

**TOWN OF DEERPARK
TOWN BOARD REGULAR MEETING
MONDAY, APRIL 17, 2017**

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, David Dean, Arthur Trovei

Attorney: Glen Plotsky

Pledge of Allegiance: George Belcher (Port Jervis Councilman)

Call to Order: 7:03 p.m.

In attendance from the City of Port Jervis:

Mayor: Kelly Decker

Council members: Stan Siegel, George Belcher, Kiel Van Horn, Kirstin Trovei, Gina Fitzpatrick, Sarah Hendry, Lisa Randazzo, Regis Foster and City Clerk Robin Waizenegger

Absent: David Bavoso

Attorney: Bill Bavoso

Supervisor Spears stated this was an information meeting to set a public hearing date for possible annexation of lands between Port Jervis and Deerpark. This has been coming about between them as they seek ways to drive the economic development within the Tri-State area. The lack of water and sewer has held back growth and they are trying to develop an equitable deal that would benefit both the Town of Deerpark and the City of Port Jervis, the applicants and all the surrounding businesses. One of the other benefits that gets added to this is the school district would go into the City of Port Jervis, which might help correct their water and sewer problems with their Sewage Treatment Plant. They are hoping to help the tax payers of Deerpark and Port Jervis. It will also help the public school tax payers, not having to foot the bill for a major renovation in the school.

The *City of Port Jervis Mayor Decker* was present with most of the City Council members and reported they had met several times with the Town of Deerpark and he said they were productive meetings. He said that in 164 years since the existence of the City of Port Jervis they are on the cusp of not just growing in acreage, but also growing jobs, commercial and industrial development and as well as providing safety for their children. The annexation will grow the city by approximately 110 acres and allow the city to provide water and sewer for that development of several parcels of land that are looking to create an industrial park as well as commercial retail space. In the agreement, the city acquires the land and immediately receives half of the local property tax share (if the proposal goes through as is), along with the Town of Deerpark in perpetuity. As the properties develop the tax revenue, increases too, for both. The tax base increases. This is truly a win-win for all. Additionally, the city receives all water and sewer fees for the developed property. The school district on the 209 complex will be brought into the city limits allowing for the 24 hour police protection from the City of Port Jervis Police Department as well as the A3 fire rating in response to the City of Port Jervis Fire Department. Additionally, the school district and the tax payers, as was said before can benefit from no longer needing to run the antiquated sewer plant that has been in NYS DEC violation in the past and is in need of being re-built, but can now be less expensively hooked up to the city sewer system. The city is also taking property that it currently owns, which is the former city landfill, allowing it for more control of operations violations that occur there, such as illegal dumping and trespassing that can be handled by the city. When a municipality grows, whether it's the Town of Deerpark or the City of Port Jervis, with that growth comes construction and with construction comes jobs, with jobs comes a more prosperous city and town and builds a solid residential base. It increases sales tax revenue on top of that. Supervisor Spears and himself, along with their deputies, Dave Dean, David Bavoso and both corporation counsels met several times to hammer out this joint agreement and he thanked them for putting this hard work to give both municipalities an advantage to growing economically. The city is exploding. With secondary education growth on the announcement by the county, that the college and BOCES is entering into the field of Port Jervis, the downtown reconstruction, recreational growth with the hiking and biking trails, and now retail and industrial growth that will provide jobs. The housing market will be the next opportunity, and even though houses can be bought for a steal compared to the rest of the county, along with low taxes they want to keep low, the secret won't last.

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Town Attorney Glen Plotsky read the joint resolution prepared by him and Mr. Bavoso, Council for the City of Port Jervis, (a copy is attached to the official minutes). Mr. Plotsky asked that both the City of Port Jervis City Clerk Treasurer and the Town of Deerpark Town Clerk affix their signatures on the document if it is adopted, then move forward to Public Hearing on May 15, 2017.

Motion to Accept Joint Resolution of the City of Port Jervis and the Town of Deerpark Regarding Annexation of Property

Motion by Ken Smith, 2nd by Arthur Trovei to accept Joint Resolution of the City of Port Jervis and the Town of Deerpark regarding annexation of property (a copy is attached to the official minutes),

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

MOTION CARRIED

Motion to Accept Joint Resolution of the City of Port Jervis and the Town of Deerpark Regarding Annexation of Property

Motion by Stan Siegel, 2nd by Regis Foster to accept Joint Resolution of the City of Port Jervis and the Town of Deerpark regarding annexation of property (a copy is attached to the official minutes),

VOTE: 8 AYES: Stan Siegel, George Belcher, Kiel Van Horn, Kirstin Trovei, Gina Fitzpatrick, Sarah Hendry, Lisa Randazzo, Regis Foster

