

STONY POINT TOWN BOARD MEETING – October 27, 2020

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, October 27, 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. Thomas Basile	Councilman
	Mr. Karl Javenes	Councilman
	Mr. Paul Joachim	Councilman
	Mr. Michael Puccio	Councilman
	Mr. James Monaghan	Supervisor

Attorney: Mr. Brian Nugent Esquire

Supervisor Monaghan asked that everyone wear a mask and maintain social distancing.

SUPERVISOR’S REPORT

Supervisor Monaghan reported as follows:

- Due to the COVID pandemic the Halloween Spooktacular is cancelled.
- On Friday, October 30th there will be drive-thru trick or treating at Town Hall from 3pm-5pm. Volunteers will be in costume.
- Commended Councilman Javenes and Councilman Puccio and the committee for the town’s Wastewater Treatment Plant. The filtration system has a complete upgrade, decreasing the electric bill significantly, as well as the noise level.

PURCHASE ORDER REQUEST

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

Police Dept:		
	PO#3362 Culhane’s Air Conditioning & Refrigeration	\$3,500.00

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

CONTRACTUAL GENERAL-OCTOBER 27, 2020

<u>FUND</u>	<u>CLAIM#</u>	<u>FUND TOTAL</u>
<u>General</u>	1045-1087	\$104,037.97
<u>Highway</u>	361-363	\$ 2,342.79
<u>Sewer</u>	341-350	\$247,142.45
<u>Special Districts</u>		
Enterprise	310-315	\$ 1,841.67
Street Light	16-16	\$ 19,226.65
Solid Waste	37-37	\$ 3,104.60

MINUTES - A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and carried by a voice vote of those board members present with Councilman Basile abstaining to approve the minutes of October 13, 2020.

CORRESPONDENCE – None

PUBLIC INPUT

George Potonavic, 597 Old Gate Hill Road, spoke on

- Use of the larger room for this meeting.
- Having virtual meetings along with the in-person meetings.
- Cases of COVID-19 increasing
- Early voting

Kevin Maher-130 Central Hwy spoke on:

- Early voting and how the process is working out well.
- The traffic issues on Central Highway.
- Suggested having a 3 way stop sign installed at Garyann Terrace or Sullivan Drive.

Open Public Hearing-Short Term Rentals

At 7:15PM a motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to open the public hearing for short term rentals.

Public Input

The following residents spoke in favor of the proposed law:

- George Potanovic, 597 Old Gate Hill Rd., Pres. SPACE
- Steve Kanarian, 23 Sullivan Drive
- Kevin Maher, 130 Central Dr.

Irwin Izen, Attorney, Comack, NY, property advocate, spoke against the proposed law and the lack of quality short term rentals in this area.

Close Public Hearing-Short Term Rentals

At 7:24PM a motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to close the public hearing for short term rentals. Written comments may be submitted until November 10, 2020. It was further moved to adopt the following resolution:

RESOLUTION 22/2020

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF STONY POINT
DECLARING LEAD AGENCY AND REFERRING CONSIDERATION OF A
PROPOSED AMENDMENT TO THE TOWN CODE**

WHEREAS, the Town of Stony Point Town Board (“Town Board”) is considering an amendment to the Town Code § 215 (the “Town Zoning Code”), to prohibit short-term rentals of residential dwellings (“Proposed Amendment”); and

WHEREAS, the Proposed Amendment was not initiated by the Town Planning Board; and

WHEREAS, the Town Zoning Code § 215-130 requires a referral to the Town of Stony Point Planning Board for its review and to provide a report within 60 days following the date of this referral; and

WHEREAS, the Town Board is desirous of reviewing the Proposed Amendment to the Town Zoning Code and obtaining input from the Town’s professionals and officials with respect to the requested change as well as changes within such area that may be desirous; and

WHEREAS, the Town Board is the sole agency involved in the consideration of the proposed Local Law; and

NOW, THEREFORE BE IT RESOLVED that:

Section 1. The above “WHEREAS” clauses are incorporated herein by reference.

Section 2. The Town Board declares Lead Agency status pursuant to SEQRA in connection with the Proposed Amendment to prohibit short-term rentals of residential dwellings, and the Town Board will therefore determine if the proposed Local Law will have a significant adverse environmental impact.

Section 3. The Town Board hereby refers this matter to the Town of Stony Point Planning Board pursuant to Town Zoning Code § 215-130 and requests a report in accordance therewith.

Section 4. The Town Board hereby refers this proposed amendment to the Town Planner, Town Engineer and Town Building Inspector and Rockland County Planning Department for review and response.

Section 5. The Town Board further directs the Town Clerk and any other officer or employee, as directed by the Town Supervisor, to take any action necessary to carry out the provisions of this Resolution, and to transmit any required notifications.

