

**TOWN OF DEERPARK
TOWN BOARD MEETING
TOWN BOARD REGULAR MEETING
MONDAY, NOVEMBER 16, 2015**

Invocation by Arthur Trovei (Participation Optional)

Attendance

Supervisor: Gary Spears

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

Attorney: Glen Plotsky

Engineer: Alfred Fusco, Jr.

All stood for a Moment of Silence for the terror attacks that occurred in Paris, France.

Pledge of Allegiance by Councilman Schock

Call to Order at 7:31 p.m.

Additions/Changes to Agenda

Motion to Add Bids for Demolition, Galley Hill Road, Discussion on Shinhollow Bridge Repair and Change Town Board Meeting from December 21st to December 31st (Year End) to the Agenda

Motion by David Dean, 2nd by Ken Smith to add bids for demolition, Galley Hill Road, discussion on the Shinhollow Bridge Repair and to change the Town Board Meeting from December 21st to December 31st (Year End) to the Agenda.

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

MOTION CARRIED

Public Hearing Opened for 2016 Preliminary Budget at 7:33 p.m.

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

Public Comment – None

Motion to Close the Public Hearing for the 2016 Preliminary Budget at 7:35 p.m.

Motion by Arthur Trovei, 2nd by Ken Smith to close the Public Hearing for the 2016 Preliminary Budget at 7:35 p.m.

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

MOTION CARRIED

Presentations/Communications

Florence Santini, Town Clerk received a letter from the *Association of Towns* regarding the 2016 Annual Meeting and Training School, President's weekend (February 14-17, 2016) in New York City. They require reservations as soon as possible, due to using a new hotel. There will be classes for newly elected officials January 6-8 in Rochester and January 13-15 in Albany, New York. There will be a webinar December 10th for newly elected officials on what to do. Councilman Trovei asked for the information and Ms. Santini will scan it to them. Supervisor Spears asked if the Chairmen of the Planning Board and the ZBA could also receive notice and Ms. Santini will take care of that. The President of their *Town Clerk's Association* wrote a letter also referring to the training. Ms. Santini also brought up the Christmas Tree Lighting Contest in December for holiday decorations. The Town Clerk's office will collect prizes from the local businesses. They will take names and addresses for the weekend of December 18 and 19, to go around and judge the decorations. Residents should call her office at 856-2210, Ext. 2.

Public Comments on Neversink Drive

Joanne Vicaretti lives on Shinhollow Road and she passed out a spread sheet. She took the traffic study that was done by the Deerpark Police Department and broke it down to show that the majority of the traffic is at rush hour. She found it interesting that only four cars exceeded the speed limit during that 48 hour period. It also shows the average number of cars that traveled in a 24 hour period was not that high and about 44 cars per hour. She has a lot of petitions coming that night to keep the speed limit at 55 mph. Ms. Vicaretti claims that is a safe speed limit. As a member of the Huguenot Fire Company, she went to a lot of calls in town for car accidents. There are accidents on Neversink Drive, but usually because the road is bad due to an ice storm, some are drinking, some are using drugs, and some are traveling at an unsafe speed. You don't see it when people are

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going 50 or 55 mph. It's a safe speed. She pulls out on that road every time she leaves her house to go somewhere. It's not difficult to pull out.

Caroline Nielsen said there was almost an accident that day due to two county workers working on the ditches. She heard the car come flying down from the Country Club hill, thank God he put his brakes on, or tonight she would have been reporting two severely injured people or deaths. She lived there for fifty years and in that fifty years she saw the changes from farmland to heavily populated areas. She was out again getting signatures and again the same stories over and over. It was difficult to get in and it was difficult to pull out. People are passing on the left hand side as you have directions on to pull in. The traffic study referred to was a one way; they didn't get the north counting. She sat on her deck and counted sixty cars in a ten minute period. That is a very high rate. If you doubled that report, you've got over 4,000 cars in two days. This is a high volume. This is dangerous. It is the safety of the people. If you can't go a little slower, what have we become she said...so self-centered. It still has to go to the county for approval. Take it off your shoulders as she said before and give it to the county. Give them a chance to do the study. As far as the speed monitor went, the cars coming around that blind bend saw it; the brakes were being slammed on so when they went through the monitoring, their speed limit was down. She witnessed that herself. It wasn't something she came up with. The other issue was the minutes on line are still from September, nothing more current. A lot of people, if they went on line, would know what was happening right now. Thank you.

