

STONY POINT TOWN BOARD MEETING – June 10, 2014

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, June 10, 2014 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. Tom Basile	Councilman
	Mr. Karl Javenes	Councilman
	Mr. James White	Councilman
	Mr. Jim Monaghan	Councilman
	Mr. Geoffrey Finn	Supervisor

ABSENT: None

PUBLIC INPUT

George Potanovic – Old Gate Hill Rd spoke about tree cutting and the proposed Rockland County Water Conservation Act.

Tom Gubitosa – Chairman Zoning Board of Appeals spoke about the tree removal occurring on the property at the corner of Blanchard and Gate Hill Roads. The property owner is before the Planning Board to change a 50 ft. conservation easement to a buffer. This allows him clean up the property; he intends to plant over 200 trees on the Gate Hill side and to sod, plant and install drainage on the Blanchard Rd. side. He will be improving the intersection with the work he plans to do.

PURCHASE ORDER REQUEST

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

Building & Zoning		
PO#2594	L-Tron Direct	\$1,489.05
Day Camp		
PO#2575	S & S Recreation	\$ 265.54
PO#2575	Masune First Aid & Safety	\$ 190.00
Engineer		
PO#2592	DLT Solutions, LLC	\$4,428.98
Highway		
PO#2585	Corsi Tire	\$2,582.24
PO#2586	McDonald & McDonald Inc.	\$1,635.09
Police		
PO#2561	Child Source	\$1,999.45
Sewer		
PO#2571	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 Javenes and **unanimously carried** by a voice vote of all board members present) to approve the bills as presented for payment.

Contractual General – May

<u>FUND</u>	<u>CLAIM #</u>	<u>BILL TOTAL</u>	<u>FUND TOTAL</u>
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<u>General</u>	592-627	\$	79,161.05	\$	79,161.05
<u>Highway</u>	207-210	\$	1,598.75	\$	1,598.75
<u>Sewer</u>	175-181	\$	5,609.95	\$	5,609.95
<u>Special Districts</u>					
Ambulance	11-11	\$	632.65	\$	632.65
Enterprise	188-199	\$	15,339.31	\$	15,339.31
<u>General – June</u>					
<u>General</u>	628-728			\$	189,778.89
<u>Highway</u>	211-236			\$	27,765.59
<u>Sewer</u>	182-203			\$	13,667.37
<u>Special Districts</u>					
Ambulance	12-12			\$	27,346.06
Enterprise Fund	200-235			\$	106,266.24
Solid Waste	13-14			\$	21,695.05

MINUTES

A motion was made by Supervisor Finn, seconded by Councilman Monaghan and **unanimously carried** by a voice vote of all board members present to accept the minutes of April 22, 2014 and May 27, 2014.

A motion was made by Supervisor Finn, seconded by Councilman Javenes and **carried** by a voice vote of those board members present (Councilman White abstained) to accept the minutes of May 13, 2014.

SUPERVISOR'S REPORT

Supervisor Finn spoke about:

- The success of the NR Community Run/Walk event and thanked the organizers and participants.
- Stony Point Pool will open for the season on June 28th.
- A new vending machine company will be servicing town facilities.
- New banners and flowers are ordered for the bridge.
- June 6, 2014 will be declared Francis M. Dorsey Day in honor of the 75th Anniversary of D-Day and the fact that Mr. Dorsey received the Legion of Honor award from France. There will be a special service at 11 am at Town Hall to commemorate this.

PUBLIC HEARING – PROPOSED TEXT AMENDMENT BU DISTRICT

Open Public Hearing

At 7:19 pm a motion was made by Supervisor, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to open the public hearing.

The following Notice was properly noticed:

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 **June 10, 2014 at 7:00 p.m.** or as soon thereafter as said public hearing may be commenced on such date at 5 Clubhouse Lane (Rho Building) regarding the proposed amendment of Chapter 215 Local Law, specifically amending the Table of General Use Requirements in the BU District (Columns E, F and G) and section 215-23 (Front Yard Exception) of the Code of the Town of Stony Point. The proposed amendments to the Zoning Code text have been requested by Petition from Gator Stony Point, LLC concerning the application of Tractor Supply Company. A copy of the proposed amendment is available at the Town Clerk's Office for review.

