

STONY POINT TOWN BOARD MEETING – July 12, 2022

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, July 12, 2022, at 7:00pm at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, NY. Supervisor Monaghan called the meeting to order and announced that the meeting would be opened and closed in memory of Elizabeth “Betty” Bohlander. Betty was a lifelong Stony Pointer who has raised 3 daughters with former Councilman Fred Bohlander. They were married for 50 years before Fred’s passing. Betty worked at Iona Island, Motor Vehicle and Letchworth. He then led the group in the Pledge of Allegiance.

Town Clerk Megan Carey called the following roll:

PRESENT:	Mr. Keith Williams	Councilman
	Mr. Todd Rose	Councilman
	Mr. James Monaghan	Supervisor
	Mr. Brian Nugent	Esquire
ABSENT:	Mr. Michael Puccio	Councilman
	Mr. Paul Joachim	Councilman

SUPERVISOR’S REPORT

Supervisor Monaghan reported as follows:

- Along with Haverstraw Supervisor Phillips, the North Rockland 5K Walk/Run raised \$18,000 to present to Volunteer Ambulance who worked through the Covid 19 Pandemic.
- Riverfront Concert Series begins Wednesday, July 13th. Beauty and the Grease will be performing.
- Stony Point Seals 300 Club Raffle Picnic will be at Riverfront Park on Saturday, July 16th.
- SPPAL will be hosting a movie night Friday, July 15th.

POLICE DEPARTMENT REPORT/BUSINESS

Chief Finn read the following report:

Police Department Report for the Month of June 2022.

Number of calls for service:	812
Number of reported accidents:	29
Number of arrests:	36
(6) Felonies	(23) Misdemeanors
	(4) Violations (3) Warrants
Fuel Usage :	1339.1gallons
Sum Total of all traffic enforcement action:	129
Number of Youth Officer sponsored events:	8
Number of commercial vehicle enforcement details:	1
Number of traffic/special enforcement details:	4
Number of training hours:	224 hrs
Total fees collected:	\$153.50
(Foil \$3.50, Prints \$90.00, and Reports \$60.00)	

Youth events: June: June 4-24 hours of community service, June 5-NR Fun Run with NRYPA recruits, June 6-NRYPA graduation, June 7-PAL meeting, June 12- Bike Safety/Touch a Truck event. June 15-Youth Court, June 19-Father’s Day fishing event, June 24-PAL Drive-In Movie Night.

Upcoming Youth Events: July: July 15-PAL Movie Night.

Chief Finn’s Time Record

A motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present with Councilman Puccio and Councilman Joachim being absent to approve Chief Finn’s time record for the month of June 2022 as presented.

- **Overtime and Sick Leave Reports**

A motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present with Councilman Puccio and Councilman Joachim being absent to approve the overtime and sick leave reports as presented for the month of June 2022.

Golf Course Report

The following report was presented for June 2022:

• Green Fees	\$	328,255.64
• ID Cards	\$	2,730.00
• Merchandise	\$	16,367.13
• Range Fees	\$	21,439.00
• Club Rental	\$	900.00
• Total	\$	369,691.77

Highway Department Report

Superintendent of Highways, Karl Javenes, reported on the following:

Highway

Highway Garage Roof has been replaced.
 Sidewalks throughout Town have been weedwacked.
 Shimming of roads has continued.
 Clean and repair CB's and paved curbs at Concord Drive.
 Repair structure and pipe at 7 Brayfield detention basin.
 Residents should make an appt for pickup services.

Parks

Trees have been taken down at Clark, Lowland and Town pool.
 Basketball Court rehabilitation projects at Heights, Laurel and Town pool.
 Patriot Hills exterior railings and rotted wood and siding repaired.
 Patriot Hills exterior paint completed.
 HVAC bid documents completed for east side of Patriot Hills.
 Exterior door at Patriot Hills handicap access installed.

Sewer

Cleaning of aeration tanks started.
 Renovations of break room at plant completed.
 Renovations of locker room at plant completed.
 New UV disinfection system project is on schedule to be completed by end of month.
 New floor tiles and lighting upgrades at the plant.
 Exterior AC units finished nicely at interior and exterior.