Brenda Blair thanked them for the opportunity allowing her speak and as they know, she has spoken three times prior regarding this issues because they were the ones who brought it up regarding the safety on Neversink Drive. She presented facts, information, comparisons, testimonials and signed petitions. She asked no more of them than to follow the given state procedure, to seek input and evaluation of the safety issue. She knows they are not the ones to lower it; it's just that a number of the residents see this as a problem and want them to reconsider evaluating it. There are always going to be naysayers that offer resistance to anything in this society. Most of the time it is a little substantiation of facts and the weak reasoning saying "I like it the way it is." If you read the Record, you'll find almost daily articles indicating similar disregard for people and property by those who have little concern for others. Those of them, who have property and driveways bordering 80, are telling you we don't like it the way it is and that is a good reason, because it is not safe. She implored them to be reasonable. If they were all there tonight to have a gathering and order pizza, she would say let's go around the room and say who likes what. She said "we're not here to order out"; "we're here to address an issue of safety." They were asking for a safer road for the residents and the travelers. As their elected representatives, she said they obligated themselves to act in a manner for the best service and welfare in the state of Deerpark and those within. She asked them to seek the investigation, the evaluation of this truly county road which now has the traffic pattern greater than 2,100 vehicles a day. Tonight, she provided additional petitions, now totaling 302 signatures of which 210 signors are property owners on 80 or on roads leading onto 80 and required to travel 80. At least 95% of those people that they approached on an individual basis, who own such property as that, signed the paper immediately. It was from these residents, they repeatedly heard concern for the children waiting for the buses; fearfulness to go out to their mailboxes or out by the road; problems entering 80 from their driveways or intersecting highways; problems turning back into their driveways or the intersecting roads; and severe tailgating and increased need for police presence. As she mentioned, she has seen more police around their area since this has become an issue. She reiterated her reason is due to the speed limit of 55 mph being too high for that road, not that there are that many speeders. By leaving it at 55 mph, they are essentially tying the hands of the police they are asking to protect them out there. We've heard the naysayers and want to suggest to them not to be so self-absorbed at saving that minute or fraction thereof, to disregard others. She reminded them of the golden rule, a good Christian principal and practice that all should observe. She thanked them for their time.

Carla Kidney lives on Shinhollow Road, which is one of the roads that was mentioned earlier. The only way out of it is on Neversink Drive. She was considering signing the petition and she received information that was not true. One was looking at the traffic study there was no evidence, but she was told in being persuaded to sign the petition that there were four cars during the traffic study clocked at going over 70 mph. She might feel inclined to sign that if she didn't already have her own opinion and had heard this false information. She believes in another Christian pillar, which is honesty. So, she asked everyone to consider that ... She didn't know how often that happened with the other signatures.

Public Comments on Galley Hill Road

Ken Porada lives at 224 Galley Hill Road and a member of Birch Hunting Club, 151 Galley Hill Road. He just submitted two petitions with approximately 150 signatures with comments from people who are very concerned with the preservation of

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Galley Hill Road. The second one is only 10 signatures from their Hunting Club of 25 members, which he hoped to fill by the weekend with hunting season opening. They are very concerned. He thanked them for their time.

