing for the improvements to Sewer Districts 2 & 3 – Vactor Truck.

Approve Resolution Pursuant to Section 202-b of the Town Law Determining that it is in the Public Interest to Undertake the Acquisition of Equipment for use in the Town's Sewer Districts No. 2 and No. 3

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Councilman Williams being absent to adopt the following resolution:

RESOLUTION NO. 4 OF 2023 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 DETERMINING THAT IT IS IN THE PUBLIC INTEREST TO UNDERTAKE THE ACQUISITION OF EQUIPMENT FOR USE IN THE TOWN'S SEWER DISTRICTS NO. 2 AND NO. 3

WHEREAS, the Town Board (the "Town Board") of the Town of Stony Point, Rockland County, New York (the "Town") is considering authorizing the acquisition of equipment consisting of (i) one Vactor truck, the cost of which shall be shared with the Town, and (ii) camera equipment, all for use in the Town's Sewer Districts No. 2 and No. 3 (collectively, the "Project"), at an estimated maximum cost of \$570,000, including the issuance of serial bonds and/or bond anticipation notes issued in anticipation of such serial bonds in an amount not to exceed \$200,000; and

WHEREAS, by a resolution adopted January 10, 2023 at a regular meeting of the Town Board held on such date, the Town Board directed that a public hearing be held on whether to authorize the Project, and to hear all persons interested in the subject matter thereof concerning the same on January 24, 2023 at 7:00 p.m. at the Town of Stony Point Town Hall, 74 East Main Street, 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 copy thereof was published in *The Journal News*, an official newspaper of the Town, on January 13, 2023 and a copy of such notice was posted on the signboard maintained by the Town Clerk on January 13, 2023, and on the Town's website, pursuant to Town Law Section 193; and

WHEREAS, the Project constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA" and therefore no further action under SEQRA with respect to the Project need be taken by the Board; and

WHEREAS, said 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.

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

Based in part 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 as hereinabove described at the estimated maximum cost of \$570,000, including the issuance of serial bonds and/or bond anticipation notes issued in anticipation of such serial bonds in an amount not to exceed \$200,000. The Town is hereby authorized to undertake the Project at such estimated maximum cost.

The Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be duly recorded in the office of the County Clerk, County of Rockland, New York within ten (10) days after the adoption hereof, in accordance with Section 195 of the Town Law.

This resolution shall take effect immediately.

Approve Bond Resolution Authorizing the Issuance of up to \$200,000 in Serial Bonds

A motion was made by Supervisor Monaghan, seconded by Councilman Rose and unanimously carried by a voice vote of those board members present with Councilman Williams being absent to adopt the following resolution:

BOND RESOLUTION NO. 5 OF 2023 OF THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK (THE “TOWN”), (I) AUTHORIZING THE ISSUANCE OF UP TO \$200,000 IN SERIAL BONDS OF THE TOWN TO UNDERTAKE THE ACQUISITION OF MACHINERY AND APPARATUS FOR USE IN THE TOWN’S SEWER DISTRICTS NO. 2 AND NO. 3 AND (II) AMENDING THE AMOUNT AUTHORIZED IN THE TOWN’S BOND RESOLUTION ADOPTED ON SEPTEMBER 27, 2022 IN CONNECTION WITH THE FINANCING THEREOF.

WHEREAS, on September 27, 2022, the Town Board (the “Town Board”) of the Town of Stony Point, Rockland County, New York (the “Town”) adopted a bond resolution (i) authorizing the acquisition of machinery and apparatus for use by the Town, including (i) one Vactor truck and (ii) camera equipment (the “Project”); (ii) stating the maximum estimated cost thereof is \$570,000; (iii) appropriating said amount therefor; and (iv) authorizing the issuance of up to \$570,000 in serial bonds of the Town to finance said appropriation (the “Original Resolution”); and

WHEREAS, as the Project will also be used by the Town’s Sewer Districts No. 2 and No. 3 (the “Districts”), a portion of the costs of the Project in the amount of \$200,000 will be financed as an assessable improvement by the Town for the Districts, with the remaining amount to be financed under the Original Resolution and the amount authorized under the Original Resolution shall be reduced in connection therewith; and

WHEREAS, in connection with the portion of the Project to be used by the Districts and pursuant to proceedings undertaken by the Town Board under Section 202-b of the Town Law, including in particular a resolution adopted on January 24, 2023 immediately prior to the consideration of this resolution, the Town Board (a) determined it was in the public interest to undertake the Project, a portion of which shall be used by the Districts, at an estimated maximum cost of \$570,000 and (b) authorized the Town to undertake the Project at such estimated maximum cost; and

WHEREAS, the Project constitutes a “Type II” action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, “SEQRA” and therefore no further action under SEQRA with respect to the Project need be taken by the Board; and

WHEREAS, the Town Board now wishes (i) to authorize the issuance of the Town’s serial bonds and bond anticipation notes in anticipation thereof in order to finance a portion of the Project for use by the Districts and (ii) amend the amount of serial bonds authorized under the Original Resolution.

