

STONY POINT TOWN BOARD MEETING – MAY 8, 2012

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, May 8, 2012 at 7:00 pm at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, NY. Supervisor Geoffrey Finn called the meeting to order and led the group in the Pledge of Allegiance. Town Clerk, Joan Skinner, called the following roll:

PRESENT:	Mr. Karl Javenes	Councilman
	Mr. James McDonnell	Councilman
	Mr. James White	Councilman
	Ms. Luanne Konopko	Councilwoman
	Mr. Geoffrey Finn	Supervisor

PRESENTATIONS

Supervisor Finn presented the Wayne Hose Ladies Auxiliary with an accommodation to celebrate their 60th anniversary. The following ladies were present to accept the award; Esther Huslinger, Karen Attolino, Mary Sullivan, Mel Lent, Joann Blauvelt, Barbara Wicks, and Ginger Huntley.

Legislator Doug Jobson also presented the Wayne Hose Ladies Auxiliary with a proclamation from the County of Rockland, proclaiming May 8, 2012 as Wayne Hose Ladies Auxiliary Day in honor of their 60th anniversary.

PUBLIC INPUT

Susan Filgueras, Mottfarm Rd. spoke regarding the Champlain Hudson Power Express.

Stephen Crispino, Bragaglia Dr. spoke on behalf of the residents of Bragaglia Dr. regarding the Jessup Pond retention/overflow and the affect on the surrounding homes. The residents are seriously concerned and are asking for immediate action to rectify the problem.

George Potanovic, Old Gate Hill Rd.spoke regarding:

- Champlain Hudson Power Express
- Bragaglia Drive
- Malloy's Corner

Frank Collyer, Knapp Rd.spoke regarding possible business park at the end of Holt Drive.

James Skoufis introduced himself as a Councilman from the Town of Woodbury hoping to represent the Town of Stony Point in the State Legislature.

PURCHASE ORDERS

It was moved by Councilman White, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to approve the following Purchase Orders:

Golf Course Clubhouse		
PO#2417	Ben Veltidi, Inc.	\$1,837.50
Highway		
PO#2425	Chemung Supply Corp.	\$8,653.08
PO#2426	Eastcom Associates Inc.	\$5,695.40
Sewer		
PO#2402	Clean Waters Inc.	\$1,594.00

AUDIT OF BILLS

Joan Skinner, Town Clerk, presented the following bills to the Town Board for audit and a motion was made by Councilman White, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to approve the bills as presented for payment:

Contractual General – April

<u>FUND</u>	<u>CLAIM #</u>	<u>BILL TOTAL</u>	<u>FUND TOTAL</u>
<u>General</u>	433-471	\$ 192,259.02	\$ 192,259.02
<u>Highway</u>	141-146	\$ 18,029.46	\$ 18,029.46
<u>Sewer</u>	134-142	\$ 19,310.23	\$ 19,310.23
<u>Special Districts</u>			
Ambulance	9-9	\$ 3,106.89	\$ 3,106.89
Enterprise	143-152	\$ 48,418.90	\$ 48,418.90
Street Lighting	4-4	\$ 17,680.35	\$ 307,680.35

General – May

<u>General</u>	472-555	\$ 131,903.82
<u>Highway</u>	147-169	\$ 49,744.70
<u>Sewer</u>	143-166	\$ 26,277.14
<u>Special Districts</u>		
Ambulance	10-13	\$ 112,685.45
Enterprise Fund	153-194	\$ 115,884.57
Solid Waste	11-12	\$ 21,496.75
Street Lighting	5-5	\$ 10,486.20

MINUTES

A motion was made by Councilwoman Konopko, seconded by Councilman White and **unanimously carried** by a voice vote of those board members present to accept the minutes of April 10, 2012.

A motion was made by Councilman White, seconded by Councilman McDonnell and **carried** by a voice vote of those board member present (Councilwoman Konopko abstained) to accept the minutes of April 24, 2012.

