

**TOWN OF DEERPARK  
TOWN BOARD REGULAR MEETING  
MONDAY, SEPTEMBER 18, 2017**

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

Invocation led by Councilman Trovei (Participation Optional)

**Supervisor:** Gary Spears

**Councilmen:** Alan Schock, Ken Smith, David Dean, Arthur Trovei

**Attorney:** Glen Plotsky

**Engineer:** Al Fusco, Jr.

**Pledge of Allegiance** led by Councilman Schock

**Call to Order** at 7:03 p.m.

**Public Hearing on 6 Piatt Drive (SBL: 22-1-45), Cuddebackville at 7:03 p.m.**

*Town Clerk Florence T. Santini* read the Public Hearing Notice (a copy is attached to the official minutes).

*Town Engineer/Building Inspector Al Fusco* read his report regarding the condition of the building and its past violation notices in compliance with the New York State Building and Property Maintenance Code and must be corrected in 30 days when they will inspect again. They also need to schedule an interior inspection and requested the property owners to contact them with a convenient time.

*Town Attorney Glen Plotsky* asked the Supervisor and Board to note a copy of the letter received by the Town, which was sent to Denise Levitz, property owner of 6 Piatt Drive on March 16, 2017 regarding nuisance, rats and garbage, which was the final notice of violation. His understanding as of June 30, 2017 based on the Engineers observation was that none of the issues from the Department of Health letter were addressed.

Public Comment:

Juanita Leisch-Jensen - 3 State Route 211, Cuddebackville, NY. She provided a copy of her comments (which is attached to the official minutes) addressing securing the house rather than demolish, for the purpose of historic preservation.

Katelin Tompos - friend of Mrs. Levitz. She asked whose interest it was to do harm to the elderly handicapped person who is trying to do her best to comply. She said the gentleman reported what was in the house, yet claimed to have not been in the house and she asked how he would know. She mentioned the cemetery is right behind the houses and rodents are all over there and it doesn't matter what pesticide is put down. A month and a half ago she got help (not from the Town of Deerpark which she paid taxes to), and people with volunteers cleaned up garbage outside. They didn't finish the job and are willing to come back in the near future. She said the men had a tiny little heart. She said look at her, she needs help ... she needs physical help from the town she pays taxes to, but you are not giving it to her. She said shame on you. You can't even see the house unless you go into the driveway 25 feet. Who is it bothering? She mentioned how Mrs. Levitz had no income, but pays her taxes. She began to mention other issues and the attorney directed her to stay on this property during the Public Hearing.

*Glen Plotsky, Town Attorney* asked the Board to consider documentation and actions from 2015 specifically reports from the Town Engineer on June 2, 2015; June 8, 2015; July 6, 2015; as well as the Public Hearing Notice of July 20, 2015 and a follow up letter from the Town Engineer dated August 10, 2015, as well as a letter from him sent certified, return receipt requested to Mrs. Levitz on August 20<sup>th</sup> identifying precisely what needed to be done indicating that if repairs were not substantially completed before November 4, 2015 ... just so we're clear that was two years ago that the board had authorized demolition at that time. Apparently in two years, the town board did receive notification from the Orange County Department of Health which requires Town Board action. That is the reason for this proceeding.

Denise Levitz – addressed the letter from the County of Orange and stated she did not have deeds to the properties. She said that was taken six months ago. She described her health issues. She lost her disability compensation. (Her comments are on audio in the Town Clerk's office.)

*Glen Plotsky* interjected that due to involvement of the County taking the property for taxes or in some other mechanism, they should likely speak to someone else and or contacting them. If the county owns it or is going to own it, they will have to make

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the repairs. He didn't know if they would allow Mrs. Levitz to remain in the property or if they sell it on tax bill, it will go to some third party, that third party will be responsible for the repair. He was sure they would not allow Mrs. Levitz to remain. At this juncture it would behoove the board to verify that Mrs. Levitz has no comments in addition to what she already said relative to 2 Piatt Drive, verifying that the other people who have spoken also pertains to 2 Piatt Drive, and ask if they have any other information or if there are any other people in regard to the 2 Piatt Drive properties and read the Public Notice for 2 Piatt Drive so it is official. Perhaps then, hold the Public Notice open so he can try to verify the legal status in regards to ownership of the property, then the Town Board can make a determination.

