

**STONY POINT TOWN BOARD MEETING – OCTOBER 23, 2018**

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, October 23, 2018 at 7:00 pm at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, NY. Supervisor James Monaghan called the meeting to order. Deputy Town Clerk, Holli Finn called the following roll:

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

**PUBLIC INPUT**

**PURCHASE ORDER REQUEST**

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

Buildings & Grounds:		
PO#3158	Berry Burners of Nyack	\$6,450.00
PO#3160	Snap-on-Industrial	\$7,956.57
PO#3169	Terre Co.	\$1,176.78
PO#3170	Pine Bush Equipment	\$3,650.00
Golf Course:		
PO#3096	National Irrigation	\$1,850.00
Highway Department:		
PO#3168	TAM Enterprises Inc.	\$1,200.00
PO#3172	Evergreen Truck & Trailer	\$3,086.70
Pyngyp School:		
PO#3175	Hudson Valley Drilling	\$8,960.02
Sewer Dept:		
PO#3167	Hach	\$6,529.76
PO#3174	TAM Enterprises, Inc.	\$38,600.00
PO#3173	Jack Doheny Companies	\$5,475.24

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

**General – October 9, 2018**

<u>FUND</u>	<u>CLAIM #</u>	<u>FUND TOTAL</u>
*Solid Waste	21-23	\$ 2,931.70
*Amended October 23, 2018*		

**Contractual General – October 23, 2018**

<u>FUND</u>	<u>CLAIM #</u>	<u>FUND TOTAL</u>
General	1171-1214	\$ 280,155.49
Highway	362-371	\$ 37,411.93
Sewer	322-336	\$ 61,811.80
<u>Special Districts</u>		
Ambulance	21-21	\$ 29,304.58

Enterprise	348-360	\$	27,221.15
Street Lighting	11-11	\$	25,140.53

**MINUTES**

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 minutes of October 9, 2018.

**SUPERVISOR’S REPORT**

Supervisor Monaghan spoke regarding:

- Recreation Department’s “Spooktacular” on Friday, October 26<sup>th</sup> starting at 6 pm at Kirkbride Hall. Admission is free.
- Recreation Department is hosting a “Magical Journey” on December 7<sup>th</sup>. It will be a “Polar Express” train ride through the Catskill Mountains. Tickets are \$50 each and include the bus ride, snack and a gift for each child. The bus departs from the RHO Building at 6:15pm.

**DEPARTMENTAL REPORTS** - None

**CORRESPONDENCE**

None

**Continued Public Hearings**

**Open Public Hearing-Nuisance Party Ordinance**

At 7:04pm a motion was made by Supervisor Monaghan seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to open the public hearing for the Nuisance Party Ordinance.

**Close Public Hearing and Adopt Local Law**

At 7:05 a motion was made by Supervisor Monaghan seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to close the public hearing and adopt the following local law:

**TOWN OF STONY POINT**  
**LOCAL LAW NO. 5 OF 2018**

ADDING CHAPTER 150 TO THE TOWN CODE  
OF THE TOWN OF STONY POINT, NEW YORK

A LOCAL LAW to add Chapter 150 to the Town Code of the Town of Stony Point, Rockland County, New York, pursuant to Section 10 of the Municipal Home Rule Law of the State of New York.

**BE IT ENACTED AS FOLLOWS:**

**Section 1. Authority**

This Local Law is adopted pursuant to Section 10 of the Municipal Home Rule Law of the State of New York.

**Section 2. Title and Purpose**

This Local Law shall be known as the “Nuisance Party Ordinance.”

The purpose of the proposed Local Law is to regulate nuisance parties in the Town of Stony Point. The Town Board finds that there are parties or gatherings on premises in the Town that are unsafe and of such character, intensity, duration, and repetition so as to create a public nuisance. These parties or gatherings often result in excessive noise and traffic, excessive consumption of alcohol, overcrowding, the selling of alcohol illegally, and other ordinance, county, or state law violations. The Town Board desires to protect the public from such unreasonable interference with the health, safety and general welfare of the Town residents.

