

**TOWN OF DEERPARK  
TOWN BOARD REGULAR MEETING  
MONDAY, SEPTEMBER 9, 2019**

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

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

**Attendance:**

**Supervisor:** Gary Spears

**Councilmen:** Alan Schock, Ken Smith, David Dean, Arthur Trovei (7:50)

**Attorney:** Glen Plotsky

**Highway Superintendent:** Edward Hughson

**Pledge of Allegiance:** Ken Smith

**Call to Order:** 7:35 p.m.

Addition or Deletions to Agenda

**Motion to Add Orange County Snow & Ice Resolution, Authorization of Supervisor Signing CDBG Resolution and Discussion for Airbnb to the Agenda**

Motion by Ken Smith, 2<sup>nd</sup> by Dave Dean to add the Orange County Snow & Ice Resolution, the Authorization of the Supervisor signing the CDBG Resolution on Martin Road and the discussion for Airbnb to the Agenda.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

Presentations/Communications

*George Ewing* of the *Port Jervis Volunteer Ambulance Corps* gave his monthly report. He said that to date, they are showing a profit of over \$80,000 with an average monthly profit of \$10,000. A financial report was provided to the Board. Their call volume was 1,600 calls to date, and 30% of those were handled by volunteers. They started to do some patient transporting. They are preparing for Fall Foliage, endurance race and a grant for training. They are serving Westfall six or seven times a day. Both ambulances are up and running and the preventative maintenance is handled by Tom's on Fowler Street. Councilman Smith asked about when the ambulance picks someone up, do they have them sign a form indicating they are responsible for what Medicaid and Medicare doesn't cover? Mr. Ewing replied they do. Discussion followed on that.

*Grace Woodard* made a presentation on *Brownfields*. She introduced Alex Scilla, part of their Deerpark Rural Alliance and also has founded the non-profit on New York Environmental Sustainability Committee. She spoke of making the area of Huguenot appealing for investments and addressing community needs. It's called Enabling Better Places for Vibrant Spaces. It's to stimulate and attract investment and it is neighborhood based. Regarding Brownfield she mentioned a \$200,000 Smart Growth Grant for a project the town could apply for and benefit from. Mr. Scilla expanded on the topic and encouraged the town to consider improving the property next door that used to be C & D Battery. Supervisor Spears said the next-door facility they have been dealing with is privately owned and has also has been a court case settlement for clean up through the New York State DEC. His question is how do they as a town do anything with that? Mr. Scilla said the owner would have to be brought into the process. The DEC will work with the town if they see their effort. Ms. Woodard said the main thing in clean up like this is the testing and thoroughness leading to irritating delays.

Supervisor Spears announced that the Orange County Rabies Clinic is being held at the Huguenot Fire House on September 22 from 12:00 to 2:00. It is put on by the Department of Health and the County of Orange. The information is posted on the bulletin boards and the town website.

Public Comment

*Town Attorney Glen Plotsky* gave an explanation of the topic of Airbnb for discussion. He explained that there were two applications brought in from Mark and Cheryl Greene and Gary Butler for Airbnb's. The Building Department identified 24 residences in the Town of Deerpark that were advertising in some fashion as an Airbnb for rental. The Building Department

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issued notices of remedy or violation to all of those owners. Two followed the instructions in the notice and approached the Planning Board to discuss options and alternatives. The Planning Board couldn't do much for them because the current zoning does not contain a short-term rental—nothing really affects. It was recommended they not operate these rentals until the matter is discussed at the Town Board. Supervisor Spears reached out to the Association of Towns President Michael Sweeton, also Supervisor in Warwick and he forwarded him the law they just wrote on that. He gave a copy to the board and they will see if it fits for the Town of Deerpark and they have Cheryl Greene there to speak, but they haven't addressed it yet. Mr. Plotsky said the issue comes down to regulation or no regulation and the concern is if there is no regulation and something bad happens at one of these locations, does the town somehow end up being part of a lawsuit. They want to avoid that.