Section 6. This Resolution shall be effective immediately.

Open Public Hearing-Sewer Extension-103 Filors Lane

At 7:25PM a motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to open the public hearing for the sewer extension at 103 Filors Lane.

Public Input

Vincent Monteforte, Sengstacken Dr. spoke on issues with Sewer Backups.

Steve Kanarian, 23 Sullivan Dr. spoke on issues with flooding in the area.

Close Public Hearing-Sewer Extension-103 Filors Lane

At 7:29PM a motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to close the public hearing and approve the sewer extension for 103 Filors Lane.

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

RESOLUTION 2020/23

WHEREAS, a written Petition dated **October 1, 2020** signed and acknowledged by **Denise Forsberg**, 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 Basile** all members present voting therefore, it is

FOUND, ORDERED AN DETERMINED that said petition dated **October 1, 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"

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.

Open Public Hearing-Tax Levy Override

At 7:29PM a motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to open the public hearing for the tax levy override.

Public Input - NONE

Close Public Hearing-Tax Levy Override

At 7:30PM 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 public hearing for the tax levy override and adopt the following local law:

**TOWN OF STONY POINT
LOCAL LAW NO. 1 OF 2020**

**A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C**

BE IT ENACTED by the Town Board of the Town of Stony Point, Rockland County, New York ("Town Board") as follows:

Section 1. Legislative Intent.

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Stony Point ("Town") and to allow the Town to adopt a budget for the fiscal year commencing January 1, 2021, that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority.

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Town to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

Section 3. Local Law Authorizing a Tax Levy Limit Override.

The Town Board is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2021, that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-c.

Section 4. State Environmental Quality Review Act.

Pursuant to 6 NYCRR 617.5 (26) and (33), this Local Law is classified as a Type II action which requires no further review under the State Environmental Quality Review Act.

Section 5. Severability.

If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective date.

This Local Law shall be effective immediately upon filing with the Secretary of State.

Open Public Hearing-Preliminary Budget

At 7:31PM a motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to open the public hearing for the preliminary budget.

Public Input

George Potanovic, 597 Old Gate Hill Rd. Pres. SPACE, submitted the following letter to the Town Clerk and read out loud to the Town Board:

To: Supervisor Monaghan & Stony Point Town Board
Cc: Megan Carey, Town Clerk
Subject: Public hearing on the 2021 preliminary town budget - comments

SALARY INCREASES FOR ELECTED TOWN OFFICIALS (page 1)

I said this at the last meeting during public input and I will say it again. I object to the supervisor requesting a \$25k+salary increase for himself. Whether or not you think you are worth more, you ran for the job of supervisor just a year ago and you knew and agreed to the salary at that time for your current two-year term.

A raise for any of the elected officials at this time is not appropriate considering the fact that we are in the middle of a pandemic with many people unemployed or underemployed and local businesses are struggling just to survive. Some businesses will not return and this could have a negative impact on our tax base.

In the private sector, most businesses are not looking at pay raises and people that are currently working feel fortunate to have jobs! With the infection rates increasing again in Rockland, we do not know the extent of the financial impact that the current economic slowdown will have on our town, county, and state economy. It is very likely that more businesses may need to close again and things will possibly get worse!

At the last town board meeting, on October 13, the supervisor tried to justify his pay increase by claiming that, if his current salary (\$94,250) is so low that, if it was not increased, we would not be able to find another person willing to take the job.

That is not necessarily the case and is not based in fact. Let's see who runs for supervisor next year and let the voters decide whether you or someone else is worth a raise. We may have a new, inexperienced supervisor elected next November. So, let's give that person some room for salary growth instead of already starting with a new base salary of \$120k.

Also, let's base any future salary increase for the supervisor on a performance review – on your ability to bring new ratables to our town and a business plan for economic development.

Meanwhile, I did some checking on comparable salaries online.

- City of Middletown Mayor \$95k (*raised from \$75k in 2018)
Population = 27,991 (2020)
- Newburgh NY = Population is 28,164 (2020)
Newburgh City council = \$12k (proposed 2021 budget)*
(part time)
Town Clerk (Newburgh): \$ 55,603
Stony Point budget: \$ 17,459,861 (Police portion: \$5,690,336)
Stony Point: population = 12,869 (2020) – decrease?
15,377 (2015)
12,147 (2010)
Stony Point Supervisor \$ \$95,249 (\$120k proposed for 2021 27%+)Stony Stony
Point Town Council \$ 15,823 (\$16k proposed for 2021)
New York Metro/Town Clerk \$50,266-\$62,947 (average = \$55,455)
Stony Point Town Clerk \$ 77,709 with proposed \$79,069.