**Section 3. Amendment.**

The Town of Stony Point Town Code is hereby amended to add Chapter 150 entitled "Nuisance Party Ordinance" as follows:

**§ 150-1. Definitions.**

For the purposes of this Chapter, the following terms are defined as follows:

**NUISANCE PARTY:** A gathering which is conducted on premises within the Town of Stony Point and which, by reason of the conduct of the persons in attendance or other responsible person for the occurrence of the party, results in any one or more of the following conditions or events occurring at the site of the gathering, or on neighboring public or private property:

- (a) Disorderly conduct.
- (b) Unlawful possession of an open container of alcoholic beverage.
- (c) Outdoor urination or defecation in public view.
- (d) Unlawful sale, furnishing, dispensing or consumption of an alcoholic beverage.
- (e) Sale or furnishing of an alcoholic beverage to an underage person.
- (f) Unlawful possession, sale or use of a controlled substance or marijuana.
- (g) Unlawful deposit of litter or refuse.
- (h) The damage or destruction of real or personal property.
- (i) Unlawful pedestrian or vehicular traffic.
- (j) Standing or parking of vehicles that obstruct the free flow of traffic on the public streets and sidewalks or that impedes the ability to render emergency services.
- (k) Loud noise in violation of Chapter 148 of the Town Code.
- (l) Trespassing.
- (m) Advertising, selling or otherwise offering admission to an event at a residential location in a manner that constitutes a commercial use of the premises.
- (n) Unlawful use of a residential swimming pool in violation of the NYS Sanitary Code.
- (o) Unlawful sale of food in violation of the NYS Sanitary Code.

**RESPONSIBLE PERSON:** Any person who is an owner, occupant, tenant, or otherwise has rightful possession or possessory control, individually or jointly with others, of any premises, who either sponsors, conducts, hosts, invites or permits a gathering on said premises.

**§ 150-2. Nuisance parties prohibited.**

No responsible person shall sponsor, conduct, host, invite, allow or permit a nuisance party.

**§ 150-3. Persons authorized to cease nuisance parties.**

Any police officer, peace officer, or Code Enforcement Officer who observes a nuisance party occurring may order that the nuisance party be ceased and order all

nonresidents on the premises where the nuisance party has occurred to leave the premises immediately.

**§ 150-4. Remaining on premises prohibited.**

No person shall remain on the premises where a nuisance party has been ordered to be ceased by any persons authorized to cease nuisance parties unless the individual resides at the premises where the nuisance party has occurred.

**§ 150-5. Penalties for offenses.**

Any person violating any provision of this Chapter shall be guilty of an offense punishable by a fine not to exceed \$5,000.00 in amount, or imprisonment not to exceed 15 days, or any combination of such fine and imprisonment, or a civil penalty not to exceed \$5,000.00 for each offense.

Any person violating any provision of this Chapter for a second time within one calendar year from the date of their first offense shall be guilty of an offense punishable by a fine not less than \$750.00 nor more than \$7,500.00 in amount, or imprisonment not to exceed 15 days, or any combination of such fine and imprisonment.

Any person violating any provision of this Chapter for a third time within one calendar year from the date their first offense shall be guilty of an offense punishable by a fine not less than \$1,500.00 nor more than \$10,000.00 in amount, or imprisonment not to exceed 15 days, or any combination of such fine and imprisonment.

Nothing herein contained shall prevent the Town of Stony Point from taking such other lawful action as necessary to prevent or remedy a violation.

**Section 4. 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 full force and effect.

**Section 5. State Environmental Quality Review Act.**

Pursuant to 6 NYCRR 617.5 (20) and (27), this Local Law is classified as a Type II action which requires no further review under the State Environmental Quality Review Act.

**Section 6. Severability**

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

**Section 7. Effective Date**

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the New York Municipal Home Rule Law.

**Open Public Hearing-Proposed Local Law Tax Levy Override**

At 7:07pm a motion was made by Supervisor Monaghan seconded by Councilman Javenes and unanimously carried by a voice vote of those board members present to open the public hearing regarding the Proposed Local Law Tax Levy Override.

**Public Input**

**George Potanovic** asked for a summary of the proposed local law.

**Supervisor Monaghan** explained that the law is put into place in the event of the budget going over the 2% cap. If the budget goes over the tax cap, the resolution would need to be adopted.

