

**TOWN OF DEERPARK
TOWN BOARD REGULAR MEETING
MONDAY, MARCH 5, 2018**

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

Invocation led by Alan Schock (Participation Optional)

Supervisor: Gary Spears

Councilmen: Alan Schock, Ken Smith, David Dean, Arthur Trovei

Attorney: Glen Plotsky

Engineer: Al Fusco, Jr.

Also in attendance: Highway Superintendent - Edward Hughson; Emergency Management Director - Jack Flynn; and Orange County Legislator -Thomas Faggione

Pledge of Allegiance led by David Dean

Call to Order at 7:35 p.m.

Presentations/Communications

Supervisor Spears asked to add an Annexation Meeting with the City of Port Jervis Council, at the Port Jervis Council Meeting on April 9, 2018 to the Agenda at 7:00 p.m. to the Agenda; also, add discussion and possible action about the purchase of a new Highway truck.

Motion to Add to the Agenda an Annexation Meeting with the City of Port Jervis Council and Discussing Potential Purchase of a New Highway Truck

Motion by Gary Spears, 2nd by Arthur Trovei to add to the agenda an annexation meeting with the City of Port Jervis Council and discussing potential purchase of a new highway truck.

VOTE: 5 AYES: Alan Schock, Ken Smith, David Dean, Arthur Trovei, Gary Spears

MOTION CARRIED

Jack Flynn – Emergency Management Director reported that on Tuesday, April 10th from 7:00 to 8:00 p.m. there will be a presentation on civil preparedness at the Senior Center. The Army National Guard will come from Albany and they will do an hour presentation and for each family that is there, they will receive a bag with preparedness things in it. He mentioned that he and Supervisor Spears and Councilman Dean conferred on Saturday about what could be done for the community due to the storm damage. They opened the Emergency Operation Center the very next day. Orange County also requested a conference call for municipal leaders. He requested dry ice and Flo Santini opened the Senior Center both Saturday and Sunday making it possible for residents to warm themselves, get their phones charged and have some food and coffee. He communicated to the county that they would be open and worked with Orange and Rockland to restore electricity and also to distribute dry ice. They also took calls from residents about road closures, power outages, and anything you could think of. He also called the Red Cross Headquarters to see about getting the Red Cross and they showed up on Sunday and worked with Flo. The EOC was staffed on Sunday by Joyce Cirulli and himself with additional support from Flo Santini, Tom Faggione and visitors from EOC such as the Deputy Commissioner Mack, Sheriff DuBois, etc. He thought it would help if Orange and Rockland would put a local person in charge. Supervisor Spears thanked him and all those who helped for all they did and how well it ran.

Tom Faggione – Orange County Legislator thanked Gary for his leadership on the Orange County Transportation Council. With the Supervisor's leadership, there were different municipalities that got together and took the money for the uncompleted phase and reassigned their portions of federal money to the tri-state bridge project in Port Jervis. Though it is in the City of Port Jervis, many residents from the Town of Deerpark utilize that bridge. He said 44,000 cars travel over that bridge every day. Supervisor Spears thanked Tom, but said it was Al Fusco who came up with the idea of being advanced \$2 million from future monies. He said to see Jack Flynn working with his staff and Flo Santini opening up the Senior Center for the residents, was fantastic. He's proud to live in the Town of Deerpark. The Sheriff assigned a Sheriff's car to be available to them all day in case they needed any support. He said they are forging ahead as usual at the County. They have a new Commissioner at the County Parks and Recreation Department, Jim Brooks. The County Executive will have his State of the County Address on Wednesday, March 21st at 6:00 p.m. at the 911 Center in Goshen.

Ed Hughson – Highway Superintendent – reported that they had 28 sites with trees down and that now all the roads in Deerpark are open to traffic. The guys have gone out and cleaned up everything alongside the roads and there are a few wires

**TOWN OF DEERPARK
TOWN BOARD REGULAR MEETING
MONDAY, MARCH 5, 2018**

(uncharged) on a few roads and people can drive over them. He mentioned that two 1993 trucks are beyond repair and they think they should purchase a Mack Truck tandem axle, identical to the one they purchased last year. He was hoping to get approval for \$229,802.52 on a 2019 Mack International Truck with a U Combo body. Ed has \$100,000 in his budget for equipment, he has about \$23,000 from old equipment sold on Auctions International and the two trucks going out on Auctions International—those funds would go towards the purchase. He also has \$500,000 in his reserve funding. He thinks it is well within the range for purchase and will help the town in the future. Councilman Trovei asked if this was a state bid truck. Ed explained it is not state bid, rather Onondaga County provides the bidding so it doesn't have to go to bid. Discussion continued.

Motion to Approve February 5, 2018 Board Minutes

Motion by David Dean, 2nd by Ken Smith to approve the February 5, 2018 Board Minutes.