PURCHASE ORDERS

None

AUDIT OF BILLS

Megan Carey, Town Clerk, presented the following bills to the Town Board for audit and a motion was made by Supervisor Monaghan, seconded by Councilman Rose and unanimously carried by a voice vote of those board members present with Councilman Puccio and Councilman Joachim being absent to approve the bills as presented for payment:

GENERAL FUND-JULY 12 , 2022

<u>FUND</u>	<u>CLAIM#</u>	<u>FUND TOTAL</u>
<u>General</u>	656-746	\$ 414,549.17
<u>Highway</u>	231-261	\$ 122,723.42
<u>Sewer</u>	190-219	\$ 37,688.12
<u>Special Districts</u>		
<u>Enterprise</u>	227-266	\$ 111,027.93

MINUTES - A motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present with Councilman Puccio and Councilman Joachim being absent to approve the minutes of June 14, 2022 and June 28, 2022.

DEPARTMENTAL REPORTS

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

Building & Zoning Department

June 2022

Applications Received	43
Applications Returned/Withdrawn	0
Applications Denied	0
Building & Blasting Permits Issued	27
Applications Pending	16
Certificate of Occupancy	5
Certificate of Compliance	14
Fees Collected	\$15,740.00

Planning Board

From: 6/01/2022 To: 6/30/2022

Canceled

Zoning Board of Appeals

6/1/2022 to 6/30/2022

Applications Received	2
Applications Returned/Withdrawn	0
Applications Denied	0
Applications Pending	5
Applications Approved	0
Area Variance	2
Fees Collected	\$400.00

Town Clerk

June 2022

Amount Paid To NYS Agriculture & Markets	
For Spay/Neuter Program	\$ 28.00
Amount Paid To NYS Health Dept. For Marriage Licenses	\$ 135.00
Amount Paid To NYS Dept. Of Environmental Conservation	\$ 883.37
Amount Paid To Supervisor	<u>\$ 3,335.75</u>
TOTAL AMOUNT REMITTED	\$ 4,382.12

CORRESPONDENCE

Megan Carey, Town Clerk read the following correspondence from Donation for Ukraine:

We are “Donation for Ukraine”, a non-profit organization based in New York, which provides humanitarian aid to a vast number of civilians and medical personnel in war-enveloped Ukraine..... We would like to express and extend our immense gratitude to Polina Vays, Keith Williams, and notably, Stony Point Police Department and the Rockland County Sheriff’s Office for your generous and valuable contribution and help to the people of Ukraine.

Sincerely Yours,
Dmytro Guralenko

PUBLIC INPUT

George Potanovic, 597 Old Gate Hill Rd., Pres. SPACE, spoke on the following

- proposed Zone Amendment, River and Rail Brownfield Redevelopment Floating Zone.
- Asked for the Town Board Meetings be live steamed.

Mike Diederich, 361 Rt. 210, spoke on Freedom of Speech and the rules for public input at Town Board meetings requiring three minute limits and sign up prior to the start of the meetings.

Presentation Proposed River and Rail Brownfield Redevelopment Floating Zone

Max Stach, Town Planner did a presentation on the Proposed River and Rail Brownfield Redevelopment Floating Zone. A motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present with Councilman Puccio and Councilman Joachim being absent to set a public hearing for August 9, 2022 at 7pm at the RHO Building, 5 Clubhouse Lane, Stony Point, NY.

Continue Public Hearing-Special Use Permit-Eagle Bay

At 7:39pm a motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present with Councilman Puccio and Councilman Joachim being absent to open the public hearing for the Special Use Permit for Eagle Bay.

Public Input

None

Close Public Hearing-Special Use Permit-Eagle Bay

At 7:40pm a motion was made by Supervisor Monaghan, seconded by Councilman Rose and unanimously carried by a voice vote of those board members present with Councilman Puccio and Councilman Joachim being absent to close the public hearing and approve the Special Use Permit for Eagle Bay.

RESOLUTION

The following resolution was duly offered and seconded to wit:

RESOLUTION 2022/16

RESOLUTION APPROVING SPECIAL PERMIT FOR EAGLE BAY PROJECT

WHEREAS, Breakers Stony Point, LP submitted an application with the Town for Preliminary and Final Site Plan approval and Conditional Use Approval for a Waterfront Mixed Use Development (pursuant to § 215-92.3 of the Town Code) (“the Action”), dated May 21, 2017 and revised June 26, 2018, a Full EAF and a Project Narrative, dated May 24, 2017, seeking the re-development of an existing commercial/industrial area; and