### **Continue Public Hearing**

A motion was made by Supervisor Monaghan seconded by Councilman Javenes and unanimously carried by a voice vote of those board members present to continue the Proposed Local Law Tax Levy Override for the November 13<sup>th</sup> town board meeting.

### **Public Hearings**

#### **2019 Preliminary Budget**

At 7:10pm a motion was made by Supervisor Monaghan seconded by Councilman Javenes and unanimously carried by a voice vote of those board members present to open the public hearing to discuss the 2019 Preliminary Budget.

#### **Public Input**

The town board along with the finance director discussed different options to decrease the 2019 preliminary budget. The following were the changes made:

- Decrease Medical Cost by \$75,000 in General Fund
- Increase misc. permitting increase revenue by \$25,000
- Increase County Sales Tax Revenue by \$25,000

With these changes the Town Board along with the Finance Director adopted the Final Budget with a 1.92% increase.

#### **2019 Final Budget**

At 7:25pm a motion was made by Supervisor Monaghan, seconded by Councilman Javenes and unanimously carried by a voice vote of those board members present, to adopt the 2019 Preliminary Budget as the Final Budget for 2019. The final budget is attached as Addendum No. 1.

#### **Close Public Hearing-Tax Levy Override**

At 7:27pm a motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present, to discontinue the process of adopting the local law of the proposed tax levy override due to the final budget being adopted and remaining under the 2% tax cap.

#### **Open Public Hearing-Senior and Disabled Exemption**

At 7:29pm a motion was made by Supervisor Monaghan seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to open the public hearing regarding the local laws for the Senior and Disabled Exemption.

### **RESOLUTION**

The following resolution was duly offered and seconded to wit:

#### **RESOLUTION 2018/49**

#### **RESOLUTION OF THE TOWN BOARD OF THE TOWN OF STONY POINT ADOPTING THE LOCAL LAW LOCAL LAW TO AMEND CHAPTER 194 (TAXATION) ARTICLE IV (EXEMPTION FOR DISABLED PERSONS) OF THE TOWN OF STONY POINT TOWN CODE**

**WHEREAS**, the Town Board of Stony Point ("Town Board") hereby desires adopt the Local Law to amend Article I, entitled Exemption for Disabled Persons, of Chapter 194, entitled Taxation, pursuant to Municipal Home Rule Section 10, et. seq.; and

**WHEREAS**, a Public Hearing was duly published and held on October 23, 2018 at the Rho Building, located at 1 Clubhouse Lane, Stony Point, New York; and

**WHEREAS**, the Town Board, after having solicited public comment, finds it in the best interests of the public and desires to adopt the proposed Local Law that would repeal and replace Chapter 194, Article IV, Section 18, Subsection A, to increase the maximum income eligibility level in accordance with Section 459-c of the Real Property Tax Law.

**NOW, THEREFORE, IT IS RESOLVED** by the Town Board as follows:

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

Section 2. The Local Law amending Chapter 194 (Taxation), Article IV (Exemption for Disabled Persons) of the Town Code of the Town of Stony Point, as attached, be and hereby is adopted as Local Law No.6 of 2018 of the Town of Stony Point.

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

Section 4. This Resolution shall be effective immediately.

### **RESOLUTION**

The following resolution was duly offered and seconded to wit:

#### **RESOLUTION 2018/51**

#### **RESOLUTION OF THE TOWN BOARD OF THE TOWN OF STONY POINT ADOPTING THE LOCAL LAW TO AMEND CHAPTER 194 (TAXATION) ARTICLE I (SENIOR CITIZENS EXEMPTION) OF THE TOWN OF STONY POINT TOWN CODE**

**WHEREAS**, the Town Board of Stony Point ("Town Board") hereby desires to adopt the Local Law to amend Article I, entitled Senior Citizens Exemptions, of Chapter 194, entitled Taxation, pursuant to Municipal Home Rule Section 10, et. seq.; and

**WHEREAS**, a Public Hearing was duly published and held on October 23, 2018 at the Rho Building, located at 1 Clubhouse Lane, Stony Point, New York; and

**WHEREAS**, the Town Board, after having solicited public comment, finds it in the best interests of the public and desires to adopt the proposed Local Law that would repeal and replace Chapter 194, Article I, Section 5, Subsection A, to increase the maximum income eligibility level in accordance with Section 467 of the Real Property Tax Law.