REPORTS

Police Department

Chief Moore presented the Board with the following report:

Police Department Report for the Month of April, 2012

Number of calls for service:	561
Number of reported accidents:	18
Number of arrests:	51
Fuel usage:	1301.2 gallons
Sum total of all traffic enforcement action:	154
Number of Youth Officer sponsored events:	6
Number of child safety seat installations:	4
Number of commercial vehicle enforcement details:	1
Number of traffic enforcement details:	1
Number of training hours:	128:00hrs
Total fees collected:	\$128.50
(\$80.00 for prints; \$40.00 for reports; \$8.50 for FOILs)	

Miscellaneous:

Youth sponsored events: 2 Youth Court, 1 Community Service Days, Easter Egg Coloring Contest w/ over 100 participants, 6th grade dance w/ 196 students, 7th grade dance w/ 246 students

POLICE BUSINESS:

• CHIEF MOORE'S TIME RECORD

A motion was made by Councilman White, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of all board

members present to approve Chief Moore's time record for the month of April 2012 as presented.

- **OVERTIME & SICK LEAVE REPORTS**

A motion was made by Councilman White, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of all board members present to approve the overtime report for the month of April 2012 as presented.

- **GRAND FONDO BIKE RACE**

Chief Moore reported that reimbursement for police coverage for the Grand Fondo Bike Race on 5/20/12 in the amount of \$7,855.37 has been received.

- **CHILD SAFETY SEAT EVENT**

Chief Moore reported that the Police Department, in partnership with the Town of Haverstraw PD is sponsoring a Child Safety Seat Event on 5/22/12 from 2:30 – 6:30 pm at the Helen Hayes Hospital Children's Learning Center parking lot.

- **MEMORIAL DAY PARADE**

Chief Moore gave a brief update on the route for the parade on May 28th.

- **IRONMAN US CHAMPIONSHIP**

Chief Moore reported that this triathlon event, involving swimming, biking and walking, will be held on August 11, 2012 and will involve closing the southbound lane of the Palisades Interstate Parkway for the entire length of the parkway.

GOLF COURSE REPORT

Dave Fusco, Director of Golf read the following report for April, 2012:

• Green Fees	\$ 166,487.00
• ID Cards	\$ 7,230.00
• Memberships	\$ 2,560.00
• Merchandise	\$ 10,986.50
• Range Fees	\$ 8,782.00
• Club Rental	\$ 355.19
• Misc. Golf	\$ 0.00
• Total	\$ 196,400.69

AMBULANCE REPORT

Mark Engelman, President, presented the Board with the following report:

STONY POINT AMBULANCE CORPS CALL STATISTICS

The following is a breakdown for the Month of April:

Total recorded request for service:	95
Total recorded "No Crew Available":	9
Total number of Mutual Aid Calls:	19
Average "Response Time"	2.49 min.
Average "On Scene Time"	4.5 min.

CORRESPONDENCE - None

SUPERVISOR'S REPORT

Supervisor Finn reported as follows:

- Community Gardens will be ready for the weekend of May 19th. There are 35 spaces available.
- North Rockland Seniors Group, sponsored by Meals On Wheels, will be meeting at Rho Building five days a week. This will not cause any interference with any of the groups currently using space in the building.

DEPARTMENTAL REPORTS

Joan Skinner, Town Clerk, offered the following reports for the record:

Architectural Review Board

	From: 4/1/2012	To: 4/30/2012
Applications Received	1	
Applications Approved	0	
Applications Pending	0	
Fees Collected:	\$ 100.00	
Money in Lieu of Land	\$ 0.00	

Building & Zoning Department

April

Applications Received	24
Applications Returned/Withdrawn	0
Applications Denied	0
Building & Blasting Permits Issued	16
Applications Pending	22
Certificate of Occupancy	13
Certificate of Compliance	3
Fees Collected	\$ 7,065.00

Dog Control Officer

April

Dogs seized and sheltered	5
Dogs returned to owner	4
Number of complaints received	6
Miles traveled patrolling the Town and transporting dogs	471

Fire Inspector

April

	Month	Total
Number Buildings Inspected	10	64
Number Buildings Re-Inspected	13	26
Field Correction Issued	0	2
Violations Issued	0	0
Violations Complied With	0	0
Violations Outstanding	0	0
Number of Permits Issued	0	0
Requests by Police Dept.	0	0
Requests by Fire Dept.	2	8
Fires Investigated	0	1
Miscellaneous		

Planning Board

	From: 4/1/2012	To: 4/30/2012
Applications Received		
Informal Discussion	1	
Applications Approved		
Informal Discussion	1	
Applications Pending		
Site Plan	1	
Subdivision-Major	2	
Subdivision-Minor	2	
Fees Collected:	\$1,200.00	
Money in Lieu of Land	\$ 0.00	