Supervisor Spears asked Mrs. Levitz if she had anyone who could help her clean up her property. He encouraged her to focus on her solution to the problem. He asked her to expound on the solution. Mrs. Levitz spoke on many issues and her many needs (all on audio in the Town Clerk's office).

Ron Flieger – 10 Piatt Drive. He said he drives by Denise's property every day. It's been like this for many years. The outside is a mess with junk cars sitting there that are unregistered. There are still rats running all over the place. There's still debris lying all over. He said people came down and did some clean up a few weeks ago, but they only just hit and missed, they didn't do a whole bunch. They took some natural garbage away, but there's still a lot of debris all over the place. He added this has made his property worthless and he couldn't sell it if he wanted to. There wouldn't be anybody even remotely wanting to buy it. All he was asking and always was asking was to clean it up. He was not asking for them to demolish the buildings because they possibly could be saved. The porch on the one is a mess, but maybe with some TLC the two buildings could be fixed up. As to being a nice guy, a couple years ago—three years ago in fact, he offered to paint the two garages that are on the opposite side of the road and took the paint and would have done it himself and all they would have had to do was clean the debris around it so he could walk around. This is the fourth summer and it hasn't been done. He was trying to be a good neighbor and make it look a little nicer when people came in, but that didn't happen. He doesn't want to demolish her houses if it's not necessary. He wants them cleaned up...get rid of the rats...the turkey buzzards that are in there all the time that she feeds, and she has pet cats that she takes care of. That's fine. But the rest of it needs to be cleaned up. Period. That's all it is.

**Public Hearing on 2 Piatt Drive (SBL: 22-1-47), Cuddebackville**

*Town Attorney Glen Plotsky* read the Public Hearing Notice (a copy is attached to the official minutes).

Grace Woodward – She said she thought there were no excuses when people come, most likely with a dumpster, that the cleanup takes place. She would leave as a community member helping a neighbor out. She knows how difficult it is to maintain properties, that in writing you agree to this. We'll have a date and a dumpster and we'll plunge in. We'll work it out so that that problem is taken care of. Down the line there is another problem. Addressing Mrs. Levitz she said, "you cannot be feeding birds if you have cats. You cannot go on to attract vermin, that kind of outdoor feeding has to end. So there will be a list of things that you'll have to comply with, that the neighbors, those who have come and spoken, who have helped you in the past would feel confident that once it is cleaned up, it does not become the same thing again over a period of time. So that's number one, which is what the town wants." She has to rent a dumpster because she has a piece of property that has some. So she understands this. She said she understands one has intentions, excuses, blah, blah. Her next point is that all of the issues of who owns it, whether it is the county or even if the county would help in the cleanup in lieu of some concessions by Mrs. Levitz; she wants you to have a place to live. She said she wants her to be secure. She doesn't want vermin. She doesn't want her tormenting her neighbors with her trash. So, she wants a clarification of the status of the property and that once it is cleaned up, it's taken care of. This is the heart of the historic district of Deerpark. She said she is a Cuddeback. She has family that goes back ... good, bad and indifferent relatives. But the fact is that this is the heart of the Deerpark historic district particularly, including Simon's old store and dance hall and all this stuff and all these buildings and of course the canal. The town, I would hope, in coordinating ... and I'm in touch with Shippo... the town is rich in 17<sup>th</sup> and 18<sup>th</sup> and 19<sup>th</sup> century and if the town is looking for economic development ... if those two houses get to be respectable, She doesn't know about the other building, but then you would have something and some signage, but to tear them down because of an unwillingness and because of problems for the town and the county to go that far, she thought would be a very, very bad precedent. She said she knows the town has a couple of active museums. Both Juanita and her were on the Board on the Neversink Valley Area Museum I know that funding, and she doesn't know who the grant writer for the town, but preserving this area should be high on their list even before dealing with a 15 year old vacant C & D Factory next door. So, that is what she'd have to say. She said she will get cooperation on this from neighbors, and though she is not a neighbor she's known her a little bit over the years, and she will cooperate. Because what she's been given here is support and tolerance.

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*Town Engineer/Building Inspector Al Fusco*, reported on 2 Piatt Drive saying it has a long history since 1988, 1991, 1997, 1998, 2000, 2001, 2010, 2014 and of course 2015 where there have been very thorough lists of what needed to be done, that have been documented. He said there were 18 to 20 things that needed to be done. He just wanted to state that for the record.

