

STONY POINT TOWN BOARD MEETING – March 14, 2023

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, March 14, 2023, 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 led the group in the Pledge of Allegiance.

Town Clerk Megan Carey called the following roll:

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

SUPERVISOR’S REPORT

Supervisor Monaghan reported as follows:

- The Town has been awarded a \$2,750,000.00 grant from the DEC for the upgrades at the Waste Water Treatment Plant
- Thank you to Mike Puccio, Karl Javenes and Pitingaro & Doetsch for the hard work at the WWTP
- The Town has also been awarded a \$200,000.00 grant for a new Pickleball Court.
- Thank you to the Town Board and Karl Javenes for the much needed upgrades to our Town parks including the upcoming installation of a new splashpad at Charles Eccher Park (Lowland).

POLICE DEPARTMENT REPORT/BUSINESS

Chief Finn stated that the previously nominated Police Officer, Victor Yupa, has completed his testing and received approval from County Personnel.

Appoint Police Officer Candidate

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 Victor Yupa to position of full-time police officer commencing March 15, 2023.

Chief Finn presented Officer Yupa with his badge.

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

Chief Finn read the following report:

Police Department Report for the Month of February 2023.

Number of calls for service:	700
Number of reported accidents:	16
Number of arrests:	34
(9) Felonies	(25) Misdemeanors
	(1) Violations (0) Warrants
Fuel Usage :	1161.5 gallons
Sum Total of all traffic enforcement action:	161
Number of Youth Officer sponsored events:	4
Number of commercial vehicle enforcement details:	1
Number of traffic/special enforcement details:	0
Number of training hours:	320 hrs
Total fees collected:	\$130.00
(Foil \$0.00, Prints \$80.00, and Reports \$50.00)	

Youth events: February: Feb 7 & 16-Youth Court, Feb 9-Safety Event with Girl Scouts, Feb 21-PAL Meeting.

Upcoming Youth Events: March: Mar 9-Harlem Wizards Game, Mar 16-Youth Court, Mar TBD-NR Youth Police Academy.

Chief Finn’s Time Record

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of all board members present to approve Chief Finn’s time record for the month of February 2023 as presented.

Overtime and Sick Leave Reports

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 overtime and sick leave reports as presented for the month of February 2023.

HIGHWAY SUPERINTENDENTS REPORT
All Town employees are doing a fantastic job.

Hwy

Vehicle and heavy equipment repair ongoing.
Snow deicing and plow work.
Planning an open house at the garage showing equipment and serving refreshments.
Clearing sewer easement areas.
Just a reminder residents need to make an appt for pickup services by calling 845-786-2300 or email us @ highway@townofstonypoint.org. We pick up anything metal, bags of leaves and brush cut to lengths of no longer than 8’. All other items must be picked up from your garbage carter by making an appointment at no charge.
Recycling is picked up from Capasso by calling 845-786-2139.

Parks

Interest in gardening club that will help plant and maintain the flowers at various areas throughout the town.
Police department locker room renovation.
Asphalt removed at existing tennis courts ready for pickleball courts.
Patriot hills renovation ongoing with insulation completed and drywall started.
Walkways at Patriot hills relaid and straightened.
Pre-bid meeting for splash pad at lowland park.
Rocks placed at Patriot hills landscape beds ready for plantings.

Sewer

I & I repair made at Victor Drive.
Clarifier project prebid meeting.
Garage door installed at sewer plant.
Painting continues at the sewer plant.
SMH I & I repairs will start to take place.
Cleanup and painting at the centerfuge room.

