

STONY POINT TOWN BOARD MEETING – April 26, 2022

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, April 26, 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 led the group in the pledge of allegiance.

Town Clerk, Megan Carey called the following roll:

PRESENT:

Keith Williams	Councilman
Karl Javenes	Councilman
Paul Joachim	Councilman
Todd Rose	Councilman
James Monaghan	Supervisor
Brian Nugent	Attorney

SUPERVISOR’S REPORT

Supervisor Monaghan reported on the following:

- Thanks to everyone who volunteered in the recent “Keep Rockland Beautiful” clean up day.
 - Inserra
 - United Women of Rockland
 - Farley School
 - Lions Club
- Karl Javenes, Superintendent of Highways, will be putting up signs “Only Trashy People Litter”
- Saturday, April 28th, the Stony Point PAL, in conjunction with the DEA, will hold a “Take Back Prescription Drugs” event from 10am to 2pm at Walgreens in Stony Point.
- Explained the purpose of the proposed Local Law to Increase of Fines and Penalties for Building Code Violations to ensure compliance with the Town Code, protect neighbors and the Emergency Responders.

PURCHASE ORDER REQUEST

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 following purchase orders:

Golf Course Maintenance		
PO#3500	Carriere Materials LLC	\$5,724.00
Buildings & Grounds		
PO#3504	Reddi Alarm and Time Systems	\$1,650.00

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 April 12, 2022, Town Board Meeting.

CORRESPONDENCE - None

PUBLIC INPUT

The following residents spoke on the recent activities on a recently sold property on Baisley Farm Ct., such as loud activity as well as illegally converting a single family residence into a multi-family residence.

- Kevin Consagra, 3 Baisley Farm Ct. Stony Point
- Ralph Marcatelli, 5 Baisley Farm Ct. Stony Point

- Kathy Brondolo, 54 Thiells Rd, Stony Point

Open Public Hearing-To Increase Fines and Penalties for Building Code Violations

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 to open the public hearing regarding the Increase of Fines and Penalties for Building Code Violations.

Town Clerk Megan Carey presented the following Public Hearing Notice:

**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 April 26, 2022 at 7:00 pm or soon thereafter at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, New York to consider a Local Law to Amend Town Code to Increase Fines and Penalties for Building Code Violations.

The Town of Stony Point will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or accommodations should contact the Town Clerk.

Said Local Law will be made available for review in the Town Clerk's Office, 74 East Main St., Stony Point, New York and may be examined by any interested party from 8:30 am to 4:30 pm, Monday through Friday in advance of the meeting after April 18, 2022.

By Order of the Town Board dated March 22, 2022

Megan Carey – Town Clerk

Public Input

Michael Schoales, 10 Bullawa Dr. Stony Point, spoke on a recently sold single family residence being used as a multi-family residence with 9-10 vehicles in the driveway, multiple children, garbage in the street, work going on during the weekend and night and loud dogs and music.

Close Public Hearing-To Increase Fines and Penalties for Building Code Violations

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 regarding the Increase of Fines and Penalties for Building Code Violations and adopting the following local law:

The following resolution was duly offered and seconded to wit:

RESOLUTION 2022 - 9

**RESOLUTION ADOPTING LOCAL LAW NO. 2 OF 2022
AMENDING FINES AND PENALTIES ASSOCIATED WITH CERTAIN CODE
VIOLATIONS IN THE TOWN OF STONY POINT**

WHEREAS, within the Town of Stony Point, New York (“Town”) there is a need to protect the public health and safety from time to time with regard to the enactment of Local Laws pursuant to the powers of the municipality under the Municipal Home Rule Law, and

WHEREAS, the Town Board desires to increase fines and penalties in the Town Code which have remained unchanged for many years; and

WHEREAS, the Town Board after due deliberation, finds it in the best interest of the Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that this action is a Type II Action under SEQRA.

Section 1. All “Whereas” clauses are hereby incorporated by reference as though set forth in full herein.

Section 2. That the introductory Local Law entitled “AMENDING FINES AND PENALTIES ASSOCIATED WITH CERTAIN CODE VIOLATIONS IN THE TOWN OF STONY POINT” be and hereby is adopted as Local Law No. 2 of 2022 of the Town of Stony Point on April 26, 2022.

Section 3. The Town Board hereby directs the Town Clerk to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Stony Point, and to give due notice of the adoption of said Local Law to the Secretary of State of New York and to take all steps to process and file said Local Law amendment with the State of New York.