PLEASE TAKE FURTHER NOTICE that the environmental significance of said proposed Local Law will be reviewed by the Town Board of the Town of Stony Point incident to and as a part of said public hearing. Copies of said proposed Local Law shall be available seven (7) days prior to the Public Hearing at the Town Clerk's Office.

By order of the Town Board of the Town of Stony Point, dated May 13, 2014.

Joan Skinner – Stony Point Town Clerk

Supervisor Finn read the following letter from the Stony Point Planning Board:

May 27, 2014

Hon. Geoff Finn, Supervisor
Hon. Members, Town Board of Stony Point
74 E. Main Street
Stony Point, NY 10980

Re: Zoning Amendment to Allow Accessory Outdoor Storage for Select Uses in
BU District

Dear Honorable Supervisor and Members:

The Town of Stony Point Planning Board respectfully recommends that the Town Board adopt the proposed Zoning Amendments as referred to this Planning Board on May 21, 2014 pursuant to the provisions of §215-130 of the Stony Point Code.

Allowing accessory outdoor storage for local convenience commercial uses in the BU District will serve to advance the goals of the recently adopted 2013 Amendment to the 1995 Master Plan. More specifically, the proposed zoning amendment will serve to mitigate property tax increases by encouraging additional tax ratable use of areas of previously unused parking areas that are no longer required following the Master Plan implementation.

Very Truly Yours
TOWN OF STONY POINT PLANNING BOARD

Thomas Gubitosa, Chairman

CC: Ira Emanuel, Esq. - for applicant

Ira Emanuel, Attorney for the Applicant, addressed the Board:

- Tractor Supply would like to have a store in the Aldi complex
- Tractor Supply is a department store more geared toward outdoor items
- Wants an area for outdoor sales and display
 - Tractors, trailers, large bags of soil, landscaping materials, etc.
- Code, as currently written, does not permit outdoor storage for retail purposes
- The proposed amendment is very narrowly drafted to allow for outdoor storage for retail sale only in certain circumstances
 - Would only apply in the BU District
 - Only apply to local convenience commercial uses
 - Gas stations, car washes, auto repair, auto body shops, hotels gyms are allowed in BU District but are NOT local convenience commercial uses
 - Proposed amendment would not apply to these
- Sales and storage areas would be confined to a plan approved by the Planning Board
- Only applies to retail – no wholesale outdoor storage
- Increases retail space available
 - Must provide parking for this area as well
 - 1 space to every 200 sq ft.
- Generated by Tractor Supply's interest in coming to Stony Point
 - Not limited to Tractor Supply

Public Input

- George Potanovic – Old Gate Hill Rd
Are there other types of businesses that it would apply to?
 - Applies to local convenience commercial uses
 - Establishments that deal in the retail sales of convenience goods, food, drugs and sundries and such personal services as laundry and dry cleaning pick-up and delivery, hair styling and shoe repair.

The public hearing was kept open.

POLICE DEPARTMENT REPORT/BUSINESS

Chief Moore presented the following report:

Police Department Report for the Month of May, 2014

Number of calls for service:	717
Number of reported accidents:	34
Number of arrests:	68
(17) Felonies (40) Misdemeanors (11) Violations	
Fuel usage:	1336.7 gallons
Sum total of all traffic enforcement action:	191
Number of Youth Officer sponsored events:	6
Number of child safety seat installations:	6
Number of commercial vehicle enforcement details:	0
Number of traffic enforcement details:	89
3 STOP DWI	
Number of training hours:	328:00hrs
Total fees collected:	\$ 75.00
	(\$0 for FOIL; \$40.00 for prints; \$35.00 for reports)

Miscellaneous:

Youth sponsored events: 1 PAL Fundraiser-\$14,100, 3 NR Youth Police Academy session including graduation, 1 Youth Court session, 1 NY Explorer Trip to 911 Memorial & NYPD Museum & conducted regular checks of schools.

