

STONY POINT TOWN BOARD MEETING – October 13, 2020

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, October 13, 2020 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:	Mr. Karl Javenes	Councilman
	Mr. Paul Joachim	Councilman
	Mr. Michael Puccio	Councilman
	Mr. James Monaghan	Supervisor
	Mr. Brian Nugent	Esquire
ABSENT:	Mr. Thomas Basile	Councilman

Supervisor Monaghan requested everyone present please wear a mask and maintain social distancing.

Supervisor Monaghan asked Chief Moore to come forward to present the Town Board the candidate for Police Officer.

Chief Moore introduced Brendan Mallon to the Town Board.

Appoint Police Officer

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 Basile being absent to appoint Brendan Mallon to position of full-time police officer commencing October 14, 2020.

Supervisor Monaghan stated the Police Officer candidate has excellent credentials and the importance of community relationships with the Police.

Chief Moore asked that Brendan Mallon’s father step forward.

Mr. Mallon presented Brendan with his badge as a Stony Point Police Officer.

Town Clerk Megan Carey administered the Oath of Office to Police Officer Mallon.

SUPERVISOR’S REPORT

Supervisor Monaghan reported as follows:

- Thanked the Stony Point PBA for their recent Veteran’s Picnic.
- Town of Stony Point Spooktacular has been, unfortunately, cancelled due to COVID-19
- Accidents in the intersection of Central Highway and Washburn Lane, and efforts to evaluate and alleviate incidents. (70 accidents in the past 10 years)
- Meeting with the residents of Jay Street and SUEZ regarding the water main replacement project.

POLICE DEPARTMENT REPORT/BUSINESS

Chief Moore read the following report:

Police Department Report for the Month of September 2020	
Number of calls for service:	782
Number of reported accidents:	15
Number of arrests:	21

(1) Felonies	(13) Misdemeanors	(6) Violations	(1) Warrants
Fuel usage :			1316.2 gallons
Sum total of all traffic enforcement action:			64
Number of Youth Officer sponsored events:			4
Number of child safety seat installations:			3
Number of commercial vehicle enforcement details:			1
Number of traffic/special enforcement details:			8
Number of training hours:			208 hrs
Total fees collected:			\$115.00
(Foil \$0.00, Prints \$70.00, and Reports \$45.00)			

Miscellaneous:

Youth events: PAL Drive-In Movie-50 attendees. A PAL meeting. Comedy Show @ Riverfront Park 6pm-9pm and 10/3 Painting in the Park for adults @ Lowland Park at 10am. Upcoming Events: Halloween themed Drive-In Movie DOUBLE feature-Casper and Halloween/special giveaways for those in costume. Pottery at the Movies Sat. Oct 17 begins at 4pm with Pottery 6:15pm. First movie of Casper- 8:30pm Halloween movie. On the grounds of the Court House/Kirkbride Hall. Further information available on the Stony Point Pal website.

Chief Moore addressed the board regarding the following matters:

Hire School Crossing Guards

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 Basile being absent to hire Charidimas “Harry” Frangkidoulakis as school crossing guard and Loretta Perini as a substitute crossing guard at a rate of pay of \$12.00/hour.

- **Chief Moore’s Time Record**

A motion was made by Councilman Basile, seconded by Councilman Joachim and unanimously carried by a voice vote of all board members present to approve Chief Moore’s time record for the month of September 2020 as presented.

- **Overtime and Sick Leave Reports**

A motion was made by Councilman Basile, seconded by Councilman Joachim 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 September 2020.

Golf Court Report

The following report was presented for September 2020:

- Green Fees \$ 252,819.72
- ID Cards \$ 575.00
- Merchandise \$ 8,456.50
- Range Fees \$ 17,206.00
- Club Rental \$ 295.23
- Total \$ 279,352.23

Dave Fusco thanked Bob Marino for his fundraising for the PGA Hope. Mr. Marino raised \$4,500.

Councilman Puccio questioned total sales for 2020 compared to 2019.

Dave Fusco responded obvious decline in sales due to COVID-19 pandemic.

PURCHASE ORDER REQUEST

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 Basile being absent to approve the following purchase orders:

Highway Dept:			
PO#3394	H.O. Penn Machinery		\$11,760.81
PO#3395	Ruscon Truck Service		\$ 1,235.15
Sewer Dept:			
PO#3396	Newburgh Winwater Co.		\$1,021.04
Golf Course			
PO#3393	Storr Tractor		\$1,844.59
Building & Grounds			
PO#3397	Crystal Clear Pools		\$2,601.46
Police Dept.			
PO#3361	Amchar Wholesale Inc.		\$7,255.08

AUDIT OF BILLS

Megan Carey, Town Clerk, presented the following bills to the Town Board for audit and 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 Basile being absent to approve the bills as presented for payment:

General – OCTOBER 13, 2020

<u>FUND</u>	<u>CLAIM #</u>	<u>FUND TOTAL</u>
General	969-1044	\$ 511,432.78
Highway	324-360	\$ 86,280.96
Sewer	311-340	\$ 87,981.28
<u>Special Districts</u>		
Ambulance	24-25	\$ 31,408.85
Enterprise	276-309	\$ 46,029.14
Solid Waste	33-36	\$ 8,131.38
Street Light	15-15	\$ 170.06
Highway Cap Proj.	3-3	\$ 245,802.17

MINUTES - A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and carried by a voice vote, with Councilman Basile abstaining, to approve the minutes of September 22, 2020.