WHEREAS, the project site consists of 41 acres and is a waterfront development located on Hudson Drive approximately 600 feet north of the intersection of Tomkins Avenue in the Town of Stony Point, Rockland County, New York and is bound by train rails of CSX Transportation, Inc. to the west, the Palisades Interstate Park “Stony Point Battlefield” to the north, the Hudson River to the east and private properties to the south (“Project Site”); and

WHEREAS, the Project Site is in the Planned Waterfront (PW) Zoning District and this zone is designated for land along the waterfront of the Hudson River in Stony Point, New York; and

WHEREAS, the Town Planning Board issued a Resolution of Preliminary Site Plan Approval on December 9, 2021 for this project; and

WHEREAS, the Town Planning Board, acting in its capacity as the Town’s Waterfront Advisory Committee, also determined that the proposed Action is located in the Town’s coastal area and further that the proposed Action is consistent with the Town’s

Local Waterfront Revitalization Program (“LWRP”) policy standards and conditions, as set forth in Town Code Section 209-5(G), and accordingly issued a LWRP consistency Resolution, dated April 28, 2022; and

WHEREAS, the Rockland County Department of Planning (“RCDP”) conducted a review of the application and plan materials pursuant to its GML authority and submitted comments and recommendations numbered “1” through “37” for the Applicant to address in correspondence dated November 16, 2020, and, by letter to the Planning Board, dated June 18, 2021, the engineers for the Applicant, Atzl, Nasher & Zigler, P.C., by David M. Zigler, responded to each and every provision of the aforesaid RCDP comment letter and also responded to and requested that this Board “override” certain comment paragraphs of the RCDP letter; and

WHEREAS, the Applicant previously submitted an application for a Special Permit use for a new marina to be constructed and operated as part of the above designated project pursuant to the provisions of Town Code Chapter 215, Zoning, Article XVIII, Special Permits, § 215-128, and § 215-89 and authorizing sales of items specifically related to marina use; facilities for docking and mooring of boats (up to 100 slips) and facilities for pumping out marine holding tanks (“Special Permit Application”); and

WHEREAS, on June 14, 2022, the Town Board referred the Special Permit Application to the Town Planning Board for review, comment and recommendation pursuant to Zoning Code § 215-128(A) and the Applicant simultaneously submitted the Special Permit Application to the Planning Board; and

WHEREAS, the Town Planning Board conducted review of the Special Permit Application on June 23, 2022 and July 7, 2022, at which times the sufficiency of the application, plans and submissions were reviewed and considered by this Board in light of the general considerations and specific standards for special permits; and

WHEREAS, the Town Planning Board determined that, based upon review of the Planning Board approvals and letter of determination from the Town Building Inspector dated April 27, 2022, the Applicant satisfies the Town Special Permit criteria set forth in Town Code § 215-89, with the exception of certain provisions that were deemed not applicable as follows:

215-89(F) as there will be no provision made on the site for covered or enclosed boat maintenance facilities on dry land; and

215-89(J) as no visual screening elements will be installed between the marina and residences, other than the Esplande and its landscaping, in order to provide the desired unobstructed view from the residences; and

215-89 (L) as there will be no outdoor boat storage on the site; and

215-89(I) as Applicant does not have any facilities proposed to dispense fuel, but will have containment measures in the event of a fuel spill from a boat.

WHEREAS, the Town Board desires to approve the Eagle Bay Special Permit Application submitted by Breakers Stony Point, LP.

NOW THEREFORE BE IT RESOLVED that:

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

Section 2. The Town Board hereby approves the Special Permit Application submitted by the Applicant, subject to the following conditions and requirements:

- a. The Applicant shall comply with all conditions of approval set forth by the Town Planning Board in its Final Site Plan Approval of April 28, 2022 and comply with any unsatisfied requirements of the April 27, 2022 Determination of the Town Building Inspector; and
- b. The Applicant shall comply with any and all provisions of the Stony Point Town Code, New York State Building and Fire Code,

and New York State and Rockland County Sanitary Code. Upon notice to the Applicant and an opportunity to be heard, the Town Board may suspend a Special Permit Approval in the event of uncorrected violations that present imminent danger to the health and safety of persons within the Town of Stony Point. However, nothing herein shall require the Town to provide the Applicant notice and an opportunity to be heard when exercising its other governmental powers aimed at protecting the health and safety of persons within the Town; and

- c. Applicant shall comply with all provisions of Town Code 215-89, except subparagraphs F, J and L; and
- d. Applicant must obtain a building permit for the Special Permit use within eighteen (18) months of the date of this Resolution, except that the Applicant may apply for an extension of such Special Permit approval and shall submit such application at least ninety (90) days prior to the eighteen (18) month expiration of the Special Permit; and
- e. Applicant shall post any required financial security as required by the Town Planning Board approval and/or the Town Code; and
- f. In the event of a successor to the Applicant or assignment by the Applicant, the Applicant, or the successor or assign shall submit a written request to amend the Special Permit to incorporate the name of such successor/assign.

