

**TOWN OF DEERPARK  
TOWN BOARD REGULAR MEETING  
MONDAY, JULY 15, 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

**Also, present:** Highway Superintendent Ed Hughson

**Pledge of Allegiance:** Ken Smith

**Call to Order:** 7:31 p.m.

Addition or Deletions to Agenda

**Motion to Add Approval of Oakland Valley Campground to the Agenda**

Motion by Alan Schock, 2<sup>nd</sup> by Ken Smith to add the approval of Oakland Valley Campground to the Agenda.

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

**MOTION CARRIED**

Presentations/Communications

*Police Unit Citations* – Supervisor Spears read a letter from the Police Chief regarding the City of Port Jervis awarding four Town of Deerpark police officers with Sergeant Raymond Cirulli received a unit citation for apprehending a suspect in 2018 in Port Jervis; as well as Police Officers Gary, Murphy and Jones being awarded unit citations in apprehending a subject involved in a bank robbery. The citations will be put in each of the officer's personnel files. The supervisor added that the two police departments work well together.

*Community Choice Aggregation from Good Energy by Javier Barrios* – The presentation described how a town can purchase the energy on behalf of the residents in the town due to the state approving legislation allowing it. Essentially, the municipalities are now able to seek better prices from Orange & Rockland. Their company offered to run the data to show the savings and there will be no obligation for the town to pay anything. They would send a mailer to the residents and it would take about 60 days. All expenses are paid by their company. The program all goes through Orange & Rockland. Supervisor Spears heard of this at the Association of Towns Meeting. Discussion followed. (The Presentation Information is attached to the Official Minutes.)

Public Comment Period

Burt Thelander – 85 Guymard Turnpike near the entrance to the KOA Campground. He wanted to urge the Town Board to not extend the temporary license for the KOA Campground. There have been numerous complaints to the board and the Deerpark police officers over the past couple years. Last Memorial Day there was a very serious complaint that was called in. He knew there was a town board meeting a couple months ago where there was a topic about noise ordinances and in there is a town noise Local Law No. 4 of 2005 right now, the 20.13 zoning article 4 has a noise and time frame expectations. There is also something in the zoning that expects the Planning Board to apply permits for out door public events similar to what they have at KOA Campground. They said at the board meeting a couple months ago about revising the zoning laws and perhaps establishing a more clearly defined response process when the zoning law regarding noise is not followed. He asked the board to move that forward. He asked them to not extend a temporary license and consider what he is suggesting about the zoning laws that are in place right now in need of revision. Supervisor Spears mentioned having meetings with the KOA and the Racetrack and also with their lawyers. He asked if in the last month or so, has it improved or got worse? Mr. Thelander said there wasn't any noise at his house. Mr. Spears said everyone will be able to respond, but they did have good meetings and hope for good outcome. He said they were working on solutions. He said the noise ordinance isn't about a couple people, but would affect 8,000 people in the Town of Deerpark and how it affects all of them. Their job is trying to alleviate the problems

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he and others are experiencing with the noise, without creating more problems for people in another area. Not everyone will be happy.

Wayne Decker – He lives a mile and a half away from the racetrack and he can still hear the extremely loud vehicles and it doesn't disturb him as much as those where the noise flows much more direct. He was very happily impressed after the meeting a month or two ago. It seems the track made an effort not to have those really loud vehicles as often. Maybe they curtailed those with loud mufflers, and if they did that it is wonderful and it shows they are making some headway. What he is concerned about is that the schedule is being developed just now and the season is half over. One of the main points of the schedule was to designate quiet weekends so people could plan and have outdoor barbeques without the noise. To be fair, all their quiet weekends should be from now until the end. Supervisor Spears replied with those weekends on the schedule and said they had gotten good input from all the residents and immediately called them, and had a meeting going over the old schedule and how it didn't meet the law and needed a new schedule. They were very easy to work with. Mr. Decker didn't know this was the revised schedule. Mr. Spears said they now have totally quiet weekends. He said they didn't catch it in time and were glad for the input. He said next year they would be on top of it. He added they had discussion with them on mufflers and they have guaranteed them that everyone has a muffler. They were trying to get to a point where they can operate their business and residents can have nice quiet weekends. They aren't there but are working on it. He said they are working with the campground noise through the campground ordinance and the racetrack noise through the racetrack ordinance. They are working but it is not a quick process.