Cheryl Greene – Received her notice stating they should immediately stop. At that time they were given the notice (July 16, 2019), they had to refund \$1,500 to four reservations. There were 20 plus in town already doing it when they began, so they didn't think they couldn't. She said there are more rentals and some owners are renting several Airbnb's at the same time. There are also Tenders, VRBOs and Home Away that are other forms of Airbnb. They opened theirs up on Memorial Day weekend and have been booked every single weekend. At this point, they are at a loss of close to \$5,000. She said they tried this venture and it fit with her degree and they had extra space. They came to see the Catskills. They gave them a list of restaurants, local businesses and with the revitalization of the area they tried to make sure people stayed here and helped with reservations at restaurants and breweries. Again, they stopped and they are embarking on a season when people will not come any longer. Supervisor Spears asked from her experience if the industry has guidelines that Airbnb would follow, and would it be something they could follow? She said they could look at the website. They say to check with their town's law and when she checked there was nothing and they didn't think it would be a problem. Councilman Dean asked if she had some sort of agreement with her customers/clients? He asked if she had a copy of that. She said she did, but when she took their site off the website she lost it. She has to rewrite it. They have a silo attached to their house and they are not ADA compliant. So, she writes that they have to be able to climb stairs; it is not recommended for children and they have one bedroom. They list all their safety in place like a lock box, a door with a lock on it, etc. They ask if they have fire extinguishers, smoke detectors, etc. They make sure they list all those things. Cheryl described their space, the Airbnb history, and her experience. Mr. Plotsky replied that the engineer was rather supportive of this particular space in terms of it being full compliant and the two that came before the Planning Board would probably both get yeses from the town as far as safety.

#### Department Head Report

Edward Hughson, Highway Superintendent reported they were pretty much caught up on their paving projects throughout the town. They are still waiting on the CDBG funds for Martin Road. They are waiting on an environmental review before they can proceed. In the next six to eight weeks, you can transfer it over to next years. They are trying to take care of low limbs for the school buses. He has money left over in his budget for paving, he may do another road. He's waiting on the CDBG before he spends the rest of that money. He is getting ready for winter. He's good on salt and sand. The equipment is all up and running. They are waiting for the new pickup to come in in another month and a half. There will be a plow on it but no sander. HUD (CDBG) is cracking down on where money is going and how it is being used. They were rejected earlier in the year for Martin Road, but when there was excess money available, they reapplied.

Florence Santini, Town Clerk reported she will have the Shredding Company at Town Hall on October 3<sup>rd</sup> and she'll let the departments know. On Labor Day weekend, she was invited to the Senior's Club and it was packed. They had a good time. She said they booked the Thanksgiving Dinner for Saturday, November 16<sup>th</sup> at 3:00 p.m. Mike Martucci and Erin and their kids donated \$500 to the 9/11 Memorial Fund and Wednesday will be the ceremony. She shared the story of Erin's sister who passed away at the Trade Center and her picture has been on a quilt in the Town Clerk's office. She got the information for the school in the city and will take care of it. The 9/11 service begins at 8:30 a.m.

#### Motion to Approve August 5, 2019 Board Minutes

Motion by David Dean, 2<sup>nd</sup> by Arthur Trovei to approve the August 5, 2019 Board Minutes as presented.

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

**MOTION CARRIED**

Old Business

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Supervisor Spears received a communication from the Port Jervis Humane Society needing building permits for new buildings for the shelter and asked if the town would waive the building permit fees. He recommended it as they serve the community.

**Motion to Waive Building Department Fees for the Port Jervis/Town of Deerpark Humane Society Buildings**

Motion by Arthur Trovei, 2<sup>nd</sup> by Ken Smith to waive the building permit fees for the Port Jervis/Town of Deerpark Humane Society buildings.

Discussion: Councilman Trovei asked if they are building new buildings to increase their facility? He is for it because it benefits the whole town.

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

**MOTION CARRIED**

**Motion to Approve the New Century Films Moon Festival Mass Gathering Permit September 13-15, 2019**

Motion by Ken Smith, 2<sup>nd</sup> by David Dean to approve the application from the New Century Films for their Moon Festival Mass Gather Permit on September 13 – 15, 2019.

Discussion: Councilman Trovei asked if everything was in place and Supervisor Spears said the insurance forms are in place, the fees have been paid and the game plan has been laid out.

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

**MOTION CARRIED**

Supervisor Spears said he was seeking approval for the cell tower upgrade from AT&T, with the proceeds to the town are at \$60,000 a year, which offsets our taxes. He has to sign their application and their approval upgrade.

**Motion to Approve Signing the AT&T Cell Tower Upgrade**

Motion by David Dean, 2<sup>nd</sup> by Ken Smith to approve the Supervisor signing the AT&T Cell Tower Upgrade.

Discussion: Councilman Smith asked if they were just updating equipment or adding new carriers. Supervisor Spears said they added a new carrier this year, but this is to upgrade the equipment to add a generator and make sure it functions in a storm. Mr. Plotsky said they are also putting a fence around it. Councilman Smith asked if there was enough room to place a generator and Supervisor Spears said there was. He said he talked with Al and he said they were good to go. Councilman Schock asked if there was a cost of living on that and Supervisor Spears said yes, they got an escalation cost for all four carriers every year. It has been very beneficial for the town, but also for the residents with cell service.