Section 3. The Town Supervisor, and any official, employee or consultant of the Town as directed by the Town Supervisor, is hereby authorized and directed to take any and all actions necessary to carry out the provisions of this Resolution.

Section 4. This Resolution shall be effective immediately.

Open Public Hearing- Local Law Adopting Fats, Oils and Grease Program
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 July 12, 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 amending Chapter 176, Sewers, to provide a new article regulating fats, oils and greases (FOG) entering the wastewater collection system.

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 June 14, 2022.

By Order of the Town Board dated June 14, 2022

Megan Carey – Town Clerk

At 7:40pm a motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present with Councilman Puccio and Councilman Joachim being absent to open the public hearing to adopt the Local Law for the Fats, Oils and Grease Program.

Public Input

None

Close Public Hearing- Local Law Adopting Fats, Oils and Grease Program

At 7:41pm a motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present with Councilman Puccio and Councilman Joachim being absent to close the public hearing and adopt the Local Law for the Fats, Oils and Grease Program.

RESOLUTION

The following resolution was duly offered and seconded to wit:

RESOLUTION 2022/17

**RESOLUTION ADOPTING LOCAL LAW NO. 3 OF 2022
(AMENDING CHAPTER 176 OF THE TOWN CODE OF THE TOWN OF STONY POINT)**

WHEREAS, fats, oil and grease (“FOG”) pose a significant threat to the Town of Stony Point’s (“Town”) sanitary sewer system by creating blockages in sewer pipes and other infrastructure; and

WHEREAS, the Town of Stony Point (“Town”) seeks to combat this threat by adopting a Local Law amending Chapter 176, Sewers, of the Code of the Town of Stony Point to include an preventative Article that regulates the main “producers” of FOG in order to protect the public health, safety and welfare of Town infrastructure and residents alike; and

WHEREAS, a Public Hearing upon said Local Law, duly noticed, was held at a Town Council meeting on July 12, 2022 whereupon public comment on said Local Law was provided for; and

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

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 of Stony Point hereby adopts the Local Law No. 3 of 2022, Amending Chapter 176 of the Town Code of the Town of Stony Point, annexed hereto.

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. The Town Supervisor or any officer, employee or consultant as directed by the Town Supervisor shall take any and all necessary actions to carry out the provisions of this Resolution.

Section 5. This Resolution shall be effective immediately.

**TOWN OF STONY POINT
LOCAL LAW NO. 3 OF 2022**

**A LOCAL LAW AMENDING CHAPTER 176, SEWERS, TO PROVIDE A NEW
ARTICLE REGULATING FATS, OILS AND GREASES (FOG) ENTERING THE
WASTEWATER COLLECTION SYSTEM.**

Be it enacted by the Town Board of the Town of Stony Point by authority of Article 16 of Town Law of the State of New York and Article 10 of the Municipal Home Rule Law of the State of New York as follows:

Part 1, Chapter 176, Sewers, of the Code of the Town of Stony Point shall be amended to add the following new Article VI:

ARTICLE VI FOG PROGRAM

Purpose and Policy. The purpose of this Article is to reduce the amount of fats, oils and grease ("FOG") entering the Town of Stony Point wastewater collection system in order to comply with the Clean Water Act of 1977 and general pretreatment regulations (40 CFR, Part 403). This Article provides for the regulation of FOG contributors to publicly owned treatment works ("POTW") through the issuance of permits, inspections, sampling and enforcement. The requirements within this Article shall be applied to, but not be limited to, all food processing facilities within the Town that discharge wastewater to be treated by the POTW. The requirements within this Article shall also be applied to residential users within the Town that discharge wastewater to the POTW and that contribute FOG to the Town's sewage collection system.

Definitions. The following terms and phrases shall have the designated meanings in the context of this Article.

DAYS – says shall be considered as calendar days unless otherwise specified.

FOG- Fats, oils and grease created as a byproduct of cooking.

FOG AMINISTRATOR - Town Code Enforcement Officer or a duly authorized agent responsible for the enforcement of this Article.

