

**TOWN OF DEERPARK  
TOWN BOARD REGULAR MEETING  
MONDAY, JULY 2, 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.

**Pledge of Allegiance** led by Ken Smith

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

Additions or Deletions to Agenda – None

Presentations/Communications

*Hank Chapman from Haylor, Freyer & Coon, Inc.* – presented a Proposed Insurance Program for the Board to consider for the next year. He spoke about their policies and provided a notebook of his proposal that is in the Town Clerk's Office for review. Discussion followed. More information on terrorism and umbrella information is forthcoming.

Supervisor Spears announced that Port Jervis was hosting a Dinner and Fireworks on the Delaware Tuesday, July 3<sup>rd</sup> at 6:00 p.m. for \$15.00, Riverside Park.

Public Comment:

*Grace Woodard* – She said that Dragon Springs is on the agenda and she understands the Board has a permit for the 18,000 - gallon Waste Treatment Plant. Supervisor Spears said they have approval from the DEC. Ms. Woodard said they also have to let DEC know when they begin the construction. The trucks came in with their stuff today. She was stuck in traffic. She didn't know if they had let them know if they had begun to work on it. Supervisor Spears said they did send a representative up there and they did take a delivery, but they had not started working. Ms. Woodard said they have to let the DEC know when they are, and Mr. Spears added they need to let the town know as well. Ms. Woodard said when they pull you over you go into the ditch. It's very risky there. Because the insurance *representative* was there, she didn't know if the Dragon Springs, which is the largest structure in the Town of Deerpark, which has been in violation of a federal stipulation since 2014, is a big liability issue as far as many citizens of the town are concerned. One is the fire—fire safety—we have not been able to get any state or local fire inspection reports, we've foiled since February. We've had nothing on that. Supervisor Spears said they do inspections but they have not passed them. She said this is a big liability for fire. She said I have land right across from them—70 acres and Guymard Lane, which relies on Huguenot instead of Cuddebackville Fire Department is very concerned. I'm head of the Guymard Holding Corporation, so I'm speaking for them as well as Deerpark Rural Alliance. And, the issue here is that it is ongoing, this liability issue with construction, which I think the insurance company should really be apprised of because construction without permits...and I know there's to be new oversight and I don't know whether that has started. There's a lot of action going on up there—at the moment. I know that some things have been approved. In the final scoping session they still have to come back...but, as is their want after the last 17 years, they have built without permission. They've gone ahead, come back, we all know the routine. So, this is a concern because they have lots of people up there. In some of the buildings they still have the 8<sup>th</sup> story. Is that going to be torn down? An illegally built structure? I don't know. Okay, this is about a year and a half issue, frankly that has not been decided on. There is no incentive for them to make these corrections.

**Motion to Approve June 4, 2018 Board Minutes**

Motion by Ken Smith, 2<sup>nd</sup> by Arthur Trovei to approve the June 4, 2018 Board Minutes.

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

**MOTION CARRIED**

Old Business

Supervisor Spears said they would be scheduling a Public Hearing for Local Law #7 for a zoning change for Multiple Family Housing. They've had some discussions and input from residents., *Town Attorney Glen Plotsky* reported that Section 230-26

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of the Deerpark zoning law is the multi-family residents law. Subsection F has to do with density, which is the primary concern of the board. The Board had indicated that the Assessors wanted to know the increase of density. He spoke about the law.

Supervisor Spears added that he thought when they have a public hearing they'll have discussions on parking and the public input on that will help them gauge how everyone feels. They are at a point where they want to advertise the public hearing and then go into a final draft.

**Motion to Schedule a Public Hearing for the Local Law #7 – Multi-Family Residential Uses**

Motion by Gary Spears, 2<sup>nd</sup> by Alan Schock to schedule a public hearing for the Local Law #7 entitled "A Local Law Amending Section 230-26 of the Town of Deerpark Zoning Law for Multi-Family Residential Uses in the Town of Deerpark, Orange County, State of New York for Cold War Veterans Authorized by Real Property Tax Law Section 458-b" on Monday, July 16<sup>th</sup> at 7:00 p.m.

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

**MOTION CARRIED**

Supervisor Spears mentioned the temporary approval for the Dragon Springs 18,400 plus or minus gallons per day discussed for quite some time now. They are before the Planning Board seeking for a Waste Water Treatment Plant of 100,000 gallons per day and this would hold them over with the problems that they have. There's a lot of conditions on this. He said that Ms. Woodard was correct, their tanks were delivered that day but they have not begun construction yet. *Town Attorney Glen Plotsky* spoke about the request being for three years, the construction would have to be in accordance with plans that were previously submitted and approved by the New York State DEC. They would have to continue their pursuit of overall site plan approval including this 18,400 -gallon per day or a larger system, which frankly they have initially proposed. The permit would expire either when the Planning Board completes it's work and then they would need a new one if in fact they are approved. There was concern over the demolition of the covered walkway and he had told them that if that hadn't commenced, there was no way that this would be viewed favorably, and of course, that has commenced as of June 21<sup>st</sup>. Supervisor Spears asked the Town Engineer if their building department or him as an engineer has received any plans which shows what they're actually going to do? *Town Engineer Al Fusco* replied they do not have detailed plans from them, but he has a copy of the draft permit issued by the New York State Department of Environmental Conservation. He is aware of the procedures. They will have to submit for a building permit with complete detailed plans that they will review. Supervisor Spears also asked about the list of "as built" they've have been waiting on for everything that has been constructed up there. Mr. Fusco replied they have made an attempt and given him a document that says "as built" but he has not accepted it as the "as built" drawings that he knows he has. He will share with the board what he has. Councilman Trovei asked if it was in the boards scope to approve this and Mr. Plotsky replied it has to be approved by the Town Board and no other board. More discussion followed.