Denise Levitz – 2 Piatt Drive, Cuddebackville. (She discussed why she had not been here for the meetings.) Her husband's cast came off his leg recently, she has had tremendous stress and she has two brain tumors and she'll have an MRI the next day. Due to the meeting they had together in August, she tried to get her Social Services Disability back, etc. Her comments on her and her husband's personal needs were reported and are on file. Supervisor Spears clarified that November 4th was 90 days--after that she was to have corrected the violations. He said the situation had been going on for two years. Town Attorney Glen Plotsky explained that it had been two years since the first hearing was conducted. Ms. Levitz claimed she was not there. Mr. Plotsky stated that actually she testified about different property, but she was made aware at that time that her property was in the cross hairs and she was having issues, after that a public hearing was conducted approximately a year ago. At that time, it was specifically about her property. About a year later in August, there was another public hearing about her property and at that public hearing, the board asked her how much time she felt was reasonable for her to make the necessary repairs in order to avoid the action to either demolish or secure her home. She replied 90 days. The Board gave her 90 days. Those 90 days expired on November 4th. Ms. Levitz didn't understand; she didn't have the money; she rehearsed some of her personal history which is on file. She mentioned the house was built in 1760. Supervisor Spears mentioned the fire and she quickly said she didn't report it. She is living between two houses. Supervisor Spears stated that they are at the point now where they have been a year and a half trying to help her and nobody wants to take her property, but after the chimney fire they had a report from the Cuddebackville Fire Department that for their own safe condition, this Board has to consider the public safety of the fire people too. They will continually try to give her more extensions to improve this situation not only for herself but for others. (She mentioned specifics of why their income is minimal.) Supervisor Spears interjected saying what they truly want to do is find a solution to the problem of an unsafe structure that is a safety hazard for not only the people in the town, but quite possibly for her and her husband. He asked Ms. Levitz if she had a solution she could offer them. Ms. Levitz answered yes, she did. First of all, she thanked them for their concern. The other solution she wanted to say was if she could have her \$35,000 from her Social Security Disability they owe her, that would be wonderful. She could order supplies and get somebody to help them do it. They used to be able to do more stuff. Supervisor Spears asked what house they are living in. Ms. Levitz said "both". They are basically living in two, but they get their water from the other house. Mr. Spears said to the engineer that the last inspection report they got said they were living in one house. Ms. Levitz said she is living basically in two and that's the house that they are living in but they get their water from the other house. Supervisor Spears asked both Al Fusco and Glen Plotsky if they could schedule a private meeting with Denise Levitz in the future. Mr. Fusco said he would ask that at that meeting, they be allowed in the house for an in depth inspection. Ms. Levitz said that would not be agreeable to her at this time. Mr. Plotsky addressed the Supervisor and said that in all due respect to Ms. Levitz, she can't have it both ways. If she wants to have a meeting and wants assistance from the town, the town has to know what she's facing. The concern is that if that building should fall, collapse, be damaged and whether it be Ms. Levitz, her husband or any member of the public, or a fireman or whatever the case is, the town is going to be named in that lawsuit. No ifs, ands or buts about it. They have seen it before. Either action has to be taken, or she has to cooperate in order to avoid action from being taken. It has been a year and a half, she's had plenty of notice and there isn't anyone in the room who doesn't feel very badly for her circumstances. But, feeling badly isn't going to protect the town if there is a problem. He said his job is to try to protect the town and candidly he told the board, their job is to protect the town. Ms. Levitz mentioned the National Geographic grant she read about. Supervisor Spears said he would have a meeting with Ms. Levitz this coming week so she knows and the public knows, that as of November 4th that building had been condemned, so if they cannot come to a solution that has already been done. He said she needs to understand what Mr. Plotsky was saying that there are safety issues for the town and for her and her husband. Unfortunately, they'll have to act at some time. He encouraged her to call his office the next day to set up a meeting to do what they can. They don't like doing this stuff, but they have to.

Motion to Approve the October 5 and October 19, 2015 Board Minutes

Motion by Gary Spears, 2nd by Ken Smith to approve the October 5 and October 19, 2015 Minutes as written.

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

MOTION CARRIED

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Old Business – Neversink Drive

Supervisor Spears said as this was discussed in previous meetings, the town's role in this is to gather facts and they can listen to both sides, make a decision to send this to the county – a TE9 and they would make a determination on the speed limit. He told the councilmen they have a resolution for discussion.

Motion to Adopt Resolution 17 of 2015 – County Route 80 aka Neversink Drive Speed Limit

Motion by Gary Spears, 2nd by David Dean to adopt Resolution 17 of 2015 for the County Route 80 aka Neversink Drive Speed Limit authorizing the Supervisor to file the TE9 and send it to the County for evaluation.

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

MOTION CARRIED

New Business – 2016 Adoption of Budget

Supervisor Spears received a letter from the State Comptroller's Office from their audit, due to the town's deficit financing. They made a few recommendations, but were mostly happy with what they reviewed. Mr. Spears stated their concerns were as follows: *unused fund balance* that they have returned back to tax payers in the form of using that to offset taxes. This year they thought the town used about \$100,000 too much and that would have drained the unreserved fund balance so if they had another flood or another rough winter, they would possibly be in trouble. He returned \$100,000 back to the fund balance and they will need to do four things to balance the budget for that. They will use both the General and the Highway Funds about 25% of the fund balance which is in their accepted standards. They will increase the mortgage tax, which was put down as a very low number because the mortgage tax hasn't been good in the recent years but with a new update from the county of projected mortgage tax, they will add \$20,000 to that line A3005. They had an extra \$2,000 in the part-time Police line, they will reduce that line. They will reduce general highway repairs from \$250,000 to \$222,200, which is a decrease of \$27,800. They have been adding to that fund greatly over the last three years so they could speed up road paving. Also, they reduced their highway equipment fund from \$125,000 to \$75,000—they were looking to purchase two new single axle trucks for plowing, instead they purchased two new bodies and rebuilt two older trucks and they should be sufficient.

Motion to Amend Line Item A3005 - Increase in Mortgage Tax from \$20,000 to \$40,000 under Revenue

Motion by Ken Smith, 2nd by David Dean to amend Line Item A3005 – Increase in Mortgage Tax from \$20,000 to \$40,000 under Revenue.