FOG OVERFLOW REPORT- A report supplied to FOG Administrator by the Producer within five (5) days of a FOG overflow explaining the cause of the overflow, steps taken to contain and clean up the overflow, and measures taken to prevent the overflow from occurring again.

GREASE TRAP - An apparatus located inside the structure that collects and contains the fats, oils and grease, and removes a significant portion of it from the wastewater to be discharged.

NOV - Notice of Violation. A written notice specifically citing the nature of the violation and a specified time frame for correction.

OIL AND GREASE INTERCEPTOR- An apparatus located outside the structure that collects and contains the fats, oils and grease, and removes a significant portion of it from the wastewater to be discharged.

OVERFLOW- A discharge of FOG from a grease trap or interceptor into the POTW in a concentration greater than 100 mg/L or in the form of visible masses detrimental to the POTW.

POTW- Publicly owned treatment works, including the Town of Stony Point wastewater collection and conveyance system.

PRODUCER - Any commercial or public facility or private residential property that is connected to the Town POTW and that produces, directly or indirectly, wastewater containing FOG in a concentration greater than that defined in the General Regulations of this Article. Commercial facilities include, but are not limited to, restaurants, schools, private clubs, delis, churches and daycare centers. Producers shall be classified as follows:

CLASS 1 PRODUCER - Any Producer who has an oil and grease interceptor on the sewer line.

CLASS 2 PRODUCER- Any Producer who has a grease trap.

CLASS 3 PRODUCER- Any residential Producer.

General Regulations. The following regulations apply to all Producers contributing to the Town POTW.

- 1) All Class 1 and 2 Producers must have a FOG permit in order to discharge to the POTW. The FOG Administrator shall receive all FOG permit applications. All Class 1 and 2 Producers are required to renew their permit annually.
- 2) At no time shall a Producer discharge, or cause to be discharged, any quantity of FOG to the POTW that exceeds the discharge limitation of 100 mg/1. At the discretion of the FOG Administrator, sampling by the Town of the Producer's discharge may occur when the FOG Administrator has evidence that indicates the Producer may not be complying with the requirements of this Article. All Class 1 Producers shall be responsible for providing an adequate sampling port on their grease interceptors.
- 3) The Producer is responsible for cleaning and/or having the oil and grease interceptor or grease trap cleaned on a regular basis so as not to discharge fats, oils and grease to the POTW that exceed the discharge limitation of 100 mg/1. The frequency of cleaning at a minimum shall be in accordance with the "25% Rule", as determined by the FOG Administrator and directed in the FOG permit. The "25% Rule" requires that the depth of oil and grease (floating and settled) in an interceptor or trap shall not be equal to or greater than twenty-five percent (25%) of the total operating depth of the interceptor or trap. The operating depth of an interceptor or trap is determined by measuring the internal depth from the outlet water elevation to the bottom of the interceptor or trap. In application of this Rule, the cleaning frequency shall also be determined by the size of the interceptor and inspection of the sewer lines. The Class 1 Producer shall empty and clean the grease interceptor as often as is necessary to prevent overflowing of FOG into the POTW.
- 4) Existing Producers which currently have an internal grease trap shall be required to clean and maintain that trap in an efficient manner. The following is prohibited to be discharged to an internal grease trap:
 - a) Wastewater with a temperature greater than one hundred forty (140) degrees Fahrenheit.
 - b) Acid or caustic trap cleaners -this may include enzymes and/or degreasers which liquefy the fats, oils and grease and allow them to pass from the grease trap and deposit in the POTW lines. Therefore, all enzymes and degreasers must be approved by the FOG Administrator or duly authorized representatives.
- 5) On or after the effective date of this Article, existing food service or automotive related facilities shall be required to install an approved, properly operated and maintained oil and grease interceptor or oil/water separator by a compliance date determined by the FOG Administrator. Existing Facilities shall not be grandfathered from this Article.