Chief Moore addressed the board regarding the following matters:

- **CHIEF MOORE'S TIME RECORD**
A motion was made by Councilman Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to approve Chief Moore's time record for the month of May 2014 as presented.
- **OVERTIME & SICK LEAVE REPORTS**
A motion was made by Councilman White, seconded by Councilman Javenes and **unanimously carried** by a voice vote of all board members present to approve the overtime and sick leave reports as presented for the month of May 2014.
- **SURPLUS EQUIPMENT**
A motion was made Councilman White, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to authorize the Police Dept to surplus the following vehicles:
 - 2000 Ford Expedition Vin# 1FMPU16L2YLB42396
 - 2005 Ford Crown Victoria Vin#2FAHP71W25X114915
- **NOMINATE POLICE OFFICER**
A motion was made by Supervisor Finn and seconded by Councilman Basile to nominate Michael McCune for a position as police officer in the Stony Point Police Department. The following roll call vote was taken and the **motion unanimously passed**:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Supervisor Finn	[X]	[]	[]	[]

Councilman White	[X]	[]	[]	[]
Councilman Javenes	[X]	[]	[]	[]
Councilman Basile	[X]	[]	[]	[]
Councilman Monaghan	[X]	[]	[]	[]

- UPDATE SPANISH SPEAKING POLICE OFFICER**
 Chief Moore gave an update on filling the position of Spanish Speaking Police Officer. The canvassing procedure has started and from the top three, one declined and two are interested in the position.

DEPARTMENTAL REPORTS

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

GOLF COURSE REPORT

May 2014:

- Green Fees \$234,269.92
- ID Cards \$ 4,335.00
- Merchandise \$ 10,505.87
- Misc. Golf \$ 1,115.00
- Seasonal Memberships \$ 2,950.00
- Driving Range \$ 10,976.00
- Club Rental \$ 452.06
- Total \$264,603.85

Architectural Review Board

From:	05/01/2014	To:	05/31/2014
Applications Received			
Solar Panels	6		
Applications Approved			
Solar Panels	6		
Applications Pending	0		
Fees Collected:	\$ 800.00		
Money in Lieu of Land	\$ 0.00		

Building & Zoning Department

May	
Applications Received	35
Applications Returned/Withdrawn	0
Applications Denied	0
Building & Blasting Permits Issued	28
Applications Pending	80
Certificate of Occupancy	25
Certificate of Compliance	9
Fees Collected	\$12,415.00

Dog Control Officer

May	
Dogs seized and sheltered	1
Dogs returned to owner	1
Number of complaints received	7
Miles traveled patrolling the Town and transporting dogs	448

Fire Inspector

May	Month	Total
Inspections Performed	19	113
Field Correction Issued	6	32
Violations Issued	0	0
Violations Outstanding	0	0

Permits Issued	0	0
Requests by Police Dept.	0	0
Requests by Fire Dept.	1	9
Fires Investigated	0	0

Planning Board

From:	05/01/2014	To:	05/31/2014
Applications Received			
Amended Subdivision	1		
Applications Approved			
Sewer	1		
Applications Pending			
Amended Site Plan	1		
Amended Subdivision	1		
General Category	1		
Informal Discussion	1		
Site Plan	5		
Subdivision-Major	1		
Subdivision-Minor	1		
Fees Collected:	\$240.00		
Money in Lieu of Land	\$0.00		

Sewer Department

May

Overtime Hours	
Sunday	20 hrs
Saturday	4 hrs.
Call Ins	4 hrs.
Holiday	7 ½ hrs.
Monthly Flow	
Plant	23,828,800 gallons
Kay Fries	13,463,900 gallons
Fuel Usage	289.1 gallons
Heating Oil	0 gallons
Total to Sludge Compost Facility	24 cu. Yds.
Solids	20.5%
Screenings	72.54 Cu. Ft.

Zoning Board Of Appeals

From:	05/01/2014	To:	05/31/2014
Applications Received			
Area Variance	1		
Use Variance	1		
Applications Closed	0		
Applications Pending			
Area Variance	1		
Use Variance	1		
Fees Collected:	\$700.00		

Town Clerk

May

Amount Paid To NYS Agriculture & Markets	
For Spay/Neuter Program	\$ 32.00
Amount Paid To NYS Health Dept. For Marriage Licenses	\$ 112.50
Amount Paid To NYS Dept. Of Environmental Conservation	\$ 1,138.46
Amount Paid To Supervisor	<u>\$ 2,713.22</u>
TOTAL AMOUNT REMITTED	\$ 3,996.18

CORRESPONDENCE - None

CONTINUED PUBLIC HEARING – UNSAFE BUILDINGS

This continued public hearing began at 8:15 pm. Discussion developed between Special Counsel Brian Nugent, members of the Town Board, and Building Inspector William Sheehan regarding steps that have been taken so far and what further steps might need to be taken.

