

**TOWN OF DEERPARK  
TOWN BOARD REGULAR MEETING  
MONDAY, MAY 6, 2019**

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

**Engineer:** Al Fusco, Jr.

**Attorney:** Glen Plotsky

**Pledge of Allegiance:** David Dean

**Call to Order:** 7:37 p.m.

Addition or Deletions to Agenda

**Motion to Add the Alcohol Waiver to the Agenda**

Motion by Ken Smith, 2<sup>nd</sup> by David Dean to add the Alcohol Waiver to the Agenda.

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

**MOTION CARRIED**

Presentations/Communications

Supervisor Spears reported the town has a Bulk Clean up during the month of May. Every resident in the town can get a coupon at the Town Clerk's Office for one load of household garbage free to the Transfer Station. It helps keep the town clean.

*Mike Rydell, Superintendent of the Port Jervis School District* presented the 2019/20 School Budget with *Nicholas Pantaleone, Assistant Superintendent for Instruction* and *Joseph Lenz, Assistant Superintendent for Business*. His goal was to share their vision and how and why they are doing it. He also wanted to say what the tax implications would be. Using a power point presentation, he showed their learning program with the overall concept being expanding the school day and expanding the school year. He wants the school to involve students in academics, enrichment opportunities, athletics and the arts. (The entire presentation is on file in the Town Clerk's Office.) Mr. Lenz reported on the tax cap formula (2% tax cap), but this year however the formulate yield potential cap comes out to 3.43%. He said they were proposing a .89% as an increase. State Aid came in at \$1.5 million. In summary, the collective goal is to be a premier school district. The final numbers of the proposed budget for the 2019/20 that was approved by the Board of Education at their last meeting was \$75,160,916 million (\$2.9 over current school year's budget). Mr. Pantaleone reported on the education and preparing students for jobs and expanding programs. He mentioned adding soccer, wrestling and music teachers, buses and chrome books. Because of the favorable state aid, they are at the .89%. He invited people to contact them with comments or questions: Mike Rydell – [mrydell@pjschools.org](mailto:mrydell@pjschools.org); J. Lenz – [jlentz@pjschools.org](mailto:jlentz@pjschools.org); and N. Pantaleone – [npantaleone@pjschools.org](mailto:npantaleone@pjschools.org). Mr. Rydell said that along with the budget, there were three board vacancies and three candidates and a they will be voted on May 21<sup>st</sup> from 7 a.m. to 9 p.m. at the school. There is a Meet the Candidate time this Thursday, May 9<sup>th</sup> at 7 p.m. in the School Cafeteria. They fielded questions.

Department Head Report – None

**Motion to Approve April 1, 2019 Board Minutes**

Motion by Alan Schock, 2<sup>nd</sup> by Ken Smith to approve April 1, 2019 Board Minutes.

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

**MOTION CARRIED**

**Motion to Approve April 15, 2019 Board Minutes**

Motion by Arthur Trovei, 2<sup>nd</sup> by Ken Smith to approve April 15, 2019 Board Minutes.

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

**MOTION CARRIED**

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New Business

Public Comments: Noise Ordinance Disclaimer – the Recording of this section malfunctioned.

Marc Greene – 310 Prospect Hill Road – Racetrack

Owen Wright – 227 Oakland Valley Road – He purchased property for recreation and has not been able to use it because of the unacceptable and persistent noise due to the racetrack. They hear high levels of noise when the track is supposed to be closed.

Wayne Decker – 530 Prospect Hill Road – Thanked the Board for looking into finding a solution to the noise. He referred back to the original Court decree and over time the vehicles and their uses have changed. He reflected on when a three-day National Organization held an event and because they required mufflers, and surprisingly they heard no complaints.

Monica Coyne – 151 Prospect Hill Road – The problem is volume, the duration of volume and the frequency of volume. Each year it gets louder and louder making spring, summer and fall weekends unbearable. Loud whining, pounding, squealing and roaring noises must be in violation of the noise ordinance. Even on the quiet weekends when there are no scheduled events, there is still loud activity.

