

**TOWN OF DEERPARK
TOWN BOARD REGULAR MEETING
MONDAY, JUNE 19, 2017**

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

Attendance: Gary Spears

Councilmen: Alan Schock, Ken Smith, David Dean, Arthur Trovei (7:30)

Engineer: John Nosek, Fusco Engineering

Attorney: Glen Plotsky

Pledge of Allegiance: Gary Spears

Call to Order: 7:04 p.m. – Combined Meeting of Town of Deerpark Board/City of Port Jervis Council

In attendance from the City of Port Jervis:

Mayor: Kelly Decker

Council members: Stan Siegel, George Belcher, Gina Fitzpatrick, Sarah Hendry, Regis Foster and City Deputy Clerk:
Bobbie Jo Muller

Attorney: Bill Bavoso

Others in attendance: Glen Gidaly, Engineer from Barton & Loguidice

Supervisor Spears asked the Town of Deerpark and the City of Port Jervis attorneys to speak about their joint meeting for the purpose of setting a public hearing about the annexation of properties. He went on to say they are missing a few pieces at this point in time and instead of going forward, they will try to put everything together and do that at a later date. While everyone is there and they discuss it, they will take questions afterwards.

Town of Deerpark Attorney Glen Plotsky stated this meeting was originally scheduled as a joint meeting in order to and for the purpose of scheduling a public hearing to start a process of investigating possible annexation of certain properties by the City of Port Jervis from the Town of Deerpark. The concept being that it would be a friendly annexation, meaning that by agreement by most various parties of property owners, the Town Board of the Town of Deerpark and the Council of the City of Port Jervis. He personally, as a representative of the Town of Deerpark, had several discussions with the Superintendent of Schools Tom Bongiovi and as of his last discussion with him, the school was not yet prepared to sign a petition. However, he did welcome the possibility of both Supervisor Spears and Mayor Decker going before the School Board to explain their concepts and why this might be a positive step for the school district. Similarly, they collectively had discussions with one of the property owners who owns several parcels and part of the process is the property owner has to sign a petition and there are several other aspects to that. That particular property owner has not to date, signed the petition and has asked them to delay the process so they could be a part of it. They received two petitions from two property owners. One property owner has been contacted, but there is a question or dispute and he and Mr. Bavoso will take steps to try to follow up with that property owner. So, rather than scheduling a public hearing, they have been asked to open up the meeting for preliminary discussion this evening and to schedule tentatively and then each board could adopt a resolution to do so. They would need to schedule another joint meeting and want to look at July 24th, which is a regular meeting of the common council in the City Port Jervis at City Hall. Mr. Bavoso was good with everything Glen said, but in addition they need to discuss studying the annexation, which is a component or requirement of the statutes.

Supervisor Spears said they reached out to an Engineering Firm to get some preliminary information on how to go about this. They came up with some very good ideas in discussions with himself and the Mayor of Port Jervis that they use a public hearing, when they do schedule it for somewhat of a scoping session so they can get input from all the residents from both towns and the boards and business owners of both towns of what they should be studying. They want to know what is of the most interest to people as far as tax base, traffic and any number of things. He thinks that would be a good avenue to follow when they finally do schedule a public hearing. They would have a public hearing before they actually order the study so they know exactly what they want and what the residents concern is. He thought he and Mayor Decker should speak to the school board and let them know what they think the benefits to the school are and what the benefits to the tax payers are. Mayor Decker offered to make that arrangement for their first July meeting.

Supervisor Spears briefly reported they have parcels of land that are currently in the Town of Deerpark that are undeveloped. They are totally vacant. Owners of those properties have projects they would like to do, but they would require sewer and