1 ABSENT: David Bavoso

MOTION CARRIED

Board Comments:

- A question was asked about the piece of property with the Fire Training Center being added to the resolution between the Joy Land piece and the City School District and the attorneys are adding that property.
- A question was asked about paid taxes in perpetuity so if the property goes delinquent they wouldn't pay the Town of Deerpark until they got something from it. Supervisor Spears said they have a different tax situation than they do in the city because if the taxes aren't paid the County makes the town whole. Port Jervis' unpaid tax situation would go into delinquency status, then into a tax sale after two years. There would be an interest charged they would share.
- A question about wording for shared taxes doesn't specify that it would be even or 50/50. A comment was made that a separate tax sharing agreement will be adopted which states 50% from the town and 50% shared from the city. They have to have the Public Hearing because that share may change or it may not. Supervisor Spears said that to answer that question, that will be decided later and this is where it is at now. Mr. Plotsky said the only action in this meeting is to establish the time and place of the public hearing.

Glen Plotsky suggested that Paragraph 11 be added to the Resolution to read as follows: *Approximately 3.50 acres of property owned by the City of Port Jervis, more specifically identified as Section 54, Block 1, Lot 35.1 on the Tax Map of the Town of Deerpark.* Based on the discussion, he would *add verbiage to the second whereas paragraph on the second page that indicates that the payment for property taxes would be after they are received from Port Jervis*, so they would not owe money to the Town of Deerpark in the event there is some delay in receiving taxes. Supervisor Spears said he believed the board was in agreement with that.

Motion to Approve Modifications to Joint Resolution of the City of Port Jervis and the Town of Deerpark Regarding Annexation of Property

Motion by Ken Smith, 2nd by Arthur Trovei, Stan Siegel and Regis Foster to approve modifications of Paragraph 11 that denotes the parcel where the Fire Training Center is; the Whereas that delays the payment of taxes until they are received by the City of Port Jervis.

Town of Deerpark VOTE: 5AYES (Roll Call): Alan Schock, Ken Smith, David Dean, Arthur Trovei, Gary Spears

MOTION CARRIED

City of Port Jervis VOTE: 7 AYES (Roll Call): Sarah Hendry, Regis Foster, George Belcher, Kirstin Trovei, Gina Fitzpatrick, Stan Siegel, Lisa Randazzo

1 NAYE VOTE: Kiel Van Horn

1 ABSENT: David Bavoso

MOTION CARRIED

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Motion to Set Joint Public Hearing on Monday May 15, 2017 at 7:00 p.m. at the TOD Senior Center

Motion by David Dean, 2nd by Ken Smith to set Joint Public Hearing on Monday, May 15, 2017 at 7:00 p.m. at the Town of Deerpark Senior Center located at 410 Route 209, Huguenot, NY concerning the proposed annexation to the City of Port Jervis, on the following properties located in the Town of Deerpark (corrected copy of referenced property is attached to the official minutes).

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

MOTION CARRIED

Motion to Set Joint Public Hearing on Monday May 15, 2017 at 7:00 p.m. at the TOD Senior Center

Motion by George Belcher, 2nd by Lisa Randazzo to set Joint Public Hearing on Monday, May 15, 2017 at 7:00 p.m. at the Town of Deerpark Senior Center located at 410 Route 209, Huguenot, NY concerning the proposed annexation to the City of Port Jervis, on the following properties located in the Town of Deerpark (corrected copy of referenced property is attached to the official minutes).

VOTE: 8 AYES: Stan Siegel, George Belcher, Kiel Van Horn, Kirstin Trovei, Gina Fitzpatrick, Sarah Hendry, Lisa Randazzo, Regis Foster

1 ABSENT: David Bavoso

MOTION CARRIED

The City of Port Jervis Mayor and councilmembers left at 7:27 p.m.

Public Hearing on Orange County Community Development Block Grant (CDBG) for 2018 at 7:40 p.m.

Town Clerk Florence T. Santini read the Public Hearing Notice (a copy is attached to the official minutes).

Public Comment: None

Highway Superintendent Edward Hughson reported that the money would be used to resurface roads. He indicated the \$125,000 would be used to resurface the Sleepy Hollow Road.

Councilman Dean asked how much extra he had to add to the road work in 2017 on Shinhollow Road.

Mr. Hughson replied it could cost another \$75,000 or \$100,000 more, mentioning that it cost \$190,000 to resurface Shinhollow Road, depending on the length of the road.

Motion to Close Public Hearing on Orange County Community Development Block Grant (CDBG) for 2018

Motion by Ken Smith, 2nd by David Dean to close the Public Hearing on the Orange County CDBG for 2018.

