

**TOWN OF DEERPARK
TOWN BOARD MEETING
TOWN BOARD REGULAR MEETING
MONDAY, JULY 6, 2015**

Invocation by Arthur Trovei (Participation Optional)

Attendance

Supervisor: Gary Spears

Councilmember's: Arthur Trovei, David Dean, Alan Schock, Ken Smith

Attorney: Glen Plotsky

Engineer: Alfred Fusco, Jr.

Call to Order at 7:35 p.m.

Pledge of Allegiance by Councilman Dean

Presentations/Communications

National Park Service – Kristina Heister, Superintendent to the Upper Delaware Scenic and Recreational River said one of her goals for her first year was to get around and visit with the councilmen or township supervisors in the 73.5 miles of the river. She gave a brief report on who she was and what had happened in her first year. A packet was handed out and she mentioned each of them. She mentioned the River Cleanup Days, Hiking Trails, Children's Programs and other upcoming events. They are celebrating the 100th anniversary of the National Park Service in 2016. She invited everyone to contact her at any time at www.nps.gov/upde and/or (570)685-4871.

Oakland Valley Road Closure – Supervisor Spears announced that the Oakland Valley Road is closed this week for repairs by the County of Orange and they hope to complete it in one week or less. They made arrangements for detours and also made arrangements with the Fire Companies and mutual aid so if any problems arise. They are changing the culvert under the road and it is a concrete culvert. They'll take out all the deteriorating concrete.

Public Comment Period – None

Motion to Approve June 1, June 11 and June 15, 2015 Town Board Minutes

Motion by Arthur Trovei, 2nd by Alan Schock to approve June 1, June 11, June 15, 2015 Town Board Minutes.

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

1 ABSTENTION: David Dean

MOTION CARRIED

New Business

Supervisor Spears introduced the Resolution for Tax Collector Bond. He asked the Town Clerk if everything was in place. Ms. Santini said they received the Certificate of Liability insurance from RC Lain. The certificate holder was Orange County Clerk for the dates of 7/19/14 to 7/19/15. It is the bond the Tax Collector gets every year and somehow they missed it. It took six months for them to acknowledge she missed her bond. They just need the resolution of the bond and she's covered.

Motion to Adopt Resolution 12 of 2015 – Approve Tax Collector Bond

Motion by David Dean, 2nd by Ken Smith to adopt Resolution 12 of 2015 – Approve Tax Collector Bond.

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

MOTION CARRIED

Attorney Glen Plotsky spoke of the Introduction of Local Law No. 1 of 2015 saying they adopted a Local Law last year and he had added a Section 230-4 of the Zoning Law by adding definitions regarding public utility and public utility structures and amending Section 230-15 to include the HM-U, IB and I-1 Industrial Zones by adding Public Utility structures to the schedule of district regulations. Basically, this is the law prompted by Orange & Rockland interest in building some sort of facility in the Town of Deerpark. They requested a permitted use rather than special use. So, over a year ago the Town entertained a law, held a public hearing and passed it. It was sent to Albany and somehow the meat of the law got dropped when recorded in Albany. So, basically they had all the recording sheets, but none of the local law. So the easiest fix is to re-introduce the Local Law this year, schedule a public hearing, re-vote and if authorized, then republish. This time hopefully, the law will be

**TOWN OF DEERPARK
TOWN BOARD MEETING
TOWN BOARD REGULAR MEETING
MONDAY, JULY 6, 2015**

included there. Councilman Schock asked how that happened and Glen Plotsky said he didn't know. It escapes him how they accepted it and recorded a local law but had no local law. He said they are not sure how it happened.

Motion to Schedule the Public Hearing for Introduction to Local Law No. 1 of 2015 on August 1, 2015

Motion by Ken Smith, 2nd by Alan Schock to schedule the Public Hearing for Introduction to Local Law No. 1 of 2015 – Amending Section 230-4 of the Zoning Law by Adding Definitions Regarding “Public Utility” and “Public Utility Structures” and Amending Section 230-15 of the Zoning Law to include HM-U, IB and I-1 Industrial Zones by Adding “Public Utility Structures” to the Schedule of District Regulations” at 7:30 p.m. on August 1, 2015.

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

MOTION CARRIED

Supervisor Spears asked the Town Clerk and Attorney to take care of the Public Notice and the filing for the Public Hearing.

