

**TOWN OF DEERPARK
TOWN BOARD REGULAR MEETING
MONDAY, APRIL 1, 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: Alan Schock, Ken Smith, Arthur Trovei

Absent: David Dean

Pledge of Allegiance: Florence Santini

Call to Order: 7:35 p.m.

Public Hearing on Community Development Block Grant (CDBG) for 2020 at 7:31 p.m.

Town Clerk Florence T. Santini read the Public Hearing on the 2020 Community Development Block Grant at 7:31 p.m. (a copy is attached to the official records).

Public Comment: None

Supervisor Spears reported that in the past, the money requested will go into roads in town, which basically saves everybody tax money because they get this back from a larger pool of money.

Board Comments: None

Motion to Close the CDBG Public Hearing

Motion by Ken Smith, 2nd by Alan Schock to close the CDBG Public Hearing at 7:34 p.m.

VOTE: 4 AYES: Alan Schock, Ken Smith, Arthur Trovei, Gary Spears

1 ABSENT: David Dean

MOTION CARRIED

Additions/Deletions to Agenda

Town Attorney Glen Plotsky mentioned he has the Decommissioning Agreements for the Supervisor's signature.

Supervisor Spears said this will need to be added to the Agenda for him to have authorization to sign the Decommissioning Agreements for both Sparrowbush NY 1 and Sparrowbush NY 2 Solar, which is located on the Bucknell Hunting Camp.

Motion to Add Solar Energy System Decommissioning Agreements to the Agenda

Motion by Arthur Trovei, 2nd by Ken Smith to add the Solar Energy System Decommissioning Agreements to the Agenda.

VOTE: 4 AYES: Alan Schock, Ken Smith, Arthur Trovei

1 ABSENT: David Dean

1 ABSTENTION: Gary Spears

MOTION CARRIED

Presentations/Communications

George Ewing gave a report on the Port Jervis Ambulance and said the first quarter was great and they have received over \$43,000 in profit this year. They are over 500 calls into year. They are hoping to having training in June for EMS. It would be the first EMS training in the area in over 10 years. They have personnel getting certified by the end of the month. They received the two ambulances. The board expressed congratulations on their great job.

Supervisor Spears announced the New York State Burning Ban is in effect, it started on March 15th and is still in effect through May 15th for open burning. Also, May is the Deerpark Town Bulk Clean-up and the permits are now available in the Town Clerk's office. Every resident is welcome to come in for a permit (one per residence) to take their junk to the Transfer Station and the Town of Deerpark will pay that bill. It helps keeping the town clean.

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Department Head Reports – None

Motion to Approve March 18, 2019 Board Minutes

Motion by Arthur Trovei, 2nd by Ken Smith to approve the March 18, 2019 Board Minutes.

VOTE: 4 AYES: Alan Schock, Ken Smith, Arthur Trovei, Gary Spears

1 ABSENT: David Dean

MOTION CARRIED

Old Business

Town Attorney Glen Plotsky said the way the approval was granted through the Planning Board, the applicant must provide a decommissioning bond which is essentially the anticipated cost of removal of the solar array in the event the applicant doesn't remove them themselves, plus 2%. Most applicants attempt to reduce the decommissioning bond by salvage bond. The language of the law in the approval is that the applicant can either furnish insurance company bond a letter of credit or cash. This applicant requested to provide a cash payment to the town and that money will be segregated in an interest-bearing account that the town will hold and if at any point the solar facility's ceases operation and it is not removed in one year, the town would send them a letter and 30 days later take it down and use their money to pay for that removal. That's what the decommissioning bond is. The amount for the Sparrowbush NY 1 LLC Facility is \$80,500. The amount for the Sparrowbush NY 2 LLC Facility is \$42,550. The difference is that one is 2 Megawatts and the other is just one mil. He reviewed the proposed agreements and they are satisfactory to him. Supervisor Spears must be authorized to sign on behalf of the town. The applicant's representative has already signed the agreements.

Motion to Authorize Supervisor Spears to Sign both Solar Energy System Decommissioning Agreements

Motion by Arthur Trovei, 2nd by Ken Smith to authorize Supervisor Spears to sign both the Solar Energy System Decommissioning Agreements.

Discussion: Councilman Schock asked what they do with them. *Town Engineer Al Fusco* said they try to salvage the metal parts and copper, but you don't know what the value will be 30 years from now. There are some recyclable components. Councilman Trovei added that some of those things have disposal issues—some might be hazardous, everyone is different. He asked about the way it is written in the money they put down, but if in fact that wasn't enough to cover it, there is another escape clause for them as a town. Mr. Plotsky said that was a very good observation and said yes, the original agreement the language indicated if there was more material or the dollar amount wasn't sufficient, they included that the property owner would become responsible for the difference. They struck that language, he put it back in and they weren't happy but it is in there.