PURCHASE ORDER REQUEST

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

Golf Course:		
PO#3605	Carriere Materials	\$2,158.00
PO#3607	Country Garage Door	\$2,775.00
Police Dept:		
PO#3565	VJ Networks	\$2,398.00
PO#3604	VJ Networks	\$10,155.00
Patriot Hills East Wing:		
PO#3578	Custom Stone by Frank, LLC	\$12,603.00
PO#3602	All American Masonry	\$4,950.00

PO#3603	All American Masonry	\$3,800.00
PO#3606	All American Masonry	\$2,200.00
Recreation Department		
PO#3611	Webstraunt Store	\$4,118.24
Highway Department:		
PO#3608	WasteQuip	\$19,063.00

AUDIT OF BILLS

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

GENERAL FUND-March 14 ,2023

<u>FUND</u>	<u>CLAIM#</u>	<u>FUND TOTAL</u>
General	241-323	\$387,510.46
Cap Projects	14-20	\$44,112.82
Highway	90-120	\$55,493.14
Sewer	85-110	\$29,371.83
Special District		
Enterprise	53-71	\$21,196.10
Solid Waste	6-7	\$1,660.20
Ambulance	6-8	\$37,015.83
Sewer Cap Projects	3	\$16,800.00

MINUTES

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 minutes of February 28, 2023.

DEPARTMENTAL REPORTS

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

Architectural Review Board

From: 2/01/2023	To: 2/28/2023
Applications Received	6
Applications Approved	6
Applications Pending	0

Fees Collected \$600.00

Building & Zoning Department

February 2023

Applications Received	32
Applications Returned/Withdrawn	0
Applications Denied	0
Building & Blasting Permits Issued	19
Applications Pending	13
Certificate of Occupancy	1
Certificate of Compliance	13
Fees Collected	\$14,170.00

Planning Board

From: 2/01/2023	To: 2/28/2023
Applications Received	1
Applications Approved	0
Applications Pending	

Amended Subdivision	0
General Category	3
Informal Discussion	0
Lot Line Change	1
Site Plan	6
Subdivision Minor	1
Fees Collected	\$1,340.00

Submitted by the Planning Board Clerk

Zoning Board of Appeals

2/1/2023 to 2/28/2023

Applications Received	0
Applications Returned/Withdrawn	0
Applications Denied	0
Applications Pending	1
Applications Approved	1
Fees Collected	\$0.00

Town Clerk

February 2023

Amount Paid To NYS Agriculture & Markets	
For Spay/Neuter Program	\$ 24.00
Amount Paid To NYS Health Dept. For Marriage Licenses	\$ 90.00
Amount Paid To NYS Dept. Of Environmental Conservation	\$ 122.82
Amount Paid To Supervisor	\$ 2,806.09
TOTAL AMOUNT REMITTED	\$ 3,042.91

CORRESPONDENCE

None

PUBLIC INPUT

Jeff Johnson, 4 Tyler Place, asked the Town Board to implement a surveillance law, similar to the one adopted in the Town of Clarkstown.

Tom Ossa, 37 Easton St., North Rockland Chamber of Commerce, spoke on the upcoming 2023 Stony Music Fest, July 8, 2023. This year the proceeds will be donated to the Stony Point PAL. The organization received a \$5,000.00 grant from Rockland County to advertise.

Public Hearing-Zone Change-Tompkins CAMF LLC Zone Change

At 7:35pm a motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to continue the public hearing for Tompkins CAMF LLC Zone Change.

Public Input

None

Close Public Hearing-Zoning Change-Tompkins CAMF LLC Zone Change

At 7:35pm a motion was made by Supervisor Monaghan, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present to close the public hearing for a Zone Change for Tompkins CAMF LLC.

Adopt Resolution and Adopt Local Law-Tompkins CAMF LLC Zone Change

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

The following resolution was duly offered and seconded to wit:

RESOLUTION 2023/10

**RESOLUTION APROVING APPLICATION OF THE RIVER AND RAIL
BROWNFIELD REDEVELOPMENT (RRBR) FLOATING ZONE TO TAX
PARCELS OWNED BY TOMPKINS CAMF, LLC IN THE TOWN**

WHEREAS, the Town of Stony Point (“Town”) previously adopted Local Law No. 4 of 2022 amending Chapter 215 (Zoning) of the Town Code and creating the River and Rail Brownfield Redevelopment Floating Zone (“RRBR”) which local law process included review under the Local Waterfront Revitalization Program; and

