

**TOWN OF DEERPARK  
TOWN BOARD REGULAR MEETING  
MONDAY, JUNE 4, 2018**

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

The scheduled Public Hearings at 7:00 p.m. and 7:15 p.m. would need to cancelled.

*Glen Plotsky, Town Attorney's* recommendation to cancel the public hearing for both 2 Piatt Drive and 6 Piatt Drive was based upon a bankruptcy filing made by Denise Levitz, which has been filed with the US Bankruptcy Court, pursuant to that filing all proceedings for enforcement of any kind are stayed—there may be legal issues that would be addressed by others who aren't involved in that and he has requested to be kept informed as to developments as the matter proceeds from Orange County.

**Motion to Cancel Public Hearing Relative to Both 2 Piatt Drive and 6 Piatt Drive**

Motion by Arthur Trovei, 2<sup>nd</sup> by Ken Smith to cancel the public hearing relative to both 2 Piatt Drive and 6 Piatt Drive based upon the bankruptcy filing.

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

**1 ABSENT: David Dean**

**MOTION CARRIED**

*Glen Plotsky, Town Attorney's* recommendation to cancel the public hearing for 1045 State Route 209 was based upon a bankruptcy filing made by Kathleen Christopherson, pursuant to the US Bankruptcy Code all proceedings for enforcement of any type are stayed. He anticipates the town and/or his office will be notified if and when anything occurs at the bankruptcy court that would permit them to move forward.

**Motion to Cancel Public Hearing Relative to 1045 State Route 209**

Motion by Arthur Trovei, 2<sup>nd</sup> by Ken Smith to cancel the public hearing relative to 1045 State Route 209 based upon the bankruptcy filing.

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

**1 ABSENT: David Dean**

**MOTION CARRIED**

**Motion to Recess Until Regular Meeting at 7:30 p.m.**

Motion by Gary Spears, 2<sup>nd</sup> by Ken Smith to recess until the regular meeting at 7:30 p.m.

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

**1 ABSENT: David Dean**

**MOTION CARRIED**

Invocation led by Arthur Trovei (Participation Optional)

**Supervisor:** Gary Spears

**Councilmen:** Alan Schock, Ken Smith, Arthur Trovei

**Absent:** David Dean

**Attorney:** Glen Plotsky

**Engineer:** Al Fusco, Jr.

**Pledge of Allegiance** led by Alan Schock

**Call to Order** at 7:34 p.m.

Additions or Deletions to Agenda

**Motion to Add Millennium Pipeline Donation and Amended Crown Castle Agreement to the Agenda**

Motion by Ken Smith, 2<sup>nd</sup> by Alan Schock to add the Millennium Pipeline donation and the amended Crown Castle Agreement to the Agenda.

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

**1 ABSENT: David Dean**

**MOTION CARRIED**

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Presentations/Communications

Supervisor Spears read the letter from the Millennium Pipeline and how they have appreciated the support provided during their regulatory and permitting process. They are committed to being a good corporate neighbor and want to demonstrate it through their donation fund supporting local initiatives. Millennium is offering to donate over three years, \$20,000 annually to the Town of Deerpark. (Letter is on file with the official Minutes.) The Supervisor will send a thank you to them.

Public Comment Period: None

**Motion to Approve May 21, 2018 Board Minutes**

Motion by Ken Smith, 2<sup>nd</sup> by Alan Schock to approve the May 21, 2018 Board Minutes.

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

**1 ABSENT: David Dean**

**MOTION CARRIED**

**Motion to Approve Resolution 12, 2018 – Town of Deerpark Retirement Work Day and Reporting**

Motion by Ken Smith, 2<sup>nd</sup> by Arthur Trovei to approve Resolution 12, 2018 – Town of Deerpark Retirement Work Day and Reporting to be sent to the New York State and Local Employees' Retirement System.

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

**1 ABSENT: David Dean**

**MOTION CARRIED**

**Motion to Approve Leave of Absence Request**

Motion by Ken Smith, 2<sup>nd</sup> by Alan Schock to approve the leave of absence requested by Town of Deerpark Police Officer Brian Kelly from May 1, 2018 to June 30, 2018.

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

**1 ABSENT: David Dean**

**MOTION CARRIED**

Supervisor Spears read the letter from Michael Witt stating his interest to serve on the Ethics Board, but also would like to be appointed to the Planning, Zoning or Board of Assessment Review Boards. The Supervisor asked the town attorney to research if he would be allowed to serve on two boards at the same time. Also, the Supervisor mentioned that he is waiting on a letter of resignation from Dan Witt on the Zoning Board.