Claudia Barrett – 78 Guymard Turnpike – Campground & Racetrack they leave a mess and ruin our weekends. How is our community benefitting from this campground, from this track, except making our lives here, the people who are part of this community—making us unhappy. Please think about that when making laws ... for example, a Russian folk singing group to come here and go on until 4 a.m. in the morning with no consideration at all for the rules of our community. We are a residential community. People have jobs, children have to go to school. People use our community without any regard.

Mark Helias – 78 Guymard Turnpike – His concerns were about the KOA park. He asked about jurisdiction about who answers the complaint and who issues a citation when someone is in violation of the ordinances. He read the statutes and it is stated that there is to be no P.A. system in the ordinance of Deerpark. That means any sound reinforcement. He doesn't know why that is not reinforced. Last summer on several occasions it went on until 4 a.m.

Supervisor Spears commented that when they started researching this, they began with the noise ordinance, which is different than the campground law, which is different than zoning on campgrounds. So, as they are taking input, their job is looking at all three of them. They will make changes to all three of them so they read the same. This meeting is to hear from everyone, then the town will work with the attorney and engineer for a solution. They will have a Public Hearing when they have a proposed law. They hope it will be a win win situation for the residents and businesses.

Mr. Helias wanted to know why the ordinance has not been reinforced. He heard inferences the town might be skittish due to tax revenue. He wanted to point these things out.

Mr. Spears said the local ordinances would be a noise ordinance, campground law or even the zoning cannot be addressed by the state police. As a town, the Police Department is on duty only up till midnight. We have a problem that will be addressed with either overtime or a midnight shift, or some other way. But this is the big picture for them. They are working on it and he has spoken to the campgrounds and they are willing to work with them.

Bette Czajkowski – 100 Betty Jane Lane – She thanked the board for listening. When the campground was brand new, they ended at 10 p.m. when they had events. This is continual, all day. She has to close her windows. She said it used to be that noise couldn't leave their border. The campground seems to be getting bigger and larger and less regulated. She had the impression the police were uncomfortable addressing problems there due to impaired people. Her neighbor found drunk people in his yard in the morning and he has two daughters. He's afraid to say anything.

Bruce Quinn – 248 Guymard Turnpike – He was told by the senior investigator of the state police that if they have a copy of the town ordinance, they would enforce it at the time when the Deerpark Police force is closed. Mr. Spears said he would check into that. He didn't know it

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would be so tough to enforce a town ordinance. Whose job is it to enforce? Mr. Spears replied it could be the Code Enforcer or the Police. Mr. Quinn asked if it cannot be enforced do you have to be forced to stay inside your house? He knows the board is working on it, but asked what the accomplishments were in the year they were working on it. Mr. Spears answered “not a lot”. So, the Russians are coming a week from Friday...Mr. Spears clarified that he has had meetings with the Police Department and the Code Enforcement Officers on the proper steps to take while working on it. Mr. Quinn said he should plan on the noise stopping at 11 p.m. when the Russians are at the camp.

Colleen Hannen – 305 Oakland Valley – She said the race track is her business. She was aware of neighbors concerned about the noise level. They are a local family business and they bought the business in 2009. They work with BOCES and they work with and hire many youths to help them prepare for the workforce. They feel if they would be approached about the noise, they would try to address it. They sell go-carts. They do not have races during the week. Technology changes. They would be glad to address these problems. They want to benefit the area and many of those who come to the track spend money in town. They will be very glad to work with the town to do whatever is necessary.

Cheryl Greene – 310 Prospect Hill Road – She appreciates all they are doing with the youth at the track and that they are willing to work with the town. She has called the number on the website and tells them it is Sunday night at 11:00 a.m. and I have to wake to go to work at 5:00 a.m., you’re supposed to be done at 8 o’clock. She has called the Police and stated that it was 11:30 ... too late, too loud and the officer said he could hear it while they were speaking and she confirmed and said they were a mile away. They run during the week and Sunday nights. They’ll tell you they aren’t, but they are.