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

MOTION CARRIED

Motion to Approve the Community Development Block Grant of 2018 for \$125,000

Motion by David Dean, 2nd by Arthur Trovei to approve the application for Community Development Block Grant (CDBG) of 2018 to use for paving of Sleepy Hollow Road in the amount of \$125,000.

VOTE: 5 AYES (Roll Call): Alan Schock, Ken Smith, David Dean, Arthur Trovei, Gary Spears

MOTION CARRIED

Addition to Agenda – Add Authorization to Advertise for flexible P/T Cleaner of Town Hall

Motion to Authorize Supervisor to Advertise for a Flexible P/T Cleaner

Motion by David Dean, 2nd by Ken Smith to authorize the Supervisor to advertise for a flexible P/T cleaner.

Discussion: Supervisor Spears said this position is flexible and up to 20 hours a week.

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

MOTION CARRIED

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Presentations/Communications

Orange County Legislator Tom Faggione reported it was great to be there for the historic movement by the Town of Deerpark and City of Port Jervis and commended the Town of Deerpark Board for taking the lead and having the meeting there. He said it was great to see two municipalities working together in Orange County and talking about annexation. His perspective as one who represents both the city and the town, he fully supports it. He talked to some at the county level and wanted to remind the board of the Planning Department Commissioner David Church, should they need help with anything. He also said the citizens should know this is a great thing for both the Town of Deerpark and the City of Port Jervis and all of western Orange County. This will be a great development tool. There are news items in eastern Orange County like the lawsuits involving Kiryas Joel and pending North Monroe.

Public Comment Period – None

Department Head Reports

Supervisor Spears thanked Mr. Hughson for his great job through the winter.

Highway Superintendent Ed Hughson reported they had some salt to spare from winter. He said most of their trucks are up and running except for the one involved in an accident. The Insurance Company said they should get a new truck. There is a piece of road on Brandt and the county road and it hasn't been maintained by the town and he isn't sure if it should be legally abandoned. He thought it would benefit the town in the long run. The attorney will do some research on it. Supervisor Spears said he would like to see it abandoned but at a certain point in time there are more homeowners and if they want to have that road rededicated, they will have to bring it up to town specs at their cost, not the town. He would like to pursue that the town abandons its portions of the road. The Attorney asked if it was on the inventory of town roads. Mr. Hughson replied that measurement wise ... it was hard to say. It starts as the Town of Deerpark, becomes Town of Mamakating, then turns back into the Town of Deerpark, then goes back into the Town of Mamakating, then when you reach the end of the road it turns back into the Town of Deerpark again. There are no markers, so it is hard to measure. Discussion followed. Mr. Hughson also said they went out to bid for fuel and gasoline. The bids were opened this past Thursday at 2:30 p.m. He received two bids and read the minutes (attached to the official minutes). He said they had been using County Petroleum and they did come in with the combined bid with diesel and gas about 4 cents cheaper per gallon than Mirabito. Mirabito was cheaper on the diesel, but more on the 87 Octane. Councilman Trovei asked how many gallons of diesel versus how many gallons of gasoline they use per year. Mr. Hughson replied they use much more gasoline than diesel because of the Police Department cars. During the summer months, they hardly use any diesel. The Supervisor said that gasoline was 11 cents cheaper than Mirabito. Mr. Hughson said he would rather stay with County Petroleum because they have been coming out when they need them at a snap of the fingers and they are still a little bit cheaper than the combined prices together. He recommended they accept the bid for County Petroleum. He added that Tow Path Road that goes from the City of Port Jervis into the County Transfer Station is a Town of Deerpark Road on their inventory. Supervisor Spears said the City of Port Jervis maintains it.

Motion to Accept County Petroleum Fuel Bids

Motion by David Dean, 2nd by Ken Smith to accept the bid from County Petroleum for the fuel bids received.

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

MOTION CARRIED

Danielle Glynn, Orange County Volunteer Firefighters Association President spoke about the 100th anniversary of the Sparrowbush Engine Company and hosting the county parade in September. She was asking permission to close the following roads on September 23, 2017 from 8:00 a.m. to 9:00 p.m.: Main Street from Berme to West Street, Berme Road, Corso Road, Academy Avenue, and Upper Brook & Lower Brook with a cross of Main Street. They will park their apparatus at Quality Bus terminal. Their second request was to use the park all weekend. The Police Chief gave her an operation plan for the parade from Noon to 6:00 p.m. She will submit all this to the New York State DOT for a permit to close Route 42 & 97. She will also talk to the City of Port Jervis council about closing roads in the city. They will have signage and pass out flyers for tractor trailers about the road usage. She invited everyone. She has a liquor license. She has an extended insurance waiver. Discussion followed about the blocked traffic affecting businesses. They decided to shutdown Park Ave. at 1:00 p.m. and will be re-opened as soon as the parade passes. Ms. Glynn will also add that they will request people to park northbound only on Routes 42 & 97. The parade starts at 2:00 p.m. and should be off the road by 4:00 p.m. Discussion continued about police coverage.