WHEREAS, the Town received a petition from Tompkins CAMF, LLC (“Applicant”), dated November 21, 2022 seeking to apply the RRBR Zone to tax parcels, 10.02-3-17, 10.04-2 (Lots 2 through 14) and 10.04-2 (Lots 16-19) (collectively “the Parcels); and

WHEREAS, on or about December 13, 2022, the Town Board declared itself lead agency for SEQRA and referred the application to the Rockland County Planning Department and to interested agencies; and

WHEREAS, a public hearing was duly noticed and opened on February 14, 2023 at 7:00 p.m.; and

WHEREAS, on January 20, 2023, comments were received from the Rockland County Planning Department pursuant to NYS General Municipal Law 239-m; and

WHEREAS, the public hearing was continued on February 28, 2023 at 7:00 p.m.; and

WHEREAS, the public hearing was continued to March 14, 2023 at 7:00 p.m.; and

WHEREAS, during said duly noticed public hearing held at the time and place set forth in said notice, all persons desiring to be heard were duly heard; and

WHEREAS, the Project constitutes a “Type I” action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, “SEQRA” and therefore no further action under SEQRA with respect to the Project need be taken by the Board; and

WHEREAS, the Town Board declared itself lead agency on December 13, 2022 as the only entity with authority to apply the RRBR zone to a parcel in the Town; and

WHEREAS, the Town Board has reviewed Parts 1, 2 and 3 of the Full Environmental Assessment Form (“FEAF”); and

WHEREAS, pursuant to NYS General Municipal Law § 239-m, the action was referred to the Rockland County Planning Department for review; and

WHEREAS, the Rockland County Planning Department responded with recommendations by letter dated January 13, 2023; and

WHEREAS, after review and consideration of the petition and related documents, the Town Board desires to approve the landing of the RRBR zone on the Parcels by local law and to cause necessary steps to be taken to reflect such RRBR zone on the Parcels in any Town maps, Codes or other documents containing zoning information for the Parcels.

NOW THEREFORE, BE IT RESOLVED that:

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

The Town Board hereby adopts a negative declaration determining that the action will not result in any significant adverse environmental impacts for reasons set forth in Part 3 of the Full Environmental Assessment Form.

The Town Board responds to the Rockland County Planning Department recommendations and overrides such indications as indicated as follows:

Comment: In our July 29, 2022 review letter regarding the creation of the River and Rail Brownfield Redevelopment Floating Zone (RRBR), we issued a comment stating that the text of the local law should be amended to include language that ensures that the ultimate development of the site substantially conforms to the proposal depicted in the landing petition, as well as provide procedures for any proposed modifications to an approved plan to ensure that there is an adequate opportunity for public review and an assessment of environmental impacts. This comment was overridden at the October 11, 2022 Town Board meeting. Part of the Board's reasoning for override was that the SEQRA documentation required for the zone change would consider both the proposal depicted in the landing petition, as well as the full range of uses and construction that could occur after landing the zone. However, the submitted Full Environmental Assessment Form (FEAF) that was submitted with this zone change does not address the full range of allowed uses and construction that will be permitted with the proposed zone change, which includes, but is not limited to, various industrial processes and energy generation. Rather, the submitted FEAF appears to address the impacts created specifically by the zone change that is described in the submitted narrative. Furthermore, this narrative only gives brief descriptions of the proposed uses and does not provide an adequate level of detail to properly assess and, if necessary, mitigate the impacts of the ultimate development. Since the issuing of a site reuse permit is administrative, with no site development plan review or public hearing required, there may not be any additional review under SEQRA for the reuse of this site. The minutes also reveal that this is by design to avoid segmentation under SEQRA. To better understand the full impacts this rezoning will have on the environment, and to avoid segmentation under SEQRA, a new FEAF must be submitted that addresses the full ranges of uses and construction that could occur after landing the zone. This concern was echoed by the Rockland County Planning Board at their January 11, 2023 meeting.

