

STONY POINT TOWN BOARD MEETING – OCTOBER 11, 2022

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, October 11, 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:	Mr. Michael Puccio	Councilman
	Mr. Keith Williams	Councilman
	Mr. Paul Joachim	Councilman
	Mr. Todd Rose	Councilman
	Mr. James Monaghan	Supervisor

Attorney: Mr. Brian Nugent Esquire

SUPERVISOR'S REPORT

Supervisor Monaghan reported as follows:

- Thanked the PAL for a great Family Fun Day
- Thanked the PBA for the Veteran BBQ
- Announced that Hudson Park, LLC will be holding a public presentation on there proposal for the Letchworth property on Oct. 12th at 7pm at the Patriot Lounge.

POLICE DEPARTMENT REPORT/BUSINESS

Chief Finn read the following report:

Police Department Report for the Month of September 2022

Number of calls for service:	851		
Number of reported accidents:	19		
Number of arrests:	28		
(4) Felonies	(23) Misdemeanors	(1) Violations	(0) Warrants
Fuel usage :	836.6 gallons		
Sum total of all traffic enforcement action:	208		
Number of Youth Officer sponsored events:	5		
Number of commercial vehicle enforcement details:	0		
Number of traffic/special enforcement details:	16		
Number of training hours:	208 hrs.		
Total fees collected:	\$100.00		
(Foil 0, Prints \$70.00, and Reports \$30.00)			

Youth events: September 8,13 and 29, NR Youth Police Academy, September 21, SPE School Lockdown, September community service hours for 8 youths totaling 40 hours.

Upcoming Youth Events- October 1- Family Fall Festival held at Kirkbride property. October 4,11, 29, - NR Youth Police Academy. October 28- Halloween event at Kirkbride.

Chief Finn addressed the board regarding the following matters:

- **Chief Finn's Time Record**

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 Chief Finn's time record for the month of September 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 to approve the overtime and sick leave reports as presented for the month of September 2022.

Golf Course Report

The following report was presented for September 2022:

- Green Fees \$ 309,841.99
- ID Cards \$ 525.00
- Merchandise \$ 10,865.03
- Range Fees \$ 14,287.00
- Club Rental \$ 1,250.00
- Total \$ 309,841.99

Highway & Parks Report for September 2022

Highway

Refurbished thru a donation the historical markers at Rte. 9w just south of Lighthouse court and the one at the corner of Buckberg road and Mott Farm Road.
 Painting catch basin markings on roads.
 Replacing sewer manhole broken castings at roadways.
 Cleaning and repairing CB's.
 Preparing plow trucks for the snow season.

Parks

Painting of all structures and tables at Riverfront Park.
 Patriot hills HVAC systems replacement project started, the units at pro shop and grille room areas, but RTU are out until March 2023.
 Removing the old playground at Lowland, Heights, Laurel, and the town pool making room for the new playground equipment.
 Roof installed at golf maintenance barn.
 Removing items at golf maintenance barn to make room for more storage.

Sewer

Cleaning and jetting of lines and manholes thru out town.
 Exterior walls and window replaced at press room.
 Inspections of street manholes as per DEC/ EPA have continued to meet deadlines and stay ahead of schedule.
 Electrical wiring at plant cleaned up and upgraded.
 Removal of old aeration lines at plant basement.
 Borings completed at new location of clarifier tanks as part of design requirements.

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:

Buildings and Grounds		
PO#3528	Van Netta Mechanical Corp.	\$ 2,382.00
PO#3529	Country Garage Door	\$ 5,550.00
Golf Course		
PO#3532	Kimball Midwest	\$2,545.27
Police Department		
PO#3475	Grafix Shoppe	\$ 1,485.00

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

GENERAL FUND-October 11, 2022

<u>FUND</u>	<u>CLAIM#</u>	<u>FUND TOTAL</u>
General	1053-1122	\$ 67,354.26
Highway	350-376	\$ 76,472.91
Sewer	318-346	\$ 46,996.43
Special Districts		
Enterprise	376-399	\$ 72,764.53
Ambulance	27-28	\$ 67,275.17
Solid Waste	28-29	\$ 952.10

MINUTES - A motion was made by Supervisor Monaghan, seconded by Councilman Rose and unanimously carried by a voice vote of all board members present to approve the minutes of September 27, 2022.