Supervisor Spears mentioned the timber management at Boehmler Park and for safety and insurance purposes, then suggested to officially close the park while there is work going on in the park.

**Motion to Close Boehmler Park June, July and August 2018**

Motion by Arthur Trovei, 2<sup>nd</sup> by Ken Smith to close Boehmler Park for the months of June, July and August 2018.

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

**1 ABSENT: David Dean**

**MOTION CARRIED**

Supervisor Spears inquired of the town attorney about his request for him to check into other towns on multi-family housing. Mr. Plotsky confirmed he has made preliminary contacts but hadn't received any specific information. They have a couple more months on the moratorium. Mr. Plotsky said they need to redefine multi-family. The Supervisor said he would put this on the agenda for the next meeting and wants to advertise so the public can come in and give comments. Discussion followed.

**Motion to Accept Donation of \$20,000 Annually for Three Years from Millennium Pipeline**

Motion by Arthur Trovei, 2<sup>nd</sup> by Alan Schock to accept the donation of \$20,000 annually for three years from Millennium Pipeline.

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

**1 ABSENT: David Dean**

**MOTION CARRIED**

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**Motion to Authorize the Supervisor to Sign the Amended Crown Castle Agreement**

Motion by Ken Smith, 2<sup>nd</sup> by Alan Schock to authorize the Supervisor to sign the amended Crown Castle Agreement that will upgrade equipment and increase the town's revenue.

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

**1 ABSENT: David Dean**

**MOTION CARRIED**

Appropriations, Budget and Payment of Bills

**Motion to Pay Bills**

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

General Fund Abstract #10 of 2018 in the amount of \$104,796.59

Highway Fund Abstract #10 of 2018 in the amount of \$47,812.27

Special Revenue Reserve Fund Abstract #4 of 2018 in the amount of \$522.00

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

**1 ABSENT: David Dean**

**MOTION CARRIED**

Supervisor Spears reported how the Transfer Station has a daily limit of 40 tons and the Town of Deerparcs Clean Up month was in May and later in May they turned some customers away. He contacted Pete Hammond, the Deputy Commissioner of Orange County Environmental Facilities & Services and they will try to correct this. The town has extended through the month of June for those residents with a permit who couldn't use it in May, and secondly, they will set up a meeting along with Legislator Tom Faggione to increase the daily, weekly or monthly limit. This has to be done in conjunction with the DEC who put that limit on the county. This will be on the website and people have been called who have contacted his office who were refused by the Transfer Station.

Closing Board Comments

Supervisor Spears reported on the last meeting regarding the Annexation discussion with the City of Port Jervis. They are still going forward. They had a meeting with Barton & Loguidice doing the study and in the mean time they want to set up a meeting with Port Jervis and iron out all the details regarding sharing revenue. Going forward with the study—when the public asks questions—they can define situations a whole lot better. They are checking into some questions raised by a local town attorney and adjoined properties, etc. This is not speeding along, they want to make sure it gets done properly and is beneficial for both towns. He then reported that they did purchase playground equipment and had it installed at Bigger Park in Deerpark Manor and that money came from subdivision lots where they get a \$1,000 recreation fee. They are now getting quotes for Harriet Space Park equipment and he welcomes any input.

Councilman Trovei thanked Gary for how hard he works and wasn't sure people knew how hard he worked. He thanked him for the conversations leading to such good results.

Councilman Schock said it was good to see Boehmler Park was being harvested. He urged everyone to pray for Dave.

Councilman Smith said their thoughts are for their friend Dave. He said Gary did a good job negotiating.

**Motion to Enter Executive Session to Discuss Tax Certioraris and Potential Litigation at 8:20 p.m.**

Motion by Arthur Trovei, 2<sup>nd</sup> by Ken Smith to enter Executive Session to discuss tax certioraris and potential litigation and invite in the town attorney, at 8:20 p.m. following a 15-minute recess.

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

**1 ABSENT: David Dean**

**MOTION CARRIED**

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**Motion to Re-Enter Regular Session at 8:58 p.m.**

Motion by Alan Schock, 2<sup>nd</sup> by Arthur Trovei to re-enter Regular Session at 8:58 p.m.

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

**1 ABSENT: David Dean**

**MOTION CARRIED**

**Motion to Adjourn at 9:00 p.m.**

Motion by Arthur Trovei, 2<sup>nd</sup> by Ken Smith to adjourn at 9:00 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