**NOW, THEREFORE, IT IS RESOLVED** by the Town Board as follows:

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

Section 2. The Local Law amending Chapter 194 (Taxation), Article I (Senior Citizens Exemptions) to repeal and replace the Schedule set forth in Subsection (a)

under Section 5 (“Amount of Exemption”), be and hereby is adopted as Local Law No.7 of 2018 of the Town of Stony Point.

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

Section 4. This Resolution shall be effective immediately

**Close the Public Hearing**

At 7:37pm a motion was made by Supervisor Monaghan seconded by Councilman Javenes and unanimously carried by a voice vote of those board members present to close the public hearing for the Senior and Disabled Exemptions and adopt the local laws.

**Adopt Local Law #6-Senior Citizen Exemption**

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 local law:

**TOWN OF STONY POINT**

LOCAL LAW NO. 6 OF 2018  
AMENDING CHAPTER 194 OF THE TOWN CODE  
OF THE TOWN OF STONY POINT, NEW YORK

A LOCAL LAW to amend Chapter 194, Article I, Section 5, Subsection A of the Town Code of the Town of Stony Point, Rockland County, New York pursuant to Section 467 of the Real Property Tax Law of the State of New York.

**BE IT ENACTED AS FOLLOWS:**

Section 1. Authority

This Local Law is enacted pursuant to the provisions of Section 467 of the Real Property Tax Law of the State of New York (“Persons 65 Years of Age or Older”).

Section 2. Title and Purpose

This law shall be known as and may be cited as “Local Law No. \_\_\_ of 2018.”

The purpose of this Local Law is to amend Chapter 194 of the Town Code to increase the maximum income eligibility level in accordance with Section 467 of the New York State Real Property Tax Law.

Section 3. Amendment.

The schedule set forth in Chapter 194, Article IV, Section 5, Subsection A of the Town Code is hereby REPEALED, and REPLACED by the following:

A. The Town of Stony Point, for assessment rolls prepared on the basis of the taxable status date occurring on or after January 1, 2010, provides the following partial exemptions from real property taxation, as set forth in the following schedule:

<u>Annual Household Income Ranges</u>	<u>Exemption Percentage</u>
NO MORE THAN \$29,000	50%
\$29,001 BUT LESS THAN \$29,999	45%
\$30,000 BUT LESS THAN \$30,999	40%
\$31,000 BUT LESS THAN \$31,999	35%
\$32,000 BUT LESS THAN \$32,899	30%
\$32,900 BUT LESS THAN \$33,799	25%
\$33,800 BUT LESS THAN \$34,699	20%
\$34,700 BUT LESS THAN \$35,599	15%

\$35,600 BUT LESS THAN \$36,499	10%
\$36,500 BUT LESS THAN \$37,399	5%

**Section 4. 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 full force and effect.

**Section 5. State Environmental Quality Review Act**

Pursuant to 6 NYCRR 617.5 (20) and (27), this Local Law is classified as a Type II action which requires no further review under the State Environmental Quality Review Act.

**Section 6. Severability**

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

**Section 7. Effective Date**

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the New York Municipal Home Rule Law.

**Adopt Local Law #7-Disabled Persons Exemption**

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 local law:

**TOWN OF STONY POINT**  
**LOCAL LAW NO. 7 OF 2018**  
**AMENDING CHAPTER 194 OF THE TOWN CODE**  
**OF THE TOWN OF STONY POINT, NEW YORK**

A LOCAL LAW to amend Chapter 194, Article IV, Section 18, Subsection A of the Town Code of the Town of Stony Point, Rockland County, New York pursuant to Section 459-c of the Real Property Tax Law of the State of New York.

**BE IT ENACTED AS FOLLOWS:**

**Section 1. Authority**

This Local Law is enacted pursuant to the provisions of Section 459-c of the Real Property Tax Law of the State of New York (“Persons with disabilities and limited income”).

**Section 2. Title and Purpose**

This law shall be known as and may be cited as “Local Law No. \_\_\_ of 2018.”

The purpose of this Local Law is to amend Chapter 194, Article IV, Section 18 of the Town Code to increase the maximum income eligibility level in accordance with Section 459-c of the Real Property Tax Law.