DEPARTMENTAL REPORTS

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

Architectural Review Board

From: 09/01/2022	To: 09/30/2022
Applications Received	8
Applications Approved	8
Fees Collected	\$800.00

Building & Zoning Department

<u>September 2022</u>	
Applications Received	154
Applications Returned/Withdrawn	0
Applications Denied	0
Building & Blasting Permits Issued	19
Applications Pending	135
Certificate of Occupancy	10
Certificate of Compliance	11
Fees Collected	\$ 54,780.00

Planning Board

From: 09/01/2022	To: 09/30/2022
Applications Received	1
Applications Approved	0
Applications Pending	
Amended Subdivision	0
General Category	3
Informal Discussion	0
Lot Line Change	1
Site Plan	9
Subdivision-Minor	1
Fees Collected	\$200.00

Submitted by the Planning Board Clerk

Zoning Board of Appeals

9/1/2022	to	9/30/2022
Applications Received		1

Applications Returned/Withdrawn	0
Applications Denied	0
Applications Pending	4
Applications Approved	3

Fees Collected \$0.00

Town Clerk

September 2022

Amount Paid To NYS Agriculture & Markets	
For Spay/Neuter Program	\$ 27.00
Amount Paid To NYS Health Dept. For Marriage Licenses	\$ 247.50
Amount Paid To NYS Dept. Of Environmental Conservation	\$ 3,585.74
Amount Paid To Supervisor	\$ 3,010.79
TOTAL AMOUNT REMITTED	\$ 6,871.03

CORRESPONDENCE - None

PUBLIC INPUT

George Potanovic, 597 Old Gate Hill Rd., SPACE Pres., spoke on the lack of advertisement for the Hudson Park, LLC presentation.

Open Public Hearing-Sewer Extension-39 Wilderness Drive

At 7:15pm 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 to consider a sewer extension at 39 Wilderness Drive.

**RESOLUTION 2022/24 OF TOWN BOARD ORDERING PUBLIC HEARING
ON PETITION FOR SANITARY SEWER DISTRICT #3**

At a meeting of the Town Board held on **September 13, 2022**:

Present: **Councilman Michael Puccio**
 Councilman Keith Williams
 Councilman Paul Joachim
 Councilman Todd Rose
 Supervisor James Monaghan

In the matter of the Petition of **Mark Hamilla** owner of more than one-half of the assessed valuation of all the taxable real property in the proposed Extension of Sanitary Sewer District **#3** in the Town of Stony Point, County of Rockland and State of New York and according to the latest completed assessment roll of the said town.

WHEREAS, a written petition dated: **August 19, 2022** has been presented to and filed with the Town Board of the Town of Stony Point praying that all the land situate in the Town of Stony Point, County of Rockland and which proposed extension, to be known as: Sewer Extension **2022/1** more fully described in the Schedule "**A**", **19.02-4-5** annexed hereto, and

WHEREAS, the maximum amount proposed to be expended for the Extension of said district shall not exceed the sum of \$0.00 DOLLARS (\$0.00), and

WHEREAS, the expense occasioned by the creation of the Extension of Sanitary Sewer District **#3** shall be assessed, levied and collected from the several lots and parcel of land within the said district in proportion as nearly may be to the benefit which each lot or parcel of land in said district will derive therefrom.

NOW on motion of MOVED: **Supervisor Monaghan**

SECONDED: **Councilman Puccio**

ORDERED that a meeting of the Town Board of the Town of Stony Point be held at Rho Building, 5 Clubhouse Lane in the Town of Stony Point on the October 11, 2022 at 7:00 PM to consider the said petition and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board with relation to such petition as may be required by law, and it is

FURTHER ORDERED that the Town Clerk give notice of such hearing by publishing in the Town's Official Newspaper, a certified copy of this order and by the applicant posting certified copies of this order in five (5) places within said proposed Extension of Sanitary Sewer District #3 in the Town of Stony Point not less than ten nor more than twenty days before such hearing.

Schedule "A"

All that certain plot, piece or parcel of land situate, lying and being in the Town of Stony Point, County of Rockland and State of New York, being bounded and described as follows:

BEGINNING at a point on the Northeasterly corner of lands now or formerly of Stanley Meltzoff, said point being 791.53 feet on a course of North 27° 57' 00" East from the Southeast corner of lands now or formerly of Balger Realty Corporation; running thence from said point of beginning along the boundary line between said lands now or formerly of Stanley Meltzoff and lands now or formerly of David E. Scherman, North 62° 3' 00" West a distance of 422.12 feet to a point in the Easterly side of a 50' Right of Way; thence along the same South 26° 55' 15" West a distance of 69.0 feet; thence still along the same on a curve to the left having a radius of 244.69 feet a distance of 89.72 feet; thence still along the same South 5° 54' 45" West a distance of 39.17 feet; thence along other lands now or formerly of Balger Realty Corporation South 62° 3' 00" East a distance of 388.35 feet to a point in the Easterly boundary line of lands now or formerly of Balger Realty Corporation; thence along said Easterly boundary line, North 27° 57' 00" East a distance of 192.69 feet to the point and place of BEGINNING.