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

**MOTION CARRIED**

Supervisor Spears explained the request from the Building Department to add a person to the list of Electrical Inspectors for the Town of Deerpark. This application was handled by the Building Department and all the licenses and the proper credentials are there and they recommend the board approve this to be added to the list of the Electrical Inspectors list. They are adding Emmanouil Zervakis.

**Motion to Add Emmanouil Zervakis Services to the Electrical Inspectors List for the Town of Deerpark**

Motion by Alan Schock, 2<sup>nd</sup> by Ken Smith to add Emmanouil Zervakis' services to the Electrical Inspectors List for the Town of Deerpark.

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

**MOTION CARRIED**

**Motion to Appoint Deborah Natalizio as Assessor for Six Years**

Motion by David Dean, 2<sup>nd</sup> by Alan Schock to appoint Deborah Natalizio as Assessor for six years.

Discussion: Councilman Trovei asked about the six years and Supervisor Spears said that six years is according to State law, every Assessor in every town in the state of New York come due at the same time.

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

**MOTION CARRIED**

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**Motion to Approve Resolution 7 of 2019 – Authorizing Supervisor to Sign 2019-2020 Snow & Ice Removal Contract with Orange County**

Motion by David Dean, 2<sup>nd</sup> by Alan Schock to approve Resolution 7 of 2019 authorizing the Supervisor to sign the 2019-2020 Snow & Ice Removal Contract with Orange County.

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

**MOTION CARRIED**

**Motion to Approve Resolution 8 of 2019 - Authorizing the Supervisor the Community Development Block Grant (CDBG) for Martin Road (\$125,000)**

Motion by David Dean, 2<sup>nd</sup> by Alan Schock to approve Resolution 8 of 2019 authorizing the Supervisor to sign the Community Development Block Grant (CDBG) for Martin Road (\$125,000) when it is ready for signature.

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

**MOTION CARRIED**

Appropriations, Budget and Payment of Bills

**Motion to Pay Bills**

Motion by Alan Schock, 2<sup>nd</sup> by Ken Smith 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 #17 of 2019 in the amount of \$246,398.77  
Highway Fund Abstract #17 of 2019 in the amount of \$285,781.64  
Special Revenue Reserve Fund Abstract #11 of 2019 in the amount of \$2,762.13  
Engineering Fund Abstract #10 of 2019 in the amount of \$2,580.00

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

**MOTION CARRIED**

Supervisor Spears said he is finalizing the budget for 2020 and hopefully by the next meeting, he'll give it to Flo who gives it to the board.

Closing Board Comments

Councilman Dean said he is very interested in this Airbnb and he hoped to find the best information about this. He thought they need to get this straightened out. He thought it was a good thing, but they have to make sure of the liability to the town.

Councilman Trovei said because of the beauty of the area, people want to come here and spend money in town and enjoy what they're enjoying. He doesn't want to overregulate. It could be a very good thing.

Councilman Schock was glad to see the ambulance holding their own and doing well. He thanked Flo for all she does and he thought she was having fun doing it. The Airbnb really amazes him.

Councilman Smith thanked Flo for doing a great job. He mentioned Airbnb has been around a long time and it is popular all around the world. He's all for people renting their places and thought they should push it as fast they can.

Supervisor Spears thanked Flo for setting up the 9/11 Ceremony and it is such a huge success and he knows how much work goes into it. He appreciates her and the highway, Mr. Trovei for the tent, etc. He said good luck to the Moon Festival. He said that the Airbnb needs to get up to speed and they will try to get on it quick. There were noise issues at the campground over the weekend and they issued a citation. They will call the racetrack and hope to get that quieted down. Things are good. He heard the school taxes are going to stay level this year.

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**Motion to Enter Executive Session for the Purpose of Discussing Litigation at 9:00 p.m.**

Motion by Ken Smith, 2<sup>nd</sup> by Arthur Trovei to enter Executive Session for the purpose of discussing litigation at 9:00 p.m. after a 15-minute recess and invite in the Town Attorney and Highway Superintendent.

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

**MOTION CARRIED**

**Motion to Re-Enter Regular Session at 9:57 p.m.**

Motion by David Dean, 2<sup>nd</sup> by Ken Smith to re-enter Regular Session at 9:57 p.m.

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

**MOTION CARRIED**

**Motion to Adjourn at 9:59 p.m.**

Motion by Arthur Trovei, 2<sup>nd</sup> by David Dean to adjourn the meeting at 9:59 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