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water, which the Town of Deerpark doesn't have. Mayor Decker interjected that the City of Port Jervis could provide water to the Town of Deerpark, but they cannot provide sewer because they are under an agreement with the New York City DEP and Port Water from the 1940's. The properties would have to come into the City of Port Jervis in order for them to receive city sewer. When they are annexed into the city limits, they fall under the city's population requirement, which should not ever be a problem, those applicants can get water and sewer to those projects they hope will drive economic development of the area, possibly motels, restaurant pads, movie theater, some of what was mentioned. The agreement they are trying to enter into with Port Jervis is that they would split the added assessment from those things between the two towns. So, they would both benefit financially for the town, but also drive employment in the area and for businesses to thrive and for residents to have more choices. Mayor Decker added they had meetings with the engineers in regards to services. He said there is a concern that Port Jervis is taking the brunt of the services and that would be split too. Supervisor Spears said that was something they would study because they don't know the cost at this point. All that is open and this is their attempt to get something going in this area that has been somewhat stagnant especially in Deerpark for a while. The other piece of property that is owned by Dick's Concrete who would like to do a small industrial park and they feel they could get more employment opportunities for businesses if they have water and sewer instead of doing a small box for sewer. Mayor Decker said they have already had two approach them saying they would seriously consider coming if they had city sewer and water. Supervisor Spears said they should keep in mind the requirements from the town and the city. These are not going to be residential properties. No private residences and no apartments. They are looking for industry to promote tourism in the area. These are their ideas and these are what they will pursue. Mayor Decker said they would be taking in two parcels of Port Jervis city land that are in the Town of Deerpark, as well as in brief, with the school district—they would bring them in. The primary one would be sewage and safety. The Police Department is great in the Town of Deerpark but they are on a limited time versus Port Jervis, which has a 24 hour Police Department. The other factor is the school district has a sewer system built in the 1960s that will need to be replaced and it is down in the flood plain. It will be much easier to just tie into the existing sewer system rather than replace it. Discussion about police mutual aid was brought up and the school is protected. They invited the public to make comments.

Public Comments:

Betsy Gardiner resident in the City of Port Jervis. She said, "my concern is the services because the annexation paperwork as it stands right now says the Town of Deerpark gets 50% of the taxes and perpetuity. That is a win-win for Deerpark. It's not necessarily a win-win for the Port Jervis residents because we are providing the plowing, the police, etc. So, I have an issue with the perpetuity because ... and I do think this is a wonderful idea. I think it is wonderful for both of our communities. But, I don't understand why Mr. Bavoso as the attorney for the City of Port Jervis is not saying, wait a minute. Why is Deerpark getting perpetuity... it makes no sense to me. "

Supervisor Spears offered to respond. He said, "in reality, Deerpark's giving up the land for perpetuity and so we would want something in return for that. I think what we're going to study is what your costs might be. Our experience in this is that there is a private development of hotel and restaurant and they provide all their own snow plowing and stuff like that. So, the only added cost we can foresee right now would be police protection and how much is that going to be? We don't know. Is that something the police will handle on their normal routine? Is it something you'll have to add policeman to would be something that we would study. Because the cost may be negligent. It may be more and we don't know that now. They're going to pay for their own businesses. We'll pay for our own sewer hookups, that type of thing. We're not seeing a whole lot of costs and I may be proven wrong, but right now that's where we're at. If we do get a hotel, we have agreed there is a hotel tax that's going to go completely to Port Jervis. So as we go forward with this, we may make adjustments but the Town of Deerpark and the board is giving up our land forever, so we feel we would be entitled to some compensation."

Ms. Gardiner said she didn't know about the hotel tax and it wasn't in the newspaper or paper work she read. She said she thought in the study, it should be looked at what the costs will be. There's going to have to be roads to get to these properties.

Mayor Decker said the roads are already there and they are not going to change hands. He mentioned County Roads 15 & 16 and 209 that is the entrance to Dick's Concrete will remain the same.

Supervisor Spears said he sits on the Orange County Transportation Council with Jack Farr from Port Jervis and they're going to do a western study on improvement of transportation over here. And we've got our foot in on the ground floor to get some money to the interchange and stuff down there. That was a great question. He then asked if anyone else had a question.

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Supervisor Spears said they will schedule another joint hearing and they'll try to all their paperwork in order and they'll schedule a public hearing. They'll gather as much information as they can. They'll include that in their study so questions like that are good. Mayor Decker said that if there were more questions, they could email himself or Gary.

Supervisor Spears suggested planning another Joint Meeting with the Port Jervis Council and the Town of Deerpark Board on July 24th at the Port Jervis City Hall at 7:30 p.m.

Motion to Schedule Joint Meeting of TOD Board and City of Port Jervis Council July 24, 2017 at 7:30 p.m.

Motion by David Dean, 2nd by Ken Smith to schedule a joint meeting of the Town of Deerpark Board with the Port Jervis Council at the Port Jervis City Hall, 20 Hammond Street, Port Jervis, New York on Monday, July 24, 2017 at 7:30 p.m.

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

1 ABSENT: Arthur Trovei

MOTION CARRIED

Motion to Adjourn Joint City of Port Jervis Council Meeting at 7:20 p.m.

Motion by George Belcher, 2nd by Stan Siegel to adjourn the joint meeting of the City of Port Jervis Council with the Town of Deerpark Board at 7:20 p.m.