PUBLIC INPUT - None

Close Public Hearing-Sewer Extension-39 Wilderness Drive

At 7:16pm a motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present to close the public hearing.

Approve Sewer Extension – 39 Wilderness Dr.

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

RESOLUTION AND ORDER OF TOWN BOARD APPROVING PETITION FOR SANITARY SEWER DISTRICT #3

RESOLUTION 2022/31

WHEREAS, a written Petition dated **August 19, 2022** signed and acknowledged by **Mark Hamilla**, has been presented to and filed with the Town Board of the Town of Stony Point requesting the Extension of a sanitary sewer and laterals in a proposed Extension of District #3 to be known as the Extension of Sanitary Sewer District #3 as more particularly described in said Petition, and

WHEREAS, the map and plan aforesaid has been approved by the State Department of Health, and copies thereof filed with said Department, and with the Town Clerk, pursuant to Section 192 of the Town Law.

Now on motion of **Supervisor Monaghan**, seconded by **Councilman Puccio** all members present voting therefore, it is

FOUND, ORDERED AND DETERMINED that said petition dated **August 19, 2022** for the creation of the Extension of Sanitary Sewer District **#3** in the Town of Stony Point, Rockland County, New York, is signed, approved and acknowledged, as required by law, and is otherwise sufficient and complies with the provision of Section 191 of the Town Law, constituting Chapter 62 of the Consolidated Laws of the State of New York, and such other sections of said chapter as are applicable thereto; and that there is annexed to said petition a map and plans showing the boundaries of the proposed Extension of Sanitary Sewer District **#3** and a general plan of the proposed district, and it is

FOUND, ORDERED AND DETERMINED by the Town Board of the Town of Stony Point that it is in the public interest to grant the whole relief sought by said petition, and that all of the property, property owners and interested persons within said proposed Extension of District **#3** are benefited thereby, and that all property, or property owners benefited are included therein, and that no property or property owners or interested persons benefited thereby have been excluded therefrom, and it is

ORDERED that the petition for the creation of the extension of Sanitary Sewer District **#3** be established in said Town of Stony Point, as described in said petition, may and plan, to be known as the Extension of Sanitary Sewer District **#3** and to include the following property:

Schedule "A"

All that certain plot, piece or parcel of land situate, lying and being in the Town of Stony Point, County of Rockland and State of New York, being bounded and described as follows:

BEGINNING at a point on the Northeasterly corner of lands now or formerly of Stanley Meltzoff, said point being 791.53 feet on a course of North 27° 57' 00" East from the Southeast corner of lands now or formerly of Balger Realty Corporation; running thence from said point of beginning along the boundary line between said lands now or formerly of Stanley Meltzoff and lands now or formerly of David E. Scherman, North 62° 3' 00" West a distance of 422.12 feet to a point in the Easterly side of a 50' Right of Way; thence along the same South 26° 55' 15" West a distance of 69.0 feet; thence still along the same on a curve to the left having a radius of 244.69 feet a distance of 89.72 feet; thence still along the same South 5° 54' 45" West a distance of 39.17 feet; thence along other lands now or formerly of Balger Realty Corporation South 62° 3' 00" East a distance of 388.35 feet to a point in the Easterly boundary line of lands now or formerly of Balger Realty Corporation; thence along said Easterly boundary line, North 27° 57' 00" East a distance of 192.69 feet to the point and place of BEGINNING.

Open Public Hearing-Bond for Sewer Improvements

At 7:17 pm a motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present to open the public hearing for the Bond for Sewer District No. 2 Improvements.

Megan Carey, Town Clerk presented the following Public Hearing Notice:

NOTICE OF PUBLIC HEARING TOWN OF STONY POINT SEWER DISTRICT NO. 2 IMPROVEMENTS

PLEASE TAKE NOTICE that the Town Board of the Town of Stony Point, Rockland County, New York, by resolution dated September 27, 2022, ordered that a public hearing be conducted at a meeting of said Town Board to be held on October 11, 2022 at 7:00 p.m. at the Town Hall, 74 East Main Street, Stony Point, New York 10980 to consider whether it is in the public interest to approve the hereinafter described project: The Town Board is considering authorizing certain improvements to the facilities serving Town of Stony Point Sewer District No. 2, consisting of the replacement, acquisition, and installation of the following improvements to the Town's Wastewater Treatment Plant: two (2) center feed circular clarifiers, a return activated sludge well, and ductile iron piping, including all appurtenant and related facilities related to the foregoing, and including site improvements, original furnishings, equipment, machinery, apparatus and other improvements incidental thereto, at an estimated maximum cost of \$2,600,000.