TOWN RESPONSE: Response: SEQR requires that the Project Sponsor complete the Full EAF Part 1. There is no requirement that the project sponsor must perfect the EAF nor that requires the lead agency to depend solely on the EAF Part 1. The Lead Agency accepted the EAF Part 1 as the document disclosing project site and project details as proposed by the project sponsor. The Lead Agency has separately considered the more general impacts that the zone change may have from the change of possible uses allowed throughout the site, but largely depended on the advice of its planner, input by the public and its own deliberations for those purposes. The full rationale for the lead agencies determination of non-significance is disclosed in the Part 3 EAF, on file with the Town Clerk. **A new FEAF will not be required and this condition is hereby overridden.**

Comment: On page 3 of the narrative, the applicant indicates that adequate water and sewer resources currently exist at the property. However, on page 6 it is indicated that improvements to the site include potable water, if possible. It is further stated that all septic will be surface mounted tanks or portable facilities. Based on this, it appears that there are not currently adequate water or sewer resources at the site. All application materials must remain consistent. The statement on page 3 must be updated to explain that these resources will be provided, rather than exist.

TOWN RESPONSE: This is not a matter of countywide or intermunicipal concern. The Town Board considers more than just the petition in its decision including, but not limited to additional testimony by the project sponsor, its Planning Board, Planner, DPW, the public and others in making its determination. The applicant has clarified its petition by letter. **To the extent any override is deemed necessary, this recommendation is hereby overridden.**

Comment: When establishing the RRBR, the Town elected to use the term "brownfield" in a generic sense. It is described as a site that was "formerly used for intensive industry, mining, or utility purposes, and contain or be perceived to contain the potential for soil and groundwater contaminants." The Town must be satisfied that any site contamination is identified and assessed, and any use or proposed use will not pose any threats to human health or the environment.

TOWN RESPONSE: The site is the former location of the Lovett power generation facilities. It is identified as the delisted Lovett Gas Regulator Station, Site Code: 344032 (delisted on February 27, 2008). The Town Board is satisfied that zoning the area to RRBR and conducting as-of-right activities will not result in any exposure of contamination. Any significant future activity resulting in disturbance of site soils will require site plan approval and additional SEQR investigation and GML review.

Comment: A requirement for siting the RRBR zone is to provide that the average noise levels associated with the intended use. On pages 3-4 of the narrative, it is stated that the applicant anticipates heavy equipment, such as cranes, bulldozers, and loaders, to be used at the site. They continue that the noise levels will be negligible, especially in light of the former uses on or near the site. The Town must ensure that the residential parcels acquired by the applicant to serve as a buffer to the neighboring community remain undeveloped and are sufficient in reducing any anticipated noise produced by the site.

TOWN RESPONSE: The RRBR requires a 50-foot buffer from the residential district line in addition to the 50-foot side or rear-yard setback. This will require 50-feet of undisturbed land, and 50-feet additional before any principal use or construction. This buffer/setback requirement, steep slopes, and extensive easements associated with overhead and underground utilities, will render currently-zoned residential land in the vicinity of existing residential neighborhoods unusable for non-residential construction or use.

Comment: An additional requirement for the landing of the RRBR zone is to provide a description of the permits necessary to utilize the site, as well as the agency responsible for issuing said permits. The applicant has indicated that this will be provided as site specific operations are identified. Further in the narrative, ten uses are identified for the onset of use of the site. Any permits required for these uses, and their granting authority, must be identified.

TOWN RESPONSE: This is not a matter of countywide or intermunicipal concern. The site is existing, and many of the referenced uses (offices, maintenance, outdoor storage, existing wharf) were based on existing or recent use and therefore are already permitted. The exception here is the possible wharf structure improvements which were identified as possibly requiring permits. Those permits would likely be from Army Corps of Engineers and/or DEC and will be sought if the applicant proposes such activities.

Comment: Similarly, in response to the requirement that, when more than 25 percent of goods or materials is proposed to be shipped over local streets, a traffic impact study must be prepared, the applicant has stated that site specific operations are anticipated to evolve over time. The percent of goods or materials that will be shipped over local streets based on the ten initial uses for the site must be stated. If this number exceeds 25 percent, a traffic study must be prepared at this time.