Brian Nugent recommended that the public hearing be continued until June 24th at which time it should be closed.

Public Input

Rebecca Casscles-Beach Rd. spoke voicing safety concerns.

Rudy Anderson – 19 Grassy Point Rd. indicated that he hopes to have information on a buy out within two weeks.

Marge daughter of Vivian Taylor, 4 Fifth St. spoke and was advised to fill out an application for a demo permit.

EMERGENCY ACTION – UNSAFE BUILDINGS WATERFRONT AREA

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

RESOLUTION AUTHORIZING BUILDING INSPECTOR TO TAKE NECESSARY ACTIONS FOR EMERGENCY CONDITIONS IN UNSAFE BUILDINGS IN THE WATERFRONT AREA

This resolution shall authorize the Building Inspector to take any and all necessary actions under the Emergency Provisions of Chapter 78 of the Town Code (Unsafe Buildings) to address any conditions that constitute an imminent danger to the life, health or safety of any person or property in or upon the properties previously identified by the Town Code as Unsafe Building in the waterfront area by Resolutions passed by the Town Board on April 22, 2014.

Any costs or expenses associated with such necessary repairs or removal shall be a charge against the land and shall be assessed, levied and collected in accordance with the provisions of Town Code Chapter 78.

This resolution shall take effect immediately.

DISCLOSURE STATEMENTS

Joan Skinner advised that all Disclosure Statements have been received by the Town Clerk's Office.

BID – DRAINAGE LAKE RD. AREA

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to reject all bids received for the Lake Rd., Williams Rd., High Ridge Rd., Major Andre Dr. and Rosebud Dr. Drainage Project and to rebid this project with new specifications. The \$75 nonrefundable fee for the specifications will be refunded to anyone not rebidding the project.

ASSESSORS OFFICE - APPRAISAL - UNITED STATES GYPSUM

A motion was made by Supervisor Finn, seconded by Councilman Javenes and **unanimously carried** by a voice vote of all board members present to accept the proposal dated May 6, 2014 from D&B Engineers and Architects, PC in the amount of \$20,720 for services outlined in that proposal in regard to properties at the US Gypsum property.

HOME RULE LEGISLATION – POLICE OFFICERS RETIREMENT SYSTEM

The following Resolution was duly offered by Supervisor Finn and seconded by Councilman Basile to wit:

REQUESTING AND SUPPORTING HOME RULE LEGISLATION AS INTRODUCED BY NYS Senator William J. Larkin (s7616) on May 16, 2014 and NYS

**Assemblyman James Skoufis (a9841) on May 27, 2014 to ENACT Legislation to
Allow full-time Police Officer Dennis Tobin and part-time Police Officers Thomas
Clarke and Christopher Schulok to Participate in the Twenty (20) Year Retirement
Plan Provided for in Section 384-d of the NYS Retirement and Social Security Law**

WHEREAS, the Town of Stony Point maintains a Police Department, including full-time and part-time police officers; and

WHEREAS, Police Officer Dennis Tobin is a full-time Police Officer with the Town of Stony Point Police Department and has been so employed since July of 1999; and

WHEREAS, Police Officers Christopher Schulok and Thomas Clarke are part-time Police Officers with the Town of Stony Point since September of 1998; and

WHEREAS, the above three Police Officers, (hereinafter “Members of the Department”), at the time of their initial employment with the Town were enrolled in a default retirement plan under section 375-i of the New York State Retirement and Social Security Law (hereinafter “Retirement and Social Security Law”); and

WHEREAS, at the time of commencement of their employment, such Members of the Department were eligible to participate in a more desirable retirement plan under Section 384-d of the Retirement and Social Security Law; and

WHEREAS, all other active full-time Police Officers of the Town of Stony Point that were eligible for the twenty (20) year retirement plan under section 384-d were placed into such 384-d plan; and

WHEREAS, on May 16, 2014, Senator William Larkin introduced New York State Senate Bill # S7616 proposing an amendment to the NYS Retirement and Social Security Law to make the optional twenty (20) year retirement plan under section 384-d available to Officers Dennis Tobin, Thomas Clarke and Christopher Schulok; and