VOTE: 4 AYES (Roll Call): Alan Schock, Ken Smith, Arthur Trovei, Gary Spears

1 ABSENT: David Dean

MOTION CARRIED

New Business

Town Attorney Glen Plotsky reported that property received back from Orange County through taxes that the O'Leary's border. They need more land to meet the set backs for what they want to do. He described being approached due to the manufactured home on the O'Leary property straddles the town's property. The O'Leary property does not meet with the town's law. The project was surveyed and engineered sufficient that the land that will remain with the Town of Deerpark, will be totally conforming flag lot and there is enough road frontage so if the town wishes, it could sell that lot independently if it is a buildable lot. The O'Leary property will be less non-conforming than previously. This went before the Planning Board and the Chairman signed off on mass mylars. One parcel being broken off is being transferred via a lot line change. A metes and bounds description of the resulting O'Leary-May lot and the Town of Deerpark lot. To better the town's position with the consent of the O'Learys, they are transferring a right of way to the town for road repair and in anticipation of someday perhaps the town selling that vacant lot, they did a right of way from the Town of Deerpark to the Town of Deerpark for those same highway purposes. There is a total of five deeds with five recording requirements in addition to the O'Leary-May family originally received their lot through a tax sale. They ran title searches on both parcels so they could verify clear titles. In exchange for the transfer of the property, they have to pay the town \$15,000.00, plus cover the majority of the costs. He proposes the town pay the two of the deeds, the resulting parcel and the right of way and the recording for those two deeds and also the cost to file the mylar with the county, which enables the town to do all this. The total expense to the town would

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be \$1,680.00. Mrs. O'Leary and her husband would pay for the preparation of three deeds with the resulted parcel and the right of way parcel, the recording of those three deeds and also the cost of the title search done. Their cost in addition to the \$15,000 is \$2,381.56. If that meets with the board's approval, the board could authorize Supervisor Spears to sign the necessary transfer documentation, if in fact that is adopted there is a written resolution authorizing all of that. If approved he would coordinate a closing. A conditional resolution should be used stating Mrs. O'Leary and her husband must remove the dilapidated manufactured home within 90 days after closing. They can keep the foundation, but must remove the top structure.

Motion to Adopt Resolution 4 of 2019 – Authorizing the Supervisor to Sign O'Leary Contract

Motion by Arthur Trovei, 2nd by Ken Smith to adopt Resolution 4 of 2019 - Authorizing the Supervisor to Sign O'Leary Contract.

VOTE: 4 AYES (Roll Call): Alan Schock, Ken Smith, Arthur Trovei, Gary Spears

1 ABSENT: David Dean

MOTION CARRIED

Town Attorney Glen Plotsky reminded the board they have previously discussed a proposed sale of a drainage easement between Hickory Avenue and Wilhelmina Court--it is approximately 0.12 acres. They advertised this contacting the owners of adjoining properties asking for proposals for purchases. John and Annette Carlock were the only people who responded indicated they wanted to pay \$250.00 for the purchase. The Town of Deerpark would need to pay the recording costs. The additional costs are actually \$1,617.00. The Town contracted to have a survey done on this property, so they have a metes and bounds description. They are unsure about the taxable identification to that piece. If the board authorizes him to move forward, he will try to get that information and essentially come back at the next meeting with a presentation. Supervisor Spears said the town received the property through default and the Carlock's want to purchase it. If anyone has any questions, they can call him. Mr. Plotsky will continue gathering information on this.

Supervisor Spears reported on his YMCA Camp discussion and they increased the price to \$98.00 a week and it is still less than half of what the general public would pay. It is very nice of them to do this for the town resident's children for up to two weeks. There were a couple problems with the registration last year and Flo Santini and Theresa Creegan worked out the problems with Heather of the YMCA. Hopefully they will have no problems this year.

Appropriations, Budget and Payment of Bills

Motion to Pay Bills

Motion by Ken Smith, 2nd by Alan Schock 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 #7 of 2019 in the amount of \$98,192.72
Highway Fund Abstract #7 of 2019 in the amount of \$56,765.97
Special Revenue Reserve Fund Abstract #5 of 2019 in the amount of \$310.56

VOTE: 4 AYES: Alan Schock, Ken Smith, Arthur Trovei, Gary Spears

1 ABSENT: David Dean

MOTION CARRIED

Closing Board Comments

Councilman Trovei said he was very happy for George and the Port Jervis Ambulance are doing such a great job getting back. They seem to be turning the corner.

Councilman Schock thanked George for his report. Spring is coming.

Supervisor Spears mentioned that everyone can take up to one truck size or four cubic yards of household trash. If you go to the Transfer Station with a large load like that, go early because they are under DEC regulations and they can only take in a certain amount of trash a day. They have had to turn people away in the past. You can bring up to four tires. They don't take leaves or brush, paint cans, TV's or monitors. The Transfer Station is open Monday through Friday, 8:00 – 3:00 and Saturday 8:00 – 12:00. Residents can get their permits at the Town Clerk's office Monday through Friday, 8:00 – 4:00 with proof of

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residency. The permit is good for the month of May. Councilman Trovei clarified that it is one permit per resident/business and the supervisor confirmed. Mr. Plotsky mentioned a recycling company in Port Jervis for electronics and the supervisor will follow up to make it known to residents. Supervisor Spears mentioned that the county also has a drop off location.

Motion to Enter Executive Session to Discuss Potential Litigation

Motion by Alan Schock, 2nd by Arthur Trovei to enter Executive Session to discuss potential litigation after a 20-minute recess.

VOTE: 4 AYES: Alan Schock, Ken Smith, Arthur Trovei, Gary Spears

1 ABSENT: David Dean

MOTION CARRIED

Motion to Re-Enter Regular Session at 8:56 p.m.

Motion by Alan Schock, 2nd by Arthur Trovei to re-enter the regular session at 8:56 p.m.

VOTE: 4 AYES: Alan Schock, Ken Smith, Arthur Trovei, Gary Spears

1 ABSENT: David Dean

MOTION CARRIED

Motion to Adjourn the Meeting at 8:57 p.m.

Motion to adjourn the meeting at 8:57 p.m.

VOTE: 4 AYES: Alan Schock, Ken Smith, Arthur Trovei, Gary Spears

1 ABSENT: David Dean

MOTION CARRIED

Respectfully submitted by,

Florence T. Santini
Town Clerk