**Section 3. Amendment**

The schedule set forth in Chapter 194, Article IV, Section 18, Subsection A of the Town Code is hereby REPEALED, and REPLACED by the following:

A. The Town of Stony Point, for assessment rolls prepared on the basis of the taxable status date occurring on or after January 1, 2010, provides the following partial exemptions from real property taxation, as set forth in the following schedule:

<u>Annual Income Ranges</u>	<u>Exemption Percentage</u>
NO MORE THAN \$29,000	50%
\$29,001 BUT LESS THAN \$29,999	45%
\$30,000 BUT LESS THAN \$30,999	40%
\$31,000 BUT LESS THAN \$31,999	35%
\$32,000 BUT LESS THAN \$32,899	30%
\$32,900 BUT LESS THAN \$33,799	25%
\$33,800 BUT LESS THAN \$34,699	20%
\$34,700 BUT LESS THAN \$35,599	15%

\$35,600 BUT LESS THAN \$36,499	10%
\$36,500 BUT LESS THAN \$37,399	5%

Section 4. 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 full force and effect.

Section 5. State Environmental Quality Review Act

Pursuant to 6 NYCRR 617.5 (20) and (27), this Local Law is classified as a Type II action which requires no further review under the State Environmental Quality Review Act.

Section 6. Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

Section 7. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the New York Municipal Home Rule Law.

**Resolution Authorizing the Town Clerk to go out for bid for the Purchase of Vertical Spiral Screen for Waste Water Treatment Facility**

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to authorize the Town Clerk to go out to bid for the purchase of vertical spiral screen for the waste water treatment facility.

**RESOLUTION**

The following resolution was duly offered and seconded to wit:

**RESOLUTION 2018/51**

**RESOLUTION AUTHORIZING FOR ISSUANCE OF BID DOCUMENTS FOR PURCHASE OF VERTICAL SPIRAL SCREEN FOR THE STONY POINT WASTE WATER TREATMENT FACILITY**

**WHEREAS**, the Town of Stony Point (“Town”) desire to purchase a Vertical Spiral Screen (“Screen”) for the Town of Stony Point Waste Water Treatment Facility (“WWTF) and to have such Screen delivered to the WWTF; and

**WHEREAS**, consistent with provisions of the New York State General Municipal Law Section 103, the Town desires to seek Competitive Bid proposals for the purchase and delivery of such Screen in a manner that provides the most beneficial use of the taxpayer funds.

**NOW, THEREFORE, BE IT RESOLVED** that:

- Section 1. The above “WHEREAS” clauses are hereby incorporated by reference as though set forth in full herein.
- Section 2. The Town Supervisor and Town Clerk are hereby authorized to finalize any necessary Bid documents to be advertised for the purpose of obtaining sealed Bids for a Vertical Spiral Screen consistent with the specifications set forth in said Bid documents.
- Section 3. The Town Board hereby directs that such final Bid documents be in a form approved by Town Special Legal Counsel and the Town Engineer.
- Section 4. Any Town Official or employees, as directed by the Town Supervisor, is authorized to take any all necessary actions to carry out the provisions of this Resolution.

Section 5. The Town Clerk, in consultation with the Town Engineer, is authorized to set any necessary issuance and return dates associated with the Bid.

Section 1. This Resolution shall take effect immediately.

**Correction to Abstract #19**

A motion was made by Supervisor Monaghan seconded by Councilman Javenes and unanimously carried by a voice vote of those board members to approve the correction of Abstract #19, which changed the Solid Waste Fund Voucher #23 on abstract #19 dated 10/9/18; from \$4,528.80 to \$1,950.00 thus changing the total for that fund from \$5,510.50 to the corrected amount of \$2,931.70.

**Executive Session**

At 7:39 pm a motion was made by Supervisor Monaghan, seconded by Councilman Basile and unanimously carried by a voice vote of those board members present to go into executive session to discuss pending legal matters. No further votes will be taken.

**Adjourn**

The October 23, 2018 Stony Point Town Board meeting adjourned at 8:30 pm and no further votes were taken.

Respectfully submitted

Holli Finn  
Deputy Town Clerk