

**TOWN OF DEERPARK
TOWN BOARD REGULAR MEETING
MONDAY, JULY 18, 2016**

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

Invocation by Arthur Trovei (Participation is Optional)

Attendance

Supervisor: Gary Spears

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

Attorney: Glen Plotsky

Engineer: Al Fusco, Jr.

Call to Order at 7:37 p.m.

Pledge of Allegiance by Alan Schock

Public Hearing Proposed Local Law #2 of 2016 – “A Local Law Adopting the New York State Unified Solar Permit for Applications for Small Scale, Roof Mounted, Residential Solar Generating Facilities in the Town of Deerpark, Orange County, New York”

Florence T. Santini, Town Clerk read the Notice of Public Hearing (attached to the Official Minutes).

Public Comment – None

Supervisor Spears explained the Local Law spoken about earlier was a small scale and they discussed the New York State Unified Solar Application and one of their concerns was limiting it to rooftop and residential to 12kw or 23 kW. The board discussed. They want to raise the residential rooftop to 23 kW that will be without Planning Board approval, just needing a Building Permit and following the NYS Uniform Code. Attorney Glen Plotsky stated this application is just for the rooftop small scale permit, more than the amount of generation. Mr. Spears asked to add that should they change the number, there would be a stipend or grant, and the attorney mentioned that if there was a stipend available if they adopt a permit, it would be essentially adopting the permit as written. The stipend was in place to assist the town in covering the cost of printing applications. Mr. Spears said that it was not available then, but they were better off letting the residents have opportunity to fully cover their house and swimming pool, etc. Mr. Plotsky clarified that this Local Law is limited to residential and the number indicated as a maximum. The other Law address small scale, roof mount, ground mount, large scale, and commercial and will be the law to regulate solar. This Local Law #2 is just about the application and how it will go to the Building Department, rather than the Planning Board or Zoning Board of Appeals. Anything not covered by Local Law #2 will be covered by Local Law #3, but will be required as to whether it is residential private use, which will go before the Planning Board. If it is 23kw and under, residential roof mounted, they would be good to go. If it is residential, 23 kW and ground mounted, the resident would need to go to the Building Department where they can verify the setbacks. If it is over 23kw or commercial, it needs site plan approval from the Planning Board. More discussion followed. They would not vote tonight and keep the Public Hearing open for written comment, until their meeting on September 6th.

Motion to Hold Public Hearing Re: Local Law #2 of 2016 Open Until September 6, 2016 at 7:30 p.m.

Motion by Arthur Trovei, 2nd by Ken Smith to hold the Public Hearing regarding Local Law #2 of 2016 open until September 6, 2016 at 7:30 p.m. for oral or written comment.

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

MOTION CARRIED

Public Hearing Proposed Local Law #3 of 2016 – “A Local Law Regulating Solar Generating Facilities in the Town of Deerpark, Orange County, New York”

Florence T. Santini, Town Clerk read the Notice of Public Hearing (attached to the Official Minutes).

Public Comment – None

Attorney Glen Plotsky explained that this was an overall solar law makes findings that solar is important and that the Deerpark Town Board has determined to monitor and regulate solar. This law provides that small scales defined as up to 12 kW hours and essentially this law regulates small scale roof mounted residential uses, small scale ground mounted residential solar uses large scale that would be anything over 12 kW hours for such other numbers that surpass ground mounted commercial solar energy uses. He listed all the variety of solar energy systems. Further details were described. Discussion followed.

**TOWN OF DEERPARK
TOWN BOARD REGULAR MEETING
MONDAY, JULY 18, 2016**

Public Comment – Victoria Ingrassia asked if they would put a size cap on the amount of the commercial solar farm. Supervisor Spears said it was certainly something they could look at and thought it would have to tie into acres. She also thought it would be good to have a disposal system as well.

A gentleman from the audience asked what if the residents in the Manor community got together and bought a piece of land and do something like that, every yard would look pretty ugly. Supervisor Spears mentioned that there were cooperatives. Mr. Fusco said usually there is a sponsor for a community system, and if they have 100 families in the Manor who want to do it, like they would be like stock holders. He thinks the Town of Wallkill has that. Port Jervis is currently negotiating with one or two companies. Attorney Glen Plotsky will research tax exempt status for commercial and residential solar uses.

Motion to Hold Public Hearing Re: Local Law #3 of 2016 Open Until September 6, 2016 at 7:30 p.m.

Motion by David Dean, 2nd by Alan Schock to hold the Public Hearing regarding Local Law #3 of 2016 open until September 6, 2016 at 7:30 p.m. for oral or written comment.

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

MOTION CARRIED

Motion to Declare Intent to Be Lead Agency for Purpose of SEQRA RE: Local Law #2 of 2016

Motion by Alan Schock, 2nd by Ken Smith to declare the Town Board's intent to be the lead agency for the purpose of SEQRA re: Local Law #2 for Unified Solar Permit.