Motion to Amend Motion Appointing Planning Board and Zoning Board of Appeals Secretary

Motion by Alan Schock, 2nd by Ken Smith to amend June 15, 2015 Appointment of Amanda Gorr as Planning Board, Zoning Board of Appeals, Board of Assessment Review and Floating Clerk not to exceed 29 hours a week, at \$12.50 an hour with a six-month probationary.

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

MOTION CARRIED

Continuation of discussion about unsafe structures. The Public Hearing of 29 Upper Brook Road, Sparrowbush, NY SBL: 46-1-51 was held open until this meeting. They decided to hear reports on this property first.

Al Fusco, Jr. - Town Engineer reported there had been no additional activity on that. They had a Building Permit pulled at one point to do a minor demolition, but they made it worse and nothing has been done there.

Glen Plotsky – Town Attorney reported there was no response from any of the lien holders. He sent letters to each and every entity identified on June 16th through their attorney if there was one identified, and if not it was sent to them directly. There was no representatives as of 8:02 p.m. of those lien holders and felt they were within their rights to close the public hearing.

Motion to Close Public Hearing on Unsafe Structure - 29 Upper Brook Road, Sparrowbush, NY SBL 46-1-51

Motion by Ken Smith, 2nd by Alan Schock to close Public Hearing on Unsafe Structure - 29 Upper Brook Road, Sparrowbush, NY SBL 46-1-51.

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

MOTION CARRIED

Al Fusco, Jr. – Town Engineer reported on 1049 Route 209, saying they inspected it but nothing has changed. It is still an attractive nuisance. They've had numerous violations and the response has been minimal. However, they recommend further action for 30 days as the Building Department has movement and compliance, it is alleged they have a contractor to do the demolition and the owner is unable to get up here from Flushing and he hopes to get up here this week or next week to sign the application and pay the fees. So, he's like to recommend holding it open for 30 days. Supervisor Spears said he heard from the Code Enforcement Officer that day and an excavator is sitting on the site.

The next property, 1514 Route 209 SBL: 7-1-169, Mr. Fusco said this is a letter they have done in compliance with code. A copy of the letter is attached to the official minutes. They recommend the Town Board pass a resolution ordering the demolition of the structure to commence in thirty (30) days and be completed in sixty (60) days. Failure to comply will allow the Town Board to demolish and remove the structure and access all expenses against land. The demolition would take place through a competitive bid, including asbestos removal. Section 119-12 Assessment of expenses requires that all expenses to be assessed to the property and levied and collected in a manner consistent with Article 15 of the Town Code and Article 78-b of the General Municipal Law. This is absolutely a dangerous building. Supervisor Spears asked if they need to order the asbestos survey before they move on that. Mr. Fusco replied they need to order the asbestos survey before they can put the bid out. Councilman Dean asked who did the asbestos survey. Mr. Fusco replied they had two outfits that do them and he'll get the cheapest quote from them.

**TOWN OF DEERPARK
TOWN BOARD MEETING
TOWN BOARD REGULAR MEETING
MONDAY, JULY 6, 2015**

Motion to Schedule Public Hearing Re: Unsafe Structure 1514 US Route 209, SBL:7-1-169

Motion by David Dean, 2nd by Alan Schock to schedule the Public Hearing Re: Unsafe Structure on 1514 US Route 209, SBL:7-1-169 at 7:30 p.m., Monday, August 3, 2015.

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

MOTION CARRIED

Amended Motion to Schedule the Public Hearing for Introduction to Local Law No. 1 of 2015 from August 1, 2015 to August 3, 2015

Amended Motion by Ken Smith, 2nd by Alan Schock to schedule the Public Hearing for Introduction to Local Law No. 1 of 2015 – Amending Section 230-4 of the Zoning Law by Adding Definitions Regarding “Public Utility” and “Public Utility Structures” and Amending Section 230-15 of the Zoning Law to include HM-U, IB and I-1 Industrial Zones by Adding “Public Utility Structures” to the Schedule of District Regulations” at 7:30 p.m. from August 1, 2015 to August 3, 2015.

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

MOTION CARRIED

Al Fusco, Jr. continued regarding the other unsafe structure at 2 Piatt Drive, SBL:22-1-47 and they quoted Section 119-1 of the Town Code related to dangerous buildings like the last one he read. However, this one had a fire and the building was condemned. They have had a lot of issues with this one. They need a public hearing on this and they would proceed with a demolition and get the asbestos testing with sealed bids for the removal of the property. Councilman Dean said there was likely to be resistance at this site. The first resistance might come from the asbestos inspection. Mr. Fusco said it would probably be at the public hearing and at the asbestos. Councilman Dean continued saying they would need to be protective and notify Social Services. Al Fusco said that this house was condemned. Supervisor Spears asked if there were any liens and Mr. Plotsky replied no. He said that on all that have been discussed previously, there were no mortgages only some unpaid taxes. Councilman Schock asked what it would take for them to be compliant and Mr. Fusco answered about \$30,000 structural, material, roof, pretty much the entire building. Councilman Trovei asked if they could change the use of it from residence. More discussion continued.