EXPENSES (page 3)

Why are we increasing the police equipment budget from \$30,858 in 2020 to \$56,700 in 2021, a \$26K increase? (new computers needed to comply with evidence requirements?)

What is "other" expense for \$9,500 under the "Miscellaneous" category for?

DEPARTMENT EXPENSES (page 4)

Why is no amount indicated for the fire inspector wages for 2020 & 2021?

Building inspector suddenly resigned/retired at the end of Sept 2020 at a salary of @\$167k. What are we going to do about a new building inspector? Starting salary?

PROPOSED ADDITION TO BUDGET:

In the interest of greater transparency, let's make town meetings more accessible to the town residents:

I question the town board's decision to stop the Zoom meetings, which were well attended and accessible to more people online and instead now only hold LIVE in-person meetings when few residents attend because of health concerns that COVID-19 rates are increasing in Rockland County. So, let's try to come up with a good solution.

I suggest that we put money in this budget to invest in the cameras and internet access necessary to provide a LIVE STREAM and video recording of meetings for the benefit of our town residents. Let's bring Stony Point into the 21st century and take advantage of the technology that is now available! This is especially important today when many town residents will not or cannot attend LIVE in-person town meetings because of health concerns for themselves or others they live with during this COVID-19 pandemic or even because of extremely bad weather in the winter. (Suggested budget for 2021: \$25k)

INCOME/REVENUE (page 7)

Why are the franchise fees (Cablevision/Altice?) reduced from \$388,069 (2020) to \$334,828 (2021), a \$53,241 decrease?

Fines/Forfeitures \$332,000

Not sure how that money currently is being used, but I believe that investing in greater public access to town government for the benefit of Stony Point town residents is an appropriate and worthwhile use of a portion of these funds.

George Mulligan, 7 Higgins Dr., spoke on the following:

- Maintenance on Power Lines
- Highway Department road paving
- Employment contracts
- Golf Course operations and sale

Supervisor Monaghan and Councilman Basile responded.

Close Public Hearing-Preliminary Budget

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 to close the public hearing on the preliminary budget.

*Discussion ensued with a motion being made by Councilman Puccio, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to make the following changes:

- \$300,000 removed from line A-3120.107 reserve for retirement payouts.

Adopt 2021 Budget

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to adopt the 2021 Preliminary Budget as the 2021 Final Budget. The final budget is attached as Addendum No. 1.

Open Public Hearing-Residency Requirement-Bldg. Inspector, Deputy Bldg. Inspector and Asst. Bldg. Inspector

At 7:57PM a motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to open the public hearing for residency requirements-bldg. inspector, deputy bldg. inspector and asst bldg. inspector.

Public Input - NONE

Close Public Hearing-Residency Requirement-Bldg. Inspector, Deputy Bldg. Inspector and Asst. Bldg. Inspector

At 7:58PM a motion was made by Supervisor Monaghan seconded by Councilman Javenes and unanimously carried by a voice vote of those board members present to close the public hearing and adopt the following local law:

TOWN OF STONY POINT

LOCAL LAW NO. 2 OF 2020

A LOCAL LAW AMENDING CHAPTER 40 OF THE TOWN CODE OF THE TOWN OF STONY POINT

BE IT ENACTED by the Town Board of the Town of Stony Point, Rockland County, New York ("Town Board") as follows:

Section 1. Title and Legislative Intent.

This Local Law shall be known as a "Local Law to establish the residency requirements for the appointed offices of Building Inspector, Deputy Building Inspector and Assistant Building Inspector."

It is the intent of this Local Law is to permit the appointed Town Building Inspector, Deputy Town Building Inspector and the Town Assistant Building Inspector to reside outside the Town of Stony Point but within the County of Rockland or within a County adjoining the County of Rockland, in the State of New York.

Section 2. Authority.

This Local Law is adopted pursuant to the New York State Constitution, Article IX, § 2; the provisions of the New York State Municipal Home Rule Law, the New York State Statute of Local Governments, all relevant provisions of the New York State Town Law, and the general police powers vested in the Town of Stony Point to promote the health, safety, and welfare of residents and property owners within the Town by enacting a local law regarding the qualifications of local officers.

Section 3. Amendment.

Chapter 40, entitled "Residency Requirements," hereby amended by adding to Section 5 subsection B and C as follows:

§ 40-5 Residency requirements for certain officers.

In the Town of Stony Point, Rockland County, the provisions of this section requiring a person to be a resident of the political subdivision or municipal corporation of the state for which she shall be chosen or within which her official functions are required to be exercised, shall not prevent a person from holding the appointed or elected office of:

A. Deputy Receiver of Taxes of the Town of Stony Point, provided that such person resides within the County of Rockland, or within a County adjoining the County of Rockland, in the State of New York.

