

STONY POINT TOWN BOARD MEETING – May 23, 2023

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, May 23, 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
Keith Williams	Councilman
Paul Joachim	Councilman
Todd Rose	Councilman
James Monaghan	Supervisor
Chris Pavlacka	Attorney

SUPERVISOR'S REPORT

Supervisor Monaghan reported on the following:

- The Memorial Day Parade will be May 29th at 9:30, starting at Teneyck Street and ending at Town Hall. This year the parade will be led by Stony Point's own Alan Dagastino, Rockland County "Veteran of the Year". He will be the guest speaker at the ceremony at Town Hall.
- Champlain Hudson Power Express (CHPE) will host an open house, Wednesday May 24th ,5:30pm – 8pm, at Rho Building, to inform the public on the project and answer any questions.
- Supt. Of Highways, Karl Javenes, is hosting an open house at the Highway Department, Saturday, June 3rd, 11am – 1pm, to explore the trucks and tractors. Hot dogs and ice cream will be served.
- June 3rd will be the Rockland Green paper shredding event from 8am – 12pm at Patriot Hills Dr.
- June 4th at 9am is the North Rockland Community 5K Run – Walk at Bowline Park, registration begins at 7am. Proceeds to benefit the families of Jarred Monroe and Maria Pineda. This year special recognition will go to the Haverstraw and Stony Point Police Athletic Leagues, Chuck Maze and Rich Fernandez.

Supervisor Monaghan asked the Town Board and Chief Finn to join him in front of the dais to present, Det. Andrew Kryger and the volunteers of the Police Athletic League, with a plaque of appreciation for all the hard work they do.

Chief Finn presented Det. Andrew Kryger with a plaque of appreciation for the PAL and presented certificates of appreciation to the following Stony Point Police Department PAL volunteers:

Audra Morrison
Chris Morrison
Kelly Bigelow
Jeff Bigelow
Ralph Heavner
MaryFrances Zayas
Carolee Stoll
Desiree Leone Stoll
Vivienne Cerrati
Tito Cerrati
Paul Tummolo
Amy Gabari

Brigid McCann
Stephen Konopko
Jessica Petti
Chris Petti
Mike Ehlers

Proclamation Declaring EMS Week

Supervisor Monaghan asked Stony Point Ambulance President, Desiree Leone Stoll, and the volunteers of the Stony Point Ambulance to join them in front to present them with the following proclamation:

Town of Stony Point, NY

Proclamation

HONORING



WHEREAS, emergency medical services are a vital public service; and

WHEREAS, EMS week is a perfect time to honor those frontline heroes who provide vital emergency medical care to members of our community; and

WHEREAS, through service, compassion and dedication, EMS providers represent the very best of the American spirit; and

WHEREAS, members of the Stony Point Ambulance Corps are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

NOW, THEREFORE, I, Jim Monaghan, by virtue of the authority vested in me as Supervisor of the Town of Stony Point, hereby proclaim May 21st through May 27th, 2023 as EMS Week in the Town of Stony Point

IN RECOGNITION THEREOF, I affix my signature and the Seal of the Town of Stony Point to this proclamation this 23rd day of May in the year of Our Lord, Two Thousand and Twenty-Three.

PURCHASE ORDER REQUEST

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

Highway Department:

PO#3625	Cedar Pond Tree	\$4,800.00
PO#3626	All County Asphalt	\$90,000.00

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-May 23, 2023

<u>FUND</u>	<u>CLAIM#</u>	<u>FUND TOTAL</u>
General	581-647	\$119,989.73
Cap Projects	49-51	\$39,916.20
Highway	214-236	\$15,761.21
Sewer	173-186	\$8,634.30
<u>Special District</u>		
Enterprise	159-178	\$59,546.23
Solid Waste	12-13	\$5,403.57
Streetlight	6	\$20,061.75
Ambulance	16-17	\$13,080.36
Sewer Cap Projects	6-7	\$59,942.50

MINUTES - A motion was made by Supervisor Monaghan, seconded by Councilman Rose and unanimously carried by a voice vote of those board members present to approve the minutes of May 9, 2023, Town Board Meeting.