**Motion to Table Dragon Springs Request for Approval of Waste Water Treatment Plant**

Motion by Arthur Trovei, 2<sup>nd</sup> by David Dean to table Dragon Spring Request for approval of Waste Water Treatment Plant for further thoughts and ask Building Inspector to create a list of the ongoing discussions and a list of telling points that have to be taken care of before considering for approval.

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

**MOTION CARRIED**

Old Business

**Motion to Authorize Town Attorney to Sign Tax Certiorari Settlement for the Lynx Golf Course**

Motion by Ken Smith, 2<sup>nd</sup> by Alan Schock to authorize the Town Attorney Glen Plotsky to sign the tax certiorari settlement for the Lynx Golf Course.

Discussion: Mr. Plotsky said the settlement he previewed has the correct numbers in it. Deborah Natalizio, Town Assessor has already adjusted the rolls for one year.

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

**MOTION CARRIED**

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**Motion to Approve New Century Films Mass Gathering Permit – September 2018 Festival**

Motion by Ken Smith, 2<sup>nd</sup> by Alan Schock to approve the New Century Films Mass Gathering Permit for their September 2018 Festival.

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

**MOTION CARRIED**

The Supervisor asked Town Attorney Glen Plotsky to confirm the purpose of the proposed Resolution 15. Mr. Plotsky mentioned that the HUB/Port Jervis Holding IDA Agreement was discussed in May and it had been tabled to verify the numbers and unbeknownst to the attorneys working with the IDA, the property was again sold to another entity and he wrote to all the attorneys involved and basically said we're done. He said they weren't signing anything or agreeing to anything. The only response he received was from the Attorney from the IDA who said he knew nothing but would let him know if he heard anything. They are on record as opposing any further tax relief of that building or its owners and in order to support that, the board could vote on a motion to redefine their displeasure as far as pilot programs are non-transferrable. Supervisor Spears said he would like to do that since the board agreed to have him sign it.

**Motion to Withdraw Any Consent/Agreement Involving Tax Benefit to Owners of HUB**

Motion by Alan Schock, 2<sup>nd</sup> by Ken Smith to withdraw any consent or agreement involving tax benefit to prior or new owners of the property commonly known as the HUB.

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

**MOTION CARRIED**

New Business

**Motion to Approve Resolution 13 of 2018 – Authorizing TOD to Participate in the NYS DOS 2018-2019 Local Government Efficiency Grant Application for the Orange County Water Efficient Fleet Wash Project**

Motion by David Dean, 2<sup>nd</sup> by Arthur Trovei to approve Resolution 13 of 2018 authorizing TOD to participate in the NYS DOS 2018-2019 Local Government Efficiency Grant Application for the Orange County Water Efficient Fleet Wash Project.

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

**MOTION CARRIED**

**Motion to Approve Resolution 14 of 2018 – Authorizing the Town of Deerpark to Participate in the Orange-Ulster BOCES Police Ride Along Program**

Motion by Arthur Trovei, 2<sup>nd</sup> by David Dean to approve Resolution 14 of 2018 authorizing the Town of Deerpark to participate in the Orange-Ulster BOCES Police Ride Along Program.

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

**MOTION CARRIED**

**Motion to Approve Hiring Two Part-Time Police Officers – Nicholas Osowick and Seth Mortenson**

Motion by Ken Smith, 2<sup>nd</sup> by Arthur Trovei to hire part-time Police Officers Nicholas Osowick and Seth Mortenson and agree to pay for Phase II of the Academy (\$500 each).

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

**MOTION CARRIED**

**Motion to Approve Email Vote of June 18, 2018 Meeting Cancellation**

Motion by Ken Smith, 2<sup>nd</sup> the Alan Schock to approve the email vote of the June 18, 2018 meeting cancellation.

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

**MOTION CARRIED**

**Motion to Approve Cancelling the August 20, 2018 Board Meeting Due to No Quorum**

Motion by Alan Schock, 2<sup>nd</sup> by Arthur Trovei to approve cancelling the August 20, 2018 Board Meeting due to no quorum.

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

**MOTION CARRIED**

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**Motion to Approve the Insurance Change for July 2018 Insurance Carrier to**

Motion by David Dean, 2<sup>nd</sup> by Ken Smith to approve the Insurance Change for July 2018 Insurance Carrier to Haylor, Freyer & Coon, Inc. (HV&C).