DEPARTMENTAL REPORTS

Megan Carey, Town Clerk offered the following reports for the record:

Architectural Review Board

From: 09/01/2020	To: 09/30/2020
Applications Received	2
Applications Approved	2
Fees Collected	\$200.00

Building & Zoning Department

September 2020

Applications Received	55
Applications Returned/Withdrawn	0
Applications Denied	0
Building & Blasting Permits Issued	45
Applications Pending	104
Certificate of Occupancy	23
Certificate of Compliance	27

Planning Board

From: 09/01/2020	To: 09/30/2020
Applications Received	0

Applications Pending	
Amended Subdivision	1
General Category	3
Informal Discussion	3
Lot Line Change	1
Site Plan	9
Subdivision Minor	1
Fees Collected	\$300.00

Submitted by the Planning Board Clerk

Zoning Board of Appeals

	9/1/2020	to	9/30/2020	
Applications Received				1
Applications Returned/Withdrawn				0
Applications Pending				5
Area Variance				1
Fees Collected				\$ 60.00

Town Clerk

September 2020

Amount Paid To NYS Agriculture & Markets	
For Spay/Neuter Program	\$ 41.00
Amount Paid To NYS Health Dept. For Marriage Licenses	\$ 292.50
Amount Paid To NYS Dept. Of Environmental Conservation	\$ 3,114.20
Amount Paid To Supervisor	\$ 4,255.24
TOTAL AMOUNT REMITTED	\$ 7,702.94

CORRESPONDENCE

None

PUBLIC INPUT

George Harris, 327 Willow Grove Rd., spoke on:

- Thanked the Stony Point PBA for the picnic for the Veterans
- Questioned the Supervisor budgeting a 27.5% increase in salary for the Supervisor.

Supervisor Monaghan responded that the increase is warranted.

George Potanovic, 597 Old Gate Hill Rd., spoke on:

- In-person meetings
- The importance of masks
- Ability to Zoom and record meetings
- Planning Board Zoom meetings
- Against Supervisor increase in salary at this time.

Supervisor Monaghan and Councilman Javenes spoke in favor of the increase of salary for the Supervisor position.

Kevin Maher, 130 Central Highway, spoke on:

- Accidents at the intersection of Washburn Lane and Central Highway
- Prospective Building Inspector's knowledge of the software available for the Floodplain.

Open Public Hearing-Base Flood Elevations

At 7:45pm 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 Basile being absent to open the public hearing for the base flood elevations for Eagle Bay Project.

The following public hearing notice was posted in the official newspaper of the Town on October 1, 2020:

TOWN OF STONY POINT NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Stony Point, Rockland County, New York, on October 13, 2020 at 7:00 pm at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, NY to consider a text amendment to the Town's Zone Code.

The purpose of this request is to consider a petition to amend §112-6-A of the Town's Zoning Code to allow the utilization of the Advisory Base Flood Elevations set forth on Flood Hazard Maps dated March 27, 2018 for the "The Breakers" (Eagle Bay).

Said application is on file in the Town Clerk's Office, 74 East Main St., Stony Point, NY and may be examined by any interested party from 8:30 am to 4:30 pm, Monday through Friday.

Public Input

Kevin Maher, 130 Central Highway, spoke on the flaws in the petition filed with the Town by Ryan Nasher, Engineer, for the applicant. He stated that the elevation should remain at ten (10), the same as was approved for BaMar.

George Potanovic, 597 Old Gate Hill Rd., questioned the need to amend the Advisory Base Flood Elevations.

Kevin Maher explained Base Flood Elevations.

Continue Public Hearing-Base Flood Elevations

At 7:55pm 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 Basile being absent to continue the public hearing for the base flood elevations for the Eagle Bay Project to the October 27, 2020 Town Board meeting at 7pm at the RHO Building, 5 Clubhouse Lane, Stony Point, NY.

Review 2021 Preliminary Budget

The Town Board discussed the 2021 Tentative Budget with input from the Town Board, the Director of Finance, Gregg Smith and Assessor, Bill Beckman.