Grace Woodard – Guymard Lake in Godeffroy. The KOA issue came up at the Planning Board meeting recently and unless she misunderstood, regarding the Band Shell which has been there for four years, without a permit. She asked if there were any fines for this or does it just get resolved by going to ZBA. This is one area she is concerned about. She said this is being referred to as a campground, but they have a Russian Festival and a couple years ago they had a concert. The noise funneled all the way up the mountainside. Her focus is that Mr. Ketchum has observed failed septic systems there. She doesn't know how many can be there at any given time. She was there during a Russian Festival and there must have been 800 people. It was packed. In terms of septic and the Neversink, she asked if the town ever requested them to do testing along the edge of the Neversink. This was a big concern of the Nature Conservancy because of the dwarf wedge mussel. The Delaware River Keeper and the whole network and the Delaware Watershed Initiative is very interested in all of these small streams going into the Delaware. We're part of the Pocono ? Initiative and Deerpark Rural Alliance has coordinated with the county and possibly with the DEC for rather sophisticated monitoring of what is taking place in the Neversink for about a mile, mile and a half. Her concern is the number of people, whether there is any penalty on the Band Shell and whether they are ever requested to do any testing and how do they deal with their septic systems. As far as the Oakland Valley Racetrack, Mr. Schadt was very upset at the end of the Planning Board meeting as far as the expansion. She asked if there was any penalty. Supervisor Spears said the campground is covered by NYDEC and sometimes monitored. The Town of Deerpark does not monitor septic systems. They are approved at Planning Board designed by an engineer. If there is a failure, they would report that to the Orange County Department of Health or to the New York DEC. They don't monitor the Neversink. He has not heard from either the Department of Health in Orange County, nor the NYDEC in regards to violations. As far as festivals he understands they have music at the festivals and the people there are campers on the campsite. Under New York State Law, you can have six campers per campsite. With their field, they can have tent camping and are probably good for about 1,200 to 1,500 people under their site plan now. The Quonset Hut is falling under the purview of the Planning Board and the ZBA. This is the Town Board—each board is autonomous and will go through their process. *Town Attorney Glen Plotsky* said they were sent to the ZBA by the Planning Board. They cannot give an answer until he hears from one or both of those boards.

Barbara Chinitz – Oakland Valley Road in Cuddebackville. She asked for explanation on the noise ordinance mentioned earlier. Supervisor Spears explained there were proposed changes by residents to the Noise Ordinance where they would add decibel readings, which presents a ton of problems. They would have to have decibel machines. They would have to have trained people who would monitor them and go to court and prove them. It is not an area the town board is looking at right now. She understood they would be getting meters to work with the racetrack. Mr. Spears said no. Ms. Chinitz asked if there was a thought for them to meet a certain decibel on the weekends. Mr. Spears said they are in talks with them to muffler their vehicles, to have quiet weekends, to race on 100 days, try to be respectful of their neighbors, things like that. They are not looking at a decibel reading right now. She asked what the expansion of the facility involves. Mr. Spears said he thinks they reconfigured their track. He doesn't think there has been expansion per se where it is bigger. They've changed the configuration.

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A letter received from Bette Czajkowski was received and submitted with the comments in regards to the KOA Campground. (Letter is attached to the Official Minutes.)

Department Head Report

*Highway Superintendent Ed Hughson* – They have about 95% of their paving done: Huguenot Road, Godeffroy Road, Shore Drive, Avenue A, Myers Road and First Street from Myers Road to Avenue A and Guymard from 209 to the County Bridge from the Neversink. They are still waiting on Martin Road with the CDBG acceptance. They have cleaned up the No. 2 Bridge in Sparrowbush. The parking lot is a little bit bigger and made a new access for the garbage truck to get through. Now the dumpster is down by the beach area. The emergency access point for the boat ramp down to the river and the turn around also. It looks good there. They put a lot of signage for no parking. He had guys up along the Hawk's Nest cleaning up trash and will do it again after Labor Day. They have more paving to do. He asked for the Board's approval for a pick up truck. 2019 Ford F-350, 8-foot bed with a plow for \$37,027.70 on Onondaga County bid. There is money in the budget.

**Motion to Approve Purchase of 2019 Ford with Plow for \$37,027.70 for Highway Department**

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei to approve Purchase of 2019 Ford 4 X 4 V8.2 complete with plow for \$37,027.70 piggy backing off the state providers.

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

**MOTION CARRIED**

Supervisor Spears asked Ed to thank the Highway Department for their great job on the playground equipment installed at Harriet Space Park, he's getting great feedback.

**Motion to Approve the June 17, 2019 Board Minutes**

Motion by Ken Smith, 2<sup>nd</sup> by David Dean to approve the June 17, 2019 Board Minutes as presented.

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

**MOTION CARRIED**

Old Business

**Motion to Approve Oakland Valley Racetrack Permit and Amended Racetrack Schedule**

Motion by Ken Smith, 2<sup>nd</sup> by Alan Schock to approve the Oakland Valley Racetrack and the Amended Racetrack Schedule.

Discussion: Councilman Schock asked how they could make this without that ... Supervisor Spears suggested they start earlier and make sure they file their stuff well before their season opens in April. Mr. Schock asked when their season is and why the letter of approval is dated April and now it is July. Mr. Spears said it is seasonal they try to approve early but had to wait on some things.