TOWN RESPONSE: The applicant has testified that they do not propose to exceed 25% at this time. The majority of their business will be shipping by River. This is adequate for the purpose of landing the zone.

Comment: A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.

TOWN RESPONSE: At this time no comments were received.

Comment: A review must be completed by the County of Rockland Department of Highways, any concerns addressed, and any required permits obtained.

TOWN RESPONSE: At this time no comments were received.

Comment: Due to federal wetlands on the site, a review shall be completed by the United States Army Corps of Engineers and all required permits obtained.

TOWN RESPONSE: This is not a matter of countywide or intermunicipal concern. Army Corps review is not required for zoning amendments.

Comment: The engineer of record shall certify to the floodplain administrator for the Town of Stony Point that any future construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

TOWN RESPONSE: This is not a matter of countywide or intermunicipal concern. No construction is proposed that would require Floodplain Administrator Review. **To the extent necessary, this recommendation is overridden.**

Comment: Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

TOWN RESPONSE: This comment is a statement rather than a recommendation and accordingly no response required, but the Town notes that it will comply with GML provisions shall be complied with.

Comment: In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement

overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

TOWN RESPONSE: This comment is a statement rather than a recommendation and accordingly no response required, but the Town notes that it will comply with valid and applicable provisions of law or regulation.

The Town Board hereby approves the Petition of Applicant to apply the RRBR zone to the Parcels and further determines that:

- (1) The Petition is consistent with the purposes of the RRBR Floating Zone.
- (2) The Petition is consistent with the criteria listed in §215-153 of the Town Code.
- (3) That the Town Board has considered the report of the Planning Board including any recommended modifications.
- (4) That the Town has reviewed and considered the recommendation of Rockland County Planning Department, any involved agencies as defined by 6 NYCRR 617 and input from the public.

The Town Board hereby adopts Local Law No. 4 of 2023 amending the Town Zoning Code to apply the RRBR Zone to the Parcels in the form presented to the Town Board and subject to the conditions therein.

The Town Supervisor, and any officer, employee 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, including directing amendment of the Town Zoning Map to reflect the provisions of the adopted local law.

This resolution shall be effective immediately.

LOCAL LAW NO. 4 OF 2023 OF THE TOWN OF STONY POINT, NEW YORK, TOWN BOARD AMENDMENT OF CHAPTER 215, ZONING, OF THE TOWN CODE TO AMEND THE TOWN ZONING TAX MAP TO DESIGNATE CERTAIN PARCELS IN THE RIVER AND RAIL BROWNFIELD REDEVELOPMENT (RRBR) FLOATING ZONE

A LOCAL LAW to amend Chapter 215 of the Town Code of the Town of Stony Point to amend the existing zoning map.

BE IT ENACTED AS FOLLOWS:

Section 1. Title.

This local law shall be known as the “2023 Zoning Map Amendment to designate certain parcels in the River And Rail Brownfield Redevelopment (RRBR) Floating Zone.”

Section 2. Authority.

This Local Law is enacted pursuant to the authority of Municipal Home Rule Law 10, the New York State Town law, and in accordance with Chapter 215, Article XIX, Amendments, of the Code of the Town of Stony Point.

Section 3. Purpose and Findings

The Town Board of Stony Point received a Petition for a zoning map amendment from Tompkins CAMF, LLC (“Petitioner”) to designate a floating zone known as the River and Rail Brownfield Redevelopment (“RRBR”) Floating Zone on certain parcels owned by Petitioner.

Petitioner seeks to develop the Parcels pursuant to the provisions of the RRBR Floating Zone and have the RRBR Floating Zone designated on the following tax parcels: 10.02-3-17; 10.04-2-2; 10.04-2-3; 10.04-2-4; 10.04-2-5; 10.04-2-6; 10.04-2-7; 10.04-2-8

; 10.04-2-9; 10.04-2-10; 10.04-2-11; 10.04-2-12; 10.04-2-13; 10.04-2-14; 10.04-2-16; 10.04-2-17; 10.04-2-18 and 10.04-2-19.

