

STONY POINT TOWN BOARD MEETING – September 25, 2018

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, September 25, 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 and led the group in the Pledge of Allegiance. Town Clerk, Joan Skinner called the following roll:

PRESENT: Tom Basile Councilman
Karl Javenes Councilman
Michael Puccio Councilman
James Monaghan Supervisor

ABSENT: James White Councilman
Brian Nugent Esquire

PUBLIC INPUT -None

PURCHASE ORDER REQUEST

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

Buildings & Grounds:		
PO#3159	Berry Burner of Nyack	\$5,900.00
Highway Department:		
PO#3163	Chemung Supply Corp.	\$10,000.00
Police Dept:		
PO#3102	Selex ES, Inc	\$1,250.00

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

Contractual General – September 25, 2018

<u>FUND</u>	<u>CLAIM #</u>	<u>FUND TOTAL</u>
General	1063-1094	\$ 309,300.55
Highway	326-331	\$ 31,805.05
Sewer	291-299	\$ 15,497.82
<u>Special Districts</u>		
Enterprise	318-326	\$ 13,018.72
Street Lighting	10-10	\$ 24,298.66
Solid Waste	19-20	\$ 6,235.70

MINUTES – A motion was made by Supervisor Monaghan, seconded by Councilman Javenes and **carried** by a voice vote of those board members present, with Councilmen White being absent, to approve the minutes of September 12, 2018.

SUPERVISOR'S REPORT

Supervisor Monaghan spoke regarding:

We would be unveiling the new senior bus. The bus was purchased with a grant received by the CDBG. The service is free and the bus runs Mon-Thurs from 9-12 with flexibility. Seniors can call the Recreation Department to schedule a pickup.

The floors at Kirkbride Hall were just re-done courtesy of Immaculate CYO basketball organization. They will also be donating new benches for the teams.

DEPARTMENTAL REPORTS - None

CORRESPONDENCE – None

Public Hearing-Nuisance Party Ordinance

Open Public Hearing

At 7:05 pm a motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present, with Councilman White being absent, to open the public hearing regarding the proposed Nuisance Party Ordinance.

Public Input

Supervisor Monaghan spoke about the incidents the town has experienced with parties being held in private homes for profit. Violations have been issued.

Susan Figueras-87 Mott Farm Rd. Tomkins Cove expressed her concern that this is a family community and that many residents have large family parties to celebrate various events and was concerned that this ordinance may affect them if not presented properly.

George Potanovic-598 Old Gate Hill Rd. Stony Point asked the Supervisor to outline the contents of the local law being presented.

At this time Supervisor Monaghan asked Brian Nugent, town attorney to explain the ordinance being considered.

Brian Nugent explained that together with the town board they had looked into what other towns have in their laws regarding this matter. He read over what was presently listed and suggested that we continue the public hearing.

Continue Public Hearing

At 7:20 a motion was made by Supervisor Monaghan, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present, with Councilman White being absent, to continue the public hearing regarding the Nuisance Party Ordinance on Tuesday, October 9th @ 7PM at the RHO building.

Present 2019 Tentative Budget

Town Clerk Joan Skinner presented the 2019 Tentative Budget to the Town Board.

Set Public Hearing – Override Limit Real Property Taxes

A motion was made by Supervisor Monaghan, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present (with Councilman White being absent) to set a public hearing on October 9, 2018 at 7PM at RHO Building to consider adoption of a local law to exceed the tax cap and directing Town Special Counsel to provide a draft of such local law at least eight days prior to the public hearing to the Town Board and the Town Clerk for posting on the Town website.

STANDARD WORK DAY – Full & Part Time Elected and Appointed Officials

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present (with Councilman White being absent) to adopt the following resolution:

RESOLUTION No. 40 of 2018
RE-ESTABLISHING STANDARD WORK DAY FULL & PART-TIME ELECTED AND APPOINTED OFFICIALS/NYS RETIREMENT SYSTEM

RESOLVED, that the Town Board of the Town of Stony Point be and hereby re-establishes the following as a standard work day for full-time elected and appointed officials for the purpose of reporting to the New York State and Local Employees' Retirement System:

ALL FULL-TIME ELECTED & APPOINTED OFFICIALS

SEVEN HOUR DAY

ALL TITLES/ALL POSITIONS (AS LISTED)

Town Supervisor

Confidential Assistant to the Supervisor

Town Clerk

Deputy Town Clerk

Receiver of Taxes

Superintendent of Highways

Assessor

Finance Director

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Stony Point be and hereby establishes the following as a standard work day for part-time elected and appointed officials for the purpose of reporting to the New York State and Local Employees' Retirement System:

ALL PART-TIME ELECTED & APPOINTED OFFICIALS

SIX HOUR DAY

ALL TITLES/ALL POSITIONS (AS LISTED)

Town Council Members

Zoning Board Members

Planning Board Members

ARB Members

Town Justices

Deputy Tax Receiver

STANDARD WORK DAY – Part Time Non Elected & Appointed Officials

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present to (with Councilman White being absent) adopt the following resolution:

RESOLUTION NO 41 of 2018
RE-ESTABLISHING STANDARD WORK DAY PART-TIME NON-ELECTED AND APPOINTED EMPLOYEES/NYS RETIREMENT SYSTEM

RESOLVED, that the Town Board of the Town of Stony Point be and hereby re-establishes the following as a standard work day for part-time non-elected and appointed employees for the purpose of reporting to the New York State and Local Employees' Retirement System:

