

STONY POINT TOWN BOARD MEETING – June 28, 2022

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, June 28, 2022 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 stated the meeting will be opened and closed in memory of Tom McNamara. Tom was a lifelong member of the community, retired Haverstraw Police Officer and volunteer.

Town Clerk, Megan Carey called the following roll:

PRESENT:	Michael Puccio	Councilman
	Keith Williams	Councilman
	Paul Joachim	Councilman
	Todd Rose	Councilman
	James Monaghan	Supervisor
	Robert Zitt	Attorney

SUPERVISOR’S REPORT

Supervisor Monaghan reported on the following:

- Town Hall was without phones or internet today.
- Letchworth Village lost power last week and commended Supt. Of Highways Karl Javenes and his crew for working to get it restored.
- Great opening of the Town Pool on June 25th.
- After the horrific accident that killed Anthony Apostolico on the Palisades Parkway, he and Haverstraw Supervisor Phillips have sent letters to the Palisades Interstate Park Commission and the Governor’s Office to assess the condition of the Parkway.

PURCHASE ORDER REQUEST

A motion was made by Councilman Puccio, seconded by Councilman Williams and unanimously carried by a voice vote of all board members present to approve the following purchase order:

Sewer Department		
PO#3509	GA Fleet	\$6,785.00

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 to approve the following bills as presented for payment:

CONTRACTUAL FUND-JUNE 28 , 2022

<u>FUND</u>	<u>CLAIM#</u>	<u>FUND TOTAL</u>
General	627-655	\$ 59,584.29
Highway	220-230	\$ 18,113.45
Sewer	179-189	\$ 20,263.68
Special Districts		
Enterprise	215-226	\$ 17,605.14
Ambulance	18-17	\$ 35, 222.16
Solid Waste	16-18	\$ 10,544.42
Street Light	8	\$ 19,542.46

CORRESPONDENCE – None

Presentation of 2021 Audited Financial Statements by PKF O'Connor Davies

Supervisor Monaghan introduced Nicholas DeSantis and Jeffrey Shaver of PKF O'Connor Davies to present the 2021 Audited Financial Statements to the Town Board.

Mr. DeSantis and Mr. Shaver gave the Town Board an overview of the 2021 audit.

PUBLIC INPUT –

Jim Krause-21 Heights Road, spoke on the following:

- in favor of Pickleball
- against the payment in lieu of taxes for the Champlain Hudson Power Express (CHPE LLC)

Pete Reilly- 1 Hawknest Road, questioned the impact of the Hudson Park LLC proposal and the possible negative impact.

Kevin Maher-130 Central Highway, spoke on the new state requirements for Municipal Separate Storm Water System (MS4).

Susan Filgueras-87 Mott Farm Road, spoke against the Hudson Park LLC proposal and the proposed agreements with Champlain Hudson Power Express (CHPE, LLC).

Resolution Authorizing the Supervisor to Sign Host Community Agreement CHPE

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to authorize Supervisor Monaghan to sign the Host Community Agreement with CHPE, LLC for the Champlain Hudson Power Express Project.

The following resolution was duly offered and seconded to wit:

**RESOLUTION 2022/14
RESOLUTION AUTHORIZING SUPERVISOR TO SIGN HOST COMMUNITY AGREEMENT WITH CHPE, LLC FOR THE CHAMPLAIN HUDSON POWER EXPRESS PROJECT**

WHEREAS, CHPE, LLC (“the Company”) is developing the Champlain Hudson Power Express Project (“the Project”), a fully- buried 1,250-megawatt high voltage direct current electric transmission line extending from the U. S.- Canada border to New York City, and

WHEREAS, the Company is in receipt of all federal and state siting approvals necessary in order to authorize the construction and operation of the Project, including a Certificate of Environmental Compatibility and Public Need (Article VII Certificate) issued by the New York State Public Service Commission, and

WHEREAS, the Article VII Certificate approved the routing of the Project along U.S. Route 9W in the Town of Stony Point, Town of Haverstraw, Village of West Haverstraw, Village of Haverstraw, and Town of Clarkstown (Rockland Host Communities), and

WHEREAS, the Company has prepared a Host Community Agreement between the Town of Stony Point and the Company, and

WHEREAS, under said Agreement, the Company would make a total Host Fund Payment to the Town of Stony Point of \$5,300,000 in two installments of \$2,650,000 each in recognition that the routing and project will cause temporary disruption and inconvenience to the citizens and businesses of Stony Point; and

WHEREAS, under said Agreement, the Company would also make a streetscape payment to the Town in the total amount of \$2,914,286 in three annual installments; and

WHEREAS, under the terms of the Agreement, such payments would commence within thirty (30) days after the Company's first draw of funds for construction financing.