Section 4. Legislative Findings and Amendments.

The Zoning Map of the Town of Stony Point, as incorporated by reference in Section 215-7 of the Town Code and made part of Chapter 215 of the Town Code of the Town of Stony Point is hereby amended as follows:

1. The Zoning Map of the Town of Stony Point is hereby amended to reflect that the RRBR Floating Zone is hereby designated upon the following Town tax parcels 10.02-3-17; 10.04-2-2; 10.04-2-3; 10.04-2-4; 10.04-2-5; 10.04-2-6; 10.04-2-7; 10.04-2-8; 10.04-2-9; 10.04-2-10; 10.04-2-11; 10.04-2-12; 10.04-2-13; 10.04-2-14; 10.04-2-16; 10.04-2-17; 10.04-2-18 and 10.04-2-19 in their entirety (collectively "Designated Site").
2. The Designated Site may be used subject to the requirements of the Town of Stony Point Zoning Local Law including the Table of General Use Regulations applicable to the RRBR. Additionally, the Designated Site may be used subject to the provisions of §215-154 (Site Reuse Permit).
3. Any such use on the Designated Site is subject to and conditioned on compliance with any applicable provisions of the Town Codes, state and federal statutes, and subject to any and all conditions imposed by any other Town land use board.
4. The approval of the Designated Site is subject to submission and approval of any required easements in a final form approved by the Town's legal counsel.
5. The approval of the Designated Site shall not authorize any development on the following Rural Density Residential District parcels within the Designated Site unless separately approved by the Town: 10.04-2-2; 10.04-2-3; 10.04-2-4; 10.04-2-5; 10.04-2-14; 10.04-2-16; 10.04-2-17; 10.04-2-18 and 10.02-3-17.

Section 5. State Environmental Quality Review Act

This action is a Type I action under SEQRA and the Town Board has determined that the action will not have any significant, adverse effect on the environment.

Section 6. Repeal, Amendment, and Supersession of Other Laws.

All other Resolutions, Ordinances or Local Laws of the Town of Stony Point which conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law force and effect.

Section 7. Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

Section 8. Effective Date.

This Law shall become effective upon filing with the New York State Secretary of State.

Authorize Town Clerk to go out to Bid for Pickleball Courts

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to authorize the Town Clerk to go out to Bid for Pickleball Courts. The town was awarded a grant for \$200,000.

Sponsorship-Great American Cleanup

A motion was made by Supervisor Monaghan, seconded by Councilman Puccio, and unanimously carried by a voice vote of those board members present to sponsor the Great American Cleanup/Keep Rockland Beautiful with a donation of \$1,750.

Adopt Procurement Policy

A motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present to adopt the resolution for the towns procurement policy:

**RESOLUTION NO. 11 OF 2023
REGARDING TOWN PROCUREMENT POLICY**

WHEREAS, the Town Board for the Town of Stony Point wishes by Resolution to adopt policies and procedures regarding the procurement of goods and services which are not required to be made pursuant to the competitive bidding requirements of state laws; and

WHEREAS, the Procurement Policy shall pursuant to Town Law Section 104-b(2)(f) shall be updated biennially concerning the individual or individuals responsible for purchasing and their respective titles; and

WHEREAS, the individuals responsible for purchasing is the Department heads for each Department and the assistant to the Supervisor for all Town Board requirements whose names are attached to this Resolution; and

WHEREAS, the Procurement Policy of the Town shall be set forth in detail and shall be reviewed annually pursuant to Town Law Section 104-b (4).

NOW, THEREFORE, it is resolved as follows:

1. **Adoption; applicability.** The Town of Stony Point, New York does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

2. **Determination of purchase.** Every purchase made will be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good-faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. As a general guide, items of work of the same or similar nature which are customarily handled by the same vendors or contractors should be treated as single items for purposes of determining whether the dollar threshold will be exceeded.