All persons interested in the aforementioned project, and the subject matter thereof, are invited to attend.

Megan Carey, Town Clerk
Dated: September 27, 2022

PUBLIC INPUT

Kevin Maher, 130 Central Highway, spoke against clarifiers at the sewer plant.

George Potanovic, 597 Old Gate Hill Rd, SPACE, questioned the flow to the plant from use of sump pumps and the available environmental grants.

Close Public Hearing-Bond for Sewer Improvements

At 7:28 pm a motion was made by Supervisor Monaghan, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present to open the public hearing for the Bond for Sewer District No. 2 Improvements

Adopt Resolution No. 32 Under Section 202-b Sewer Improvements

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

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK (THE "TOWN") PURSUANT TO SECTION 202-b OF THE TOWN LAW DETERMINING THAT IT IS IN THE PUBLIC INTEREST TO UNDERTAKE CERTAIN IMPROVEMENTS TO THE TOWN OF STONY POINT SEWER DISTRICT NO. 2 FACILITIES

WHEREAS, the Town Board (the "Town Board") of the Town of Stony Point, Rockland County, New York (the "Town") is considering authorizing certain improvements to the facilities serving the Town of Stony Point Sewer District No. 2, consisting of the replacement, acquisition, and installation of the following improvements to the Town's Wastewater Treatment Plant: two (2) center feed circular clarifiers, a return activated sludge well, and ductile iron piping, including all appurtenant and related facilities related to the foregoing, and including site improvements, original furnishings, equipment, machinery, apparatus and other improvements incidental thereto (the "Project"), as set forth and described in a certain engineering report as prepared by Pitingaro & Doetsch Consulting Engineers, P.C. (the "Engineer"); and

WHEREAS, the Town's Engineer has estimated that the maximum cost of undertaking the Project is \$2,600,000; and

WHEREAS, by Resolution No. 30, adopted September 27, 2022 at a regular meeting of the Town Board held on such date, the Town Board directed that a public hearing be held on whether to authorize the Project, and to hear all persons interested in the subject matter thereof concerning the same on October 11, 2022 at 7:00 p.m. at the Town of Stony Point Town Hall, 74 East Main Street, Stony Point, New York 10980; and

WHEREAS, notice of said public hearing certified by the Town Clerk was duly published and posted as required by law, to wit: a copy thereof was published in *Rockland County Times*, the official newspaper of the Town, on September 29, 2022 and a copy of such notice was posted on the signboard maintained by the Town Clerk on September 29, 2022, and on the Town's website, pursuant to Town Law Section 193; and

WHEREAS, the Project constitutes a "Type II" 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, said public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard.

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK HEREBY RESOLVES, AS FOLLOWS:

Based in part upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake the Project as hereinabove described at the estimated maximum cost of \$2,600,000. The Town is hereby authorized to undertake the Project at such estimated maximum cost.

The Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be duly recorded in the office of the County Clerk, County of Rockland, New York within ten (10) days after the adoption hereof, in accordance with Section 195 of the Town Law.

This resolution shall take effect immediately.

Adopt Bond Resolution No. 33 Authorizing Bond Issuance for Sewer Improvements

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:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$2,600,000 IN SERIAL BONDS OF THE TOWN TO FINANCE CERTAIN IMPROVEMENTS TO THE TOWN OF STONY POINT SEWER DISTRICT NO. 2 FACILITIES

WHEREAS, pursuant to proceedings undertaken by the Town Board (the "Town Board") of the Town of Stony Point, Rockland County, New York (the "Town") under Section 202-b of the Town Law, including in particular a resolution adopted on October 11, 2022 immediately prior to the consideration of this resolution (the "Approval Resolution"), the Town Board (a) determined it was in the public interest to undertake certain improvements to the facilities serving the Town of Stony Point Sewer District No. 2, consisting of the replacement, acquisition, and installation of the following improvements to the Town's Wastewater Treatment Plant: two (2) center feed circular clarifiers, a return activated sludge well, and ductile iron piping, including all appurtenant and related facilities related to the foregoing, and including site improvements, original furnishings, equipment, machinery, apparatus and other improvements incidental thereto, as set forth and described in a certain engineering report as prepared by Pitingaro & Doetsch Consulting Engineers, P.C. (the "Project"), and on file in the office of the Town Clerk; and, at an estimated maximum cost of \$2,600,000 and (b) authorized the Town to undertake the Project at such estimated maximum cost; and

