

**TOWN OF DEERPARK  
TOWN BOARD REGULAR MEETING  
MONDAY, MARCH 4, 2019**

Meeting was held at Town Hall, 420 Route 209, Huguenot, New York 12746

**Invocation** by Arthur Trovei (Participation is Optional)

**Attendance:**

**Supervisor:** Gary Spears

**Councilmen:** Ken Smith, David Dean, Arthur Trovei

**Absent:** Alan Schock

**Pledge of Allegiance:** David Dean

**Call to Order:** 7:33 p.m.

Additions/Deletions to Agenda

**Motion to Add Sparrowbush Solar One and Two Decommissioning Plan Under New Business on the Agenda**

Motion by Arthur Trovei, 2<sup>nd</sup> by Ken Smith to add the Sparrowbush Solar One and Two Decommissioning Plan under New Business on the agenda.

**VOTE: 4 AYES: Ken Smith, David Dean, Arthur Trovei, Gary Spears**

**1 ABSENT: Alan Schock**

**MOTION CARRIED**

Presentations/Communications

Supervisor Spears announced that Monday, March 11<sup>th</sup> at 1:00 p.m. the New York State will have a Public Hearing for the grant application made to them by the Xin Ji Corporation. This application to the state is for \$100,000 at New Century Films and they are using that money to refurbish that place into a film studio.

Public Comment – None

**Motion to Approve February 4, 2019 Board Minutes**

Motion by David Dean, 2<sup>nd</sup> by Ken Smith to approve the February 4, 2019 Board Minutes.

**VOTE: 4 AYES: Ken Smith, David Dean, Arthur Trovei, Gary Spears**

**1 ABSENT: Alan Schock**

**MOTION CARRIED**

Old Business

**Motion to Accept Letter of Resignation from James Harrington on Zoning Board of Appeals**

Motion by David Dean, 2<sup>nd</sup> by Ken Smith to accept the letter of resignation from James Harrington on the Zoning Board of Appeals.

**VOTE: 4 AYES: Ken Smith, David Dean, Arthur Trovei, Gary Spears**

**1 ABSENT: Alan Schock**

**MOTION CARRIED**

*Town Clerk Florence Santini* will send a letter of acknowledgement and gratitude of service.

**Motion to Appoint Robert Zeller as Zoning Board of Appeals Member**

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei to appoint Robert Zeller as Zoning Board of Appeals member.

**VOTE: 4 AYES: Ken Smith, David Dean, Arthur Trovei, Gary Spears**

**1 ABSENT: Alan Schock**

**MOTION CARRIED**

Supervisor Spears asked the Board to sign a contract with the Huguenot Fire Company that was passed last year for 2019 to 2023.

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**Motion to Accept the Resignation of F/T Police Officer Daniel Jones**

Motion by David Dean, 2<sup>nd</sup> by Ken Smith to accept the resignation of F/T Police Officer Daniel Jones with regret.

**VOTE: 4 AYES: Ken Smith, David Dean, Arthur Trovei, Gary Spears**

**1 ABSENT: Alan Schock**

**MOTION CARRIED**

**Motion to Approve Supervisor Signing Aspen Ridge Storm Water Maintenance Agreement**

Motion by Ken Smith, 2<sup>nd</sup> by David Dean to approve the Supervisor to sign the Aspen Ridge Storm Water Maintenance Agreement.

Discussion: Councilman Dean asked what it means and Attorney Glen Plotsky answered it is a contract agreement between the Developer and applicant and he thought it was a money maker for the county and it was better for posturing in terms of shed litigation should there be a dispute. He clarified that the agreement was a right of way.

**VOTE: 4 AYES: Ken Smith, David Dean, Arthur Trovei, Gary Spears**

**1 ABSENT: Alan Schock**

**MOTION CARRIED**

Supervisor Spears spoke about how they get an outfit each year to provide the fertilizer for the baseball, football and little league fields which are organic turf, all-natural fertilizer for safety for the kids. He hoped for approval of this years. The first application is in April for \$825.00; the second application is in June \$795; and the last is late August or September for another \$795. All products used are 100% organic.

**Motion to Approve Supervisor Signing NYSID Fertilizer Contract**

Motion by Ken Smith, 2<sup>nd</sup> by Arthur Trovei to approve the Supervisor to sign the NYSID Fertilizer Contract.

**VOTE: 4 AYES: Ken Smith, David Dean, Arthur Trovei, Gary Spears**

**1 ABSENT: Alan Schock**

**MOTION CARRIED**

**Motion to Approve Supervisor Signing the Stop-DWI Program – Resolution 1 of 2019**

Motion by Ken Smith, 2<sup>nd</sup> by Arthur Trovei to approve the Supervisor to sign the Stop-DWI Program-Resolution 1 of 2019.

**VOTE: 4 AYES (Roll Call): Ken Smith, David Dean, Arthur Trovei, Gary Spears**

**1 ABSENT: Alan Schock**

**MOTION CARRIED**

**Motion to Approve the Supervisor Signing the National Park Service Contract for Fiscal Year 2019 – Resolution 2 of 2019**

Motion by Arthur Trovei, 2<sup>nd</sup> by David Dean to approve the Supervisor to sign the National Park Service Contract for Fiscal Year 2019-Resolution 2 of 2019.