WHEREAS, on May 27, 2014, Assemblyman James Skoufis introduced New York State Assembly Bill # A9841 proposing an amendment to the NYS Retirement and Social Security Law to make the optional twenty (20) year retirement plan under section 384-d available to Officers Dennis Tobin, Thomas Clarke and Christopher Schulok; and

WHEREAS, the total estimated past costs for past service costs to place such officers in retirement plan 384-d is now approximately \$14,300 and the annual contributions required upon the enactment of such legislation would be approximately \$14,700 ; and

WHEREAS, the Town Board previously passed a resolution requesting such legislation on April 22, 2014 indicating the Town’s desire to place Police Officer Dennis Tobin and the two part-time Officers, Thomas Clarke and Christopher Schulok into the retirement plan under section 384-d of the Retirement and Social Security Law; and

WHEREAS, in order to allow Police Officers Tobin, Clarke and Schulok to elect participation in such 384-d retirement plan, such legislation must be passed by the New York State legislature and enacted as State law, as the Town does not have the legal authority to adopt a local law to enact the required legislation.

THEREFORE, BE IT RESOLVED THAT,

Section 1. The Town Board hereby supports the bills proposed and sponsored by Senator Larkin (S7616) and Assemblyman Skoufis (A9841), introducing to the New York State Senate and New York State Assembly and requests such legislation to allow Police Officers Dennis Tobin, Christopher Schulok and Thomas Clarke to participate in the twenty-year retirement plan provided for in Section 384-d of the Retirement and Social Security Law.

Section 2. The Town Board determines that said police officers, for reasons not ascribable to their own negligence, failed to make timely applications to participate in such retirement plan; that the Town may elect to make participation in such plan available to such police officers; and that the Town is prepared to pay the cost for any past service associated with that election as a

one-time payment if such police officers choose to participate in such plan upon enactment of appropriate legislation and the Town shall pay the annual contributions required to continue such plan for said police officers.

Section 3. The Town Board finds and determines that it does not have the legal authority to adopt a local law relating to the proposed legislation or enact the legislation it is requesting.

Section 4. The Town Clerk shall send certified copies of this Resolution to Senator Larkin and Assemblyman Skoufis.

Section 5. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call and was **unanimously passed**:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Supervisor Finn	[X]	[]	[]	[]
Councilman White	[X]	[]	[]	[]
Councilman Javenes	[X]	[]	[]	[]
Councilman Basile	[X]	[]	[]	[]
Councilman Monaghan	[X]	[]	[]	[]

AWARD BID – 2014 DAY CAMP BUS TRANSPORTATION

A motion was made by Supervisor Finn, seconded by Councilman White and **unanimously carried** by a voice vote of all board members present to award the bid for Bus Transportation for Day Camp to Haverstraw Transit in the amount of \$42,684.00.

TEXT AMENDMENT – PLANNED WATERFRONT DEVELOPMENT ZONE

A motion was made by Councilman Basile, seconded by Councilman White and **unanimously carried** by a voice vote of all board members present to authorize Supervisor Finn to execute the proposal from Turner Miller Group for the Preparation of Zoning and SEQR for the Redevelopment of Waterfront Sites within the Planned Waterfront District in the amount of \$26,000.

HIGHWAY DEPT – ASSIGN ACCOUNT – SURPLUSED EQUIPMENT

A motion was made by Councilman Javenes, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to deposit monies from sale of surplussed Highway Equipment (99 Chevy Dump Vin# 1GBP7H1C6XJ103286) in Sale of Equipment-Restricted account.

USE OF LOWLAND PARK – NORTH ROCKLAND T-SHIRT LEAGUE

A motion was made by Councilman White, seconded by Councilman Monaghan and **unanimously carried** by a voice vote of all board members present to grant permission to the North Rockland T-Shirt League to host a picnic for its members at Lowland Park on June 29, 2014 from noon to 5:00 pm.

EMERGENCY WORK – SEWER DEPT

A motion was made by Councilman White, seconded by Councilman Javenes and **unanimously carried** by a voice vote of all board members present to authorize Andritz Separation to replace an electronic drive for the centrifuge at the Sewer Dept. on an emergency basis at a cost of \$2,400.

EMERGENCY WORK – HIGHWAY DEPT

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of all board members present to authorize the Highway Dept to hire Environmental Construction to make necessary repairs on West Shore Drive to protect the public and ensure the safety of those using the roadway.