3. **Purchases not subject to competitive bidding.** The following items are not subject to competitive bidding pursuant to §103 of the General Municipal law:

- A. Purchase contracts under \$20,000 and public works contracts under \$35,000.
- B. Emergency purchases as defined in General Municipal Law § 103(4).
- C. Goods purchased from correctional institutions or agencies for the blind or severely handicapped.
- D. Purchases under state and county contracts.
- E. Surplus and secondhand purchases from another governmental entity.
- F. Items which may only be purchased from one source.

- G. Goods purchased at auction.
- H. Professional Services.
- I. True Leases.
- J. Purchased otherwise exempted from competitive bidding by New York State Law.

4. **Documentation of decision regarding bidding.** The decision that a purchase is not subject to competitive bidding will be documented, in writing. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase or any other written documentation that is appropriate.

5. **Purchase to be at lowest price and responsible provider.** All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and responsible provider.

6. **Methods of purchase.**

A. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

Estimated Amount of Purchase Contract	Method
\$1,000 to \$4,999	2 verbal quotations
\$5,000 to \$19,999	3 written/FAX quotations or written request for proposals

Estimated Amount of Public Works Contract	Method
\$1,000 to \$4,999	2 verbal quotations
\$5,000 to \$9,999	2 written/FAX quotations
\$10,000 to \$34,999	3 written/FAX quotations or written request for proposals

B. A good-faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

7. **Documentation required.**

A. Documentation is required for each action taken in connection with each procurement.

B. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings and/or why it is in the best interests of the Town and its taxpayers to make an award to other than the low bidder and/or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may be reviewed by the Town Board.

C. A Request for Proposal may be restricted within the Town or county, provided that it does not violate this Policy. In the event that a Request for Proposal will contain such a geographic restriction the purchaser shall document the manner in which it does not violate this Policy.

8. **Alternative proposals not required.**

Pursuant to General Municipal Law § 104-b(2)(f), a procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the Town Board, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the Town of Stony Point to solicit quotations or document the basis for not accepting the lowest bid:

- A. Professional services or services requiring special or technical skill, training or expertise.
 - (1) The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures. In determining whether a service fits into this category, the Town Board shall take into consideration the following guidelines:
 - (a) Whether the services are subject to state licensing or testing requirements.
 - (b) Whether substantial formal education or training or successful experience is a necessary prerequisite to the performance of the services.
 - (c) Whether the services require a personal relationship between the individual and municipal officials.
 - (2) Professional shall include but not be limited to the following: services of an attorney; services of a physician; services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; economic development; professional; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs or services involved in substantial modification and customizing of prepackaged software.
 - (3) The Town by and through the Town Board may, at its discretion, require that the professional provide the following:
 - (a) A completed acquisition form submitted to the department head which provides a request for work to be performed, including hours to be spent, description of work to be performed and projected cost.
 - (b) The Town shall have the option of obtaining additional quoted for the services to be provided and may accept a lower quote.
 - (c) In the event that the cost of services to be provided shall exceed the amounts specified on the acquisition form the professional shall submit an extension request form to the Town Board for approval prior to expending additional materials or services in excess of the amount specified in the original acquisition form.
 - (d) Prior to payment the professional shall submit the following:
 - [1] Complete description of work performed;
 - [2] Where appropriate, hours for each item with appropriate rate charged; and
 - [3] Copy of approved acquisition form signed by any appropriate department head together with any signed extension forms for sums due in addition to the amounts set forth in the original acquisition form.

- B. Emergency purchases pursuant to § 103, Subdivision 4, of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately, and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This subsection does not preclude alternate proposals, if time permits.
 - C. Purchases of surplus and secondhand goods from any source. If alternate proposals are required, the Town is precluded from purchasing surplus and secondhand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods, and a lower price may indicate an older product.
 - D. Goods or services under \$1,000. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition it is not likely that such small contracts would be awarded based on favoritism.
9. **Effective date; annual review.** This policy shall go into effect March 15, 2023, and shall be reviewed annually.

