

STONY POINT TOWN BOARD MEETING – March 27, 2018

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, March 27, 2018 at 7:00 pm at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, NY. Supervisor James Monaghan called the meeting to order and led the group in the Pledge of Allegiance.

Supervisor Monaghan announced that tonight’s meeting would be opened in loving memory of **Jerry Donellan** who passed away on March 23, 2018. Jerry was a great American hero. He was head of the Rockland County Veterans Service Agency for 30 years. Memorial Day of 2017 Jerry was a guest speaker at our Memorial Day Service. He was a 3 time Purple Heart Recipient. He will be missed by all.

Town Clerk, Joan Skinner called the following roll:

PRESENT: Tom Basile Councilman
Karl Javenes Councilman
James White Councilman
Michael Puccio Councilman
James Monaghan Supervisor

At this time Supervisor Monaghan welcomed the North Rockland Varsity Hockey Team. He congratulated the team on a successful season. They finished as Regional and Section Champions. The following students were awarded certificates:

Bryan Jensen, Luke MacMillan, Chris Hilliard, Max Rosen, John McElroy, Steven Apicella, John Vetter, John Gormley, Dylan Cool, Jack Guerra, Matthew Posillipo, Jimmy Costin, Kyle Dunn, Luke Morris, Gregg Grange, Sean Gogarty, Bailey McGrady, Alex Bialek, Eric Dunn, Anthony Morina, Victor Diaz, Aidan Grange, Colin Callanan, Angelo Zodda, Darren Hilliard. Head Coach Gary Dworkowitz and Assistant Coaches John Sebalos, Scott Anderson, Chris Grange, Jim Mancuso

PUBLIC INPUT - None

PURCHASE ORDER REQUEST

A motion was made by Councilman White, seconded by Supervisor Monaghan and **carried** by a voice vote of all board members present, with Councilman Javenes abstaining, to approve the following purchase orders:

Sewer Dept:		
PO#3075	GenTech LTD	\$1,204.80
PO#3085	Jack Doheny	\$4,942.28
Town Hall:		
PO#3082	HV Realty Service	\$29,200.00
PO#3083	Sterns Construction	\$ 3,683.00
Police:		
PO#3000	Business Electronics – BEI	\$ 2,585.00
Highway:		
PO#3084	Ruscon Truck Serv. & Equip.	\$ 1,322.99
Buildings & Grounds		
PO#3080	Ramapo Wholesalers	\$ 2,494.00
PO#3081	Berry Burners of Nyack	\$ 1,800.00

AUDIT OF BILLS – A motion was made by Councilman White, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present, with Councilman Javenes abstaining to approve the following bills as presented for payment.

General – March 27, 2018

<u>FUND</u>	<u>CLAIM #</u>	<u>FUND TOTAL</u>
General	333-364	\$ 42,212.43
Highway	111-118	\$ 6,960.31
Sewer	81-86	\$ 1,377.85
<u>Special Districts</u>		
Enterprise	60-62	\$ 1,166.30
Street Lighting	3-3	\$ 24,297.56
Solid Waste	7-7	\$ 2,079.36

MINUTES – A motion was made by Supervisor Monaghan, seconded by Councilman Javenes and carried by a voice vote, with Councilman Basile abstaining, to approve the minutes of March 13, 2018.

SUPERVISOR’S REPORT

Supervisor Monaghan spoke regarding:

- Champlain Hudson Power Express meeting is rescheduled for Wednesday March 28th at Farley Elementary School from 6:30-8:30PM.
- Recreation Department will be hosting Bagels with the Bunny and an Easter Egg Hunt at Kirkbride Hall on Saturday, March 31st at 10AM.
- Cleanup Day will be held on Saturday, April 21st. Meeting place is Farley Elementary School at 9AM.

DEPARTMENTAL REPORTS - None

CORRESPONDENCE - None

Proclaim April 3rd as National Service Recognition Day

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present to proclaim April 3rd as National Service Recognition Day.