Section 4. This action is a Type II Action under SEQRA.

Section 5. This Resolution shall be effective immediately.

**TOWN OF STONY POINT
LOCAL LAW NO. 2 OF 2022**

**A LOCAL LAW AMENDING FINES AND PENALTIES ASSOCIATED WITH CERTAIN
CODE VIOLATIONS IN 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 is intended to amend certain fines and penalties related to particular code violations in the Town of Stony Point. Accordingly, this local law amends the Town Code and incorporates the changes set forth herein with respect to fines and penalties. This local law does not amend any substantive provisions of the Chapters identified, but only increases fines and penalties.

Section 2. Authority.

This Local Law is adopted pursuant to the provisions of the New York State Municipal Home Rule Law.

Section 3. Amendment.

Chapter 98, Article II, entitled “Excavated Lands,” is hereby amended as follows:

§ 98-17 Penalties for offenses.

Offenses against this article shall be punishable by a fine not to exceed \$10,000 or by imprisonment not to exceed one year, or both.

Section 4. Amendment.

Chapter 48, entitled "Alarm Systems," is hereby amended as follows:

§ 48-14 Penalties for offenses.

A person found in violation of this chapter shall be guilty of an offense and shall be subject to a fine not to exceed \$200 for the first offense and \$1,500 for the second offense or subsequent offense.

Section 5. Amendment.

Chapter 78, entitled "Buildings, Unsafe," is hereby amended as follows:

§ 78-12 Penalties for offenses.

Offenses against this chapter shall be punishable by a fine not to exceed \$10,000 or by imprisonment not to exceed one year, or both

Section 6. Amendment.

Chapter 142, Article I entitled "Temporary Trailers," is hereby amended as follows:

§ 142-2 Penalties for offenses.

Any violation of this article shall be punishable by a maximum fine of \$1,500 or by imprisonment for not more than 15 days, or both.

Section 7. Amendment.

Chapter 148, entitled "Noise," is hereby amended as follows:

§ 148-4 Penalties for offenses.

Any person violating any of the provisions of this chapter shall be deemed guilty of a violation and, upon conviction thereof, shall be fine in an amount not exceeding \$1,000 or imprisonment not to exceed 15 days, or both.

Section 8. Amendment.

Chapter 182, Article I entitled "Collection and Licensing," is hereby amended as follows:

§ 182-7 Penalties for offenses.

Any person, firm or corporation violating any provision of this article or failing to comply therewith shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$5,000 for each offense or imprisonment for not more than one year, or both.

Section 9. Amendment.

Chapter 182, Article III entitled "Receptacles," is hereby amended as follows:

§ 182-17 Penalties for offenses.

A violation of any of the provisions of this article shall be punishable by a fine not to exceed \$500 or by imprisonment in the County Jail for a period not exceeding 15 days, or both.

Section 10. Amendment.

Chapter 198, Article I entitled "Removal," is hereby amended as follows:

§ 198-7 Penalties for offenses.

Any person violating any of the provisions of this article shall be subject to a fine of not more than \$1,000 or by imprisonment in the County Jail for a period not exceeding 15 days, or both.

Section 11. Amendment.

Chapter 132, entitled "Junk Dealers," is hereby amended as follows:

§ 132-7 Penalties for offenses.

In addition thereto or irrespective thereof any person, firm, association or corporation violating any of the provisions of this chapter or operating or engaging in the business of a junk dealer or dealer in secondhand articles as defined in this chapter without a license or after the revocation of any license by the Town Board shall, upon conviction thereof, be subject to a fine of not to exceed \$5,000 or 15 days in jail, or both, for each offense.

Section 12. Amendment.

Chapter 187, Article I entitled "Permits and Obstructions," is hereby amended as follows:

§ 187-5 Penalties for offenses.

A. Each and every violation of any of the provisions of this article of the Town of Stony Point shall be punishable by a fine not to exceed \$1,500 or by imprisonment for not more than 15 days, or by both, unless a lesser penalty is provided by statute.

Section 13. Amendment.

Chapter 73 entitled "Blasting," is hereby amended as follows:

§ 73-12 Penalties for offenses.

Any person, firm or corporation violating any of the provisions of this chapter or failing to comply therewith shall be guilty of an unclassified misdemeanor and, upon conviction, shall be punished by imprisonment for a term of not more than one year or by a fine of not more than \$10,000, or by both such fine and imprisonment. Each violation of any provision of this chapter shall be a separate and distinct offense and, in case of continuing violation, each day such violation shall be permitted to exist shall constitute, a separate offense. Additionally, such person, firm or corporation shall be subject to a two-year suspension of his or its privilege to obtain a blasting permit, from the Town of Stony Point

Section 14. Amendment.