*Town Attorney Glen Plotsky* said 100 days between May 1 and Oct 31 they have to provide 5 quiet weekends. The weekends fluctuate with weather. They have to provide reports and they do that religiously. They propose the schedule and it was addressed. He needs to check on the hours during the days. Mr. Spears said they fill out the report.

Dave Allen – 305 Oakland Valley—He works at the track. They religiously end at their 11 o’clock time. He knows the decimal rates on their bikes do not surpass what is in their permits or in the town’s obligations. They are just a small town business and it doesn’t help that they are in a valley and it amplifies the sound and makes it travel all the way down over the Greenville Mountain. That track has been there since 1962. They are willing to work with everybody and mufflers will work, but it also decreases the performance of the vehicle. They all have mufflers—some are baffles.

Supervisor Spears mentioned that when they are addressing these issues, that may be a requirement like the national standard someone talked about. As you know, the noise is much louder than it used to be. It used to be go-carts with a five horse power engines. They aren’t trying to put them out of business, they are trying to give them certain rights and they are trying to protect the residents. It is not an easy task and they are sure nobody will be happy when they’re done but hopefully it works.

Councilman Trovei added that for their benefit and for their growth, he would start pushing these people to get better mufflers to quiet the sound. If everyone is at the same level, what does it matter. If everyone is on the same path at the take off line, what does it matter how high the performance is.

Supervisor Spears thanked everyone saying they would be working on it. He will be in touch with both the campground people and the track and they’ll try to come up with something that will work.

**Motion to Approve Leave of Absence for Louis Rizzo (Board of Assessment Review)**

Motion by Alan Schock, 2<sup>nd</sup> by David Dean to approve a one-year leave of absence for Louis Rizzo on the Board of Assessment Review.

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

**MOTION CARRIED**

Supervisor Spears read three letters of interest for service on the BAR, although they will not make the training held the 22<sup>nd</sup> of May. He will set up an interview before the next Board Meeting. Councilman Dean verified they still have enough members. Mr. Spears said they have four members out of five and they only need three. The only possible problem is if they have a two to two tie. The training is required before they can make a determination. The letters were from Constance E. Carlsen, Mary E. Baker and Katalin Tompos.

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**Motion to Approve Junkyard Permit for Muller's Auto Body – 417 State Route 97, Sparrowbush, NY 12780**

Motion by David Dean, 2<sup>nd</sup> by Ken Smith to approve the junkyard permit for Muller's Auto Body (417 State Route 97, Sparrowbush, NY 12780), upon the recommendation from the Building Inspector (2018/19).

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

**MOTION CARRIED**

**Motion to Approve Junkyard Permit for Muller's Auto Body – 417 State Route 97, Sparrowbush, NY 12780**

Motion by David Dean, 2<sup>nd</sup> by Ken Smith to approve the junkyard permit for Muller's Auto Body (417 State Route 97, Sparrowbush, NY 12780), upon the recommendation from the Building Inspector for 2019.

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

**MOTION CARRIED**

**Motion to Approve Junkyard Permit for Eckes Auto Body – 787 State Route 42, Sparrowbush, NY 12780**

Motion by Ken Smith, 2<sup>nd</sup> by Alan Schock to approve the junkyard permit for Eckes Auto Body (787 State Route 42, Sparrowbush, NY 12780), upon the recommendation from the Building Inspector for 2019.

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

**MOTION CARRIED**

**Motion to Approve Junkyard Permit for Tenke's Garage -- 609 Route 209, Cuddebackville, NY 12729**

Motion by Alan Schock, 2<sup>nd</sup> by Ken Smith to approve the junkyard permit for Tenke's Garage (609 Route 209, Cuddebackville, NY 12729), upon the recommendation from the Building Inspector for 2019.