- 6) Newly built Class 1 Producers or renovated existing Class 1 Producers shall install a properly sized oil and grease interceptor on the sewer line from the facility. The oil and grease interceptor shall be approved by the FOG Administrator. The oil and grease interceptor shall have the following design features (as a minimum): a tee inlet in which one (1) tee branch extends a minimum of one (1) foot below the liquid level, an outlet tee with a minimum submergence of two-thirds (2/3) of the liquid depth, a baffle to separate the trap into two (2) compartments, and two (2) manhole access ways for inspection of the inlet and outlet tees. The interceptor shall have cleanouts and shall be located with easy access for pump out and inspection. The Producer may present alternative designs to the FOG Administrator. The FOG Administrator reserves the right to approve or reject the alternative design.
- 7) All Producers may be inspected by the FOG Administrator at his discretion. The FOG Administrator has the authority to access and inspect any oil and grease interceptor or grease trap. The FOG Administrator shall give adequate notice to all Class 3 Producers prior to inspection on their property.
- 8) Overflowing an oil and grease interceptor on the sewer line or on the sink discharge line is strictly prohibited. In such case, the Producer shall be responsible for the subsequent containment, cleanup and disposal of the overflow material as well as its expense. It is the responsibility of the Producer to immediately notify the Town FOG Administrator of the incident. The notification shall include the location of the overflow, the type of material, the volume and corrective actions. Within five (5) days of the overflow, the Producer shall submit to the Town a detailed written report describing the cause of the overflow, steps taken to contain the overflow, steps taken to prevent it from occurring again and the cleanup of the overflow.
- 9) Class 1 and Class 2 Producers must keep on site a current grease interceptor and grease trap cleaning log. Included on the cleaning log shall be the following information: date, time, who did the cleaning, volume of waste disposed of, location of disposal, and manifest if done by an outside hauler. Permit renewals shall require submission of the prior year's cleaning log.
- 10) The Town reserves the right to inspect a connected residential user(s) of the POTW if evidence within the POTW indicates that a significant buildup of FOG is occurring within proximity of the residential user(s) and that such evidence cannot be attributed to Class 1 or 2 Producers. Sampling will occur at the residential lateral cleanouts whenever possible.

Permit Fees. Shall be as established in Chapter 221.

The following permits shall apply to all Class 1 and Class 2 Producers contributing to the POTW:

- 1) Initial Permit
- 2) Annual Permit Renewal

All permit fees are the responsibility of Producer and must be paid within thirty (30) days. Bills remaining unpaid after the due date will be charged additional interest at the rate of six percent (6%) per annum. Producers with unpaid permit fees shall be prohibited from obtaining any further annual permit renewals.

Any change in the rate and/or fees charged shall be made by a Resolution adopted by the Town of Stony Point Town Board.

Enforcement.

- 1) The Town shall suspend any FOG permit held by a Producer if the Producer does not adhere to the requirements of this Article. Once the permit is suspended, the Producer shall not discharge to the POTW until the permit is reinstated. The permit

shall remain suspended until the Producer demonstrates proof that the noncompliance was eliminated.

- 2) The methods of enforcement shall include the issuance of a NOV and/or the assessment of a monetary penalty as defined in this Article.
- 3) Should the FOG inspectors need to sample any Producer, the Producer shall be responsible for the costs required for the analytical laboratory to perform the analysis of the sample. Payment must be paid within thirty (30) days of the date on which the FOG Administrator mails a bill to the Producer. Bills remaining unpaid after such 30-day period will be charged interest at the rate of six percent (6%) per annum.
- 4) Any costs incurred by the Town for cleaning the Producer's FOG from the POTW and/or penalties, fines or other costs incurred by the Town for the Producer's FOG shall be the responsibility of the Producer. Payment must be paid within thirty (30) days of the date on which the FOG Administrator mails a bill to the Producer. Bills remaining unpaid after such 30-day period will be charged interest at the rate of six percent (6%) per annum.

Notice of Violations. In addition to all other remedies available to it, the Town shall have the right to issue a NOV(s) and/or impose a monetary penalty(ies), as hereinafter set forth, for a violation of any requirements of this Article. The following factors shall be considered in imposing any and all monetary penalties:

- 1) Damage to the air, water and land of the Town and surrounding the Town.
- 2) Damage and/or harm to the POTW and/or its personnel.
- 3) Past violations and compliance history.
- 4) Producer's willingness and efficiency to comply; response to the NOV in a timely manner; notification to the Town; and quick, effective corrective action to eliminate the noncompliance.
- 5) Magnitude of the violation.

Types of Violations and Penalties. The following is a schedule of violations and maximum penalties to be assessed. Payment must be paid within thirty (30) days of the date on which the FOG Administrator mails a bill to the Producer. Bills remaining unpaid after such 30-day period will be charged interest at the rate of six percent (6%) per annum.