Chapter 209, entitled "Waterfront Consistency," is hereby amended as follows:

§ 209-7 Penalties for offenses.

A. A person who violates any of the provisions of or who fails to comply with any decision or conditions imposed by this chapter shall have committed a violation, punishable by a fine not exceeding \$1,000 for a conviction of a first offense and punishable by a fine not to exceed \$5,000 for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional offense.

Section 15. Amendment.

Chapter 187, Article III entitled "General Provisions," is hereby amended as follows:

§ 112-9 Penalties for offenses.

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$2,500 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Stony Point from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under Article VI will be declared noncompliant and notification sent to the Federal Emergency Management Agency

Section 16. Amendment.

Chapter 151, Article I entitled "Temporary Outdoor Dining Permit," is hereby amended as follows:

§ 151-7 Penalties for offenses.

A violation of this chapter is hereby declared to be an offense punishable by a fine not to exceed \$1,500 or imprisonment for a period not to exceed six months, or both, for a conviction of a first offense; for a conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of not less than \$500 nor more than \$2,500 or imprisonment for a period not to exceed six months, or both; and upon conviction of a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine of not less than \$1,000 nor more than \$5,000 or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation. In addition to the foregoing provisions, the Town shall have such other remedies for any violation or threatened violation of this chapter as is now or may hereafter be provided by law.

Section 17. Amendment.

Chapter 161, entitled "Property Maintenance" is hereby amended as follows:

§ 161-9. Penalties for offenses.

A. Any person failing to comply with a lawful order pursuant to this chapter or committing an offense against any provision of this chapter shall be guilty of a violation.

In addition to any other penalty or remedy herein provided, each and every violation of this chapter shall be punishable as follows:

(1) For a first conviction thereof: by a fine not less than \$200 nor more than \$500 or by imprisonment for a term not exceeding 15 days, or by both fine and imprisonment.

(2) For a second conviction thereof within twelve months: by a fine of not less than \$200 nor more than \$2,500, or by imprisonment for a term not exceeding 15 days, or by both fine and imprisonment.

B. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

C. In addition to the above-provided penalties and punishment, the Town of Stony Point may also maintain an action in any court of competent jurisdiction to compel compliance with this chapter by injunction or other action.

Section 18. Amendment.

Chapter 176, Part 1, Article V entitled "Penalties" is hereby amended as follows:

§ 176-18. Penalties for offenses.

A. Any person found to be violating any provision of these regulations shall be served by the Town of Stony Point with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall violate any provision of this Part 1 shall be fined not more than \$1,000 or imprisoned not more than 30 days, or both. Each day that any violation of these regulations continues and each day that any person continues to discharge prohibited wastes or substances into any public sewer shall be deemed to be a separate offense for the purpose of applying the penalty provided in this section.

C. Any person violating any of the provisions of this Part 1 shall be liable to the Town of Stony Point for any expense, loss or damage occasioned the municipality by reason of such violation.

D. Any person who takes part in or assists in any the commission of any violation of this article shall also be subject to the penalties provided herein.

Section 19. Amendment.

Chapter 215, Article XV entitled "Administration and Enforcement" is hereby amended as follows:

§ 215-99. Penalties for offenses.

A violation of this chapter is hereby declared to be an offense punishable by a fine not to exceed \$5,000 or imprisonment for a period not to exceed six months, or both, for a conviction of a first offense; for a conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of not less than \$1,000 nor more than \$10,000 or imprisonment for a period not to exceed six months, or both; and upon conviction of a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine of not less than \$2,000 nor more than \$25,000 or imprisonment for a period not to exceed six months, or both. Each week's continued

violation shall constitute a separate additional violation. In addition to the foregoing provisions, the Town shall have such other remedies for any violation or threatened violation of this chapter as is now or may hereafter be provided by law.

Section 20. Amendment.

Chapter 185, Article I entitled "Illicit Discharges, Activities and Connections shall be amended as follows:

§ 185-12. Enforcement; penalties for offenses.

A. Notice of violation. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this article, the SMO may order compliance by written notice of violation by certified mail and/or posting of the property to the responsible person. Such notice may require, without limitation:

- (1) The elimination of illicit connections or discharges;
- (2) That violating discharges, practices, or operations shall cease and desist;
- (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (4) The performance of monitoring, analyses, and reporting;
- (5) Payment of a fine and reimbursement of any costs and/or expenses incurred by the municipality relating to the violation; and
- (6) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
- (7) The municipality shall also have the right to issue an appearance ticket for said violation.