CORRESPONDENCE - None

PUBLIC INPUT

Jeff and Colleen Johnson, 4 Tyler Place, asked the Town Board to consider adopting a local law that would prohibit surveillance cameras to face the neighbor’s house and yard.

The following people asked the Town Board to consider adopting a resolution ordering NYS Citizen Election Audit, and read a resolution out loud:

Robert Maurice, 5 TenEyck Street, Stony Point
Diane Holland, W. Nyack
Jeannie Finn Bergen, 7 Brookhill Dr., W. Nyack
Patti Pacquing, Tappan

Nominate Part Time Police Officer Candidate

A motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present to nominate Christopher Morse for the position of part-time Police Officer.

Approve Tax Certiorari Settlements

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to adopt the following resolutions approving Tax Certiorari Settlements:

**RESOLUTION 2023/15
RESOLUTION APPROVING THE SETTLEMENT OF THE
CROSSROADS TAX CERTIORARI**

WHEREAS, the Town of Stony Point, New York (“Town”) in the years 2018, 2019, 2020, 2021 and 2022 made assessments of real property by the Town Assessor; and

WHEREAS, litigation was commenced by property owners seeking a review of such assessments; and

WHEREAS, the Town Board is empowered and authorized to review any proposed settlement of tax certiorari matters and reject or approve such settlements as recommended by professionals employed by the Town; and

WHEREAS, Special Counsel Feerick Nugent MacCartney PLLC, for the Town has approved the settlement of this matter as recommended by the Town Assessor and all professionals employed by the Town recommend that it is in the best interest for the Town to resolve the litigation entitled Crossroads Associates, LLC c/o Inserra v. Board of Assessment Review et al. under Rockland County Supreme Court Index Nos.: 034286/18; 33659/19; 32842/20; 34258/21 and 33045/22 pursuant to the terms and conditions set forth in the settlement documents annexed hereto as Exhibit "A".

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

Section 2. Special Counsel for the Town is hereby authorized to execute a Consent Judgment to resolve Crossroads Associates, LLC c/o Inserra v. Board of Assessment Review et al. upon the terms and conditions set forth in the settlement documents annexed as Exhibit "A" because such a settlement of the Litigation is in the best interest of the Town.

Section 3. This Resolution shall be effective immediately.

At a Special Term of the Supreme Court, held in
and for the County of Rockland at Stony Point, New York
on the ____ day of _____, 2023

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

In the Matter of the Application of Crossroads Holt Drive Associates LLC, c/o Inserra Supermarkets, Petitioner, v. BOARD OF ASSESSMENT REVIEW AND/OR ASSESSOR OF THE TOWN OF STONY POINT AND THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK. Respondents

Index Number

034286/2018
033659/2019
032842/2020
034258/2021
033045/2022

Hon. Paul I. Marx

Consent Judgment

The above petitioners having heretofore served and filed the Petitions and Notices to review the tax assessments fixed by the TOWN OF STONY POINT for assessment years 2018, 2019, 2020, 2021 and 2022, upon certain real property constituting assessment parcel and designated as Tax Map No.: 20.04-11-2.2 on the Official Assessment Map of the TOWN OF STONY POINT, and

The issues of these proceedings having duly come on for trial at an IAS Term of this Court, and the petitioner having appeared by JAMES T. RYAN, III, ESQ., of STAVITSKY & ASSOCIATES LLC and the respondents having appeared by ALAK SHAH, ESQ. of FERRICK NUGENT, MACCARTNEY, PLLC, and the parties having made their settlement, it is

ORDERED, that the assessments on the above-referenced property be and the same are hereby reduced, corrected and fixed for the assessment years as follow:

PARCEL 20.04-11-2.2

Tax Year	Current Assessment	Amount of Reduction	Revised Assessment
2018	\$1,400,000	\$0	\$1,400,000
2019	\$1,400,000	\$0	\$1,400,000
2020	\$1,400,000	\$0	\$1,400,000
2021	\$1,400,000	\$0	\$1,400,000
2022	\$1,400,000	\$0	\$1,400,000
2023	\$1,400,000	\$140,000	\$1,260,000

and so reduced and confirmed, it is further

ORDERED, ADJUDGED AND DECREED, that no petition for the review of the assessment of the subject property shall be filed for the 2023, 2024 and 2025 tax years if the assessment for these years shall be \$1,260,000, provided however, the Assessor shall have the right to change the future assessment for any of the permissible reasons set forth in section 727 of the Real Property Tax Law, and the petitioner shall have the corresponding right to file a petition for the review of the changed assessment. The foregoing provisions shall apply notwithstanding the possible future appeal or invalidation of section 727 of the Real Property Tax Law; and it is further

ORDERED, ADJUDGED AND DECREED that the officer or officers having custody of the assessment rolls upon which the above-mentioned assessments and any taxes levied thereon are entered shall correct the said entries in conformity with this Order and shall note upon the margin of said rolls, opposite said entries, that the same have been corrected by the authority of this Order, and it is further

ORDERED, ADJUDGED AND DECREED, that in the event that taxes are unpaid and have already been billed in accordance with the original assessed valuation, the officer or officers having custody of the assessment rolls shall promptly forward to the Petitioner a new bill or bills taxing said petitioner on the basis of the final total assessed valuation agreed to hereto, and it is further

ORDERED, ADJUDGED AND DECREED: any and all refunds otherwise owed are hereby waived, and it is further

ORDERED AND DIRECTED that these proceedings are discontinued with prejudice and without costs or disbursements against either party.

Dated: New City, New York

_____, 2023

Enter,

Hon. Paul I. Marx

**SIGNING AND ENTRY OF THE WITHIN
ORDER IS HEREBY CONSENTED TO:**

Ferrick Nugent MacCartney, PLLC
By: Alak Shah, Esq.

Stavitsky & Associates LLC
By: James T. Ryan, III, Esq.

Attorneys for Respondent
96 South Broadway
South Nyack, New York 10960

Attorneys for Petitioner
350 Passaic Ave
Fairfield, New Jersey 07004

**RESOLUTION 2023/16
RESOLUTION APPROVING THE SETTLEMENT OF THE
GOLDSMITH FAMILY TRUST TAX CERTIORARI**

WHEREAS, the Town of Stony Point, New York ("Town") in the years 2016, 2017, 2018, 2019, 2020, 2021 and 2022 made assessments of real property by the Town Assessor; and

WHEREAS, litigation was commenced by property owners seeking a review of such assessments; and

WHEREAS, the Town Board is empowered and authorized to review any proposed settlement of tax certiorari matters and reject or approve such settlements as recommended by professionals employed by the Town; and

WHEREAS, Special Counsel Feerick Nugent MacCartney PLLC, for the Town has approved the settlement of this matter as recommended by the Town Assessor and all professionals employed by the Town recommend that it is in the best interest for the Town to resolve the litigation entitled SOG 2012 Family Trust v. Board of Assessment Review et al., under Rockland County Supreme Court Index Nos.: 32536/16 and 33382/17 and Goldsmith Family Trust Stuart v. Board of Assessment Review, under Rockland County Supreme Court Index Nos.: 34291/18; 33678/19; 32797/20; 34259/21 and 33054/22 pursuant to the terms and conditions set forth in the settlement documents annexed hereto as Exhibit "A".

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

Section 2. Special Counsel for the Town is hereby authorized to execute a Consent Judgment to resolve SOG 2012 Family Trust v. Board of Assessment Review et al. and Goldsmith v. Board of Assessment Review et al. upon the terms and conditions set forth in the settlement documents annexed as Exhibit "A" because such a settlement of the Litigation is in the best interest of the Town.