WHEREAS, the Project constitutes a "Type II" 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 now wishes to authorize the issuance of the Town's serial Bonds and bond anticipation notes in anticipation thereof in order to finance the Project.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to issue up to \$2,600,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law of the State of New York, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the Project, as hereinabove described.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$2,600,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$2,600,000 in serial bonds of the Town authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation of such serial bonds, and (ii) the assessment, levy and collection of assessments upon the benefited properties within Sewer District No. 2; and, to the extent necessary, the levy and collection of taxes on all taxable real property of the Town to pay the principal of such bonds or notes and the interest thereon as the same become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is thirty (30) years, pursuant to subdivision 4. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor of the Town, the chief fiscal officer of the Town (the "Supervisor"). Further, in connection with bonds and bond anticipation notes issued under the authority of Section 1 hereof, the power to contract with and sell bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the Town Supervisor. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for the object or purpose authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of this Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Town Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 9. The Supervisor of the Town is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipating thereof, if applicable, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Supervisor is further authorized to enter into continuing disclosure undertakings with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 13. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose.

Open Continued Public Hearing-RRBR

At 7:30pm a motion was made by Supervisor Monaghan, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present to continue the public hearing for the RRBR.

PUBLIC INPUT

George Potanovic, questioned if the comments submitted would be incorporated into the Local Law.

Close Public Hearing-RRBR

At 7:32pm a motion was made by Supervisor Monaghan, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present to continue the public hearing for the RRBR.

Resolution to Adopt RRBR

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:

The following resolution was duly offered and seconded to wit:

RESOLUTION 2022/34

**RESOLUTION ADOPTING LOCAL LAW NO. 4 OF 2022
AMENDING CHAPTER 215, ZONING, CREATING THE RIVER AND RAIL
BROWNFIELD REDEVELOPMENT ZONE (“RRBR”)**

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

WHEREAS the Town Board seeks to adopt the proposed local law to further the protection of the public health, safety and welfare consistent with the aforementioned statutory powers; and

WHEREAS the Town Board previously declared itself lead agency under SEQRA for the adoption of the proposed local law on August 9, 2022; and

WHEREAS the Town Board reviewed a Part 1 and Part 2 Environmental Assessment Form as well as a Part 3 Negative Declaration: and

WHEREAS a public hearing regarding the proposed local law was opened on

August 9, 2022, and such public hearing was continued on September 13, 2022, September 27, 2022, and October 11, 2022, and all persons interested and desiring to be heard were heard during the course of such public hearing; and

WHEREAS, the proposed local law was referred as required by statute, including referral to the Rockland County Planning Department (“RCPD”) under the provisions of New York State General Municipal Law § 239-m and recommendations and comments dated July 29, 2022, were received from the RCPD, and reviewed by the Town Board; and

WHEREAS such public hearing was closed on October 11, 2022; 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:

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

Section 2. The Town Board hereby adopts the negative declaration as set forth in the Part 3 Environmental Assessment Form presented to the Town Board and determines that this action will not have any significant adverse impact on the environment.

Section 3. That the Town hereby responds to the RCPD recommendations as set forth below and as indicated below, overrides by a majority vote, plus one, certain recommendations in the July 29, 2022, response from the Rockland County Planning Department for the reasons enumerated below. The RCPD Recommendations are abbreviated/summarized for the purposes of brevity in this Resolution and the full RCPD recommendations are set forth in full in the July 29, 2022, RCPD General Municipal Law Response available from the Town Clerk’s office and/or the County Planning Department website under GML reviews - “Town of Stony Point:”

A. **RCPD Recommendation #1 (OVERRIDE)**: The proposed River and Rail Brownfield Redevelopment (RRBR) Floating Zone is unmapped.

Town Response: SEQR requires that any future review prerequisite to landing of the RRBR floating zone will need to not only consider the proposal depicted in the landing petition, but also the full range of uses and construction that could occur after landing the zone. The purpose of requiring a proposal be described at the time the district is landed is to avoid segmentation under SEQR, which may occur if the current plan is not disclosed until later during a site plan review. Further if only a site reuse permit is being sought, it is important to consider that use prior to landing the zone as site reuse permits will likely be considered Type 2 actions once the zone is landed. The requirement to disclose the proposed use also will allow the Town Board to better consider whether it needs to impose reasonable limitations as permitted under §215-152H.