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Motion to Approve the Request for Road Closures September 23, 2017-OCVFA Parade

Motion by Alan Schock, 2nd by Ken Smith to approve the request for road closures on September 23, 2017 for the Orange County Volunteer Firefighter's Association parade in Sparrowbush with agreed upon modifications.

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

MOTION CARRIED

Motion to Approve April 3, 2017 Board Minutes

Motion by Alan Schock, 2nd by Ken Smith to approve the April 3, 2017 Board Minutes.

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

MOTION CARRIED

Supervisor Spears presented a request from the Port Jervis School District to use the Senior Center from 5:00 p.m. – 6:00 p.m. on weekdays for teaching a student needing extra help. The tutor cannot go to the home, so they would like to use the Senior Center until the end of school. Town Clerk Santini had a copy of the insurance.

Motion to Approve Port Jervis School District Tutoring Session at Senior Center Weekdays

Motion by Arthur Trovei, 2nd by David Dean to approve the request from Port Jervis School District to tutor a student at the Senior Center weekdays from 5:00 – 6:00 p.m. until the end of school.

Discussion: Supervisor Spears explained the need for a neutral environment and Ms. Santini explained the School Psychologist made the request. There was no problem with the schedule. Discussion continued.

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

MOTION FAILED

Appropriations, Budget and Payment of Bills

Motion to Pay Bills and Accept Budget Officer's Report

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

General Fund Abstract #7 of 2017 in the amount of \$100,004.50

Highway Fund Abstract #7 of 2017 in the amount of \$49,333.21

Deerpark Manor Street Lighting Fund Abstract #4 of 2017 in the amount of \$463.03

Special Revenue Reserve Fund Abstract #4 of 2017 in the amount of \$390.00

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

MOTION CARRIED

Closing Board Comments

Councilman Dean said this was really an historic opportunity for the City of Port Jervis and Town of Deerpark to have a joint venture that presents the opportunity that leads to a better place for everybody. This is foresight and vision of the supervisor and it is far reaching and he said he earned his money here. This is good stuff. The not so good stuff is garbage on the road. He knows the judges were supposed to send a guy and he hasn't showed up twice. They have a beautiful place here and there is obscene trash...they throw trash out the window. It is heart breaking. He thought they should approach the Sheriff and get some people to come who are doing penance and he doesn't know if it's possible, but he just hates to see this. Supervisor Spears thought perhaps they could contact Sheriff DuBois and see if he has work programs and reiterate to the judges they need community service people. He will also notify the Police Chief that he wants the police officers to prioritize checking litterers. Mr. Dean said he knows that isn't exciting, but it is very important.

Councilman Trovei said he believed in this kind of cooperation between Port Jervis and Deerpark. He was glad Gary spearheaded this thing and thought it was a great step forward for the future. Sharing assets is good, the town having the land and the city having the sewer and water, could seriously benefit the jobs and taxes. He also commended the City of Port Jervis for also stepping forward in this motion today. He thanked everyone for their hard work on this.

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Supervisor Spears said he thinks this is great for the whole area and how Dave Dean and he have gone to meetings, and Kelly and Dave, but he also thanked Glen Plotsky and Bill Bavoso for their hard work on this as well. They were instrumental in all the dealings, giving proper advice on annexation and facilitating the meetings. He then thanked Glen for his great work for the town and they appreciate it. He thanked Tom for coming and told him if they need help from the county, they were sure they could count on him also.

Councilman Trovei also wanted to thank the Sparrowbush Fire Department and asked Ms. Glynn to extend their appreciation to every member. He thanked her also.

Supervisor Spears mentioned how fortunate they were with all the fire companies. He said the Fire Dinner was at the Erie on May 6th and he just attended the Huguenot Fire Dinner Saturday and they do a wonderful job too.

Councilman Smith wanted to join the other councilmembers in saying this all looks great and he hoped it would come to fruition (annexation).

Councilman Schock said he tries to think of what could be bad about it and can't come up with anything, so thanked everyone and Ed and Danielle as well.

Supervisor Spears thanked Ed Hughson again for all his hard work on salvaging the truck. He really put his thinking cap on and he appreciated it.