B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this article shall be guilty of a violation punishable by a fine not exceeding \$5,000 or imprisonment for a period not to exceed 15 days, or both for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$1,000 nor more than \$10,000 or imprisonment for a period not to exceed 15 days, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$2,500 nor more than \$35,000 or imprisonment for a period not to exceed 15 days, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this article shall be deemed offenses. Each week's continued violation shall constitute a separate additional offense.

Section 21. Amendment.

Chapter 77, entitled "Building Code Administration and Enforcement", shall be amended as follows:

§ 77-15. Enforcement; penalties for offenses.

A. Compliance orders. The Code Enforcement Officer is authorized to order, in writing, the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order. The compliance order shall be in writing; be dated and signed by the Code Enforcement Officer; specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter; specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity; specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; direct that compliance be achieved within the specified period of time; and state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by registered mail/certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by registered mail/certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

B. Appearance tickets. The Code Enforcement Officer and each inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

C. Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, shall be liable to a civil penalty of not less than \$200 and not to exceed \$2,500 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Town.

D. Injunctive relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit, compliance order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any stop-work order, compliance order or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Supervisor of this Town.

E. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and

not in substitution for or limitation of, the other remedies or penalties specified in this section, in § 77-6, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 77-6, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 382 of the Executive Law.

Section 22. Amendment.

Chapter 185, Article II entitled “Erosion and Sediment Control” shall be amended as follows:

§ 185-29. Enforcement; penalties for offenses.

A. Notice of violation. When the Town determines that a land development activity is not being carried out in accordance with the requirements of this article, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

- (1) The name and address of the landowner, developer or applicant;
- (2) The address, when available, or a description of the building, structure or land upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the land development activity into compliance with this article and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (6) A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within 15 days of service of notice of violation.

B. Stop-work orders. The Stormwater Management Officer (SMO) or his designee may issue a stop-work order for violations of this article. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the SMO confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, or criminal penalties, or injunction in accordance with the enforcement measures authorized in this article.

C. Violations. Any land development activity that is commenced or is conducted contrary to this article may be restrained by injunction or otherwise abated in a manner provided by law.

D. Penalties.

(1) In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this article shall be guilty of a violation punishable by a fine not exceeding \$5,000 for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$1,000 nor more than \$10,000 or imprisonment for a period not to exceed 15 days, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$2,500 nor more than \$35,000 or imprisonment for a period not to exceed 15 days, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this article shall be deemed offenses. Each week's continued violation shall constitute a separate additional offense.

(2) In addition to any other penalties provided for herein, any person who violates any provision of this article shall be liable for a civil penalty not to exceed \$10,000 for each such violation. No such penalty shall be imposed until the Town Board has held a public hearing, upon due notice, and has made a determination that such violation has occurred and has made findings of fact relating to said determination. The alleged violator shall have a right to specification of the charges and to be represented by counsel at such hearing. Each day such violation shall continue shall be deemed to be a separate, distinct and additional offense. Any civil penalty or order issued by the Town Board shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules within 30 days after filing of such penalty or order in the office of the Town Clerk and mailing a copy thereof to the violator.

E. Certificate of occupancy. No certificate of occupancy (C/O) shall be issued for any building or structure in connection with any land development activity that is subject to the article unless the SMO has certified that the work has been installed or conducted in compliance with this article.

F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within the time stated in the notice, the Town may take necessary corrective action, the cost of which shall become a lien in the nature of a tax lien upon the property until paid. In addition, any fees, penalties or other costs imposed by the Town against the violator in order to obtain compliance with this article shall be assessed against the property in the nature of a tax lien until paid. No such lien shall take effect until the Town Board has held a public hearing upon 10 days' notice to the violator, advising him/her that a lien will be imposed upon the affected property and the amount thereof. The violator shall have an opportunity to appear and give evidence at the public hearing and to be represented by counsel. Any person aggrieved by a decision of the Town Board may appeal such decision to the New York State Supreme Court in an Article 78 proceeding pursuant to the Civil Practice Law and Rules within 30 days after such decision has been filed in the office of the Town Clerk and a copy mailed by regular mail to the violator.