EMERGENCY WORK – GOLF COURSE MAINTENANCE

A motion was made by Councilman Basile, seconded by Councilman White and **unanimously carried** by a voice vote of all board members present to authorize emergency repairs by Storr Tractor Co. to repair a pump at the golf course in the amount of \$3,445.18; this work is necessary to insure the proper condition of the greens.

HIRE TWO DAY CAMP COUNSELORS

A motion was made by Councilman Basile, seconded by Councilman Javenes and **unanimously carried** by a voice vote of all board members present to hire Morgan Bragaglia and Francesco Accetta as day camp counselors at \$8.00 an hour.

ASSIGN COUNSEL - ARTICLE 78 PROCEEDING

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

AUTHORIZING LEGAL SERVICES BY SPECIAL TOWN COUNSEL IN AN ARTICLE 78 PROCEEDING AGAINST THE TOWN OF STONY POINT

WHEREAS, the Town of Stony Point previously retained Special Counsel, Feerick Lynch MacCartney, PLLC, to represent the Town of Stony Point in certain legal matters; and

WHEREAS, Kevin Maher, a resident of the Town of Stony Point, had previously commenced an Article 78 court proceeding on March 7, 2014 (as an individual resident and purportedly as Town Engineer) against the Town of Stony Point Zoning Board of Appeals in addition to naming as nominal defendants, the Town Building Inspector, William Sheehan and Town residents Erich & Kimberly Von Hein under Index Number 2014/400 in the County of Rockland Supreme Court, State of New York, and the Town having had authorized Special Counsel, Feerick Lynch MacCartney, PLLC, to appear and defend the Town of Stony Point; and

WHEREAS, Kevin Maher has commenced a second Article 78 court proceeding on June 3, 2014 (as an individual resident and purportedly as Town Engineer) against the Town of Stony Point Zoning Board of Appeals in addition to naming as nominal defendants, the Town Building Inspector, William Sheehan and Town residents Erich & Kimberly Von Hein under Index Number 2014/946 in the County of Rockland Supreme Court, State of New York; and

WHEREAS, the Town of Stony Point requires legal Counsel to undertake representation of the Town in the newly filed litigation (2014/946); and

NOW, THEREFORE, it is resolved as follows:

Section 1. Special Counsel, Feerick Lynch MacCartney, PLLC, is authorized to appear and defend the newly filed litigation, and shall be compensated for all services performed for the Town of Stony Point with regard to the aforesaid Article 78 proceeding against the Zoning Board of Appeals for the Town of Stony Point, et al., litigation under Index Number 2014/946, at the hourly rate of \$250 as set forth in the Town Board resolution appointing Special Counsel Feerick Lynch MacCartney, PLLC (as revised February 28, 2012), and as set forth in said Resolution, such services will be paid separate and apart from those services for which Special Counsel has previously been retained to handle for the Town and specifically set forth in such February 28, 2012 resolution.

Section 2. This Resolution shall be effective immediately.

APPOINT SPECIAL COUNSEL – BHS ASSOCIATES

A motion was made by Councilman White, seconded by Councilman Javenes and **unanimously carried** by a voice vote of all board members present to appoint Joseph McKay, Esq. from the firm of Catania, Mahon, Milligran & Rider, 1 Corwin Ct., POB 1479, Newburgh, NY 12550 to handle any BHS matters that may appear before the Zoning Board of Appeals and the Planning Board.

RECEIVER OF TAXES – LEASE AGREEMENT – CREDIT CARD MACHINE

A motion was made by Supervisor Finn, seconded by Councilman Monaghan and **unanimously carried** by a voice vote of all board members present to execute an Equipment Lease Agreement with Transfirst for lease of a credit card machine for use by the Receiver of Taxes for 48 months at a total monthly charge of \$29.98.

BROADCASTING TOWN BOARD MEETINGS

Supervisor Finn discussed the possibility of broadcasting Town Board meetings and will continue to gather more information regarding this.

BUILDING DEPT - SOFTWARE

A motion was made by Supervisor Finn, seconded by Councilman White and **unanimously carried** by a voice vote of all board members present to enter into an agreement with Software Consulting Associates, Inc. for the Municipality Application for Android, including setup, in the amount of \$2,500 for use by the Building Department.

