

**TOWN OF DEERPARK  
TOWN BOARD MEETING  
TOWN BOARD REGULAR MEETING  
MONDAY, JUNE 1, 2015**

**Invocation** by Alan Schock (Participation Optional)

**Attendance**

**Supervisor:** Gary Spears

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

**Engineer:** Al Fusco, Jr.

**Attorney:** Glen Plotsky

**Call to Order** at 7:49 p.m.

**Pledge of Allegiance** by David Dean

**Public Hearing Re: Unsafe Structure - 29 Upper Brook Road, Sparrowbush, NY SBL: 46-1-51**

Town Clerk, Florence T. Santini read the Public Notice of the unsafe structure located at 29 Upper Brook Road, Sparrowbush, NY, SBL: 46-1-51 and a copy is attached to the official minutes.

Al Fusco, Jr. Town Engineer was asked to review the file. The history was they began riding this through in November 2014 and at that time, the owner (Christopher Morgan and Shelly Morgan) asked for some leniency and they took out a partial demolition permit and made more of a mess of it. He didn't haul anything away. They kept inspecting the property through the winter. In relationship to the Town Code Unsafe Buildings, Section 119 1, which poses a threat to life and property from Deerpark. They become unsafe by reason of damage, elements, age or general deterioration, which is what this appears to be. Section 119.3 is a definition listing unsafe buildings meeting any or all of the defects and all the defects are listed. This actually meets all of those. Section 119.4 is declaration of public nuisances also fits. It is also an attractive nuisance. The Building Department issued several notices to repair and demolish, the Town Board held a public hearing and it didn't go too far. During their inspection they noted a no repair and additional deterioration on the structure had taken place, and meets the definition to the Notice of Unsafe Structure. They believe it is an unsafe structure and dangerous building the structure should be demolished for the health, safety, morals and general welfare of the public. They think this should commence within 30 days. Failure to comply will allow the town board to demolish and remove the structure and assess all expenses against the land. The demolition would take place with a competitive bid including the asbestos removal. Section 119:12 states that all expenses be assessed to the property and levied or collected in a manner consistent with Article 15 in the Town Code, Article 78 B in the General Municipal Law. He has had no contact with the owners. Councilman Dean inquired about the asbestos survey and Mr. Fusco said there was not one done yet. They will hold off on that until there is a decision. Councilman Trovei asked if notifications went out certified. Glen Plotsky, Attorney clarified that only Christopher and Shelly Morgan were notified by regular mail and certified mail and green return receipt cards were returned. Subsequent to that, he received the title of last owner search which the board authorized him to retain. According to that there are 14 outstanding judgements and liens. He recommended authorization notification of all lien holders with regular and certified mail. All those costs are recoverable by attaching to the property of taxes. His recommendation the to the board they keep this hearing open to a date certain and based on that information, he will send a letter by the end of the week. Discussion continued.

Public Comment: None

**Motion to Hold Public Hearing Re: Unsafe Structure - Open Until July 6, 2015**

Motion by Ken Smith, 2<sup>nd</sup> by Arthur Trovei to hold the Public Hearing Re: Unsafe Structure on 29 Upper Brook Road, Sparrowbush, NY SBL: 46-1-51 open until Monday, July 6, 2015.

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

**MOTION CARRIED**

Presentations/Communications

Supervisor Spears read a letter from MVP Health Care, their health insurance provider to approve rates for 2016. He stated that last year they got a notice the rates were going up about 15% and they would see what the state would allow. He wanted to read the letter so the board would understand when it came to the budget process. (DFS stands for Department of Financial Services for New York State.)

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Public Comment:

*George Ewings of the Port Jervis Ambulance Corp* gave a brief update on their two of three-stage process regarding their contract. He and Mike Dymon will do the follow up and when they hear something and the contract is solid, they'll report back.