Section 3. This Resolution shall be effective immediately.

At a Special Condemnation and Tax Certiorari
Term of the Supreme Court of the
State of New York, held in and for the
County of Rockland, New City, New York
on the _____ day of _____, 2023

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

Index Number

In the Matter of the Application of
SOG 2012 Family Trust,

Petitioner,

v.

BOARD OF ASSESSMENT REVIEW and/or
ASSESSOR OF THE TOWN OF STONY POINT,
AND THE TOWN OF STONY POINT,
ROCKLAND COUNTY, NEW YORK,

Respondents.

032536/2016
033382/2017

Presiding Judge:
Honorable Paul I. Marx, J.S.C.

S/B/L: 57.19-1-9

Index Number

In the Matter of the Application of
Goldsmith Family Trust Stuart,

Petitioner,

v.

BOARD OF ASSESSMENT REVIEW and/or
ASSESSOR OF THE TOWN OF STONY POINT,
AND THE TOWN OF STONY POINT,
ROCKLAND COUNTY, NEW YORK,

Respondents.

034291/2018
033678/2019
032797/2020
034259/2021
033054/2022

CONSENT ORDER AND JUDGMENT

Petitioner having heretofore served and filed the Notices of Petition and Petitions to review assessments made by the Town of Stony Point for the 2016 through 2022 assessment years upon certain property located in the Town of Stony Point and designated as Tax Grid No. 20.04-11-1 and 20.04-11-1./1 on the tax maps and assessment rolls of the Town of Stony Point; and

The issues of these proceedings having duly come before an IAS Term of this Court, and the Petitioner having appeared by James T. Ryan III, Esq. of Stavitsky & Associates, LLC and the Respondents having appeared by Alak Shah, Esq. of Ferrick Nugent MacCartney, PLLC, the parties having agreed to a settlement of these proceedings, it is

ORDERED, ADJUDGED and DETERMINED that the assessments on the property designated as Grid Number 20.04-11-1./1 and 20.04-11-1 on the tax map and assessment rolls of the Town of Stony Point for the assessment years are hereby reduced, corrected and fixed for the assessment rolls as follows:
PARCEL 20.04-11-1/1

Assessment Roll	Assessment	Reduced Assessment	Amount of Reduction
2016	\$67,775	\$54,200	\$13,575
2017	\$67,775	\$54,200	\$13,575
2018	\$67,775	\$54,200	\$13,575
2019	\$67,775	\$54,200	\$13,575
2020	\$67,775	\$54,200	\$13,575

2021	\$67,775	\$54,200	\$13,575
2022	\$67,775	\$54,200	\$13,575
2023	\$67,775	\$51,000	\$16,775

PARCEL 20.04-11-1

Assessment Roll	Assessment	Reduced Assessment	Amount of Reduction
2016	\$693,000	\$693,000	\$0
2017	\$693,000	\$693,000	\$0
2018	\$693,000	\$693,000	\$0
2019	\$693,000	\$693,000	\$0
2020	\$693,000	\$693,000	\$0
2021	\$693,000	\$693,000	\$0
2022	\$693,000	\$693,000	\$0
2023	\$693,000	\$693,000	\$0

and it is further

ORDERED, ADJUDGED AND DECREED, that the terms of R.P.T.L. §727 shall apply to the judgment for 2023 in all respects whereby the 2023, 2024 and 2025 assessments shall be \$51,000 for 20.04-11-1./1 and \$693,000 for 20.04-11-1; and it is further

ORDERED, ADJUDGED and DECREED, that the officer or officers having custody of the aforesaid assessment rolls and the tax rolls of the Town of Stony Point shall make or cause to be made upon the proper books and records of said Town the entries, changes and corrections necessary to conform said assessments to such corrected and reduced valuations; and it is further