*Town Attorney Glen Plotsky* suggested the board incorporate any comments made by Ms. Leisch-Jensen and Ms. Tompos and Mrs. Levitz and Mr. Flieger prior to the Public Hearing Notice relative to 2 Piatt Drive as well as 6 Piatt Drive and also asked the board to take notice of the 2015 documentation relative to 2 Piatt Drive along with the June 2, June 8, July 6, July 20 and August 10 of 2015 so there are two complete and distinct records for both properties.

**Motion to Combine the Two Public Hearings of 2 Piatt Drive (SBL: 22-1-47) and 6 Piatt Drive (SBL: 22-1-45)**

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei to combine the two public hearings of 2 Piatt Drive (SBL: 22-1-47) and 6 Piatt Drive (SBL: 22-1-45) so the comments made are combined for both properties.

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

**MOTION CARRIED**

**Public Hearing on 1045 US Route 209 (SBL: 22-1-43), Cuddebackville at 8:13 p.m.**

*Town Clerk Florence T. Santini* read the Public Hearing Notice (a copy is attached to the official minutes).

*Town Engineer/Building Inspector Al Fusco*, reported doing an inspection of this building on June 30<sup>th</sup> and provided a report to the Town Board regarding the condition of the property. Basically, very little has changed since the inspections in 2015. Some brush was cleaned up. The property is and has remained a dangerous property ever since. He went by there and the condition has not gotten any better. It is extremely dangerous. It is an attractive nuisance to children. It is open and somebody can get in there and get hurt and at the point nothing has been done to secure the building. At this point, without any occupancy and without any potential occupancy and without any engineering reports, he recommended they move forward with the demolition.

Public Comments:

Kathleen Christopherson she said regarding the comment on a minimal amount of brush was cleaned up, she got a permit and removed the back porch on the first floor. She removed the whole thing. Since then, the report mentions a porch has to be removed and she is isn't sure if that means the second floor. She cleaned up the overgrowth. Since she called Mr. Spears and promised to take care of everything right away, she got ill and basically just got back to work. She asked for a small amount of time to go in and knock everything out. She promised to help her neighbor remove a lot of her garbage. She is hiring a contractor with a dump truck. Not only will she take care of everything she possibly can. She won't get the roof done, but will work on it as soon as possible. She is very determined to make it beautiful. She has been standing alone on this and she is feeling better and she is working now and making some money. She knows there are a lot of problems and Mr. Fusco pointed some things out she really doesn't understand. Her new neighbor Dollar General did go on her property and they took some trees down and tore off a lot of her roof shingles, more than she was missing already. They also unearthed the septic tank by digging it up. When she bought the property, the deed said the septic tank was grandfathered in to her neighbor's property. So what does that mean? When they bought the property she lost her usage? She didn't understand. Mr. Plotsky said this was a case for her lawyer.

*Town Attorney Glen Plotsky* advised the board regarding Ms. Christopherson's request for additional time, that as communicated to the Supervisor prior to the meeting, he had inadvertently neglected to notify a bank that he believes has an interest in the property of the Public Hearing. Mr. Plotsky suggested this Public Hearing be held open until October 16<sup>th</sup> and he will provide them that notice and perhaps the Board should direct Mr. Fusco to re-inspect this property the week before that meeting and then the Board will be updated on the condition.

Supervisor Spears asked if Ms. Christopherson has a list of the violations and she said she did. Ms. Christopherson admitted to being completely guilty, but it was because she was ill. She is not ill anymore, so she is going to come in for another permit. Supervisor Spears said they could give her another extension, but it won't be long and he hoped she showed progress before she comes back next month. She asked the attorney about the mention of a bank. Mr. Plotsky responded that according to a title report that was run in 2015, it appears that PNC has a mortgage on this property. Ms. Christopherson said it was gone and all she has to do is take the proper paper work to the county court. Mr. Plosky asked her to bring a photocopy of that paper

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work to him or to Town Hall. She agreed to do that. Mr. Plotsky needs to know by the beginning of next week, or he will send the notice certified mail. She said she will get a copy from her attorney and Mr. Plotsky offered his business card.