Set Public Hearing – 2021 Preliminary Budget

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 Basile being absent to accept the Preliminary Budget and to set a public hearing for the Preliminary Budget for October 27, 2020 at 7:00 pm at the RHO Building, 5 Clubhouse Lane, Stony Point, NY.

Set Public Hearing – Proposed Local Law Tax Levy Override

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 Basile being absent to set a public hearing for Tuesday, October 27, 2020 at 7pm at the RHO Building 5 Clubhouse Lane, Stony Point, NY to consider adoption of a local law to

exceed the tax cap and directing Town Special Counsel to provide a draft of such local law at least eight days prior to the public hearing to the Town Board and the Town Clerk for posting on the Town website.

Approve Tax Assessor to Attend 2020 Legal Seminar

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 Basile being absent to approve for the Town Assessor to attend the 2020 legal seminar from December 3-4, 2020 in Austin, Texas.

Waive Requirements for Public Hearing-Sewer Extension-84 East Main Street

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 Basile being absent to waive requirements for a sewer extension at 84 East Main Street as it is an emergency repair.

RESOLUTION AND ORDER OF TOWN BOARD APPROVING PETITION
FOR SANITARY SEWER DISTRICT #2

RESOLUTION 2020/20

WHEREAS, a written Petition dated **September 25, 2020** signed and acknowledged by **Margarito Samayoa Ortega**, has been presented to and filed with the Town Board of the Town of Stony Point requesting the Extension of a sanitary sewer and laterals in a proposed Extension of District #2 to be known as the Extension of Sanitary Sewer District #2 as more particularly described in said Petition, and

WHEREAS, the map and plan aforesaid has been approved by the State Department of Health, and copies thereof filed with said Department, and with the Town Clerk, pursuant to Section 192 of the Town Law.

Now on motion of **Supervisor Monaghan**, seconded by **Councilman Joachim** all members present voting therefore, it is

FOUND, ORDERED AN DETERMINED that said petition dated **September 25, 2020** for the creation of the Extension of Sanitary Sewer District #2 in the Town of Stony Point, Rockland County, New York, is signed, approved and acknowledged, as required by law, and is otherwise sufficient and complies with the provision of Section 191 of the Town Law, constituting Chapter 62 of the Consolidated Laws of the State of New York, and such other sections of said chapter as are applicable thereto; and that there is annexed to said petition a map and plans showing the boundaries of the proposed Extension of Sanitary Sewer District #2 and a general plan of the proposed district, and it is

FOUND, ORDERED AND DETERMINED by the Town Board of the Town of Stony Point that it is in the public interest to grant the whole relief sought by said petition, and that all of the property, property owners and interested persons within said proposed Extension of District #2 are benefited thereby, and that all property, or property owners benefited are included therein, and that no property or property owners or interested persons benefited thereby have been excluded therefrom, and it is

ORDERED that the petition for the creation of the extension of Sanitary Sewer District #2 be established in said Town of Stony Point, as described in said petition, may and plan, to be known as the Extension of Sanitary Sewer District #2 and to include the following property:

Schedule "A"

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Stony Point, County of Rockland and State of New York, bounded as follows:

BEGINNING at a point on the Southerly side of Main Street at the northwest corner of the premises now or formerly of Porter and the northeast corner of the premises herein intended to be described

RUNNING THENCE along the southerly side of Main Street North 68 degrees 00' 36" West 50.03 feet to the northeast corner of lands now of formerly of Savoca;

RUNNING THENCE along the easterly line of ands now or formerly of Savoca South 24 degrees 30' West 111.00 feet;

RUNNING THENCE South 64 degrees East 50 feet to the southwest corner of lands now or formerly of Porter;

RUNNING THENCE along the Westerly line of lands now or formerly of Porter North 24 degrees 30' East 114.50 feet to the point and place of BEGINNING.

Set Public Hearing-Sewer Extension-103 Filors Lane

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

RESOLUTION OF TOWN BOARD ORDERING PUBLIC HEARING ON PETITION FOR SANITARY SEWER DISTRICT #2

At a meeting of the Town Board held at Rho Building, 5 Clubhouse Lane in the Town of Stony Point, Rockland County, New York, on **October 13, 2020**:

Present: **Councilman Karl Javenes**
 Councilman Paul Joachim
 Councilman Michael Puccio
 Supervisor James Monaghan

Absent: **Councilman Tom Basile**

In the matter of the Petition of **Denise Forsberg** owner of more than one-half of the assessed valuation of all the taxable real property in the proposed Extension of Sanitary Sewer District #2 in the Town of Stony Point, County of Rockland and State of New York and according to the latest completed assessment roll of the said town.