ORDERED, ADJUDGED and DETERMINED that there shall be audited, allowed and paid to the Petitioner by the Town of Stony Point or the Rockland County Commissioner of Finance, the amounts, if any, paid as Town and Town Special District taxes or any other ad valorem taxes, against the original assessments in excess of what said taxes would have been if the said assessments had been made as determined herein together with interest as provided by the respective laws of the State of New York, provided, however, if said refund is paid by the Town of Stony Point within ninety (90) days of service upon the Town of Stony Point a copy of this Order together with a Demand for Payment said refund shall be paid without interest; and it is further

ORDERED, ADJUDGED and DETERMINED that there shall be audited, allowed and paid to the Petitioner by the North Rockland School District the amounts, if any, paid as School District taxes against the original assessments in excess of what said taxes would have been if said assessments had been made as determined herein together with interest as provided by the respective laws of the State of New York, provided, however, if said refund is paid by the North Rockland School District within ninety (90) days of service upon the County of a copy of this Order together with a Demand for Payment said refund shall be paid without interest; and it is further

ORDERED, ADJUDGED and DETERMINED that the refunds hereinabove directed to be paid shall be paid by check payable to the order of Stavitsky & Associates, as attorneys for Petitioner, who are to hold the proceeds as trust funds for appropriate distribution and who are to remain subject to the further jurisdiction of the Court in regard to their attorneys' lien, pursuant to Judiciary Law §475, and it is further

ORDERED, ADJUDGED and DETERMINED that to the extent any taxes or assessments are unpaid and have already been billed for the Town, School, County and special districts in accordance with the original assessed valuations, the officer or officers having custody of the assessment rolls and/or the tax rolls shall forward to the petitioner a new bill or bills, taxing said petitioner on the basis of the final total assessed valuation as stipulated herein, and it is further

ORDERED, ADJUDGED and DETERMINED that this Order and Judgment hereby constitutes and represents full settlement of the tax review proceedings herein, and that there are no costs or disbursements awarded to, by, or against any party and that upon compliance with the terms of this Order and Judgment, the above proceedings shall be, and the same hereby are, settled and discontinued with prejudice.

ENTER

HON. PAUL I. MARX, J.S.C.

Signing and Entry of the within Order
is hereby Consented to:

STAVITSKY & ASSOCIATES, LLC
Attorneys for Petitioner

By: _____
JAMES T. RYAN III, ESQ.
350 Passaic Ave
Fairfield, NJ 07004

FERRICK NUGENT MacCARTNEY, PLLC
Attorneys for Respondent

By: _____
ALAK SHAH, ESQ.
96 South Broadway
South Nyack, NY 10960

Award Bid – Day Camp Transportation

A motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present to award the bid for Summer Day Camp Transportation to First Student (Haverstraw Transit) in the amount of \$15,477.52.

Property Maintenance – 11 Chestnut Street

A motion was made by Supervisor Monaghan, seconded by Councilman Rose and unanimously carried by a voice vote of all board members present to exercise Section 161-5 of the Property Maintenance Law of the Town of Stony Point at 11 Chestnut St. (15.04-2-55).

Authorize to Hire Special Counsel – Veolia Water New York Rate Hike

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 to hire Special Counsel, Joel Dichter, to represent the town against the proposed Veolia Water New York 14.5% rate increase.

Surplus Police Department Equipment

A motion was made by Supervisor Monaghan, seconded by Councilman Puccio, and unanimously carried by a voice vote of those board members present to surplus the following equipment and the proceeds of the sale be deposited in account #A2665B, Sale of Equipment Revenue, Restricted:

- Nikon Pulse Laser Total Station Package, Model NPL-352, serial #033420

Renew Postage Meter Lease Agreement

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to renew the lease agreement with Quadient Leasing for the Postage Meter at Town Hall for 60 months at \$136.34 per month.

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 7:48pm.

Respectfully submitted
Megan Carey - Town Clerk