The proposed site reuse permit allows for reuse of an existing site with minimal modifications for the uses listed in the RRBR zoning chart. Essentially, the site reuse is intended to parallel Type 2 thresholds, which have been deemed by DEC as unlikely to result

in environmental impacts. The site reuse permit is limited to as-of-right uses and allows only minimal construction. For the landing of the RRBR at the potential Lovett and Tilcon sites this will limit reuse to those uses that do not require interior floor area (freight, barge and truck transfer, solar energy generation, break-bulk cargo). The only likely impact associated with those types of uses would involve the types of materials to be stored, the potential to increase stormwater runoff and erosion, and the potential impact from adding truck traffic to local roads. These three impacts are already dealt with by the requirements of the Site Reuse Permit, which requires disclosure and compliance with OSHA material safety and process safety requirements, approval of a Stormwater Pollution Prevention Plan, and limitation on truck traffic generation and the requirement that at least 35% of good by weight or volume ship by river or rail.

For the landing of the RRBR at the potential Kay-Fries and US Gypsum sites, structures exist that both conform with existing LI Industrial Zoning that is more intensive than RRBR zoning. The former US Gypsum site has maintained its certificate of use as a manufacturing facility. The Kay-Fries structure is currently used for storage by multiple tenants. These sites already have the ability to increase operations (to a fully operational wallboard manufacturing facility and a more intensive warehousing use). Allowing an alternative manufacturing, warehousing, storage, energy generation or cargo transfer use on the site via the RRBR zone through the site reuse permit would likely result in a less intensive use and be consistent with the DEC Type 2 list, particularly 6 NYCRR 617.5(C)(9) and (18).

The idea behind the site reuse permit is to allow for a transitional use like the bridge construction logistics yard that occupied the Lovett site for a time, until such time as a permanent use is established by the market. At that point, should any significant industrial use, warehousing, offices, or research laboratories be proposed, they would require a site plan and referral to Rockland County Planning Department and additional SEQR review as well as a public hearing.

Given that a full SEQR review will be required prior to landing the zone, there is no reason to limit future use of the landed RRBR as suggested. **For these reasons, the Town Board overrides this RCPD recommendation.**

- B. **RCPD Recommendation #2:** The proposed local law uses the term “brownfield” in a generic sense.

Town Response: Participation in the Brownfield Cleanup Program is not required for landing the RRBR. There are several definitions for Brownfields in various New York State and Federal Laws and programs. There is no reason why the Town cannot promulgate its own definition in this case. Considering this clarification, there is need to override this recommendation.

- C. **RCPD Recommendation #3 (OVERRIDE):** Section 215-154 of the proposed local law allows the issuance of a site reuse permit, which allows for a streamlined permit review process for reuse of existing brownfield sites that do not involve significant construction of new facilities once the mapping of the RRBR floating zone has been approved.

Town Response: The limitations imposed by the Site Reuse Permit require that only existing structures be reused and that less than 4,000 square feet of new interior floor area be involved. This ensures that all site reuse permits are substantially consistent with the requirements of 6 NYCRR 617.5(C)(9) and(18), which identify the following activities:

Construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities; and

reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4

[Type 1 Actions] of this Part.

Like all Type 2 activities, these two activities cease to be Type 2 once a Type 1 threshold is triggered. For example a new non-residential use involving less than 4,000 square feet of floor area (Type 2) were to also include the physical alteration of more than 10 acres (Type 1) the activity would no longer be considered Type 2. That is the reason why the proposed site reuse permit requirements include a condition that Type 1 thresholds not be exceeded.

The site reuse permit involves the reuse of industrial buildings for other industrial uses. It is therefore not directly applicable to 6 NYCRR 617.5(C)(18). It is essentially consistent with that Type 2 activity in that the reuse of a vacant building for a similar use is environmentally preferable to buildings remaining vacant and inducing new development on undeveloped sites. **For these reasons, the Town Board overrides this RCPD recommendation.**

- D. **RC Planning Recommendation #4:** One of the available tools to help a municipality redevelop brownfields is the creation of a Brownfield Opportunity Area (BOA) through the New York State Department of State. The BOA program is used to develop area-wide, community-based plans to effectively redevelop brownfields and other vacant and abandoned sites by providing funding, grants, and tax incentives. The Town of Stony Point should consider pursuing the creation of a BOA, currently or as part of an initial application for the landing of the RRBR floating zone.