NOW THEREFORE BE IT RESOLVED that:

Section 1. The above "WHEREAS" clauses are incorporated herein by reference as if set forth in full.

Section 2. The Town Board hereby authorizes the Town Supervisor to execute the Host Community Agreement with CHPE, LLC in a final form approved by the Town's Special Counsel.

Section 3. The Supervisor, or his designee, is hereby authorized to accept and process any payments received pursuant to the Host Community Agreement.

Section 4. The Town Board hereby authorizes the Town Supervisor, or any officer, employee or consultant as directed by the Town Supervisor, to take any all actions necessary to carry out the provisions of this Resolution.

Section 5. This Resolution shall be effective immediately.

Resolution Approving PILOT Agreement-CHPE

A motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present to approve the Resolution for the PILOT Agreement with CHPE.

The following resolution was duly offered and seconded to wit:

RESOLUTION 2022/15

RESOLUTION APPROVING PAYMENT TERMS FOR PAYMENT IN LIEU OF TAX AGREEMENT WITH RESPECT TO CHAMPLAIN HUDSON POWER EXPRESS PROJECT

WHEREAS, the Rockland County Industrial Development Agency (the "IDA") received an application related to tax certainty from CHPE LLC (the "Company") regarding its proposed Champlain Hudson Power Express Project (the "Project"), a fully-buried, up to 1,250-megawatt high-voltage direct current electric transmission line from the U.S.-Canada border to New York City, a portion of which will be located in the Town; and

WHEREAS, by resolution dated September 24, 2021 the IDA induced the undertaking and completion of the portion of the Project to be located in Rockland County (the "Project Facility") pursuant to which members, representatives, and agents of the IDA were authorized and directed to take all action deemed appropriate to assist the Company in commencing and carrying out the Project, including assisting the Company in discussions with affected tax jurisdictions to obtain a payment in lieu of tax ("PILOT") agreement with respect to the Project Facility; and

WHEREAS, the IDA and the Company plan to enter into a "straight lease transaction" pursuant to which the IDA would acquire a leasehold interest in and to the

Project Facility and the IDA would sublease to the Company the IDA's interest in the Project Facility; and

WHEREAS, pursuant to Section 874 of the New York General Municipal Law and Section 412-a of the New York Real Property Tax Law, the IDA is exempt from the payment of taxes and assessments imposed on real property and improvements acquired by it or under its jurisdiction, supervision or control; and

WHEREAS, pursuant to Section 925-l(i) of the New York General Municipal Law, as amended, projects promoted, developed and assisted by the IDA shall be responsible for PILOT payments ("PILOT Payments") in a sum equal to the amount of real property taxes that would have been levied absent IDA assistance, or, with the written agreement of any affected tax jurisdiction, in a sum equal to such alternate amount thereof as such affected tax jurisdiction may approve; and

WHEREAS, the Town will be an affected tax jurisdiction (as such term is defined in the New York General Municipal Law) with respect to the Project Facility; and

WHEREAS, representatives of the Company and the Town have discussed the anticipated environmental and economic benefits of the Project, the long-term revenue certainty that would be created by a PILOT agreement for the Project Facility, the lack of municipal and school district services that would be required to support the Project Facility, and the operating cost certainty and associated increased Project financeability that a PILOT agreement would create, and have agreed to a schedule of PILOT Payments for the Project Facility, in the amounts set forth on Exhibit A hereto, in order to facilitate financing and construction of the Project Facility.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. The above "WHEREAS" clauses are incorporated herein as if set forth in full.

Section 2. The Town Board hereby approves the schedule of PILOT Payments set forth on Exhibit A hereto.