City of Port Jervis VOTE: 5 AYES: Stan Siegel, George Belcher, Gina Fitzpatrick, Sarah Hendry, Regis Foster

4 ABSENT: Kirstin Trovei, Kiel Van Horn, David Bavoso, Lisa Randazzo

MOTION CARRIED

The Town of Deerpark Board took a 10 minute recess. The Regular Business of the Town of Deerpark Board began meeting.

Invocation: Councilman Trovei (Participation Optional)

Pledge of Allegiance: Alan Schock

Call to Order: 7:40 p.m.

Addition/Deletions to Agenda – None

Presentations/Communications

Tom Faggione, Orange County Legislator said he was glad that the Supervisor in Deerpark and the Mayor in the City of Port Jervis, along with both councils were working together on this progress. He wanted to state they both have his full support and he thought when everything goes forward, it will not just be a great thing for the Town of Deerpark but also the City of Port Jervis, and therefore all of western Orange County. He is willing to help if they need. He said he has been busy with county meetings, working on keeping the spending down and encouraging more growth for business. They heard good news that day of new businesses considering coming to Orange County. Regional tourism is a strong economic driver in the summer time. The county now features a video of the River in the Town of Deerpark. He thanked the board for all they do.

George Ewing, Port Jervis Volunteer Ambulance Corps reported that it has been a long six months. He said the volunteer participation has been up 12%, so their payroll has been cut by a third at this point. They are running an average of 30 – 40 calls a week. Finances are better and they are starting to pay down the city. They are bringing in \$30,000 - \$40,000 a month in billing. He said they did a coin drop like everyone recommended. In four hours they took in well over \$1,800. That impressed him. They also had a bake sale at the Sportsmen Show in the City of Port Jervis. They got a lot of donations. They trying to take in new volunteers and train them. They are going to start rotating their meetings from Monday through Saturday, which should increase attendance at their meetings. They are working with a grant writer, though it will cost them money, they believe they will be awarded finances to buy a new ambulance. Supervisor Spears said they were happy things were going well and some of the things they tried have been successful. He hoped they kept doing the coin drop once in a while. Saturday was a day committed to be at the Oakland Valley Racetrack and they were paid. Councilman Dean asked him when they last raised their price. Mr. Ewing replied unofficially they are given \$55.00 flat fee an hour for an ambulance. They paid them a bit more than they expected. Discussion continued. A copy of his handout is attached to the official minutes.

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Department Head Report

Supervisor Spears reported for the Highway Superintendent saying they are paving and will be for the next three weeks.

Motion to Approve June 5, 2017 Board Minutes

Motion by Gary Spears, 2nd by Ken Smith to approve the June 5, 2017 Board Minutes.

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

MOTION CARRIED

Old Business – None

New Business

Motion to Cancel July 3, 2017 Board Meeting

Motion by Arthur Trovei, 2nd by Alan Schock to cancel July 3, 2017 Board Meeting. (Next Board Meeting is July 17, 2017.)

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

MOTION CARRIED

Motion to Approve the Orange County New York Police Mutual Aid and Response Plan

Motion by David Dean, 2nd Ken Smith to approve the Orange County New York Police Mutual Aid and Rapid Response Plan as written.

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

MOTION CARRIED

Motion to Approve New Members of Huguenot Fire District

Motion by Ken Smith, 2nd by Arthur Trovei to approve the new members of the Huguenot Fire District per recommendation of the Fire Department membership committee as follows: Bert Streuble, Meagan McGregor, Dale McGregor.

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

MOTION CARRIED

Councilman Dean led the discussion of the Upper Delaware Council Resolution regarding the geotourism. The Parks Service is looking to have them pass a resolution noting that the Upper Delaware River and corridor would be promoted to this geotourism by the National Geographic Society. The UDC joined the National Geographic Society two years ago and the result is their request for a resolution. He was reporting on the details of what the policies and investment would be and thought it would be good for the area. They need to decide on a resolution adopting the Upper Delaware River and corridor to be a member of the National Geographic sanction. He said he didn't see any benefit from it, but thought it was rather innocuous and not harmful. Supervisor Spears thought they as a board should promote the river more and thinks the UDC is trying to promote tourism and geotourism. He thinks it might behoove them to get on board and didn't find anything detrimental in it. Councilman Dean read the resolution out loud. Discussion continued. There is no request for money.

Motion to Adopt Resolution 8 of 2017 – Resolution in Support of Scenic Wild Delaware River Geotourism Initiative

Motion by David Dean, 2nd by Ken Smith to adopt Resolution 8 of 2017, a Resolution in Support of Scenic Wild Delaware River Geotourism Initiative. (A copy is attached to the official minutes.)