B. Building Inspector of the Town of Stony Point, provided that such person resides within the County of Rockland, or within a County adjoining the County of Rockland, in the State of New York.

C. Deputy Building Inspector of the Town of Stony Point, provided that such person resides within the County of Rockland, or within a County adjoining the County of Rockland, in the State of New York.

D. Assistant Building Inspector of the Town of Stony Point, provided that such person resides within the County of Rockland, or within a County adjoining the County of Rockland, in the State of New York.

Section 4. Supersession.

This local law is intended to and shall supersede the New York State Public Officers Law § 3 and the New York State Town Law § 23 and any other special law to the extent such law may require that the officers listed herein reside within the Town of Stony Point.

Section 5. State Environmental Quality Review Act.

Pursuant to 6 NYCRR 617.5 (26) and (33), this Local Law is classified as a Type II action which requires no further review under the State Environmental Quality Review Act.

Section 6. Inconsistency.

All other local laws and ordinances of the Town of Stony Point that are inconsistent with the provisions of this local law are hereby repealed; provided, however, that such repeal shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this local law.

Section 7. Severability.

If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective date.

This Local Law shall be effective immediately upon filing with the Secretary of State.

Continued Public Hearing-Base Flood Elevations

At 7:59PM a motion was made by Supervisor Monaghan, seconded by Councilman Javenes and unanimously carried by a voice vote of those board members present to open the continued public hearing on Base Flood Elevations.

Public Input

George Potanovic, 597 Old Gate Hill Rd., Pres. SPACE questioned the need for the change.

Kevin Maher, 130 Central Highway spoke against proposed elevation.

Close Public Hearing-Base Flood Elevations

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 close the public hearing for Base flood Elevations. Written comments may be submitted until November 10, 2020.

Authorize Supervisor to Sign MOA-PBA

A motion was made by Councilman Joachim, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to authorize Supervisor Monaghan to sign the MOA with the PBA.

The following resolution was duly offered and seconded to wit:

RESOLUTION 2020/23

RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE MEMORANDUM OF AGREEMENT WITH THE STONY POINT POLICE BENEVOLENT ASSOCIATION, INC.

WHEREAS, on June 12, 2020, Governor Cuomo signed legislation repealing New York State Civil Rights Law § 50-a as well as amending provisions of the New York State Public Officers Law (“Freedom of Information Law”) concerning law enforcement disciplinary records; and

WHEREAS, certain provisions of that legislation included discretionary determinations that may be made by municipalities in the State of New York; and

WHEREAS, where discretionary matters may affect terms and conditions of employment of employees in a Labor Union, the New York State Civil Service Law, Article 14 (“Taylor Law”) requires that municipalities engage in negotiations with representatives of such Labor Unions; and

WHEREAS, Police Officers in the Town of Stony Point are represented by the Town of Stony Point Police Benevolent Association, Inc. (“PBA”); and

WHEREAS, representatives of the Town of Stony Point and representatives of the PBA engaged in negotiations and prepared a Memorandum of Agreement concerning the release of law enforcement disciplinary records; and

WHEREAS, the Town desires to approve such Memorandum of Agreement and to respond to pending FOIL requests that had been delayed during this process.

NOW, THEREFORE, BE IT RESOLVED by the Town Board as follows:

- Section 1. All "WHEREAS" paragraphs are incorporated herein by reference as though set forth in full.
- Section 2. The Town Supervisor is hereby authorized to execute the annexed Memorandum of Agreement between the Town and the Town of Stony Point Police Benevolent Association, Inc. in a form approved by Town Counsel.
- Section 3. Upon receipt of an executed copy of the annexed Memorandum of Agreement, the Town Clerk is hereby authorized to work in conjunction with the Chief of Police in order to prepare and release law enforcement disciplinary records in compliance with the provisions of the annexed Memorandum of Agreement.
- Section 4. The Town Clerk is further authorized to communicate with any person or entity who had previously submitted a FOIL request for law enforcement disciplinary records to advise them of a new expected date for the release of such records.
- Section 5. This Resolution shall be effective immediately.

Approve GASB 75 Actuarial Services Compliance for Fiscal Years Ending 2020 and 2021

A motion was made by Supervisor Monaghan, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present to approve the GASB 75 actuarial services compliance for fiscal years ending 2020 and 2021.

Approve Termination of Probationary Period for Administrative Lieutenant

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to approve the termination of the probationary period for Lieutenant Becker.

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 to

adjourn into executive session to discuss personnel matters, finances with a company interested in doing business with the town and contract negotiations.

ADJOURN

The October 27, 2020 Stony Point Town Board meeting adjourned 8:55pm and no further votes were taken.

Respectfully submitted
Megan Carey, Town Clerk