VOTE: 5 AYES: Alan Schock, Ken Smith, David Dean, Arthur Trovei, Gary Spears

MOTION CARRIED

Old Business

Driveway Permit Local Law was tabled in a previous meeting. Supervisor Spears said they wanted to give the Highway Superintendent a little bit of discretion in his professional opinion to help residents out, as long as they can properly drain driveways and also keep the water from coming on to the town roads. *Ed Hughson, Highway Superintendent*, reported that in his opinion, if the driveway should be changed so the negative 2% grade had to change, he would handwrite his instructions on the permit. He would like to leave the Driveway Permit as written as it was previously and leave it up to the Highway Superintendent's discretion. *Glen Plotsky, Town Attorney* said when he read it, the only discretion this really gives is for the Highway Superintendent to determine whether the apron should be blacktopped or chipped. There is very little discretion here. With the discretion, people could articulate they were treated differently than somebody else. Unless it could be justified basically, that's how one gets into lawsuits. Supervisor Spears said Art Trovei had some really good comments in the discussion and they should try to do the topography of Deerpark where they have many sloping lots. He would like to give the Highway Superintendent leeway for a resident as long as it's done safely and no water comes out on the town road. Ed explained about the different grades around town. There was discussion.

Motion to Table Driveway Permit

Motion by Gary Spears, 2nd by Ken Smith to table the Driveway Permit another two weeks pending further work.

VOTE: 5 AYES: Alan Schock, Ken Smith, David Dean, Arthur Trovei, Gary Spears

MOTION CARRIED

New Business

Supervisor Spears mentioned that each year they turn around a police car to keep the mileage down and keep the repair costs down. Each year they get a police car off state bid and the Police Chief picked one and is requesting a resolution stating the Town Board is in support of him buying it.

Motion to Approve the Purchase of a 2018 Ford Police Interceptor SUV

Motion by Ken Smith, 2nd by Alan Schock to approve the purchase of a 2018 Ford Police Interceptor SUV with the Police Package, Utility Package and the final bid is \$33,162.89.

VOTE: 5 AYES: Alan Schock, Ken Smith, David Dean, Arthur Trovei, Gary Spears

MOTION CARRIED

Motion to Authorize the Supervisor to Sign the Stop DWI Program Contracts – Resolution 6 of 2018

Motion by David Dean, 2nd by Ken Smith to Authorize the Supervisor to Sign the Stop DWI Program Contracts – Resolution 6 of 2018.

VOTE: 5 AYES: Alan Schock, Ken Smith, David Dean, Arthur Trovei, Gary Spears

MOTION CARRIED

**TOWN OF DEERPARK
TOWN BOARD REGULAR MEETING
MONDAY, MARCH 5, 2018**

Motion to Approve Resolution 7 of 2018 – Authorizing Supervisor/Police Chief to Sign Contract with Orange County Emergency Services Inter-Municipal Agreement

Motion by Arthur Trovei, 2nd by Ken Smith, to approve Resolution 7 of 2018 authorizing the Supervisor and/or Police Chief to sign the contract with the Orange County Emergency Services Inter-Municipal Agreement.

Discussion: Councilman Trovei asked if these became cumbersome, would they be able to send them back. Supervisor Spears said the chief thinks it is a very good idea to get these to keep pace. There is a small cost to get them installed. He thinks it is well worth it. Mr. Plotsky said to answer Mr. Trovei's question, you cannot terminate it, only the county can. Discussion followed.

Motion to Table Resolution 7 of 2018

Motion by David Dean, 2nd by Arthur Trovei to table Resolution 7 of 2018 regarding the contract with the Orange County Emergency Services Inter-Municipal Agreement for two weeks for more information.

VOTE: 5 AYES: Alan Schock, Ken Smith, David Dean, Arthur Trovei, Gary Spears

MOTION CARRIED

Glen Plotsky, Attorney explained the resolution Authorizing the Supervisor to Sign Amended Authorization of Pilot Agreement with, what was known as the Hub, has now gone back to the previous owner and our Assessor was told the Pilot did not transfer, so she placed the property back on the tax roll with no exemption. The year 2007, when it was purchased by Port Jervis Holdings LLC, they were taxed at full rate. Effectively, as to what they would have paid had they been in Pilot in year 7 (2007)—they paid \$88,822.13 more in taxes than had they paid the Pilot payment of \$17,285.02 was the town portion of that. They offered to roll it forward for one year, rather than write a check which would disrupt the budget, or basically refund them the difference with credit on future taxes. Based on the overpayment, in year 8, which will be 2018-2019, the town will receive \$0 dollars for the town, highway and fire. They will rather receive a credit of \$13,577.14, that is what they should pay under Pilot for year number 8. As a result of that, there will be balance forward of \$3,707.88 applied to the year 9 tax, so in year 9 instead of receiving \$14,829.04, the town will receive \$11,121.16. Year 10 will be back where they should be. More discussion followed. Mr. Plotsky will convey the Board would be willing to sign the Amended Authorization of Pilot Agreement but require them to prove their numbers.

Motion to Table Resolution 8 of 2018

Motion by Arthur Trovei, 2nd by David Dean to table Resolution 8 of 2018.

VOTE: 5 AYES: Alan Schock, Ken Smith, David Dean, Arthur Trovei, Gary Spears

MOTION CARRIED

Motion to Approve Liquor License for Par Fore the Course

Motion by Alan Schock, 2nd by Ken Smith to waive the 30-day prior notification of consent to the issuance of liquor license to Caesar & Jaydon's Place dba Par Fore the Course Restaurant that moved from Neversink Drive to 87 South Maple Avenue.