Discussion: Councilman Dean clarified that these steps they are taking to keep themselves in good stead, wanted the public to realize there is no chance they can go into deficit financing ... they are being prudent with the money they have. They made a commitment to have a 3% tax decrease and this is the result of that. They feel it is important to hold to that 3% cut. Nobody is in a good financial situation for a long time. They are going to cinch their belt, tighten things up. This break won't last forever. It's inevitable to go up after that. But, they think they should and he thanked the Supervisor for the changes he made. He said this town board doesn't waste money. It never has, it never will.

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

MOTION CARRIED

Motion to Decrease P/T Police Budget by \$2,000

Motion by David Dean, 2nd by Alan Schock to decrease P/T Police Budget by \$2,000.

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

MOTION CARRIED

Motion to Amend Line Item DA5110.4 - Reduce the Highway General Repair from \$250,000 to \$222,200

Motion by Ken Smith, 2nd by Arthur Trovei to amend Line Item DA5110.4 – Reduce the Highway General Repair from \$250,000 to \$222,200.

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

MOTION CARRIED

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Motion to Amend Line Item DA5130.2 - Reduce Highway Equipment from \$125,000 to \$75,000

Motion by Ken Smith, 2nd by Alan Schock to amend Line Item DA5130.2 – Reduce Highway Equipment from \$125,000 to \$75,000.

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

MOTION CARRIED

Motion to Adopt 2016 Budget

Motion by Arthur Trovei, 2nd by Ken Smith to adopt the 2016 Budget, which will include a 3% decrease in the tax levy for the residents.

Discussion: Councilman Trovei said there was some discussion back and forth and he appreciated what everybody had to do to make this promise stand. Like Dave said, they will do everything they can to keep things where they are at. They'll watch every dollar that comes in and every dollar that goes out. They will do the very best they can. He thanked everyone for their vote of confidence and they continue to appreciate each and every one of you.

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

MOTION CARRIED

Supervisor Spears thanked everyone for their hard work on the budget process over the past three months. He then mentioned the Governor's regulations require anything old or unused needed to be auctioned off as surplus equipment. He then read all that would be on their auction list: Xerox Color Copier, Epson All-in-One Printer/Fax/Copier, HP Printer Color Jet 2605, HP Printer and all have outlived their useful life and need to be auctioned. If there are no bids, they will dispose of them at the Recycle Center.

Motion to Surplus Outdated Equipment

Motion by Ken Smith, 2nd by Arthur Trovei to surplus their outdated equipment (Xerox Color Copier, Epson All-in-One Printer/Fax/Copier, HP Printer Color Jet 2605, HP Printer).

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

MOTION CARRIED

Town Engineer Alfred Fusco, Jr. reported on the Demolition Bids, saying the Town Clerk opened bids at 2:00 p.m. that day for the demolition of 29 Upper Brook Road and 1514 Route 209 which were properties that had been condemned by the Building Department and inspected by himself. They had a couple public hearings there and they were ordered demolished by the Town Board. Towards that end, they had asbestos studies done of both buildings and they went out for sealed competitive bids and they received six bids on both properties. There were two different low bidders, one for each property. 29 Upper Brook – Sauschuck Backhoe was the low bidder for \$17,950.00; 1514 Route 209 – Taylor Montgomery LLC was the low bidder for \$3,900.00. They checked their references and they made a recommendation that they accept these. If they do, they will send contracts out to them. They have bid bonds in form of certified checks for each of these two gentlemen and they can move forward on that. Supervisor Spears said it would be good to get this done this year and asked if the bidders gave him any information that they could quite possibly do that this year and Mr. Fusco said that the ones in attendance did wonder if they would award the bids quickly. He responded possibly that evening. Councilman Dean said there seems to be a huge concern and Mr. Fusco explained the high numbers usually involve sub-contracting out most of the work. They want to be responsive to the towns and also to their bonding companies by looking active and throw in the higher bid in case they get it and have their name out there.

Motion to Approve Low Demolition Bids

Motion by Arthur Trovei, 2nd by Ken Smith to approve the low bids for demolition (29 Upper Brook – Sauschuck Backhoe was the low bidder for \$17,950.00; 1514 Route 209 – Taylor Montgomery LLC was the low bidder for \$13,900.00)

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

MOTION CARRIED

Town Engineer Alfred Fusco, Jr. reported on the Shinhollow Bridge, saying that based on the Board putting up \$20,000 on an emergency basis to move forward with remedial improvements to the Shinhollow Bridge at the last meeting. At that time they had estimates at about \$15,000 with the H15 loading and they indicated they wanted H20 loading, so they redesigned it a little bit and the prices came up to \$17,400 give or take. There is additional shipping involved. He met with the Highway

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Superintendent that day and they can place the orders the next day. They modified the plan to suit what was in stock and move ahead. He gave a copy to Ed Hughson, Highway Superintendent and had a copy for the board as well. They were prepared to move forward. He thought it could take a week or two to get the materials on site and get organized. He explained his letter said including freight on the first one, material from Newburgh Steel was \$7,000 including freight; the McNichols Company is grating excluding freight.