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

MOTION CARRIED

Supervisor Spears read the letter from the Building Inspector regarding an unsafe building located at 48 Apple Lane, where there is no one living, a pool is in total disrepair, there are pets, propane tanks and the property is unsecure. John Nosek, Fusco Engineering was available in place of Al Fusco, Jr. and said measures need to be taken to fix what is in bad shape. This is a nuisance and unsafe and for those reasons read in the letter from Mr. Fusco, he suggests taking whatever steps are necessary.

Glen Plotsky, Town Attorney suggested they request a title search to verify the homeowner and lender and to date, Mr. Plotsky has not received that report. A Public Hearing could be scheduled, issued upon receipt of the title report and notification to any potential lender as well as the current owner, then move forward in that fashion.

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Motion to Set Public Hearing For July 17, 2017 at 7:30 p.m. – 48 Apple Lane, Westbrookville, NY 12785

Motion by Gary Spears, 2nd by Alan Schock to set a public hearing for Monday, July 17, 2017 at 7:30 p.m. to discuss action against property at 48 Apple Lane, Westbrookville, NY 12785 with the record owner and/or bank.

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

MOTION CARRIED

Motion to Approve Paying July 3, 2017 Bills

Motion by Ken Smith, 2nd by David Dean to pre-approve paying bills the week of July 3, 2017 with three or more councilmen signatures.

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

MOTION CARRIED

Councilman Dean mentioned a meeting he and Jack Flynn attended with the New York City Water Authority who has jurisdiction of water supply from the City of New York. The discussion included a small problem with a leaking dam. They talked about the communities up and down the Delaware should look at the possibility of the Early Warning System to warn citizens. They talked about a siren at the Sparrowbush Fire House from their childhood. They talked to the UDC about it and Jack got together with the Board of Directors at the Sparrowbush Fire Company. They worked on that for a year and a half. The siren is functional. He read a letter being sent to the UDC. They are wanting Jack Flynn to present to them on how he took care of this need for the Early Warning System, since the Town of Deerpark is the first to respond to this. He expressed his thanks to Jack.

Councilman Dean then mentioned there was a blood drive in honor of their friend Bob Emerson on Wednesday, June 28th from 1 – 6 p.m. at the Elks Lodge in Port Jervis. They will have five beds for regular donors and two beds for those who want to donate platelets. Pre-registration is recommended. Flo Santini will get the word out.

Appropriations, Budget and Payment of Bills

Motion to Pay Bills and Accept Budget Officer's Report

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

General Fund Abstract #11 of 2017 in the amount of \$107,836.78
Highway Fund Abstract #11 of 2017 in the amount of \$24,914.06
Deerpark Manor Street Lighting Fund Abstract #6 in the amount of \$450.09
Special Revenue Reserve Fund Abstract #7 of 2017 in the amount of \$315.80

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

MOTION CARRIED

Supervisor Spears said the General and Highway Budget reports were there for the board to look at.

Closing Board Comments

Councilman Trovei thanked the new volunteers to the Fire Department here and in Port Jervis.

Councilman Dean said he said more than enough.

Councilman Schock said he thought the meetings with both Deerpark and the City of Port Jervis were good – he didn't see anything bad. He also thanked George for the ambulance report.

Councilman Smith – None

Supervisor Spears said he had the pleasure of attending all three of the town fire department dinners and to see how many volunteers they have and to listen to the work they do was very impressive. He wanted to salute all of them. He does get reports from George on the Ambulance Corps and they have been taking on quite a few new volunteers and he sees them also.

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It is a great area and the volunteers have always been a huge part of this area. Hopefully, it will continue to grow and they can take care of each other this way. Councilman Schock asked about a siren at the Deerpark Senior Center and Councilman Dean will talk to Jack Flynn.

Motion to Enter Executive Session for the Purpose of Discussion Possible Litigation and Tax Certiorari Settlements

Motion by Gary Spears, 2nd by Ken Smith to enter into Executive Session for the purpose of discussing possible litigation and tax certiorari settlements and invite in Town Attorney Glen Plotsky and Town Engineer Al Fusco, Jr. at 8:50 p.m.

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

MOTION CARRIED

Motion to Re-enter Regular Session at 9:40 p.m.

Motion by Arthur Trovei, 2nd by David Dean to re-enter Regular Session at 9:40 p.m.

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

MOTION CARRIED

Motion to Adjourn at 9:41 p.m.

Motion by Ken Smith, 2nd by Alan Schock to adjourn at 9:41 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