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

MOTION CARRIED

Motion to Authorize Town Engineer to Prepare & Distribute Packets Pursuant to GML 239 to Various Potential Involved Agencies

Motion by Gary Spears, 2nd by Alan Schock to authorize the Town Engineer to prepare and distribute packets pursuant to GML 239 to the various potential involved agencies re: Local Law #2.

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

MOTION CARRIED

Motion to Declare Intent to Be Lead Agency for Purpose of SEQRA RE: Local Law #3 of 2016

Motion by David Dean, 2nd by Alan Schock to declare the Town Board's intent to be the lead agency for the purpose of SEQRA re: Local Law #3 for Regulating Solar Generating Facilities.

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

MOTION CARRIED

Motion to Authorize Town Engineer to Prepare & Distribute Packets Pursuant to GML 239 to Solar Generating Facilities in the Town of Deerpark

Motion by David Dean, 2nd by Ken Smith to authorize the Town Engineer to prepare and distribute packets pursuant to GML 239 to Solar Generating Facilities in the Town of Deerpark re: Local Law #3.

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

MOTION CARRIED

Motion to Extend Moratorium Created Under Local Law #1 for a Period of 90 Days

Motion by Alan Schock, 2nd by Ken Smith to extend the moratorium created under the Local Law #1 of 2016 for a period of 90 days as permitted by said local law on commercial solar applications.

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

MOTION CARRIED

Presentations/Communications

Town Clerk Florence T. Santini reminded the Town Board and Town Department Heads that Metro Shredding will be at the Town Hall on July 28th for any accumulation of maps and old papers that could be destroyed. Due to it being a Presidential Election year, the Board of Elections has to have two days for voter registration. The dates at the Town Hall will be Thursday, October 13th 4 to 9 p.m. and Saturday, October 15th from 1 to 9 p.m. The Board of Elections will supply two Republicans and two Democrats to register people. She will also put this information on the website.

**TOWN OF DEERPARK
TOWN BOARD REGULAR MEETING
MONDAY, JULY 18, 2016**

Addition or Deletions to Agenda – None

Department Head Reports – None

Public Comment – None

Motion to Approve June 20, 2016 Board Minutes

Motion by Ken Smith, 2nd by David Dean to approve June 20, 2016 Board Minutes.

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

1 ABSTENTION: Arthur Trovei

MOTION CARRIED

Old Business

Town Clerk Florence T. Santini stated that Resolution #7 of 2016 was done already and the State requires retirement changes. It has been corrected and needs to be posted again for another 30 days. It doesn't need to be re-voted on, it just needs to be reintroduced with the corrections.

New Business

Motion to Approve Junkyard Permit for Eckes Auto Body – 200 Academy Ave., Sparrowbush, NY 12780

Motion by Ken Smith, 2nd by Alan Schock to approve the junkyard permit for Eckes Auto Body (200 Academy Ave., Sparrowbush, NY 12780), upon the recommendation from the Building Inspector.

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

1 ABSTENTION: Arthur Trovei

MOTION CARRIED

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

Motion by Ken Smith, 2nd 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.

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

1 ABSTENTION: Arthur Trovei

MOTION CARRIED

Motion to Approve Junkyard Permit for BRIM Recyclers, Inc. – 19 State Route 211, Cuddebackville, NY 12729

Motion by Ken Smith, 2nd by Alan Schock to approve the junkyard permit for BRIM Recyclers, Inc. (19 State Route 211, Cuddebackville, NY 12729), upon the recommendation from the Building Inspector.

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

1 ABSTENTION: Arthur Trovei

MOTION CARRIED

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

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

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

1 ABSTENTION: Arthur Trovei

MOTION CARRIED

**TOWN OF DEERPARK
TOWN BOARD REGULAR MEETING
MONDAY, JULY 18, 2016**

Motion to Approve Junkyard Permit for Arthur Trovei & Sons – 82 Sleepy Hollow Road, Sparrowbush, NY 12780

Motion by Ken Smith, 2nd by Alan Schock to approve the junkyard permit for Arthur Trovei & Sons (82 Sleepy Hollow Road, Sparrowbush, NY 12780), upon the recommendation from the Building Inspector.

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

1 ABSTENTION: Arthur Trovei

MOTION CARRIED

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

Motion by Ken Smith, 2nd by Alan Schock to approve the junkyard permit for Muller's Auto Body (417 Route 97, Sparrowbush, NY 12780), upon the recommendation from the Building Inspector.

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

1 ABSTENTION: Arthur Trovei

MOTION CARRIED

Motion to Accept Letter of Resignation from Christa Hoovler from BAR

Motion by Ken Smith, 2nd by Alan Schock to accept the letter of resignation with regret from Christa Hoovler from the Board of Assessment Review, with expressions of thanks for her service.

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

MOTION CARRIED

Town Clerk Florence T. Santini will advertise for the BAR opening in September in the paper and on the town website.

Motion to Approve Hiring New P/T Police Officer Daniel Jones

Motion by Gary Spears, 2nd by Ken Smith to approve hiring the new P/T Police Officer Daniel Jones in the Police Department.