Refund- Solar Panel Application Refund

A motion was made by Councilman White, seconded by Councilman Puccio and **unanimously carried** by a voice vote of those board members present to approve a refund for a Solar Panel Application at 30 Dogwood Lane in the amount of \$130.00.

Accept Justice Court Audit 2017

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present to accept the 2017 Justice Court Audit as presented by O’Connor Davies, LLP, 500 Mamaroneck Ave., Harrison, NY 10528.

Award Bid- Golf Course Plant Protectant & Fertilizer

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present to award the golf course plant protectants and fertilizer bid to Metro Turf Specialists and Terre Company of NJ, Inc. as recommended by Joe Smyth, Golf Course Superintendent.

Award Bid- Pool Rehabilitation

A motion was made by Supervisor Monaghan, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present to approve the following resolution:

RESOLUTION 2018/14

WHEREAS, the Town issued competitive bid documents for rehabilitation of the Town Pool; and

WHEREAS, on March 20, 2018, the return date for bids, only one bid was submitted.

BE IT RESOLVED that:

1. The Town Board hereby authorized the awarding of the bid for the Town Pool rehabilitation to NYS Pool Management, 64 Orange Avenue, Suffern, NY 10901.
2. The Town authorizes expenditure of \$204,735.00 from the Town's Building & Facilities Improvement Fund for such project, subject to permissive referendum.
3. This Resolution is subject to permissive referendum and the Town Clerk is authorized and directed to post and publish notices required regarding the permissive referendum requirements.
4. This Resolution shall be effective immediately.

Request to Go Out to Bid-2018 Day Camp Transportation

A motion was made by Supervisor Monaghan, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present to authorize the Town Clerk to go out to bid for 2018 Day Camp Transportation.

Approve-Penguin Rep Sponsorship

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to support Penguin Rep Theatre with a \$1,000 contribution which will include an advertisement in their 2018 program.

Authorize to Hire Special Counsel-Challenge O & R Rate Hike Request

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 following resolution:

RESOLUTION 2018/15

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF STONY POINT
AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE
DICHTER LAW FIRM IN CONNECTION WITH THE PROPOSED RATE INCREASES
BY ORANGE & ROCKLAND UTILITIES, INC., A WHOLLY OWNED SUBSIDIARY OF
CONSOLIDATED EDISON CORPORATION, BEFORE THE NYS PUBLIC SERVICE
COMMISSION AS PART OF A MUNICIPAL COALITION IN SUPPORT OF JUST AND
REASONABLE RATES**

WHEREAS, Orange & Rockland Utilities, Inc. ("O&R") is seeking a rate increase in electric and gas delivery in pending proceedings before the New York Public Service Commission ("the Public Service Commission") (Cases 18-E-0067 and 18-G-0068); and

WHEREAS, the Town of Stony Point ("Town") seeks to represent the interests of its residents and businesses to ensure that utility rates imposed upon the Town, its residents, and merchants are just and reasonable; and

WHEREAS, a Coalition comprised of various municipalities in Rockland County including the Town of Clarkstown, Rockland Solid Waste, Town of Haverstraw, Town of Orangetown, and the Town of Ramapo seek to present a unified voice on behalf of local municipalities and residents thereof before the Public Service Commission; and

WHEREAS, the Town requires an expert in the field of utility rate cases before the Public Service Commission to review, consult and prepare opposition to the proposed rate increases by O&R on behalf of the Town; and

WHEREAS, the Dichter Law Firm is qualified with specific qualifications and background in utility rate cases and has been engaged by other municipalities; and

WHEREAS, the Dichter Law Firm has agreed to provide such services as outlined in the March 19, 2018, letter, and the share of the Town's legal fees is an initial cap of \$1,440.00; and

WHEREAS, the Town Board of the Town ("Town Board") desires the scope of legal services that the Dichter Law Firm will provide as special counsel for the purposes of the proceedings pending before the Public Service Commission.

NOW, THEREFORE, it is resolved by the Town Board as follows:

Section 1. All "WHEREAS" paragraphs are incorporated herein by reference as though set forth in full herein.