Motion to Schedule the Public Hearing Re: Unsafe Structure, 2 Piatt Drive, SBL:22-1-47

Motion by David Dean, 2nd by Ken Smith to schedule the Public Hearing Re: Unsafe Structure, 2 Piatt Drive, SBL:22-1-47 at 7:30 p.m., Monday, August 3, 2015.

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

MOTION CARRIED

Glen Plotsky mentioned the property owned by Ms. Christopherson has repeatedly contact him asking for guidance because she claims she was paid \$25,000 and she needed the property. The title search says she still owns it. At this point, he believes that because a year has passed, they would be better served if they held another public hearing. He didn't know what the other attorney did or didn't do, but according to the County Clerk's Office in Goshen she owns it. There are no liens. Supervisor Spears asked if she sold it for a Quit Claim Deed. Mr. Plotsky confirmed but said she received the money but the other person never recorded the deed.

Motion to Schedule the Public Hearing Re: Unsafe Structure, 1045 US Route 209, SBL:22-1-43

Motion by David Dean, 2nd by Ken Smith to schedule the Public Hearing Re: Unsafe Structure, 1045 US Route 209, SBL:22-1-43 at 7:30 p.m., Monday, August 3, 2015.

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

MOTION CARRIED

Glen Plotsky suggested entertaining action regarding the Morgan property (29 Upper Brook) since all the lien holders, as well as property owners were notified in the hearing was open and now it has been closed. Supervisor Spears asked Mr. Fusco if they should order the asbestos survey and he said yes.

**TOWN OF DEERPARK
TOWN BOARD MEETING
TOWN BOARD REGULAR MEETING
MONDAY, JULY 6, 2015**

Motion to Order Asbestos Survey and Bids for Demolition of 29 Upper Brook Road, SBL:46-1-51

Motion by Ken Smith, 2nd by David Dean to order the asbestos survey and solicit bids for demolition of 29 Upper Brook Road in Sparrowbush, NY, SBL:46-1-51.

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

MOTION CARRIED

Appropriations, Budget, and Payment of Bills – Budget Officer’s Report

Motion to Pay Bills

Motion by Alan Schock, 2nd by Ken Smith to pay bills that have been signed by three council members and may be viewed in the Town Clerk’s Office:

General Fund Abstract #12 of 2015 in the amount of \$177,179.84
Highway Fund Abstract #12 of 2015 in the amount of \$67,831.28
Engineering Fund Abstract #8 of 2015 in the amount of \$574.50

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

MOTION CARRIED

Motion to Accept Budget Officer’s June 2015 Report

Motion by David Dean, 2nd by Ken Smith to accept the Budget Officer’s June 2015 Report.

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

MOTION CARRIED

Closing Board Comments

Councilman Trovei – said that like Al and the others, he finds it dismaying to handle these properties. He believes the school district better get a handle on things, because they are causing a lot of problems that people can’t afford to dig out. Even in Port Jervis, the minute they upgrade their property, they want to go in there and they want to tax them and it is out of hand and not fair to the people. He doesn’t know how they can do something different, but it is a mess in Port Jervis because their assessor does that, he doesn’t want to see that happen in Deerpark. If somebody fixes up their house and cleans it up, he didn’t think it should cause their taxes to go up. He said he didn’t think it was happening here. It’s making people not fix up their houses, paint them, make them look good ... they’re afraid they’ll raise their taxes. He went back to the School District and said they need to get their act together because they’re chasing people out of town.

Councilman Schock – said they really need to go out of their way to help these older people keep their houses. He doesn’t like kicking older people out of their house and especially when their taxes are being paid and there is no mortgage. They did their due diligence and now that their building has to be torn down, he thought something should be done differently. He doesn’t wasn’t to put them in the poor house because their building comes down.

Supervisor Spears said they were getting off the subject and this had been a problem they were dealing with for a long time and if anybody has to go there for any emergency, they have small aisles through the house and there is a problem of not getting out. So, he wanted to make it clear. Conversation continued. Mr. Spears also said the tax base in the Town of Deerpark is the second lowest in Orange County.