ALL PART-TIME NON-ELECTED & APPOINTED EMPLOYEES

SIX HOUR DAY

ALL TITLES/ALL POSITIONS (AS LISTED)

Recreation Facility Attendants

Custodial Worker

Court Attendant

Fire Inspector

Dog Control Officer

Part Time Police

Clerical PD

Dispatchers
Security Aid
Seasonal Clerk/Tax Receiver
Camp Counselors/Life Guards
Golf Course Seasonal Maintenance Workers
Golf Course Seasonal Operations Workers

Use of the Soundstage and Eccher Park-PAL

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present (with Councilman White being absent) to grant permission to the Stony Point Athletic League to use the sound stage and surrounding grounds for a “Movie in the Park” on Friday, October 12th, 2018 from 5pm-10pm at Charles S. Eccher Park.

Agreement – Chief Operator Services – Waste Water Treatment Plant

A motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present (with Councilman White being absent) to authorize the Supervisor to execute an agreement with JCO, Inc., 100 Sullivan St, Wurtsboro, NY to provide chief operator services to the Stony Point Sewer Treatment Plant at a rate of \$6,417.00 a month, subject to approval of Special Counsel.

Amended & Restated Bond Resolution-Road Reconstruction & Repaving

The following resolution was offered by Supervisor Monaghan, who moved its adoption, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present, **with Councilman White being absent**, to-wit:

RESOLUTION 2018/42

AMENDED AND RESTATED BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK (THE “TOWN”), AMENDING AND RESTATING IN ITS ENTIRETY A BOND RESOLUTION OF THE TOWN DATED JULY 24, 2018, AUTHORIZING THE RECONSTRUCTION AND REPAVING OF VARIOUS ROADS THROUGHOUT THE TOWN; ESTIMATING THAT THE TOTAL COST THEREOF IS \$400,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$400,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION

WHEREAS, the Town Board (the “Board”) of the Town of Stony Point, Rockland County, New York (the “Town”), by a bond resolution adopted on July 24, 2018 (the “Original Bond Resolution”) authorized the issuance of serial bonds and bond anticipation notes of the Town in the principal amount of \$400,000 to finance the reconstruction and repaving of various roads throughout the Town, including, as necessary or appropriate, the construction or reconstruction of sidewalks, curbs, gutters, drainage, landscaping, and grading or improving right of way improvements in connection therewith (collectively, the “Project”);

WHEREAS, the Board now intends to amend and restate the Original Bond Resolution in its entirety pursuant to the terms of this resolution for the purpose of extending the period of probable usefulness of the aforementioned class of objects or purposes to fifteen (15) years, pursuant to subdivision 91. of paragraph a. of Section 11.00 of the Law and thereby making this resolution subject to a permissive referendum in the manner prescribed by Article Seven of the Town Law of the State of New York.

THE TOWN BOARD OF THE TOWN OF STONY POINT, ROCKLAND COUNTY, NEW YORK (the “Town”) 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 undertake the reconstruction and repaving of various roads throughout the Town, including, as necessary or appropriate, the construction or reconstruction of sidewalks, curbs, gutters, drainage, landscaping, and grading or improving right of way improvements in connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$400,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of the \$400,000 in serial bonds of the Town authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (ii) unless paid from other sources, 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 2. Serial bonds of the Town in the principal amount of \$400,000 are hereby authorized to be issued pursuant to provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the aforementioned class of objects or purposes.

SECTION 3. It is hereby determined that the period of probable usefulness of the aforementioned class of objects or purposes is fifteen (15) years, pursuant to subdivision 20(c). of paragraph a. of Section 11.00 of the Law.

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

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 Section 1 of 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 Town Supervisor of the Town, the chief fiscal officer of the Town (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 the Town, 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 Town Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Town 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 9. The Town Supervisor is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes authorized by this resolution 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 10. The Town Board hereby determines that the actions authorized by this resolution and the adoption hereof collectively constitute 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 that no further action under SEQRA need be taken by the Town Board as a condition precedent to the adoption of this resolution.

SECTION 11. The intent of this resolution is to give the Town 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. Pursuant to subdivision b. of Section 35.00 of the Law, this resolution is subject to a permissive referendum in the manner prescribed by Article Seven of the Town Law of the State of New York (the “Town Law”). The Town Clerk is hereby authorized and directed, within ten (10) days after the date of adoption of this resolution, to publish and post a notice satisfying the requirements of Section 90 of the Town Law, which shall set forth the date of adoption of this resolution, shall contain an abstract hereof, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the official newspaper of the Town for such purpose.

SECTION 13. This resolution shall take effect thirty (30) days after the date of its adoption or, if within such thirty (30) day period there is filed with the Town Clerk a petition subscribed and acknowledged by the number of qualified electors of the Town required by Section 91 of the Town Law and in the manner specified in such Section, until approved by the affirmative vote of a majority of such qualified electors voting on a proposition for its approval.

SECTION 14. 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 15. Upon this resolution becoming effective, the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published, 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, together with a notice of the Town Clerk substantially the form provided in Section 81.00 of the Law.

Executive Session

At 7:26 pm a motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present with Councilman White being absent to adjourn into executive session to discuss CSEA personnel matters and finances with a company interested in doing business with the town.

ADJOURN

The September 25, 2018 Stony Point Town Board meeting adjourned at 9:15 pm and no further votes were taken.

Respectfully submitted

Joan Skinner
Town Clerk