Town Response: The Town applied for a BOA grant to perform a pre-nomination study in 2012 but was not approved. Therefore, no override is required

- E. **RC Planning Recommendation #5:** The Full Environmental Assessment Form (FEAF) submitted is incomplete and unsigned.

Question C.2.b (pg. 2 of 13) is missing two Superfund remediation sites; Stony Point Landfill (344008) and Holt Drive Industrial (344048). The FEAF must be corrected, completed, and signed.

Town Response: Site 344008 (Stony Point Landfill) is now part of the Palisades Interstate Park and therefore is not eligible for landing of the RRBR floating zone and is therefore outside of the affected area considered by the EAF. Site 344048 (Gotham Ink) is on a parcel of only 3.15 acres and is therefore not eligible for landing of the RRBR floating zone and is therefore outside of the affected area considered by the EAF. Recommendation accepted and the FEAF Part 1 will be signed as suggested.

- F. **RCPD Recommendation #6:** Section 215-154.A of the proposed text provides a list of uses that shall be permitted subject to a site reuse permit. In addition, section 215-154.B(8) states that a site reuse permit “shall be for a use permitted by right in the RRBR district (not a special permit use).” However, the uses permitted by right in column B of the proposed Table of General Use Regulations for the RRBR district uses different terminology from the list of uses in section 215-154.A and does not include Construction logistics yards (section 215-154.A(2)).

Town Response: “Construction logistics yard” has been added to the list of permitted uses and §215-154A is revised to refer to the bulk table rather than relisting the uses. Recommendation accepted.

- G. **RCPD Recommendation #7:** The proposed addition to the Table of General Use Regulations for the RRBR district includes three. Conditional Uses that are subject to Planning Board approval. Column D, Uses by Special Permit of the Town Board, is blank, but note #1 states that any use permitted by right that does not meet the requirement of a minimum of 35% of goods shipped or received by rail or river must be authorized by a special use permit of the Town Board. Section 215-154.B(8) states that site reuse permits “shall be for a use permitted by right in the RRBR district (not a special permit use)” and does not address Conditional Uses. Section 215-154.B(8) must be amended to clarify that site reuse permits are not permitted for Conditional or Special Permit uses.

Town Response: Recommendation accepted, and suggested change has been incorporated.

- H. **RCPD Recommendation #8:** Section 4 of the proposed local law amends section 215-13 (Prohibited Uses) of the Town Code. The local law states that section 215-13(C), which prohibits the bulk or wholesale storage of gasoline above the ground, shall be eliminated. The prohibition of above ground gasoline storage is cited in section 215-13(E). The text must be corrected and note that the remaining subsections will be renumbered accordingly.

Town Response: Recommendation accepted and change incorporated.

- I. **RCPD Recommendation #9:** The list of accessory uses that are exempt from the minimum riverfront setback in the proposed

section 215-27 (Riverfront setback) includes “stationary crane” twice and must be corrected.

Town Response: Recommendation accepted, and suggested change has been incorporated.

- J. **RCPD Recommendation #10.** Section 215-152.A of the proposed text refers to the “CCR Floating Zone”, not the RRBR floating zone and must be corrected.

Town Response: Recommendation accepted, and suggested change has been incorporated.

- K. **RCPD Recommendation #11:** Section 215-152.G (1) of the proposed text refers to “MDP”. This term is not defined, and its meaning is not clear. The text must clarify the definition of an MDP.

Town Response: Recommendation accepted and proposed local law has been modified.

- L. **RCPD Recommendation #12:** There appears to be an extra Use Group in Column C-1 of the proposed Table of General Use Regulations. The table must be corrected.

Town Response: Recommendation accepted and the use groups relevant to Column C-1 have been corrected.

- M. **RCPD Recommendation #13 (OVERRIDE):** A review must be completed by the New York State Department of Environmental Conservation and any comments or concerns addressed.

Town Response: This would be an extraordinary requirement for the adoption of local zoning and accordingly **the Town hereby overrides this recommendation.**

- N. **RCPD Recommendation #14:** The adjacent Town of Haverstraw and the Village of West Haverstraw are two of the reasons this proposed local law was referred to this department for review. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction.

Town Response: The Town of Stony Point has sent a copy of the proposed local law as well as a notice of the public hearing to the Town of Haverstraw and Village of West Haverstraw as those communities are located within 500 feet of lands eligible for landing of the RRBR zone and such notification is required under NY Town Law. **Accordingly, no override is required of this recommendation as it has already been satisfied.**

- O. **RCPD Recommendation #15 (OVERRIDE):** A review must be completed by the New York State Department of Transportation and any comments or concerns addressed.