- 1) Failure to clean oil and grease interceptor/grease trap (1st offense): NOV.
- 2) Failure to clean oil and grease interceptor/grease trap (2nd offense) according to schedule: NOV plus up to a Two Hundred and Fifty Dollar (\$250.00) penalty.
- 3) Failure to clean oil and grease interceptor/grease trap (3rd offense and thereafter) according to schedule: NOV plus up to a Five Hundred Dollar (\$500.00) penalty for every day the cleaning is not completed.
- 4) Failure to clean oil and grease interceptor/grease trap four (4) or more times within a twelve (12) month time period: NOV plus up to a One Thousand Dollar (\$1,000.00) penalty and the revocation of the Producer's permit.
- 5) Failure to keep and maintain cleaning log with necessary hauling manifests (1st offense): NOV plus up to a One Hundred Dollar (\$100.00) penalty.
- 6) Failure to keep and maintain cleaning log with necessary hauling manifests (2nd offense): NOV plus up to a Two Hundred Dollar (\$200.00) penalty.

- 7) Failure to keep and maintain cleaning log with necessary hauling manifests (3rd offense and thereafter): NOV plus up to a Three Hundred Dollar (\$300.00) penalty.
- 8) Failure to keep and maintain cleaning log with necessary hauling manifests four (4) or more times within a twelve (12) month time period: NOV plus up to a Five Hundred Dollar (\$500.00) penalty and the revocation of the Producer's permit.
- 9) Overflow of oil and grease interceptor/grease trap: NOV plus a penalty to be assessed by factors set forth in this Article, plus the violator will be liable for the entire cost of cleanup of site.
- 10) Failure to notify FOG Administrator of overflow immediately: NOV plus up to a One Thousand Dollar (\$1,000.00) penalty. Within 5 days, an overflow report must be submitted to the FOG Administrator.
- 11) Failure to submit FOG overflow report within five (5) days to FOG Administrator: NOV plus up to a Two Hundred Fifty Dollar (\$250.00) penalty.
- 12) Deliberately pouring FOG into the sewer system, including pouring anything that will wash out the oil and grease interceptor/grease trap: NOV plus up to a Five Thousand Dollar (\$5,000.00) penalty.
- 13) Discharging more than 100 mg/l of fats, oil and grease: NOV plus up to a One Hundred Dollar (\$100.00) penalty.

Rules and Regulations. The FOG Administrator shall have the power to establish additional appropriate Rules and Regulations for the administration and enforcement of the provisions of the FOG Program.

Construction and Severability. In the event any provision, section, sentence, clause or part of this Article shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Article, it being the intent of the Town Board that such remainder shall be and shall remain in full force and effect.

Additional Remedies. Any Producer which refuses or fails to comply with any of the provisions of this Article, in addition to the enforcement proceedings, fines, and penalties set forth in this Article may suffer discontinuance of water service and/or shall be subject to all other remedies available to the Town at law, or in equity, or both. Each owner of a regulated facility shall be deemed to have joint and severable liability and responsibility under the provisions of this Article.

Severance. The invalidity of any word, section clause paragraph, part or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part of parts.

Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

Approve Hire of Patriot Hills Golf Club Operations

A motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present with Councilman Puccio and Councilman Joachim being absent to approve the hire of James Wood for Carts and Range at Patriot Hills Golf Club at a rate of pay of \$13.20/hr.

Approve Hire of Lifeguard

A motion was made by Supervisor Monaghan, seconded by Councilman Rose and unanimously carried by a voice vote of those board members present with Councilman Puccio and Councilman Joachim being absent to approve the hire of the following lifeguards at a rate of pay of \$16/hr and to begin immediately.

- Genesis Alarcon
- Kevin Franco

Approve Adjusted Base Proportions

A motion was made by Supervisor Monaghan, seconded by Councilman Rose and unanimously carried by a voice vote of those board members present with Councilman Puccio and Councilman Joachim being absent to approve the Homestead Base and Adjusted Base Proportions for 2022 as presented by William Beckman, Assessor and on file in the Town Clerk’s Office.

Authorize Town Clerk to go out to Bid for Refuse Pickup at Town Facilities

A motion was made by Supervisor Monaghan, seconded by Councilman Rose and unanimously carried by a voice vote of those board members present with Councilman Puccio and Councilman Joachim being absent to authorize the Town Clerk to go out to bid for Refuse Pickup at Town Facilities.

Approve Playground Program Refund

A motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present with Councilman Puccio and Councilman Joachim being absent to approve a refund of \$200 to Debbie Fisher for registration of the Playground Program.