WHEREAS, a written petition dated: **October 1, 2020** has been presented to and filed with the Town Board of the Town of Stony Point praying that all the land situate in the Town of Stony Point, County of Rockland and which proposed extension, to be known as: Sewer Extension **2020/2** more fully described in the Schedule "A", **20.10-2-65.3** annexed hereto, and

WHEREAS, the maximum amount proposed to be expended for the Extension of said district shall not exceed the sum of \$0.00 DOLLARS (\$0.00), and

WHEREAS, the expense occasioned by the creation of the Extension of Sanitary Sewer District #2 shall be assessed, levied and collected from the several lots and parcel of land within the said district in proportion as nearly may be to the benefit which each lot or parcel of land in said district will derive therefrom.

NOW on motion of MOVED: **Supervisor Monaghan**

SECONDED: **Councilman Puccio**

ORDERED that a meeting of the Town Board of the Town of Stony Point be held at Rho Building, 5 Clubhouse Lane in the Town of Stony Point on the **October 27, 2020** at 7:00 PM to consider the said petition and to hear all persons interested in the subject

thereof concerning the same, and for such other action on the part of the Town Board with relation to such petition as may be required by law, and it is

FURTHER ORDERED that the Town Clerk give notice of such hearing by publishing in the Town's Official Newspaper, a certified copy of this order and by the applicant posting certified copies of this order in five (5) places within said proposed Extension of Sanitary Sewer District #2 in the Town of Stony Point not less than ten nor more than twenty days before such hearing

Schedule "A" Description

Title Number CRC-16538

All that certain plot, piece, or parcel of land, situate, lying, and being in Town of Stony Point, County of Rockland and State of New York known as lot NO. 3 on a certain map entitled "Subdivision of H.L.F Estate, Town of Stony Point, Rockland County, New York", made by Atzl, Nasher & Zigler, P.C., dated May 27, 2015 and filed in the Rockland County Clerk's Office on May 3, 2016 in the Office of the Clerk of the County of Rockland in Book 130 of Maps of Maps at page 58 as Filed Map No. 8314.

Set Hourly Rate for Part Time Assistant Building Inspector

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 Basile being absent to set the hourly rate for a part time assistant building inspector at \$30/hour.

Set Public Hearing for Residency Requirements for Building Inspector, Deputy Building Inspector and Assistant Building Inspector

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 Basile being absent to set a public hearing for residency requirements for Building Inspector, Deputy Building Inspector and Assistant Building Inspector for Tuesday, October 27, 2020 at 7PM, at the RHO Building, 5 Clubhouse Lane, Stony Point, NY.

Waive Zoning and Application Fees for Ambulance Corp.

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 Basile being absent to waive the zoning and application fees for the sale of the Ambulance bldg. located at Lee Ave, Stony Point, NY.

Hire Part Time Fire Inspector

A motion was made by Supervisor Monaghan, seconded by Councilman Javenes and unanimously carried by a voice vote of those board members present with Councilman Basile being absent to hire Nicholas Konicoff as part time fire inspector at a rate of pay of \$20/hour.

Authorize Town Legal Counsel to Defend Litigation

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 Basile being absent to adopt the following resolution:

RESOLUTION 2020/21

AUTHORIZING TOWN LEGAL COUNSEL TO DEFEND LITIGATION

WHEREAS, the Town of Stony Point ("Town") retains Special Counsel, Feerick Nugent MacCartney, PLLC, to represent the Town of Stony Point in certain legal matters; and

WHEREAS, a Summons and Verified Complaint has been filed against the Town in a proceeding entitled Elkhorn Properties, LLC v. County of Rockland and Town of Stony

Point, under Index Number 034627/2020 in the County of Rockland Supreme Court, State of New York concerning real property in the Town of Stony Point at 560 North Liberty Drive; and

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

NOW, THEREFORE, it is resolved as follows:

Section 1. Special Counsel, Feerick Nugent MacCartney, PLLC, is authorized to appear on behalf of the Town of Stony Point and shall be compensated for all services performed for the Town of Stony Point with regard to the aforesaid proceeding entitled Elkhorn Properties, LLC v. County of Rockland and Town of Stony Point, under Index Number 034627/2020 at the hourly rate of \$250 as set forth in the Town Board Resolution appointing Special Counsel Feerick Nugent MacCartney, PLLC. Said services will be paid separate and apart from those services for which Special Counsel has previously been retained to handle for the Town.

Section 2. To the extent that the Town's insurance carrier provides coverage of the claim, the Town requests that Feerick Nugent MacCartney, PLLC be assigned to handle the litigation.

Section 3. The Town Supervisor is authorized to execute any documents necessary to carry out the provisions of this Resolution.

Section 4. This Resolution shall be effective immediately.

EXECUTIVE SESSION

At 8:10pm 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 Basile being absent to adjourn into executive session to discuss personnel matters and a company interested in doing business with the town.

ADJOURN

The October 13, 2020 Stony Point Town Board meeting adjourned 9:30pm and no further votes were taken.

Respectfully submitted
Megan Carey, Town Clerk