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 \$200,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law of the State of New York, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance a portion of the Project, as hereinabove described.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$570,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to 370,000 in serial bonds authorized under the Original Resolution, (ii) \$200,000 in serial bonds of the Town authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation of such serial bonds; (iii) the assessment, levy and collection of assessments upon the benefited properties within Districts; and (iii) the levy and collection of taxes on all taxable real property of the Town to pay the principal of such bonds or notes and the interest thereon as the same become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision 28. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 5. 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. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 6. 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 7. 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 Section 21.00, Section 50.00,

Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing 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 relating 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 Supervisor of the Town, the chief fiscal officer of the Town (the "Supervisor"). Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for the object or purpose 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 this 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 Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Supervisor of the Town 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 9. The 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 10. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements and 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 11. 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 12. The amount of serial bonds, or bond anticipation in anticipation thereof, authorized in the Original Resolution shall be reduced by the \$200,000 authorized herein and shall not to exceed \$370,000.

SECTION 13. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof,

to be published 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 for such purpose.

Nominate Police Candidate

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Councilman Williams being absent to accept Chief Finn’s nomination of Victor Yupa. This nomination will allow Rockland County Personnel to continue the testing of the candidate.

Set Public Hearing – Local Law to Opt Out of the Exemption from Taxation for Certain Energy Systems Under Real Property Tax Law §487

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Councilman Williams being absent to set a public hearing for February 14, 2023 to consider a local law to opt out of the Exemption from Taxation for Certain Energy Systems Under Real Property Tax Law §487.

Use of Sound Stage – New City Fire Department

A motion was made by Supervisor Monaghan, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present with Councilman Williams being absent to grant permission for the use of the town’s soundstage to New City Fire Department to celebrate the purchase of three new fire apparatuses on Saturday, June 3, 2023. This approval is contingent upon a copy of an insurance certificate being submitted to the town clerk’s office as well as the New City Fire Department being responsible for our employees to be compensated for their time for setup and breakdown of the stage.

Surplus Town Vehicle

A motion was made by Supervisor Monaghan, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present with Councilman Williams being absent to authorize the surplus of 2006 Ford Crown Victoria Vin#2FAHP71W06X146232.

Approve 2023 PAL Spring Drive-In Movie Request

A motion was made by Supervisor Monaghan, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present with Councilman Williams being absent to approve the request of the SPPAL for use of the lawn of the Stony Point Justice Court and surrounding property for their 2023 Drive-In Movie series for the following dates:

Friday, April 21st
Friday, May 19th

Approve Use of Riverfront Park – United Women of Rockland

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Councilman Williams being absent to authorize the use of Riverfront Park to the United Women of Rockland for their annual event of “The Race” for Saturday, May 13, 2023.

Authorize Town Clerk to go out for Bid for Plant Protectants & Fertilizers

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Councilman Williams being absent to authorize the Town Clerk to go out to bid for Plant Protectants & Fertilizers for Golf Course Maintenance.

Seasonal Rehires for 2023 Golf Course Maintenance

A motion was made by Supervisor Monaghan, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present with Councilman Williams being absent to rehire the following employees for Golf Course Maintenance:

<u>Laborers</u>	<u>2023 Hourly Wage</u>
Andre Vasquez	\$16.00/hr
Faustino Espinal	\$17.25/hr
Jose Liz	\$16.00/hr
Angel	\$15.75/hr
Manny Ortiz	\$15.00/hr
Richard Hernandez	\$16.00/hr
Jose Abreu	\$15.75/hr
Pedro Delosangeles	\$23.75/hr
Scott Lindsay	\$16.00/hr

EXECUTIVE SESSION

At 7:35pm a motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Councilman Williams being absent to adjourn into executive session to discuss PBA Contract Negotiations and a personnel matter.

ADJOURN

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Councilman Williams being absent to close the Stony Point Town Board meeting at 8:40 pm.

Respectfully submitted
Megan Carey - Town Clerk