Al Fusco spoke to some situations and gave examples of what the situations were in these unsafe structure issues. Sometimes they need to protect the people from themselves because they just don’t know or forgot.

Councilman Smith – None

Councilman Dean thanked the Superintendent from the National Parks Service for coming. He said she is doing a great job and is conscientious, has different ideas from past superintendents and that is to be expected. He had one correction and that was the Upper Delaware is not an actual park. He said she works very hard. He had the pleasure to go to Westfall, Pennsylvania where the Superintendent was there along with the head of the Upper Delaware Council and the current

**TOWN OF DEERPARK
TOWN BOARD MEETING
TOWN BOARD REGULAR MEETING
MONDAY, JULY 6, 2015**

chairman and others. The Town of Westfall is directly opposite from Hawk's Nest and they have an attractive nuisance in the Hawk's Nest with the high pitched motorcycles. Westfall made a complaint and Mr. Dean asked the Police Chief to put together a synopsis of what the Town of Deerpark does as far as reports that go on the Hawk's Nest so Westfall would know that Deerpark is on top of it. So, the Chief and his staff put together a synopsis of infractions and tickets issued and during the period of April 1 to June 17 of this year, there were 50 traffic tickets issues in the town and the total issued on Route 97 was 23, so almost half those tickets were on that road. When he presented that information at the meeting, along with the chief's letter, Al Henry was the acting chair of the UDC at this time and he is a retired law enforcement officer. He thought the Town of Deerpark was doing a stellar job policing the Hawk's Nest. He diffused the situation. They were still working on who it was that is riding the motorcycle. Mr. Dean wanted to give out a shout to the Chief and the whole police department because they drew the praise from the outside. He also was sad and disheartened to think that they have to put people out of their homes, but these are people who for whatever circumstance are a danger not only to themselves, but their neighbors. The problem is that this happens and it is up to them to do their very best to keep everyone safe. Unfortunately, they went through this a year and a half ago and this time they have to be strong about this and try to get them some help from the county. This is a bad situation and they can't ignore it. It is dangerous.

Supervisor Spears said that in the summer they do schedule extra patrols on the Hawk's Nest during the high peak times. This was not just for noise and speed control. The word gets out when they are enforcing this and it does cut down some. The Police Department knows about it and they were on top of it. He thought that Kristina was a hard worker and had good ideas. He thought it was good she came. He thought the river clean up might be something Deerpark should sponsor.

Motion to Enter Executive Session Re: Discussion of Litigation after Recess at 8:50 p.m.

Motion by Ken Smith, 2nd by Al Schock to enter Executive Session to discuss litigation after a 10 minute recess at 8:50 p.m. and invite Town Attorney Glen Plotsky, Town Engineer Al Fusco, Jr.

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

MOTION CARRIED

Motion to Re-Enter Regular Session at 10:45 p.m.

Motion by Arthur Trovei, 2nd by Ken Smith to re-enter Regular Session at 10:45 p.m.

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

MOTION CARRIED

Motion to Appoint Chris Murphy as P/T Police Officer

Motion by Ken Smith, 2nd by Al Schock to appoint Chris Murphy as P/T Police Officer pursuant to the PBA contract.

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

MOTION CARRIED

Motion to Appoint N. Passamano as P/T Police Officer

Motion to appoint N. Passamano as P/T Police Officer. Discussion. Motion Tabled.

Motion to Adopt Resolution 13 of 2015 - Grant Application-NYS Home & Community Renewal

Motion by Ken Smith, 2nd by Al Schock to adopt Resolution 13 of 2015 - Grant Application under the New York State Homes and Community Renewal and/or Housing Trust Fund Corporation and the NYS Office of Parks Recreation and Historic Presentation and endorses the 2015 application, and authorize the Supervisor to sign the contract, with the engineer fee capped at \$5,000.00.

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

MOTION CARRIED

Motion to Approve Software System for Building Department

Motion by Ken Smith, 2nd by David Dean to approve Software System for the Building Department and authorize the Supervisor to sign the contract with GovQA Inc., within his discretion.

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

MOTION CARRIED

**TOWN OF DEERPARK
TOWN BOARD MEETING
TOWN BOARD REGULAR MEETING
MONDAY, JULY 6, 2015**

Motion to Adjourn at 10:49 p.m.

Motion by David Dean, 2nd by Ken Smith to adjourn at 10:49 p.m.

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

MOTION CARRIED

Respectfully submitted by,

Florence T. Santini
Town Clerk