Sewer Department**April**

Total Overtime Hours	56 hrs
Sundays	24 hrs
Saturdays	12 hrs
Call Ins	8 hrs
Monday	4 hrs
Holiday	8 hrs
Monthly Flow	
Plant	23,650,100 gallons
Kay Fries	3,016,800 gallons
Fuel Usage	193.7 gallons
Heating Oil	13 gallons
Total to Sludge Compost Facility	100 Cu. Yds.
Solids	20.1%
Screenings	67.6 Cu. Ft.
Septage	3500 gallons

Zoning Board Of Appeals

From:	4/1/2012	To:	4/30/2012
Applications Received	0		
Applications Closed	0		
Applications Pending			
Area Variance	3		
Fees Collected:	\$0.00		

Town Clerk**April**

Amount Paid To NYS Agriculture & Markets	
For Spay/Neuter Program	\$ 35.00
Amount Paid To NYS Health Dept. For Marriage Licenses	\$ 157.50
Amount Paid To NYS Dept. Of Environmental Conservation	\$ 1,321.78
Amount Paid To Supervisor	\$ 3,442.98
TOTAL AMOUNT REMITTED	\$ 4,957.26

POLICE WEEK PROCLAMATION

Supervisor Finn made a motion, seconded by Councilman McDonnell to adopt the following proclamation for Police Week:

PROCLAMATION POLICE WEEK

WHEREAS, the Congress of the United States of America has designated the week of May 13-19, 2012 to be dedicated as "National Police Week" and May 15th of each year to be "Peace Officers' Memorial Day", and

WHEREAS, Police Officers' Memorial Day is to be dedicated to Police Officers who have died in the line of duty, and

WHEREAS, the International Association of Chiefs of Police has requested that all municipalities honor Police Officers' Memorial Day by flying all flags within the municipality at half mast.

NOW, THEREFORE, I, Geoffrey Finn, by virtue of the authority vested in me as Supervisor of the Town of Stony Point, hereby proclaim May 13th through May 19th, 2012 as Police Week in the Town of Stony Point and in honor of those Police Officers who have died in the line of duty in this Country, all flags in the Town of Stony Point shall be flown at half mast on May 15th, 2012.

I DO FURTHER call upon all our citizens to make every effort to express their thanks to our men and women who make it possible for us to leave our homes knowing they are protected by men and women willing to sacrifice their lives, if necessary, to guard our loved ones, property and government against all who would violate the law.

IN RECOGNITION THEREOF, I affix my signature and the Seal of the Town of Stony Point to this proclamation this 8th day of May in the year of Our Lord, Two Thousand and Twelve.

CONTINUED PUBLIC HEARING – PROPOSED LOCAL LAW - SIGNS

Supervisor Finn re-opened this public hearing at 8:03 pm indicating that nothing new has been done on this proposed law. No one spoke at this time and it was decided to keep the public hearing opened.

PUBLIC HEARING – PROPOSED LOCAL LAW – RESIDENCY – DEPUTY RECEIVER OF TAXES

The following Notice of Public Hearing was duly published and offered:

TOWN OF STONY POINT NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Stony Point on May 8, 2012 at 7:00 P.M. at the Stony Point Community Center, Rho Building, 5 Clubhouse Lane, Stony Point, NY regarding the adoption of a Local Law of the Town of Stony Point for the year 2012 which would supersede New York State Public Officers Law § 3 and Town Law § 23 and by expanding the residency requirement of the Deputy Receiver of Taxes from the Town of Stony Point to Rockland County.

The full text of the proposed Law is available for review as of May 1st, 2012 at the Town Clerk's Office, 74 East Main Street, Stony Point, New York, and may be obtained by any interested parties from 8:30 AM to 4:30 PM, Monday through Friday.

By Order of the Town Board dated April 10, 2012.
Joan Skinner, Town Clerk, May 3, 2012

Supervisor Finn explained the reason for the proposed local law and opened this public hearing at 8:04 pm.

Public Input

Frank Collyer, Knapp Rd., questioned if this new law only affected this appointment.

Supervisor Finn advised that it affected this position only.

ACTION

At 8:06 pm a motion was made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of all board members present to close this public hearing.