**Motion to Hold Public Hearing Open for 1045 US Route 209 (SBL: 22-1-43) Until October 16, 2017**

Motion by Gary Spears, 2<sup>nd</sup> by Ken Smith to hold the public hearing for 1045 US Route 209 open to give Ms. Christopherson a chance to iron out her problems and get to work on the property and come back on October 16<sup>th</sup> for continuation.

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

**MOTION CARRIED**

**Motion to Close Public Hearing for 2 Piatt Dr. and 6 Piatt Drive**

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei to close the public hearing for 2 Piatt Dr. and 6 Piatt Drive.

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

**MOTION CARRIED**

**Motion to Add Hiring of P/T Police Officer to Agenda**

Motion by Gary Spears, 2<sup>nd</sup> by Ken Smith to add the hiring of a P/T Police Officer to the Agenda.

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

**MOTION CARRIED**

Presentations/Communications

*George Ewing* of the Port Jervis Volunteer Ambulance Corps gave his monthly report saying they saw a loss in their previous month report. They had a couple coin drops. He reported on the grant request being prepared by a grant writer. Discussion about billing and collection continued. Volunteerism is up. He is working on more fundraisers.

Public comments: None

**Motion to Approve September 5, 2017 Board Minutes**

Motion by Gary Spears, 2<sup>nd</sup> by Ken Smith to approve the September 5, 2017 Board Minutes.

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

**1 ABSTENTION: Arthur Trovei**

**MOTION CARRIED**

New Business

**Motion to Accept Letter of Resignation of P/T Police Officer Keith P. Reynolds**

Motion by Gary Spears, 2<sup>nd</sup> by Alan Schock to accept the letter of resignation of P/T Police Officer Keith P. Reynolds.

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

**MOTION CARRIED**

**Motion to Hire P/T Police Officer Christine Garry**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to hire P/T Police Officer Christine Garry per recommendation of the Police Chief.

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

**MOTION CARRIED**

*Florence T. Santini, Town Clerk* presented the Tentative Budget to the Town Board.

Supervisor Spears mentioned that they have worked on it for a month and it includes the purchase of a police car each year to rotate their stock, there is \$210,000 plus another almost \$200,000 for paving so they can continue to address re-paved roads. They approved the 2% increase for both the police and highway unions. It also includes the 2% increase for the ladies in the office and raises for the elected officials. They are at 28% increase, which is less than 1%. The total budget is right around \$5 million dollars. The board now has two weeks to study it, ask questions, make recommendations and at the next meeting, they'll move the tentative budget to the preliminary budget and that will go to the state because the town is still under deficit financing. They will have one month to make their recommendations to us before passing the final budget in November.

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Appropriations, Budget and Payment of Bills

**Motion to Pay Bills and Accept Budget Officer's Report**

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

General Fund Abstract #17 of 2017 in the amount of \$143,348.76  
Highway Fund Abstract #17 of 2017 in the amount of \$32,588.80  
Deerpark Manor Street Lighting Fund Abstract #9 of 2017 in the amount of \$475.15  
Special Revenue Reserve Fund Abstract #12 of 2017 in the amount of \$3,266.34

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

**MOTION CARRIED**

**Motion to Grant Additional Time to Property Owner Denise Levitz Until October 16, 2017**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to grant additional time to property owner Denise Levitz (2 Piatt Drive and 6 Piatt Drive) until October 16, 2017 to hopefully see some improvement in her property. (Mr. Fusco was asked to inspect that property the previous week.)

Discussion: Supervisor Spears asked Mr. Fusco and Mr. Plotsky if the neighbors and the helpers are unsuccessful, is it possible that the town can order a cleanup and put it towards the tax bill. Mr. Fusco said if it is after the meeting on October 16<sup>th</sup>, they could. Councilman Dean asked if they know who has the actual title to the well. Mr. Plotsky said that according to the paperwork, the county ensued to take possession based upon four years of unpaid real property. Discussion continued. Mr. Plotsky will follow up on who owns the property.

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

**MOTION CARRIED**

Closing Board Comments

Councilman Schock said he really didn't like coming tonight because of this and it was not something ... he takes offense to hearing the lady say they have no real hearts. They've struggled with this for two years.