Town Response: This would be an extraordinary requirement for the adoption of local zoning and **accordingly, the Town hereby overrides this recommendation.**

P. **RCPD Recommendation #16:** A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.

Town Response: The Town of Stony Point has sent a copy of the proposed local law as well as a notice of the public hearing to the Palisades Interstate Park Commission as that agency has lands within 500 feet of lands eligible for landing of the RRBR zone, and such notification is required under NY Town Law. **Accordingly, no override is required of this recommendation as it has already been satisfied.**

Q. **RCPD Recommendation #17 (OVERRIDE):** A review must be completed by the Rockland County Department of Health and any comments or concerns addressed.

Town Response: This would be an extraordinary requirement for the adoption of local zoning and **accordingly, the Town hereby overrides this recommendation.**

R. **RCPD Recommendation #18 (OVERRIDE):** A review must be completed by the Rockland County Division of Environmental Resources and any comments or concerns addressed.

Town Response: This would be an extraordinary requirement for the adoption of local zoning and **accordingly, the Town hereby overrides this recommendation.**

S. **RCPD Recommendation #19 (OVERRIDE):** A review must be completed by the Rockland County Highway Department and any comments or concerns addressed.

Town Response: This would be an extraordinary requirement for the adoption of local zoning and **accordingly, the Town hereby overrides this recommendation.**

T. **RCPD Recommendation #20 (OVERRIDE):** A review must be completed by the Rockland County Drainage Agency and any comments or concerns addressed.

Town Response: This would be an extraordinary requirement for the adoption of local zoning and **accordingly, the Town hereby overrides this recommendation.**

Section 4. That the proposed Local Law entitled "CREATING THE RIVER AND RAIL BROWNFIELD REDEVELOPMENT ZONE and amending Chapter 215 of the Town Zoning Code be and hereby is adopted as Local Law No. 4 of 2022 of the Town of Stony Point.

Section 5. 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 6. The Town Board hereby directs the Town Clerk to transmit this resolution to the Rockland County Planning Department within thirty

(30) days of this Resolution as the report of final action as required under NYS General Municipal Law § 239-m (6).

Section 7. This Resolution shall be effective immediately.

Approve Use of Kirkbride and Surrounding Area-Fall Drive-In Movie/Halloween Event

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 request for use of Kirkbride Hall and surrounding areas for Fall Drive-In Movie/Halloween Event. The event is scheduled for Friday, October 28, 2022, from 5pm to 11:30pm with no rain date.

Set Public Hearing for Lovett GIS Special Use Permit

A motion was made by Supervisor Monaghan, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present to set a public hearing for a special use permit for Lovett GIS for November 9, 2022, at 7PM at the RHO Building.

Approve the Surplus of Equipment from Highway Department, Buildings and Grounds and Sewer Department

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 surplus of the following equipment:

Buildings & Grounds

2014 Ford Fusion Vin#1FA6POG75E5368196
(2) Toro Car 3650 6.5 HP Snow Blowers
John Deere X495 Tractor with plow and mowing deck
Smith salt electric spreader for mason dump body
MB 5' plow attachment for front deck mower

Highway

2004 Ford F450 Dump 4 x 4 Vin#1FDXF47S24EC42319
2002 International 4800 4 x 4 Dump Vin#1HTSEADR92H520536

Sewer

Isotemp Incubator Model #TFFU2065FWA

Property Maintenance-5 Hoover Place

A motion was made by Supervisor Monaghan, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present to exercise Section 161-4 of the Property Maintenance Law of the Town of Stony Point at 5 Hoover Place (15.19-3-6).

Property Maintenance-158 North Liberty Drive

A motion was made by Supervisor Monaghan, seconded by Councilman Rose and unanimously carried by a voice vote of those board members present to exercise Section 161-5 of the Property Maintenance Law of the Town of Stony Point at 158 N. Liberty Drive (15.02-4-48).

Approve Hire of Seasonal Laborer-Golf Course Maintenance

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 hire of Jose Abreu for Golf Course Maintenance at a rate of pay of \$15/hr.

EXECUTIVE SESSION

At 7:37pm 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 union contracts and personnel matters.

ADJOURN

The October 11, 2022 Stony Point Town Board meeting adjourned 8:50pm and no further votes were taken.

Respectfully submitted
Megan Carey, Town Clerk