ACTION

A motion was made by Supervisor Finn, seconded by Councilwoman Konopko and unanimously carried by a voice vote of all board members present to adopt Local Law No. 1 of 2012 of the Town of Stony Point as follows:

TOWN OF STONY POINT LOCAL LAW NO. 1 OF 2012

TO AMEND TOWN CODE REGARDING RESIDENCY REQUIREMENTS

A Local Law to amend the Code of the Town of Stony Point by adding Chapter 165 entitled "Residency Requirements" pursuant to Municipal Home Rule Law Section 10 *et seq.* This Chapter establishes the Residency Requirements for certain elected and appointed positions in Town government.

Be it enacted by the Town Board of the Town of Stony Point as follows:

165-1. Purpose.

It is the purpose of this Local Law to modify the requirements of Section 23 of the Town Law and Section 3 of the Public Officers Law, which sections require that certain elected and appointed officer be residents and electors within the Town by enacting Chapter 165 of the Town Code entitled Residency Requirements to

set forth the Residency Requirements of certain Town Officers as set forth herein.

165-2. Supersession.

This local law was adopted pursuant to the state Municipal Home Rule Law. This local law is intended to and shall supersede the state Public Officers Law §3, Town Law § 23 and any other special law to the extent such law may require that the Officers listed herein reside within the Town of Stony Point.

165-3. Authority

This Local Law is enacted pursuant to the provisions of Section 10 of the Municipal Home Rule Law.

165-4. Title

A Local Law to amend residency requirements for certain officers of the Town of Stony Point.

165-5. Residency Requirements

In the Town of Stony Point, Rockland County, the provisions of this section requiring a person to be a resident of the political subdivision or municipal corporation of the state for which she shall be chosen or within which her official functions are required to be exercised, shall not prevent a person from holding the appointed or elected office of:

A. Deputy Receiver of Taxes of the Town of Stony Point, provided that such person resides within the County of Rockland, State of New York.

165-6. Saving Clause:

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair, or invalidate the remainder, thereof, but shall be confined in its operation of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

165-7. Effective Date

This Local Law shall take effect upon filing with the State of New York.

PRESENTATIONS

INDEPENDENT AUDITORS' REPORT

Alan Kassay and Marcy Moskowitz of O'Connor Davies LLP, from Harrison, NY discussed the financial results of the audit for the Town of Stony Point for the year 2011.

Supervisor Finn thanked Financial Director Jennifer Sciscente, who in turn thanked her entire staff, for a job well done.

FILM COMMITTEE

Councilwoman Konopko introduced Ava Seavey and Malcolm Dean, members of the Film Committee, a sub-committee of the Economic Development Committee, who gave a presentation, setting forth the following suggestions:

- Location fee for photography & filming
- Permit to be issued by the Recreation Department
 - Requirements to be met prior to receiving a permit
 - Conditions of the permit
- Revenue
 - For town
 - For businesses within the town
- Commission rather than Committee
- Special Counsel advised of legalities and possible consequences for the Town by using Commission rather than Committee.
- Proposed name "Hollywood On The Hudson"

Councilman McDonnell thanked everyone for their time and efforts.

BID – STREET PAVING 2012

A motion was made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to award the bid for street paving for 2012 to Tilcon New York Inc. as follows:

Milling	\$6.25 per S.Y.
Tack Coat	\$0.29 per S.Y.
Asphalt	\$89.75 per ton
Keyway is asphalt	\$395.00 each

APPOINTMENT – PARKS DEPARTMENT

A motion was made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to appointment Tom Cass Jr. to the position of Grounds Worker, Grade 11 at an annual salary of \$42,182.40 effective May 9, 2012.

APPOINT SUMMER HELP – PARKS DEPARTMENT

A motion was made by Councilman McDonnell, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present to hire the following students as summer help for the Building and Grounds Department, commencing June 25, 2012 at \$7.40 per hour; Jack TerBush, Christopher Cass and Jeffery O'Dell.

ETHICS BOARD APPOINTMENT

A motion was made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to re-appoint Peter Brayda to the Ethics Board for a term ending June 2014.

UNDERTAKING - NYSDOT

A motion was made by Supervisor Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to adopt the following resolution:

Undertaking with New York State Department of Transportation in Connection with Work Affecting State Highways

WHEREAS, the undersigned Town of Stony Point (hereinafter referred to as "Permittee") from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDOT") allowing the Town of Stony Point and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee's access and operation upon state right-of-way is conditioned compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses,

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

1. Permit Applications. Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration.

2. Applicable Rules, Regulations & Conditions. Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards. Special Sewer

3. Site Restoration. Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee, in the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.