Supervisor Spears agreed and said they have struggled longer than two years and it is not just her that this affects. It affects the neighbors, the neighborhood, and it affects the whole community. Unfortunately, they will have to plow ahead and take everybody's opinion. He had the distinct opportunity to represent the Town of Deerpark at numerous functions this week and the last week, which were magnificent. He started with the Veteran's Dedication of the Memorial at the Sparrowbush Fire House. Those veterans that formed the committee and had a vision have done a wonderful job and the memorial is beautiful. They put their heart and soul into it. The ceremony was really good. Regina Creegan sang and did just great. He was impressed and happy for Floyd, he put his heart and soul in this for a long time. It was greatly attended. It was a great day. Also, there was the 9/11 Ceremony on Monday and it was absolutely great and thanked Flo and the girls and the committee for the work they do. He has gone to others in the county and though he is prejudiced, it is by far one of the best bar none. It was well attended. Flo gets everything donated. What a great day for Deerpark. And he got to go to the Orange County Fire Fighters Memorial Service Sunday morning and that was really nice. They had the county represented and the fire companies represented from all over the county. They read the roll of their members that have passed on. There was a wonderful sermon by Rev. Amy Garrett from the Methodist Church in Sparrowbush. Even though people complain about Deerpark, it is a wonderful place to live.

Councilman Trovei agreed saying Deerpark is one of the best places in the world to live ... he appreciates how everyone works to make it better. It is disheartening to have to deal with this type of thing tonight. The comments were not necessary that were made ... he said they are not allowed to use town money to work on private properties, just to clarify. He hoped everything worked out and they got the houses cleaned up and brought back to life. He wished them good luck.

Councilman Dean wanted to also say the Veteran's Memorial far exceeded his expectations. It was professional and is in a great location. It is one of those things that should make everyone proud. This is what you hope for in every small community in America. The fire companies are the same thing doing what neighbors should do. They wear their heart on their sleeve. The 9/11 ceremony, he didn't know what to say ... he choked up just thinking about it again. It was a horrible day and nobody

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that was alive will ever forget it, but they pay tribute to those who lost their lives, lost loved ones ... its touching. He gave credit to Flo who is tireless about it. It shows he said. People come here and find it is heartfelt. He said he was proud to live here. He's proud of the people who live here. It's a great place.

Supervisor Spears announced that the Orange County Fireman's Parade is Saturday with the step off at 2:00 p.m. Lineup is at 1:00. This is the 100<sup>th</sup> anniversary of the Sparrowbush Fire House.

*Town Clerk Florence Santini* mentioned that at the Senior Center, Assemblyman Karl Brabenec spoke to the seniors and Jim Booth and someone from the Orange County Office of the Aging and they talked about the yellow dot program. She said she was impressed. The Sheriff's Department came up with this program and you put the yellow dot on your front or back door. You leave your list of prescriptions in a bag in your freezer. If emergency crews come to your home and you have a yellow dot, they'll get your prescriptions list. You can also put a yellow dot in your car for the prescriptions in your glove compartment. They are looking for the contract for the senior food and Mr. Plotsky will look at it the next day.

**Motion to Authorize the Supervisor to Sign Food Contract for Senior Citizens**

Motion by Arthur Trovei, 2<sup>nd</sup> by David Dean to authorize the Supervisor to sign the food contract for the senior citizens meeting in the Senior Center pending review by the Town Attorney.

Discussion: Councilman Dean asked how long the contract was and Ms. Santini said it was until the end of 2018. Both Supervisor Spears and Town Clerk Santini said there was no cost to the town. This is a federally funded program.

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

**MOTION CARRIED**

**Motion to Enter Executive Session to Discuss Litigation (Federal Court/Supreme Court)**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to enter Executive Session to discuss the litigation, one for Federal Court and one for Supreme Court and invite in the Town Attorney after a 10 minute recess, at 9:10 p.m.

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

**MOTION CARRIED**

Recess for 10 minutes.

**Motion to Re-enter Regular Session at 9:58 p.m.**

Motion by Alan Schock, 2<sup>nd</sup> by Arthur Trovei to re-enter Regular Session at 9:58 p.m.

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

**MOTION CARRIED**

**Motion to Adjourn at 10:00 p.m.**

Motion by Ken Smith, 2<sup>nd</sup> by David Dean to adjourn the meeting at 10:00 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