New Business:

Supervisor Spears mentioned another unsafe building located on Piatt Drive, owned by Mrs. Levitz who spoke to the board before. The reason this came back up is because a complaint is filed by the Cuddebackville Fire Department for a chimney fire and they responded to the fire but were denied access to the house. They filed this complaint with him hoping the Building Department would begin to take a look at that home. He asked the engineer if he was aware of the situation. *Al Fusco* confirmed they got a call from the fire department that there had been a chimney fire and it was extinguished, though they refused to allow anyone to enter to check out the interior of it. They have the building condemned—unfit for human occupancy at the present time, even before that. They chose to continue to violate that. He believes they should move forward with that one as well. They will do further reports to get it into position like the other one. Supervisor Spears said that at this point, if they agree, they get Al or whoever is doing codes to do another inspection and also perhaps Glen could check on whether there are mortgages or lien holders on that property. *Glen Plotsky* said he could if they give him an address and owner name, then he will. If the board is so inclined, they could schedule a public hearing on July 6<sup>th</sup> or the 20th, depending on how long it takes for the reports to be generated. Supervisor Spears recommended if the Board agreed to have both the Engineer and Attorney move ahead to work on these reports. Discussion continued.

**Motion to Authorize Town Engineer and Town Attorney to Pursue Reports on 2 Piatt Drive, Cuddebackville, NY**

Motion by David Dean, 2<sup>nd</sup> by Ken Smith to authorize the Town Engineer and the Town Attorney to pursue reports on 2 Piatt Drive in Cuddebackville, NY.

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

**MOTION CARRIED**

Supervisor Spears reported that money was set aside in last year's budget for playground slides at the Bigger Park in the Manor and down at the Harriet Space Park. For some reason, that did not get done. He got prices for the slides and will give out copies. The cost for these state approved slides with insulation rubber matting to go around it for \$8,737.60 each. These are plastic slides. They have to be approved by NYMIR. They can hold off until the June 15<sup>th</sup> meeting.

Appropriations, Budget and Payment of Bills

**Motion to Pay Bills**

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

General Fund Abstract #10 of 2015 in the amount of \$118,246.99

Highway Fund Abstract #10 of 2015 in the amount of \$32,846.17

Engineering Fund Abstract #6 of 2015 in the amount of \$1,376.00

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

**MOTION CARRIED**

Closing Board Comments

Councilman Trovei – None

Councilman Dean – It is never a happy occasion when you have to go look at someone's property, home and have a discussion about it. But, we're in a situation where we have to do something about it. It is a heartbreaking situation. When a fire company responds to your home for a chimney fire and you refuse the fire company to look at it that is terrible stuff. He feels

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badly for the people, but this is horrendous. They have to do something. He also is upset about the increase in health. He's glad to see Flo back in the office.

Councilman Shock – He was upset about the house with a fire and felt strongly that if you don't want people in your house, so be it. People own their house and if they are not jeopardizing their neighbors...he thought they should look at that real closely. He said, thank Mr. Obama for the 22% increase that is hurting everybody.

Councilman Smith – None

Supervisor Schock – thanked everyone for their input. He said he hoped MVP Insurance would not be approved anywhere near that rate. They were dealing with the affordable health care act and will continue looking for savings. The health insurance has had incredible increases in deductibles. On the home issue, while he does agree with Mr. Schock, there is a situation here where they have been notified that there is an unsafe issue. That's why we do have to look at it wisely. At some point in time, they are in charge of the health and safety of people in town.

**Motion to Move To Recess and Enter Executive Session at 8:40 p.m. for the Purpose of Discussing Litigation Issues**

Motion by Ken Smith, 2<sup>nd</sup> by Alan Schock to move into recess and then enter Executive Session at 8:40 p.m. for the purpose of discussing litigation issues.

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

**MOTION CARRIED**

**Motion to Re-Enter Regular Session at 9:55 p.m.**

Motion by Alan Schock, 2<sup>nd</sup> by Arthur Trovei to re-enter Regular Session at 9:55 p.m.

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

**MOTION CARRIED**

**Motion to Adjourn at 9:57 p.m.**

Motion by Ken Smith, 2<sup>nd</sup> by David Dean to adjourn the meeting at 9:57 p.m.

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

**MOTION CARRIED**

Respectfully submitted by,

Florence T. Santini  
Town Clerk