Section 2. For the rates set forth therein, for a total amount not to exceed \$1,440.00, the Dichter Law Firm shall perform all services outlined in the letter dated March 19, 2018:

Section 3. The Dichter Law Firm shall submit invoices on a monthly basis summarizing work performed in the prior month.

Section 4. The Town Board hereby authorizes the Town Supervisor to execute the attached letter agreement with the Dichter Law Firm authorizing the above work to be performed and to otherwise take necessary actions to facilitate the provisions of the Agreement.

Section 5. Any other duties and/or services to be provided by the Dichter Law Firm shall be as approved by Town Board Resolution and for such amount as approved by the Town Board.

Section 6. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Request to Hire – Camp Director/Counselors – Summer Play Ground Program

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and **carried** by a voice vote of those board members present, to hire the following personnel for the Summer Play Ground Program for 2018:

- Director
 - Jaimee Nigro - \$13.68 hr.

- Camp Counselors
 - Clint Sandusky \$10.40 hr.
 - Collette Martucci \$10.40 hr.
 - Tara Greeley \$10.40 hr.
 - Stephen Wholey \$10.40 hr.
 - Maria Squillini \$10.40 hr.
 - Nicole Squillini \$10.40 hr.
 - Sean Liquori \$10.40 hr.
 - Keira Meienhofer \$10.40 hr.
 - Haley Malin \$10.40 hr.

2018/2019 Property & Casualty Insurance Renewal

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to accept the quote from Trident Insurance Co. in the amount of \$189,436 for 2018 Property & Casualty Insurance for the Town of Stony Point as solicited by our insurance agent, Ducey Agency, on behalf of the Town.

Resolution Authorizing Special Counsel to Defend The Town of Stony Point in a Combined Article 78

A motion was made by Supervisor Monaghan, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present to approve the following resolution:

RESOLUTION 2018/16

RESOLUTION AUTHORIZING SPECIAL COUNSEL TO DEFEND THE TOWN OF STONY POINT IN A COMBINED ARTICLE 78 PROCEEDING AND PLENARY ACTION BROUGHT IN THE ROCKLAND COUNTY SUPREME COURT

WHEREAS, the Town of Stony Point ("Town") is currently represented by Special Counsel, FEERICK LYNCH MacCARTNEY & NUGENT PLLC to represent the Town in certain legal matters; and

WHEREAS, the Town requires legal representation in a proceeding and action ("Litigation") entitled Karla Phillips, et al. v. Town of Stony Point, et al. Index No. 2018-000339, wherein Petitioners have brought litigation concerning a Planning Board Decision; and

WHEREAS, the Town requires legal counsel to undertake representation of the Town in this Litigation.

NOW, THEREFORE, it is resolved by the Town Board as follows:

Section 1. All "WHEREAS" paragraphs are incorporated herein by reference as though set forth in full herein.

Section 2. Special Counsel, FEERICK LYNCH MacCARTNEY & NUGENT, PLLC, is authorized to appear and defend the Town and shall be compensated for all services performed for the Town with regard to the aforesaid Litigation at the hourly rate of \$250.00. Such services will be paid separate and apart from those services for which Special Counsel has previously been retained to handle for the Town.

Section 3. Special Counsel authorized to represent the Town in this matter pending determination of coverage by the Town's Insurance carrier.

Section 4. This Resolution shall be effective immediately.

CLOSE MEETING

Supervisor Monaghan reminded everyone that the March 27, 2018 Stony Point Town Board meeting was closed in loving memory of **Jerry Donellan**, long time Director of the County's Veterans Service Agency and champion of veterans causes.

Executive Session

At 7:42 pm a motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present to adjourn into executive session to discuss pending litigation and the financial standing of a company doing business with the town. No votes will be taken after Executive Session.

Adjourn

The March 27, 2018 Stony Point Town Board meeting adjourned at 8:15 pm and no further votes were taken.

Respectfully submitted - Joan Skinner - Town Clerk