VOTE: 5 AYES: Alan Schock, Ken Smith, David Dean, Arthur Trovei, Gary Spears

MOTION CARRIED

Motion to Authorize Highway Superintendent to Purchase 2019 Mack Truck

Motion by Ken Smith, 2nd by Arthur Trovei to authorize the Highway Superintendent to purchase a 2019 Mack Truck for \$229,802.52.

VOTE: 5 AYES: Alan Schock, Ken Smith, David Dean, Arthur Trovei, Gary Spears

MOTION CARRIED

Motion to Authorize Surplus Office Equipment from Town of Deerpark

Motion by Ken Smith, 2nd by Alan Schock to authorize surplus office equipment on Auction International from the Town of Deerpark.

VOTE: 5 AYES: Alan Schock, Ken Smith, David Dean, Arthur Trovei, Gary Spears

MOTION CARRIED

Supervisor Spears offered to obtain prices on the UV Water System needed for the Senior Center. He explained they have been ordering bottled water for the seniors and with the county providing nutritional lunches there, the water system needs to be addressed.

**TOWN OF DEERPARK
TOWN BOARD REGULAR MEETING
MONDAY, MARCH 5, 2018**

Motion to Approve Setting Joint Meeting with TOD Board and Port Jervis Council April 9, 2018 7:00 p.m.

Motion by Ken Smith, 2nd by David Dean to Approve setting joint meeting with the Town of Deerpark Board and Port Jervis Council at the Port Jervis City Hall on Monday, April 9, 2018 at 7:00 p.m.

VOTE: 5 AYES: Alan Schock, Ken Smith, David Dean, Arthur Trovei, Gary Spears

MOTION CARRIED

Appropriations, Budget and Payment of Bills

Motion to Pay Bills

Motion by Alan Schock, 2nd by Ken Smith to pay bills that have been signed by three council members and accept and the Budget Officer's Report and all may be viewed in the Town Clerk's Office.

General Fund Abstract #4 of 2018 in the amount of \$134,663.81

Highway Fund Abstract #4 of 2018 in the amount of \$36,352.31

Fusco Engineering Fund Abstract #1 of 2018 in the amount of \$129.00

Special Revenue Reserve Fund Abstract #1 of 2018 in the amount of \$1,729.35

VOTE: 5 AYES: Alan Schock, Ken Smith, David Dean, Arthur Trovei, Gary Spears

MOTION CARRIED

Motion to Approve Bills Paid February 23, 2018 – Abstract #3 of 2018

Motion by Ken Smith, 2nd by Alan Schock to pay bills that were signed by three council members on February 23, 2018 Abstract #3 of 2018, the week the Board did not meet.

VOTE: 5 AYES: Alan Schock, Ken Smith, David Dean, Arthur Trovei, Gary Spears

MOTION CARRIED

Closing Board Comments

Councilman Dean said he had an education that day in heavy duty trucks. He appreciates that. Between Art and Ed and the knowledge of Al, they upgraded the system. It seems like a lot of money, but the fact of the matter these trucks are to last and last.

Councilman Trovei thanked Jack for being a valuable person in town and he has a love for it and does a great job. He thanked Jack. He thanked Tom for all he did for the town. He thanked Flo for her good job that week helping people. He then said good job on the truck. It will be a labor saver. He thanked Gary for all he's done with the negotiations and has put Deerpark on the map.

Councilman Schock said ditto on everything and said Art and Ed did most of the work.

Councilman Smith thanked everyone for doing a great job and for stepping up. He thanked Tom, Flo and the Highway Department.

Supervisor Spears thanked everyone for the good work in town and mentioned Flo's love for people and Al Fusco stepping up on the help with the Tri-state bridge. They all thanked Glen for his help also.

Motion to Enter Executive Session to Discuss Tax Certiorari and Potential Litigation at 9:30 p.m.

Motion by Gary Spears, 2nd by Ken Smith to enter Executive Session for the purpose of discussing a tax certiorari and potential litigation and invite in the Town Attorney Glen Plotsky, at 9:30 p.m.

VOTE: 5 AYES: Alan Schock, Ken Smith, David Dean, Arthur Trovei, Gary Spears

MOTION CARRIED

Motion to Re-Enter Regular Session at 10:58 p.m.

Motion by Alan Schock, 2nd by David Dean to re-enter regular session at 10:58 p.m.

VOTE: 4 AYES: Alan Schock, David Dean, Arthur Trovei, Gary Spears

MOTION CARRIED

**TOWN OF DEERPARK
TOWN BOARD REGULAR MEETING
MONDAY, MARCH 5, 2018**

Motion to Adjourn at 11:00 p.m.

Motion by Arthur Trovei, 2nd by Alan Schock to adjourn the meeting at 11:00 p.m.

VOTE: 4 AYES: Alan Schock, David Dean, Arthur Trovei, Gary Spears

MOTION CARRIED

Respectfully submitted by,

Florence T. Santini
Town Clerk