Discussion: Supervisor Spears mentioned that Hank Chapman did a lot of work, and he mentioned all the work his bookkeeper Danielle Glynn did, to get this done. Councilman Dean said it was a good thing for the people in the town too, as they'll have good coverage and save tax dollars.

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

**MOTION CARRIED**

**Motion to Approve Oakland Valley Racetrack with Amended Dates**

Motion by Gary Spears, 2<sup>nd</sup> by Ken Smith to approve the Oakland Valley Racetrack with the amended dates.

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

**MOTION CARRIED**

**Motion to Approve Junkyard License for Burnett Enterprises (BRIM Recyclers) – 19 Route 211, Cuddebackville, NY**

Motion by Alan Schock, 2<sup>nd</sup> by Ken Smith to approve Burnett Enterprises (BRIM Recyclers) at 19 Route 211, Cuddebackville, NY renewal of their Junkyard License, as recommended by the Building Department.

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

**MOTION CARRIED**

**Motion to Approve Junkyard License for Eckes Auto Body – 787 Route 42, Sparrowbush, NY**

Motion by David Dean, 2<sup>nd</sup> Ken Smith to approve Eckes Auto Body – 787 Route 42, Sparrowbush, NY renewal of their Junkyard License, as recommended by the Building Department.

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

**MOTION CARRIED**

**Motion to Approve Junkyard License for Regina Tenke - Tenke's Garage – 609 Route 209, Godeffroy, NY**

Motion by Alan Schock, 2<sup>nd</sup> by Ken Smith to approve Regina Tenke - Tenke's Garage – 609 Route 209, Godeffroy, NY renewal of their Junkyard License, as recommended by the Building Department.

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

**MOTION CARRIED**

**Motion to Approve Junkyard License for Arthur Trovei & Sons, Inc. – 82 Sleepy Hollow Road, Sparrowbush, NY**

Motion by Ken Smith, 2<sup>nd</sup> by Alan Schock to approve Arthur Trovei & Sons, Inc. – 82 Sleepy Hollow Road, Sparrowbush, NY renewal of their Junkyard License, as recommended by the Building Department.

**VOTE: 4 AYES: Alan Schock, Ken Smith, David Dean, Gary Spears**

**1 ABSTENTION: Arthur Trovei**

**MOTION CARRIED**

**Motion to Accept Letter of Resignation from the Zoning Board of Appeals by Daniel Witt**

Motion by Ken Smith, 2<sup>nd</sup> by Alan Schock to accept his letter of resignation from Daniel Witt of the Zoning Board of Appeals.

**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, 2<sup>nd</sup> by Ken Smith to pay bills from June 18, 2018 that have been signed by three council members and may be viewed in the Town Clerk's Office.

General Fund Abstract #11 of 2018 in the amount of \$130,137.83

Highway Fund Abstract #11 of 2018 in the amount of \$29,534.60

Deerpark Manor Street Lighting Abstract #6 of 2018 in the amount of \$436.53

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

**MOTION CARRIED**

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**Motion to Pay Bills**

Motion by Arthur Trovei, 2<sup>nd</sup> by Alan Schock to pay bills from July 2, 2018 that have been signed by three council members and may be viewed in the Town Clerk's Office.

General Fund Abstract #12 of 2018 in the amount of \$66,790.55  
Highway Fund Abstract #12 of 2018 in the amount of \$38,720.78

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

**MOTION CARRIED**

Supervisor Spears announced the Town Offices would be closed Wednesday in observance of Independence Day (July 4<sup>th</sup>) and the Court for Tuesday, July 3<sup>rd</sup> is closed as well.

The supervisor gave out the Budget Officer's Report to the board and it is available in the Town Clerk's office if anyone wants to see it.

Closing Board Comments

Councilman Dean thanked Mr. Chapman for the presentation and he said he was always happy when they can save money for people in this town.

Councilman Schock – None

Councilman Smith thanked Mr. Chapman for saving the town money.

Supervisor Spears thanked Hank and said it was a pleasure working with him. Michael was there and has offered to be on any board they would like to place him on and said he would be speaking to him.

Councilman Trovei said he didn't know if the town knows how hard our Supervisor works and thanked him for all the work and money he saved by searching out this insurance change.

**Motion to Enter Executive Session to discuss Corcoran and Potential Litigation**

Motion by Ken Smith, 2<sup>nd</sup> by David Dean to enter Executive Session for the purpose of discussing the Corcoran matter and potential litigation after a 15-minute recess, at 9:15 p.m. and invite in both the Town Attorney and Town Engineer.

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

**MOTION CARRIED**

**Motion to Re-enter Regular Session at 10:10 p.m.**

Motion by Arthur Trovei, 2<sup>nd</sup> by Alan Schock to re-enter Regular Session at 10:10 p.m.

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

**MOTION CARRIED**

**Motion to Adjourn at 10:15 p.m.**

Motion by David Dean, 2<sup>nd</sup> by Ken Smith to adjourn at 10:15 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