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

**MOTION CARRIED**

*Town Attorney Glen Plotsky* reported that the discussion with KOA was they were to go before the Planning Board and seek approval for an updated site plan. The only change between the plans is the Quonset Hut. There has not been a Public Hearing set yet because the Quonset Hut where it is placed, is that it extends into a 100-foot rear set back of requirement, so there is a variance needed. Probably two thirds of their sites violate a setback provision. This is the one new installation since all the other stuff and was grandfathered. They are currently before the Town of Deerpark in the Justice Court for the construction of the Quonset Hut without a building permit or proper approvals. There will be some penalty imposed. Supervisor Spears asked if they extend the permit until October if that would allow enough time for the ZBA and Planning Board to act. Discussion followed. The Court Date is the last Wednesday of the month. Mr. Plotsky said in all the correspondence he has seen that KOA has shown more progress and show more willingness to comply.

**Motion to Approve Temporary KOA Campground Permit Until October 2019**

Motion by Alan Schock, 2<sup>nd</sup> by Arthur Trovei to approve a temporary KOA Campground permit from now until October 2019.

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

**MOTION CARRIED**

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**Motion to Approve Oakland Valley Campground**

Motion by Ken Smith, 2<sup>nd</sup> by Alan Schock to approve Oakland Valley Campground.

**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 Alan Schock 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 #14 of 2019 in the amount of \$227,374.55  
Highway Fund Abstract #14 of 2019 in the amount of \$31,313.09  
Deerpark Manor Street Lighting Fund Abstract #7 of 2019 in the amount of \$305.07  
Engineering Fund Abstract #7 of 2019 in the amount of \$2,279.00  
Special Revenue Reserve Fund Abstract #9 of 2019 in the amount of \$121.16

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

**MOTION CARRIED**

Closing Board Comments

Councilman Trovei said it was very encouraging to see the improvements in the town. The new playground is great and it speaks a lot of the cooperation of not only the town board but all the workers who contributed over the past seven years to make the town a better place. He thanked everyone including Flo, the firemen, etc. He especially appreciated the volunteer firefighters and all they do. He also said great job on Bridge No. 2 and still need to curtail the parking in that parking lot. It looks much better.

Councilman Schock said the roads look really good and he didn't remember seeing them look so good. He thanked Ed. The policemen do a great job.

Councilman Smith said the Energy Program sounds great for the town's people. He said they were moving in the right direction. He mentioned the Hawk's Nest looked good.

Supervisor Spears said that as they are moving forward, they still have numerous problems they're working on solving. They are doing that and it is not always easy to make substantial changes when you're working with three or four different laws on the same problem. They have had good discussions with the Campground and the Racetrack to make improvements and as we see if that works or does not work, we'll have to take a different look. It seems to be improving, but not perfect. He thanked Ed and the guys for the two projects he asked them to do—the playground and the No. 2 beach emergency access for the firemen and the first responders. He asked Ed to pass on the word that they did a great job and they appreciated it. Also, the handicap ramp at the Grange is a nice addition to the town and for anybody who needs access to that building. It came out real nice.

Councilman Dean said he visited his sister in Hilton Head, South Carolina and said they too live in Paradise. He said they have problems there too. We all have to try to live and work together when it is not easy. He understands the frustrations. He said he's pleased to be back and put his shoulder to the grindstone to try to help move forward.

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

Motion by Ken Smith, 2<sup>nd</sup> by Alan Schock to enter Executive Session for the purpose of discussing litigation and potential litigation and invite in the Town Attorney Glen Plotsky, Town Engineer and Highway Superintendent Ed Hughson.

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

**MOTION CARRIED**

The Board took a 15-minute recess before Executive Session.

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**Motion to Re-Enter Regular Session at 9:35 p.m.**

Motion by Ken Smith, 2<sup>nd</sup> by Alan Schock to re-enter Regular Session at 9:35 p.m.

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

**MOTION CARRIED**

**Motion to Authorize the Supervisor and Town Attorney to Sign Stipulation of Settlement RE: Deerpark/Corcoran**

Motion by David Dean, 2<sup>nd</sup> by Ken Smith to authorize the Supervisor Spears and the Town Attorney Glen A. Plotsky to sign the Stipulation of Settlement in regards to Deerpark adv. Corcoran.

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

**MOTION CARRIED**

**Motion to Authorize Town Attorney to Send Response to HUD & Community Development**

Motion by David Dean, 2<sup>nd</sup> by Ken Smith to authorize the Town Attorney Glen A. Plotsky to send a response to HUD & Community Development.

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

**MOTION CARRIED**

**Motion to Adjourn at 9:37 p.m.**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to adjourn the meeting at 9:37 p.m.

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

**MOTION CARRIED**

Respectfully submitted,

Florence T. Santini  
Town Clerk