G. Enforcement. Enforcement of the provisions of this article is vested in the Town Stormwater Management Officer, his designees, inspectors of the Department of Environmental Control, and code enforcement personnel of the Town.

Section 23. Amendment.

Chapter 215, Article IX entitled "Signs" shall be amended as follows:

§ 215-58. Security deposits; enforcement; fees and penalties; supersession.

A. Political signs. Accompanying the application for a permit shall be the payment of a security deposit in the amount of \$250, as a guaranty that each and every such sign subject to this article will be removed promptly within one week immediately following the nomination, primary, election or referendum to which it pertains. If such removal is not made within the specified time, the Town shall have such signs removed and the security deposit shall be forfeited to the Town to defray the cost of removal of such signs and for general Town purposes.

B. Other temporary signs. Accompanying the application for a permit shall be the payment of a security deposit in the amount of \$100, as a guaranty that each and every such sign subject to this article will be removed promptly within one week immediately following the cessation of the event or activity mentioned in the permit. If such removal is not made within the specified time, the Town shall have such signs removed and the security deposit shall be forfeited to the Town to defray the cost of removal of such signs and for general Town purposes.

C. The fee for any other sign permits, besides § 215-58A and B above, shall be in accordance with the building permit fee schedule.

D. Enforcement. The Police Department of the Town of Stony Point or any other Police Department then servicing the Town of Stony Point and/or the Building Inspector or Code Enforcement Officer for the Town of Stony Point shall have the power, right and authority to issue an appearance ticket, as the same is defined in Article 150 of the Criminal Procedure Law of the State of New York, for the violation of any section of this article.

E. Penalties for offenses.

(1) In addition to any other penalties or remedies prescribed herein or otherwise available to the Town of Stony Point, any person, corporation, firm or other entity that shall violate any provision of this chapter shall be guilty of a misdemeanor subject to a fine of up to \$1,000 or imprisonment up to 15 days, or both such fine and imprisonment. Each day that such violation continues shall constitute a separate offense and shall be punishable as such.

(2) In the case of continuing violation of this article, each day that such violation exists and each sign posted in violation of this article shall constitute a separate and distinct violation.

(3) In addition to the above-provided penalties and punishment, the Board may also maintain an action in the name of Stony Point in any court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this article.

(4) The remedies contained within this article shall, further, not be exclusive but shall be in addition to any other remedy provided by law, so long as it is not inconsistent herewith, nor shall the invoking of any remedy or procedure contained within this article preclude the pursuit of any and all other remedies, and the same are intended to be cumulative.

F. Supersession of other laws. This article supersedes any other regulation and/or law regarding signs in the Town of Stony Point.

Section 24. 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 25. 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 26. Code Preparation.

The Town's Code preparation contractor is authorized, without further action of the Town Board, to correct typographical errors, numbering and other related technical changes that do not affect or alter the substantive provisions of this local law.

Section 27. 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 28. Effective date.

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

Appoint Part Time Fire Inspector

A motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present to appoint Evan Humphrey to Part Time Fire Inspector at a rate of pay o \$24/hr. The appointment will begin on May 2, 2022. Judge Franks swore Mr. Humphrey in.

Appoint Court Clerk

A motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present to hire Claudia Lucca to Court Clerk at a grade 6, Step 2 as per CSEA contract.

Hire Summer Laborers-Parks Department

A motion was made by Supervisor Monaghan, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present to hire the following summer laborers for the parks department:

Seamus Gogarty	\$13.20/hr
Dylan Raymond	\$13.20/hr
Bailey McGrady	\$13.20/hr

Approve 30 Day Liquor License Waiting Period Waiver

A motion was made by Supervisor Monaghan, seconded by Councilman Rose and unanimously carried by a voice vote of those board members present to waive the 30 day wait period for a liquor license for Tapas Inka Terra, LLC.

Authorize the Assessor to Attend the NYS Assessors Association Seminar

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 the Town's Assessor and the Real Property Valuation Assistant to attend the NYS Assessors Seminar from July 17th -22nd at a cost to the town of approximately \$2600.00.

Use of Commuter Lot- Jan & Niles Davies Learning Center

A motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present to grant permission for The Jan & Niles Davies Learning Center at Helen Hayes Hospital to use the commuter parking lot for a community garage sale fundraiser to benefit the center on Saturday, May 21st with a rain date of Sunday, May 22nd.

EXECUTIVE SESSION

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 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 carried by a voice vote of those board members present to close the Stony Point Town Board meeting at 9:40 pm.

Respectfully submitted
Megan Carey - Town Clerk