Town Clerk Florence Santini announced the birthday party at the Senior Center earlier that day of a senior who celebrated 100 years. Her name was Ana Ianelli. She was very happy and held onto her certificate signed by the Supervisor from the Board. She said she is getting five "guts" with the General Code that won't cost extra. She said she would be leaving Saturday on a five day Town Clerk conference to Rochester.

Motion to Adjourn at 8:52 p.m.

Motion by Ken Smith, 2nd by David Dean to adjourn at 8:52 p.m.

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

MOTION CARRIED

Respectfully submitted by,

Florence T. Santini
Town Clerk

**LEGAL NOTICE
CITY OF PORT JERVIS AND TOWN OF DEERPARK
ORANGE COUNTY, NEW YORK**

NOTICE OF JOINT PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Common Council of the City of Port Jervis, Orange County, New York and the Town Board of the Town of Deerpark, Orange County New York will hold a Joint Public Hearing on the 15th day of May, 2017 at 7:00 p.m. in the Town of Deerpark Senior Center located at 410 U.S. Route 209, Huguenot, N.Y., concerning the proposed annexation to the City of Port Jervis of the following to properties located within the Town of Deerpark:

1. Approximately 19.2 acres of property owned by Deer Port, LLC, more specifically identified as Section 57, Block 3, Lot 3.2 on the Tax Map of the Town of Deerpark. The legal description of the property is attached hereto as "Exhibit A";
2. Approximately 18.0 acres of property owned by River Country Town Square, LLC, more specifically identified as Section 57, Block 3, Lot 2 on the Tax Map of the Town of Deerpark. The legal description of the property is attached hereto as "Exhibit B";
3. Approximately 6.6 acres of property owned by PJ Quarry, Inc., more specifically identified as Section 52, Block 1, Lot 45 on the Tax Map of the Town of Deerpark;
4. Approximately 1.9 acres of property owned by PJ Quarry, Inc., more specifically identified as Section 52, Block 1, Lot 44.1 on the Tax Map of the Town of Deerpark;
5. Approximately 32.4 acres of property owned by PJ Quarry, Inc., more specifically identified as Section 52, Block 1, Lot 46.1 on the Tax Map of the Town of Deerpark;
6. Approximately 8.1 acres of property owned by PJ Quarry, Inc., more specifically identified as Section 52, Block 1, Lot 49.2 on the Tax Map of the Town of

Deerpark;

7. Approximately 11.5 acres of property owned by Sussex & Warren Holding Corp., more specifically identified as Section 54, Block 1, Lot 35.2 on the Tax Map of the Town of Deerpark;
8. Approximately 49.2 acres of property owned by Port Jervis City School District, more specifically identified as Section 54, Block 1, Lot 36 on the Tax Map of the Town of Deerpark;
9. Approximately 5.10 acres of property owned by Port Jervis City School District, more specifically identified as Section 52, Block 2, Lot 15 on the Tax Map of the Town of Deerpark;
10. Approximately 49.90 acres of property owned by City of Port Jervis, more specifically identified as Section 52, Block 1, Lot 47.2 on the Tax Map of the Town of Deerpark; and
11. Approximately 3.50 acres of property owned by City of Port Jervis, more specifically identified as Section 54, Block 1, Lot 35.1 on the Tax Map of the Town of Deerpark.

By Order of the Common Council of the City of Port Jervis, and
the Town Board of the Town of Deerpark

Town of Deerpark

PUBLIC HEARING NOTICE **ORANGE COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR 2018**

The Town of Deerpark invites public comments and suggestions regarding projects to be considered for funding under the Orange County Community Development Program for 2018. A public hearing will be held on the 17th day of April, 2017, at 7:30 PM. 420 Route 209, Town Hall Building, Huguenot, NY. Under this program a variety of physical improvements as listed below are eligible for funding:

- 1) Acquisition & Disposition of Real Property
- 2) Public Works, Public Facilities or Site Improvements
- 3) Code Enforcement (Housing & Health Codes)
- 4) Clearance, Demolition & Rehabilitation for Public Use or Economic Development
- 5) Housing Rehabilitation Loan and Grants
- 6) Special Projects for Elderly & Handicapped
- 7) Provision of Public Services (Shelters, Clinics, Senior Nutrition, etc.)
- 8) Payment of Non-Federal Shares of Other Grant Programs
- 9) Relocation Payments and Assistance

The Town of Deerpark will be considering projects to be submitted to the Orange County Community Development Block Grant Program. The deadline for which is April 28, 2017.

BY ORDER OF
THE TOWN BOARD OF
THE TOWN OF DEERPARK
FLORENCE T. SANTINI
TOWN CLERK