4. Payment & Release of Liens. Permittee shall be responsible for the payment of all costs and materials relating to improvements in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all claims for the value of public improvements.

5. Indemnity. In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations; whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of any claim, Including but not limited to claims for personal injuries, property damage or wrongful death and/or environmental claims, in any way associated with the Permittee's, activities or operations, no matter how caused.

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

NOW, THEREFORE, the Town Board of the Town of Stony Point in regular session duly convened does hereby:

1. Authorizes the Town Supervisor to enter into such undertaking with the NYSDOT in the form annexed hereto, for a period of twenty (20) years and may execute any and all document necessary to facilitate such purposes.
2. This Resolution shall take effect immediately.

DENTAL INSURANCE CARRIER CHANGE

This item was tabled to the May 22, 2012 Town Board meeting.

APPROPRIATIONS FOR HIGHWAY DEPARTMENT

A motion was made by Supervisor Finn, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present to approve appropriations for the Highway Department as provided by the Finance Director as follows; \$17,120 from the Highway Equipment Fund and \$30,944 from the scrap metal tool fund to pay for a chipper purchased by the Highway Department as approved on November 22, 2011.

APPROVE HIGHWAY BUDGET MODIFICATION

A motion was made by Supervisor Finn, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of those board members present to approve the following Highway Budget modification as presented by the Finance Director; change revenue classification in 2012 Highway Budget from recycling D2651 to scrap metal sales unrestricted D2650a.

AUTHORIZE BID – SALT SHED – HIGHWAY DEPARTMENT

A motion was made by Supervisor Finn, seconded by Councilman Javenes and **unanimously carried** by a voice vote of those board members present to authorize the Town Clerk to advertise for bids for a Salt Shed for the Highway Department to be paid for by grant monies previously received by the Town.

BOND RESOLUTION – ISSUANCE OF SERIAL BONDS TO FINANCE VARIOUS PUBLIC IMPROVEMENTS

A motion was made by Councilman McDonnell and seconded by Councilman Javenes 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 \$263,950 IN SERIAL BONDS OF THE TOWN TO FINANCE VARIOUS PUBLIC IMPROVEMENTS

WHEREAS, the Town Board of the Town of Stony Point (the “Town”) proposes to authorize the issuance of \$263,950 in serial bonds of the Town to finance various public improvements and purposes, as described herein; and

WHEREAS, each of such public improvements and purposes constitutes a “Type II” action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, “SEQRA”) and therefore no further action need be taken by the Town Board under SEQRA as a pre-condition to the adoption of this resolution; and

WHEREAS, the Town Board of the Town now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds or bond anticipation notes to finance said appropriation.

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 undertake the replacement and upgrades of equipment at the Sewer Department, including (i) the installation of pumps for Beach Road, and (ii) installation of portable electric cranes for the pumps and to issue up to \$38,950 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”) to finance the estimated cost thereof. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$38,950, said amount is hereby appropriated therefore, and the plan for the financing thereof shall consist of the issuance of \$38,950 in serial bonds of the Town authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is thirty (30) years, pursuant to subdivision a.4 of Section 11.00 of the Law.

SECTION 2. The Town is hereby authorized to undertake the acquisition of one (1) replacement police vehicle and to issue up to \$25,000 principal

amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Law to finance the estimated cost thereof. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$25,000, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of the issuance of the \$25,000 in serial bonds of the Town authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is three (3) years, pursuant to subdivision a.77 of Section 11.00 of the Law.

SECTION 3. The Town is hereby authorized to undertake the acquisition of two (2) plow trucks with spreaders and plows and to issue up to \$200,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Law to finance the estimated cost thereof. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$200,000, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of the issuance of the \$200,000 in serial bonds of the Town authorized to be issued pursuant to this section or bond anticipation notes issued in anticipation of such bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is fifteen (15) years, pursuant to subdivision a.28. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued shall not 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 Sections 1 through 3 of this resolution.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00(d)(9) of the Law.

SECTION 6. 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. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures as part of the projects described herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 7. 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 8. 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 Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the 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 related 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, 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 one or more of the objects or purposes

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 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 Town Supervisor, as the chief fiscal officer of the Town.