**NAMES OF INDIVIDUALS RESPONSIBLE FOR PURCHASING
PURSUANT TO THIS TOWN PROCUREMENT POLICY***

1. Amy Stamm, Assistant to Supervisor is responsible for the purchase of all office supplies.
2. Karl Javenes, Superintendent of Highways for Highway Department.
3. Ed Finn, Chief of Police for the Police Department.
4. Kathy Lyons, Tax Receiver for Tax Receiver's Office
5. William Franks, Senior Judge for Justice Court
6. Director of Golf for Golf Operations (TBD)
7. Karl Javenes & Ryan Sheridan, Chief Operator h2o Innovations (3rd party) for Sewer Department
8. William Beckmann, Tax Assessor for Assessor's Office
9. Karl Javenes, Harry Hansen, Foreman Buildings, Grounds and Parks for Buildings, Ground and Parks
10. John Hager, Building Inspector for Building Department and Safety
11. Megan Carey, Town Clerk for Clerk's Office
12. Evan Weymouth, Golf Course Superintendent for Golf
13. Karenanne Nigro, Recreation Facility Supervisor for Recreation Department
14. Craig Robinson, Recreation Supervisor for Recreation Department

*In the event that a person is appointed or elected to fill a position identified above prior to annual review of this policy, such newly appointed or elected person shall be deemed to be authorized as a purchaser under this policy.

Approve Seasonal Hire for Patriot Hills Golf Club-Pro Shop

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 hire of Dennis Tobin to work in Patriot Hills Pro Shop at a rate of pay of \$15.00/hr.

Public Access and Use Easement-Eagle Bay Esplanade

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 Supervisor Monaghan to execute the agreement for public access and use easement for the Eagle Bay Esplanade.

Employee Retirement Payout

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 retirement payout for vacation time for Dave Fusco, Director of Golf as per finance department.

Resolution Declaring Official Name-Griffin Street

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 Resolution:

The following resolution was duly offered and seconded to wit:

RESOLUTION 2023/12

RESOLUTION CONFIRMING AND DECLARING THE CORRECT NAME OF TOWN HIGHWAY GRIFFIN STREET

WHEREAS, a Town Highway known as Griffin Street intersects with Spring Street in the Town of Stony Point (“Town”) and is identified as GIS ID 271184011 in the New York State Department of Transportation Highway Inventory (hereinafter the “Highway”); and

WHEREAS, it has come to the attention of the Town Board that the Highway has been referred to as Griffin Place and Griffin Avenue in various databases including the Town Assessor’s office describing it as Griffin Place and the Rockland County E911 database describing the highway as Griffin Avenue; and

WHEREAS, the Town Board desires to ensure that the Highway is properly referred to in such databases and on all maps of the Town.

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 confirms and declares that the Town Highway recorded in the New York State Roadway inventory as GIS ID 271184011 and approximately 0.06 miles in length is hereby confirmed and declared to be identified as Griffin Street in the Town of Stony Point.

Section 3. The Town Supervisor and any official, employee or consultant in directed by the Town Supervisor is hereby authorized to take any and all actions to carry out the provisions of this Resolution including notification to any agencies, entities or persons that maintain maps, databases or other information that includes Griffin Street in the Town of Stony Point.

Section 4. This Resolution shall be effective immediately.

Approve Cyber Liability Insurance (requirement of County ARPA grant)

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 Cyber Liability Insurance (requirement of County ARPA grant).

EXECUTIVE SESSION

At 7:40pm 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 a personnel matter.

RECONVENE

At 8:10pm a motion was made be Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present to reconvene the March 14, 2023 Town Board Meeting.

Employee Retirement Payout

A motion was made by Supervisor Monaghan, seconded by Councilman Williams, and unanimously carried by a voice vote of those board members present to approve the retirement payout for sick time for Dave Fusco, Director of Golf subject to confirmation of NYS Employees Retirement System.

ADJOURN

At 8:12pm a motion was made by Supervisor Monaghan, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present to close the March14, 2023 Town Board Meeting. No further votes were taken.

Respectfully submitted.
Megan Carey, Town Clerk