Section 3. The Town Supervisor, or any officer, employee or consultant of the Town as directed by the Town Supervisor, is hereby authorized, on behalf of the Town, if requested by the IDA, to execute and deliver a PILOT agreement by and between the IDA and the Company containing payment terms approved by this resolution and to take any and all other actions necessary to carry out the provisions of this Resolution.

Section 4. The resolution shall take effect immediately.

EXHIBIT A

PILOT PAYMENTS

<u>Payment Year¹</u>	<u>PILOT Payment Amount</u>
Construction Years	\$0
1	\$949,624
2	\$890,227
3	\$828,907
4	\$840,927
5	\$813,327
6	\$825,120
7	\$797,770
8	\$767,788
9	\$778,921
10	\$790,216

11	\$760,030
12	\$727,038
13	\$737,580
14	\$748,274
15	\$670,899
16	\$634,006
17	\$643,199
18	\$604,543
19	\$613,309
20	\$548,125
21	\$459,888
22	\$441,143
23	\$447,539
24	\$454,029
25	\$434,077
26	\$310,088
27	\$314,585
28	\$319,146
29	\$323,774
30	\$328,469
Total	\$18,802,567

¹ The PILOT agreement would cover the period of construction of the Project Facility and thirty (30) payment years for the assessment roll years following the date on which the Project commences commercial operation (the "Commercial Operation Date"). PILOT Payments would be due at the same time property tax payments would otherwise be due in the absence of the IDA exemption. PILOT Payments would not be owed during the construction period. The first PILOT Payment to the affected tax jurisdiction would be due on the date that property taxes would be due to the affected tax jurisdiction for the assessment roll year associated with the first taxable status date occurring after the Commercial Operation Date. The Project Facility would become subject to property taxation by the affected tax jurisdiction following the assessment roll year associated with the thirtieth (30th) PILOT Payment to the affected tax jurisdiction.

Authorize Supervisor to Sign Intermunicipal Agreement with Rockland County Project Connect

A motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present to authorize Supervisor Monaghan to sign the Intermunicipal Agreement with Rockland County Project Connect.

Hire Day Camp Personnel

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to hire Jayden Fabian as a Recreation Aide for Day Camp at a rate of pay of \$13.20/hr.

Appoint Lifeguards

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to appoint the below people to the following positions:

Head Lifeguard

Michael Stamm-\$19/hr

Lifeguards-\$16/hr

Justin Riello
Victoria Caldiero
Nicholas Berlanga

Authorize Town Engineer to Draft Specifications for the HVAC at Patriot Hills Clubhouse East Wing, Patriot Hills Maintenance Building Roof and Pickleball Court

A motion was made by Supervisor Monaghan, seconded by Councilman Rose and unanimously carried by a voice vote of those board members present to authorize the

Town Engineer to draft specifications for the HVAC at Patriot Hills Clubhouse East Wing, Patriot Hills Maintenance Building Roof and Pickleball Court.

Authorize Town Clerk to Advertise for Bids for the HVAC at Patriot Hills Clubhouse East Wing, Patriot Hills Maintenance Building Roof and Pickleball Court

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to authorize the Town Clerk to advertise for bids for the HVAC at Patriot Hills Clubhouse East Wing, Patriot Hills Maintenance Building Roof and Pickleball Court.

Renew JCO Contract

A motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present to renew the contract with JCO Inc. for the operation and maintenance of the Towns Wastewater Treatment Plant.

Authorize Supervisor to Sign Agreement with Rockland County-Stop DWI

A motion was made by Supervisor Monaghan, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present to authorize Supervisor Monaghan to Sign the Agreement with Rockland County-Stop DWI.

Amending Chapter 215- Proposed River and Rail Development Brownfield Floating Zone

A motion was made by Supervisor Monaghan, seconded by Councilman Rose and unanimously carried by a voice vote of those board members present to refer amending Chapter 215-Proposed River and Rail Development Brownfield Floating Zone to Stony Point Planning Board and Rockland County Planning Department.

EXECUTIVE SESSION

At 8:07pm a motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to adjourn into executive session to discuss finances with a company who is interested in doing business with the town.

ADJOURN

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to close the Stony Point Town Board meeting at 9:00 pm in memory of Tom McNamara and no further votes were taken.

Respectfully submitted
Megan Carey - Town Clerk