SECTION 9. The Town Supervisor 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 anticipation thereof, if applicable, as “qualified tax-exempt obligations” in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town 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 Town Supervisor sufficient authority to execute those applications, agreements, 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 publish the foregoing resolution 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 (a) for such publication, and (b) for the publication of the notice of sale in connection with any bonds issued pursuant to this resolution.

This resolution shall take effect immediately.

ACTION

The following vote was taken and recorded in the public or open session of said meeting:

Supervisor Finn	VOTING	Yes
Councilman White	VOTING	No
Councilman McDonnell	VOTING	Yes
Councilman Javenes	VOTING	Yes
Councilwoman Konopko	VOTING	Yes

DISCLOSURE STATEMENTS

Joan Skinner Town Clerk advised that pursuant to the Stony Point Town Code Section 13-3 (B), Town Ethics Law, all “Financial and Other Interests” statements for 2012 have been filed in the Office of the Town Clerk.

ELECTRIC AND NATURAL GAS PROVIDERS

A motion was made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of those board members present to

approve Direct Energy as the Town of Stony Point's new electric provider (except street lights) for the next 36 months and Hess as our natural gas provider for the next 24 months as per quotes received by our Finance Director.

EXECUTIVE SESSION

At 9:36 pm a motion was made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of all board members present to adjourn into executive session to discuss personnel matters and a CSEA matter

RECONVENE

At 9:59 pm a motion was made by Supervisor Finn, seconded by Councilman Javenes and **unanimously carried** by a voice vote of all board members present to reconvene the May 8th, 2012 Stony Point Town Board meeting.

MODIFICATION OF PREVIOUS RESOLUTION-PAYOUT COMPENSATION

A motion was made by Supervisor Finn, seconded by Councilman White and **unanimously carried** by a voice vote of those board members present to adopt the following resolution:

RESOLUTION

MODIFICATION TO PREVIOUS RESOLUTION (APRIL 24, 2012) FOR PAYOUT OF COMPENSATION TO CSEA EMPLOYEE

WHEREAS, the Town Board on April 24, 2012 was presented with a payout calculation for accrued sick and vacation days, which the CSEA claimed was due to an employee who had resigned from his position with the Town; and

WHEREAS, the proposed payout included monetary compensation for accumulated sick days and a portion of the Collective Bargaining Agreement was annexed purporting to require such payment for accumulated sick days; and

WHEREAS, the upon review of the Collective Bargaining Agreement, Town's Special Counsel concluded that the Collective Bargaining Agreement did not provide for payment of accumulated sick days to resigning employees, but only to employees who were retiring; and

WHEREAS, the Town's Special Counsel recommended that the past practice between the Town and CSEA employees first be reviewed before determining if any such payment for the accumulated sick days should be considered, since an improper payment could be deemed by a court to constitute an unlawful gift prohibited by the New York State Constitution and New York State statutes; and

WHEREAS, the appropriate Town officials have reviewed the past practice of the Town and determined that the Town has not previously paid for accumulated sick time for CSEA employees who resigned from their positions;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Stony Point as follows:

RESOLVED, that the Town Board's Resolution, dated April 24, 2012, which authorized payment for 106 accrued sick days to a certain CSEA employee is hereby amended to delete and revoke that portion of the Resolution that authorized payment for accumulated sick days in the amount of **\$21,819.04** to such employee; and be it

FURTHER RESOLVED, that the Town Board reaffirms that portion of the April 24, 2012 Resolution that authorized payment for nine (9) accrued vacation days to such employee in the amount of **\$1,852.56**; and be it

FURTHER RESOLVED that Supervisor is authorized to execute or cause to be executed any documents and take other necessary steps to carry out the provisions of this Resolution; and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately. The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

EXECUTIVE SESSION

A motion was made by Supervisor Finn, seconded by Councilman Javenes and unanimously carried by a voice vote of those board members present to adjourn back into executive session at 10:01 pm to discuss police department personnel matters and legal updates.

ADJOURN

The May 8, 2012 Stony Point Town Board meeting was adjourned at 11:10 pm on a motion made by Supervisor Finn, seconded by Councilman McDonnell and **unanimously carried** by a voice vote of all board members present.

Respectfully submitted,

Joan Skinner
Town Clerk