STONY POINT BEAUTIFICATION PROGRAM

A motion was made by Councilman Basile, seconded by Councilman Javenes and **unanimously carried** by a voice vote of all board members present to adopt the following resolution:

RESOLUTION ESTABLISHING THE STONY POINT BEAUTIFICATION PROGRAM

WHEREAS: The Town of Stony Point is committed to improving the quality of life for its residents and visitors through the ongoing improvement of the natural and historical character of our Town; and

WHEREAS: Pursuant to New York State General Municipal Law, Section 277, municipalities are permitted to enter into agreements with individuals, volunteers, or groups for the purpose of maintaining public lands, including parks and roadways; and

WHEREAS: Formalizing the process by which locations can be designated by the Town for beatification will help ensure these parcels are protected, maintained and improved on an ongoing basis; and

WHEREAS: Beautification programs have been successful in other municipalities to promote the positive effects of volunteerism and stewardship as well as a positive attitude toward our natural environment; and

WHEREAS: A Town Beautification program would enhance the appearance of our town, save taxpayer money, make Stony Point a more desirable community and ensure the maintenance of high visibility locations, historic areas, parks and other sites; and

NOW THEREFORE, BE IT RESOLVED that:

1. The Town shall establish a Stony Point Beautification Program that will enable businesses, organizations, institutions and residents the opportunity to adopt and improve Town properties, locations maintained by the Town, and other such sites as may be deemed appropriate by the Town.
2. This program shall be administered cooperatively between the Town Highway Department, Town Board and any committee of residents designated by the Town Board to aid officials in the furtherance of the program.
3. The Town Board shall designate one or more Councilmembers to serve as liaison(s) to the Highway Department and any citizens' committee established to advance and maintain the program.
4. At the commencement of the program the Town Highway Department, in conjunction with other appropriate Town officials and departments shall designate locations which shall qualify for adoption consistent with New York State Law, and may include:
 - a. Right-of-way zones
 - b. Roadsides near municipal or hamlet border
 - c. Areas near the entrances and exits to major roadways
 - d. Town-owned or Town maintained cemeteries
 - e. Entrances to Town parks
 - f. Land in front of or near Town facilities
 - g. Areas that may require directional signage
 - h. Town Roadways

- i. Any other locations determined by the Town Board and permitted for adoption under NYS Law.
5. The Town will publicize the program and take steps to encourage participation from among the business community, civic organizations, other institutions and individuals.
6. Participants in the program shall sign an Agreement with the Town, in a form approved by the Town Attorney or the Town's Special Counsel, laying out the responsibilities of all parties involved.
7. Permission to improve specific sites will be given on a first-come, first-served basis.
8. The Town reserves the right to deny any application.
9. The Town reserves the right to judge the good faith ability of applicants to complete their proposed program of work and maintain the parcel to the satisfaction of the Town.
10. The Town will require the submission of a work and maintenance plan from every applicant on forms to be maintained by the Town Clerk and amended as necessary, and assent to a general release in a form to be maintained by the Town Clerk and approved by the Town Attorney or Town Special Counsel as the Town may deem necessary.
11. Participants shall be permitted to erect Town-approved signage recognizing their contribution to the beautification of the town.
 - a. The Town reserves the right to determine the size, style, and content for all signage appropriate to the location where the sign will be erected.
 - b. All signage must be approved by the Town Highway Superintendent in consultation with the Town Board
12. The procedure for application, approval and maintenance of locations shall be set forth in an application for to be maintained by the Town Clerk, and to be amended as necessary to carry out the provisions of this program.
13. This Resolution shall take effect immediately.

CLOSE MEETING

Supervisor Finn announced that the June 10, 2014 Stony Point Town Board meeting would be closed in memory of Jack Bosworth, a long time Stony Point resident and life member of Wayne Hose Company No. 1 who passed away recently. Mr. Bosworth was extremely community oriented and well respected throughout the Town.

EXECUTIVE SESSION

A motion was made by Supervisor Finn, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present to adjourn into executive session at 8:17 pm to discuss personnel matters and an Article 78 Proceedings recently filed against the town. No votes will be taken.

ADJOURN

The June 10, 2014 Stony Point Town Board meeting adjourned at 9:20 pm. No further votes were taken.

Respectfully submitted

Joan Skinner – Town Clerk