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

MOTION CARRIED

Motion to Approve Hiring P/T Cleaner George Brischler

Motion by Ken Smith, 2nd by Arthur Trovei to approve the hiring of P/T George Brischler.

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

MOTION CARRIED

Motion to Adopt Resolution #8 of 2016 – KOA Campground Approval

Motion by Ken Smith, 2nd by Alan Schock to adopt Resolution #8 of 2016 – KOA Campground Approval.

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

MOTION CARRIED

Motion to Approve a Free Rabies Clinic at Huguenot Fire House With Two-Day Insurance Certificate

Motion by Gary Spears, 2nd by David Dean to approve a free Rabies Clinic at Huguenot Fire House with a two-day insurance certificate.

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

MOTION CARRIED

Motion to Accept Bids for 2010 Chevy Impala and 2004 Dodge Intrepid on Auction International

Motion by Ken Smith, 2nd by Arthur Trovei to accept bids for surplus cars: a 2010 Chevy Impala for \$2,125.00 and a 2004 Dodge Intrepid for \$500.00 on Auction International.

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

MOTION CARRIED

Supervisor Spears mentioned a request from the Port Jervis City Recreation Department who are opening up the watershed area, which is land they own in the Town of Deerpark and they are building trails. They want to run a series of three races in October. One of the races is a 50K and they want to close Box Baum Road for the afternoon of the race. They would have to fill out a Facilities Use form and show additional insured as a rider for the Town of Deerpark.

**TOWN OF DEERPARK
TOWN BOARD REGULAR MEETING
MONDAY, JULY 18, 2016**

Motion to Approve Closure of Box Baum Road on October 22, 2016 for the 50K Race

Motion by Arthur Trovei, 2nd by Ken Smith to approve the closure of Box Baum Road on October 22, 2016 for the 50K Race upon completion of the Facilities Use Form and supplying an insurance certificate rider for the event.

Discussion: Supervisor Spears said they also need to supply their personnel for the road closings, signage soon after their approval so they can mark both ends of the road with the day and the time of closure, their personnel would have to be at both ends of the road to direct traffic. Councilman Smith asked about involving the Highway Department. Councilman Schock said there were 10 residents on Box Baum, and Supervisor Spears clarified the point past all residences all the way down to the dam on the reservoir by Academy Ave. Just the dirt section and then have volunteers on both ends explaining the situation. They are slowly building these trails and they will be open to Deerpark residents, as well as Port Jervis residents.

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

MOTION CARRIED

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 accept the Budget Officer's Report and may be viewed in the Town Clerk's Office.

General Fund Abstract #13 of 2016 in the amount of \$57,601.20
Highway Fund Abstract #13 of 2016 in the amount of \$38,841.10
Fusco Engineering Fund Abstract #8 of 2016 in the amount of \$7,067.96
Deerpark Manor Street Lighting Fund Abstract #7 of 2016 in the amount of \$940.87
Special Revenue Reserve Fund Abstract #8 of 2016 in the amount of \$112.01

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

MOTION CARRIED

Closing Board Comments

Councilman Trovei commented that he hoped everyone was enjoying their summer and the beautiful area around here. He took some people from Costa Rica around to the Hawks Nest and No. 2 Bridge and mentioned how beautiful the region is.

Supervisor Spears mentioned how they did some improvement work on the driveway at the No. 2 Bridge and some concrete barriers to keep people from parking their vehicles on the beach. He spoke with the DEC and about putting a different receptacle for garbage for beach use and not a construction dumpster. They need one with a lid. They will work on the parking lot. They are addressing the signage for emergency vehicles also.

Councilman Schock recommended keeping the police officers in their prayers. Said it was just a sad thing.

Councilman Smith – No comment.

Supervisor Spears reported that the Veteran's Memorial was going very nicely with all volunteer work. He wanted to give kudos to them as they are working towards their goal and it is going to be real nice when they get done.

Motion to Enter Executive Session for the Purpose of Discussing Litigation on a Road Issue and Shuttle Bus Repairs

Motion by Ken Smith, 2nd by David Dean to enter Executive Session, for the purpose of discussing litigation on a road issue and the shuttle bus repairs and invite in the Town Attorney and Town Engineer after a 15 minute recess, at 9:25 p.m.

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

MOTION CARRIED

Motion to Re-Enter Regular Session at 10:57 p.m.

Motion by Alan Schock, 2nd by David Dean to re-enter Regular Session at 10:57 p.m.

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

MOTION CARRIED

TOWN OF DEERPARK
TOWN BOARD REGULAR MEETING
MONDAY, JULY 18, 2016

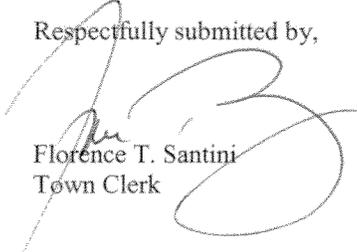
Motion to Adjourn at 11:00 p.m.

Motion by Ken Smith, 2nd by Arthur Trovei to adjourn at 11:00 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