Approve Use of Soundstage-Stony Point Seals

A motion was made by Supervisor Monaghan, seconded by Councilman Rose and unanimously carried by a voice vote of those board members present with Councilman Puccio and Councilman Joachim being absent to approve the use of the Soundstage and Riverfront Park for the Stony Point Seals 300 Club Raffle picnic to be held on Saturday, July 16th, 2022.

Property Maintenance-5 Colonel Conklin Road

A motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present with Councilman Puccio and Councilman Joachim being absent to exercise Section 161-5 of the Property Maintenance Law of the Town of Stony Point at 5 Colonel Conklin Road.

Authorize Conveyance of Town Property Subject to a Ballot Proposal

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

The following resolution was duly offered and seconded to wit:

RESOLUTION 2022/18

RESOLUTION AUTHORIZING CONVEYANCE OF TOWN PROPERTY SUBJECT TO A BALLOT PROPOSAL FOR NOVEMBER 2022 GENERAL ELECTION

WHEREAS, the Town Board is engaged in negotiations with the Hudson Park Group, LLC for the conveyance of a Town parcel known as Tax Lot 19.02-1-3 established as per subdivision map #8494 prepared by Atzl, Nasher & Zigler, P.C., filed in the Rockland County Clerk’s Office on February 5, 2020 consisting of approximately 23.4 acres, in addition to a portion of Tax Lot 19.02-1-1.1 to the east of Tax Lot 19.02-1-3 of approximately 4 acres and a portion of Tax Lot 19.02-1-1.1 to the west of Tax Lot 19,02-1-3 of approximately 3.8 acres and described more specifically in a Proposed Site Reconfiguration document, dated June 15, 2022 and prepared by BCT Design Group (collectively “the Town Property”); and

WHEREAS, the Town Board desires to convey such property to the Hudson Park Group, LLC, subject to finalization of a contract of sale with terms acceptable to the Town Board and legal counsel; and

WHEREAS, any such conveyance of the Town Property shall be subject to Town Board approval of a Purchase and Sale Agreement (“Agreement”) by the Town Board in

a final form approved by Town legal counsel, the terms of which shall be made available to the public sufficient in advance of the referendum vote; and

WHEREAS, the approval of the ballot referendum authorizing the conveyance of the Town Property shall not require that such conveyance be completed, but shall be deemed to approve the conveyance of the Town Property; and

WHEREAS, any such Agreement with the Hudson Park Group, LLC shall, among other provisions, require that the required reconfiguration of the Town's Patriot Hills Golf Course shall be at expense of Hudson Park Group, LLC and performed in a manner that maintains the integrity of the golf course to the satisfaction of the Town and its professionals; and

WHEREAS, such Agreement shall also require that the Kirkbride Hall and immediate environs be subdivided from the Town Property and such Kirkbride property shall remain under Town fee ownership; and

WHEREAS, the Town desires such ballot proposal to be placed on the general election ballot in the Town as part of the November 8, 2022 general election.

NOW THEREFORE BE IT RESOLVED that:

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

Section 2. The Town Board hereby authorizes the Town Supervisor to take any and all actions necessary to have a ballot proposition regarding the property placed on the November 8, 2022 general election ballot in the following form:

SHALL THE TOWN BOARD RESOLUTION AUTHORIZING THE SALE OF +/-31.2 ACRES OF TOWN PROPERTY WITHIN THE FORMER LETCHWORTH PROPERTY BE APPROVED?

Section 3. The Town Supervisor and any other employee, official or consultant as directed by the Town Supervisor, is hereby authorized to take any and all actions necessary to carry out the provisions of this resolution.

Section 4. This Resolution shall be effective immediately.

Accept Resignation of Planning Board Member

At motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present with Councilman Puccio and Councilman Joachim being absent to accept the resignation of Planning Board Member, Jake Cataldo, effective July 29, 2022.

EXECUTIVE SESSION

At 7:48 pm a motion was made by Supervisor Monaghan, seconded by Councilman Rose and unanimously carried by a voice vote of those board members present with Councilman Puccio and Councilman Joachim being absent to adjourn into executive session to discuss personnel matters and finances with a company interested in doing business with the town.

ADJOURN

At 9:00pm a motion was made by Supervisor Monaghan, seconded by Councilman Rose and unanimously carried by a voice vote of those board members present with Councilman Puccio and Councilman Joachim being absent to close the July 12, 2022 Town Board Meeting in memory of Betty Bohlander. No further votes were taken.

Respectfully submitted.
Megan Carey, Town Clerk