**VOTE: 4 AYES (Roll Call): Ken Smith, David Dean, Arthur Trovei, Gary Spears**

**1 ABSENT: Alan Schock**

**MOTION CARRIED**

**Motion to Adopt the Town of Deerpark Official Undertaking of Municipal Officers – Resolution 3 of 2019**

Motion by Ken Smith, 2<sup>nd</sup> by David Dean to adopt the Town of Deerpark, Orange County, New York Official Undertaking of Municipal Officers – Resolution 3 of 2019.

**VOTE: 4 AYES (Roll Call): Ken Smith, David Dean, Arthur Trovei, Gary Spears**

**1 ABSENT: Alan Schock**

**MOTION CARRIED**

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New Business

Decommissioning Agreement:

The *Town Attorney Glen Plotsky* explained that before obtaining a building permit, the applicant for a commercial solar facility has to supply the town with protections in the event that at the end of the term, or at any point when the facility is no longer being used, so town would have the wherewithal to remove the facility if they don't. They could use insurance bonds, a letter of credit from a financial institution where the applicant and town engineer agree on a dollar amount. He then said that for Sparrowbush NY 1, LLC the amount is \$80,500 and Sparrowbush NY 2, LLC the amount is \$42,550.00. With those cash amounts will be provided by the town and the town would need to create an interest-bearing account on behalf of the applicants. Supervisor Spears verified that those monies would be held in escrow for fifteen years, the same as the solar pilot and the attorney said at least. Councilman Dean asked if they decide to sell that facility to another entity, would they transfer that? The attorney said that whatever entity they deal with will have to have the decommission amount. Some more discussion continued.

**Motion to Authorize Supervisor to Sign Decommissioning Agreements Regarding Sparrowbush NY 1, LLC and Sparrowbush NY 2, LLC**

Motion by Ken Smith, 2<sup>nd</sup> by David Dean to authorize the Supervisor to sign the decommissioning agreements regarding the Sparrowbush NY 1, LLC and Sparrowbush NY 2, LLC.

**VOTE: 4 AYES (Roll Call): Ken Smith, David Dean, Arthur Trovei, Gary Spears**

**1 ABSENT: Alan Schock**

**MOTION CARRIED**

Appropriations, Budget and Payment of Bills

**Motion to Pay Bills**

Motion by David Dean, 2<sup>nd</sup> by Arthur Trovei to pay bills that have been signed by three council members and accept the Budget Officer's Report and all may be viewed in the Town Clerk's Office.

General Fund Abstract #5 of 2019 in the amount of \$119,252.27  
Highway Fund Abstract #5 of 2019 in the amount of \$84,219.31  
Engineering Fund Abstract #1 of 2019 in the amount of \$473.00  
Special Revenue Reserve Fund Abstract #3 of 2019 in the amount of \$1,599.87  
Galley Hill Road Raising Fund Abstract #1 of 2019 in the amount of \$245,793.59

Discussion: Supervisor Spears explained that the Galley Hill Road Raising Fund is money deposited by Dragon Springs for the work that was done on Galley Hill Road to raise the road to the proper heights so they could get the 2% pavement grade for their driveways to meet code. The Town advertised the bids and when they came in, they picked the best who performed the work under the supervision of Fusco and with a third-party inspector who was Fairway Testing. That project is done and the account is clear.

**VOTE: 4 AYES: Ken Smith, David Dean, Arthur Trovei, Gary Spears**

**1 ABSENT: Alan Schock**

**MOTION CARRIED**

Closing Board Comments

Councilman Trovei hoped for a quick recovery for Sarah Schock. He thanked Dave for a good job negotiating for the town. He welcomed Bob Zeller.

Councilman Dean thanked Bob for stepping up and said they appreciate it. He looked forward to working with him. The Parks Service is cooperating with the town. He hopes the police presence on the Hawks Nest will keep everyone slowed down. He wanted to cheer the president on and hopes he stands firm.

Councilman Smith thanked Bob for stepping up and joining the team and he thanked Dave Dean for doing a good job with the Parks Service. That's a good thing for all of them.

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Supervisor Spears thanked everyone there at the meeting. He appreciates people stepping up and helping with volunteering at the town. He thanked Councilman Dean for his negotiating and believes they are the only town receiving money. The March 1<sup>st</sup> deadline has passed for tax exempt status. He thanked Al, Glen and Flo getting them through the meeting.

**Motion to Adjourn at 8:10 p.m.**

Motion by Ken Smith, 2<sup>nd</sup> by Arthur Trovei to adjourn the meeting at 8:10 p.m.

**VOTE: 4 AYES: Ken Smith, David Dean, Arthur Trovei, Gary Spears**

**1 ABSENT: Alan Schock**

**MOTION CARRIED**

Respectfully submitted by,

Florence T. Santini  
Town Clerk