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

**MOTION CARRIED**

**Motion to Approve Junkyard Permit for BRIM Recyclers Inc. – 23 State Route 211, Cuddebackville, NY 12729**

Motion by Ken Smith, 2<sup>nd</sup> by Alan Schock to approve the junkyard permit for BRIM Recyclers Inc. (23 State Route 211, Cuddebackville, NY 12729), upon the recommendation from the Building Inspector for 2019.

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

**MOTION CARRIED**

**Motion to Approve Junkyard Permit for Arthur Trovei & Sons, Inc. – 82 Sleepy Hollow Rd., Sparrowbush, NY 12780**

Motion by David Dean, 2<sup>nd</sup> by Alan Schock to approve the junkyard permit for Arthur Trovei & Sons, Inc. (82 Sleepy Hollow Rd., Sparrowbush, NY 12780), upon the recommendation from the Building Inspector for 2019.

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

**1 ABSTENTION: Arthur Trovei**

**MOTION CARRIED**

**Motion to Approve 30-Day Waiver for Liquor License for The Grill at River Bend**

Motion by Ken Smith, 2<sup>nd</sup> by Arthur Trovei to approve the 30-day waiver for the Liquor License Application to the New York State Liquor Authority, as requested by the Orange Hospitality Corp.

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

General Fund Abstract #9 of 2019 in the amount of \$129,000.16

Highway Fund Abstract #9 of 2019 in the amount of \$205,401.42

Engineering Fund Abstract #3 of 2019 in the amount of \$215.00

Special Revenue Reserve Fund Abstract #7 of 2019 in the amount of \$630.00

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

**MOTION CARRIED**

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Closing Board Comments

Councilman Schock said it was a good turnout for the noise topic. It was done civilly. They have some work to do.

Councilman Smith said it was interesting the school budget was up to \$75 million dollars, but what are they going to do?

Supervisor Spears appreciated all the comments. He thought it was great hearing from both sides and they will try to craft an ordinance that is livable for everybody so they can retain and improve the quality of life for residents and businesses. The school representatives gave a very nice presentation. They do work hard. He said he was quite upset with how New York State funds the schools, solely on property ownership. There's not much he can do about it. He agrees with Al, the comments were very civil and great comments on both sides. He appreciates that. He is confident they will draft something that will work with everybody.

Councilman Dean had one comment on the school budget – spend, spend, spend. That's what he heard. He said they have some work ahead of them regarding the noise. You need to come to a policy that everyone follows.

Councilman Smith said congratulation to David Dean on the good job on the Hawk's Nest.

Councilman Trovei said it was a very productive meeting and it was good to see so many people come out and voice their opinions. He said there are benefits to the businesses in town and there are rules that have to make it compatible with the residential community. Hopefully they can help everyone find a happy medium. He was hoping and praying Flo's surgery would come out okay. He liked the heart about the school budget, the cost of instruction was a 5.78% increase in salaries. Is the student population growing?

Councilman Schock added that it is \$30,160 per student. Councilman Dean added everyone has to earn a living. Some people won't be college material, but they can go to work.

**Motion to Enter Executive Session to Discuss Potential Litigation**

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei to enter Executive Session to Discuss Potential Litigation after a short recess and invite in the attorney.

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

**MOTION CARRIED**

**Motion to Re-enter Regular Session at 10:50 p.m.**

Motion by Arthur Trovei, 2<sup>nd</sup> by Ken Smith to re-enter Regular Session at 10:50 p.m.

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

**MOTION CARRIED**

**Motion to Adjourn at 10:51 p.m.**

Motion by Alan Schock, 2<sup>nd</sup> by David Dean to adjourn the meeting at 10:51 p.m.

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

**MOTION CARRIED**

Respectfully submitted by,

Kathy Basile  
Deputy Town Clerk