Motion to Authorize the Purchase of Steel for Shinhollow Bridge

Motion by Ken Smith, 2nd by Alan Schock to authorize the purchase of steel for the Shinhollow Bridge.

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 Budget Officer's Report

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

General Fund Abstract #21 of 2015 in the amount of \$69,368.69
Highway Fund Abstract #21 of 2015 in the amount of \$83,741.66

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

MOTION CARRIED

Closing Board Comments

Councilman Trovei thanked everyone again for their hard work on the budget, he knew there were some tough decisions to make, but he was glad bringing it in at 3% ... again, it is just terrible what is going on in the world today.

Councilman Dean said it was nice to see a lot of people sitting there because normally nobody comes. He said they appreciated the audience. Everybody has the right to speak. All they need to do to speak is sign in and stand up there and don't be nervous. He reminded everyone that the best time of the year is here—that's hunting season. The season starts Saturday. He said please be careful going in the woods. It's a great sport and the weather has been great. There are too many acorns and it will be a tough year to hunt, but please be safe and enjoy. We live in a great place to hunt. He thanked the Supervisor for his work on the budget. Mr. Spears is a humble man who takes very little credit for all the work he does. He (Gary) is almost as cheap as he is. He deserves a lot of credit for this budget and all the councilmen deserve a lot of credit here from the support they've given too, and the people of this town deserve credit. They are doing their very best to make it a better place without breaking the bank. Those of you who have been around for a while remember when the bank got broken. That's not going to happen on their watch. It is very difficult for him and any other members of this board to have a discussion with somebody who was in dire straits and a very bad position and may lose their home. It is the worst possible decision anybody has to make in government. There are times when they do things to make sure that people are safer than they are today.

Councilman Shock said everyone already says what he could say before he has a chance. It was his first time doing the budget and it was nauseating, but Gary makes it real easy. He is working in the Town of Wallkill now and it is sickening the money they have because of the Galleria and all that stuff, but we are Deerpark and we don't have all that. But we do a good job. He thanked Gary.

Councilman Smith thanked everyone who came out and said they really appreciate it. He addressed the Supervisor and said he did the best job for them and is doing his best to save money for the town. They all appreciate it.

Supervisor Spears thanked everyone for coming out. They do want to hear what they have to say. Hopefully they can make wise decisions for both parties. Hopefully tonight they have done that too. He wanted to thank his fellow councilmen on the budget process in the past three months back and forth and also for the Department Heads who have worked very hard. When

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he first came on board they talked about the Department Head wish list and they submitted everything they could possibly wish for and they no longer do that. He said they tell them how much money they spent the year before and tell them to come back with what they spent the previous year and the Department Heads came through again trying to do more with less. He thanked Flo for the Holiday Decoration Contest and he thanked her for efforts for the Thanksgiving Dinner.

Florence Santini, Town Clerk said she went to Port Jervis meeting last Monday and thought it was only proper. She said they have a relationship that way because of Kathy Shortell and the Farnum House where she takes care of deliveries. Flo thanked the council because of the Farnum House and what Kathy does. So, Tippy and Regina and she went down there for the presentation.

Supervisor Spears will send the TE9 and let everyone know what their decision is. Since they have people on the Galley Hill Road issue, he'll put it on the December 7th meeting and will try to get it on the website early so if there are pro and con opinions, they'll have an opportunity to come and speak.

Motion to Enter Executive Session Re: Academy Avenue Litigation at 9:00 p.m. After a 15 Minute Recess

Motion by Ken Smith, 2nd by Alan Schock to enter Executive Session re: Academy Avenue Litigation at 9:00 p.m. after a 15 minute recess and invite Town Attorney Glen Plotsky.

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

MOTION CARRIED

Motion to Re-Enter Regular Session at 10:29 p.m.

Motion by Arthur Trovei, 2nd by Ken Smith to re-enter Regular Session at 10:29 p.m.

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

MOTION CARRIED

Motion to Adjourn at 10:30 p.m.

Motion by Ken Smith, 2nd by Arthur Trovei to adjourn at 10:30 p.m.

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

MOTION CARRIED

Submitted by,

Florence T. Santini
Town Clerk