

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, JANUARY 11, 2010**

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

Invocation offered by Councilman Trovei

Attendance:

Supervisor: Karl Brabenec

Councilmember's: David M. Hoovler, Gary Spears, Arthur T. Trovei

Attorney: William Bavoso

Pledge of Allegiance led by Councilman Spears

Call to Order 6:04 p.m.

Motion to Approve Agenda

Motion by Gary Spears, 2nd by David Hoovler to approve the Agenda as presented.

Vote: 4 AYES: Arthur Trovei, Gary Spears, David Hoovler, Karl Brabenec

MOTION CARRIED

Motion to enter Executive Session at 6:05 p.m.

Motion by Arthur Trovei, 2nd by Gary Spears to go into Executive Session for the purpose of interviewing candidates for Code Enforcement Officer and other boards.

Vote: 4 AYES: Arthur Trovei, Gary Spears, David Hoovler, Karl Brabenec

MOTION CARRIED

Motion to amend Agenda

Motion by Karl Brabenec, 2nd by David Hoovler to amend the Agenda to have the Building Inspector at the Executive Session.

Vote: 4 AYES: Arthur Trovei, Gary Spears, David Hoovler, Karl Brabenec

MOTION CARRIED

Motion to re-enter Regular Session at 7:37 p.m.

Motion by Gary Spears, 2nd by Arthur Trovei to enter regular session at 7:37 p.m.

Vote: 4 AYES: Arthur Trovei, Gary Spears, David Hoovler, Karl Brabenec

MOTION CARRIED

Pledge of Allegiance led by Councilman Trovei

Opening Board Comments:

Councilman Spears mentioned the good attendance and invited comments regarding their concerns via letters or phone so they can be addressed; Councilman Trovei made note of the good response to the current board openings and appreciated their vigor displayed in serving the community; Councilman Hoovler wanted to wish everyone a Happy New Year and welcomed those wanting to make a comment during the public comment time and reminded the public that the phone numbers or emails are available through the Town Clerk. Supervisor Brabenec said his first week was very busy getting acquainted with the office. The Board was left with bills to pay, some were three months overdue. He exclaimed how grateful he was to his two new secretaries, Renee Lane and Laura Samson, who have put in long hours doing a fantastic job helping him get caught up, as well as Rob Schultz their accountant. They hope to be caught up soon.

Presentations/Communications:

Supervisor Brabenec received a letter from Time Warner Cable addressed to Supervisor Flieger on December 29, 2009 – basically talking about new channels and other channels going off the air. It is available for those interested. A memo was received from Police Chief Bill Werner on January 8, 2010

that the 2004 Dodge Intrepid is in need of repair, which is an undercover car the detective uses. It needs a new or rebuilt transmission and the Police Chief is getting estimates and quotes and will report back to the Board on that. A letter addressed to Mr. Flieger arrived on December 28, 2009 about the Peenpack paving project for the stimulus grant they are doing and three items need to be submitted. Supervisor Brabenec is working with Al Fusco, the engineer to make sure they are in compliance with that. They received a letter from the County Executive, Ed Diana on December 30, 2009. He wrote saying, "the project listed below has been included in our 2010 application to the U.S. Department of Housing and Urban Development for community development block grant funds. Please be advised that this is a funding reservation subject to the receipt of anticipated CDBG appropriation from the Housing and Urban Development Department." The Upper Brook road paving project and the Highway Superintendent and the Town Engineer will be giving future updates on this project. On January 8, 2010 a letter from the Department of Transportation informing the Town that there are more grant funds available, perhaps a second round for the stimulus funds the American Recovery and Reinvestment Act and also the Energy Efficiency and Conservation Block grants that are being awarded to various municipalities around the state, and they will be looking into this. NYSERDA is one of the agencies for energy efficiency studies and Supervisor Brabenec said they will be looking into that in the next couple of weeks. Regarding the Town Boards, a memo has been sent to all town board members and all municipal boards that the Board will be appointing Chairmen of all municipal boards, per New York State town law. The Town Board respectfully request a recommendation from each of the boards for the position of chairman. If anyone serving is interested in being the chairperson, they should make that known and once the Board receives the recommendations, they will begin appointing them on February 1, 2010. There is a new email for the Board, which is: townboard@townofdeerpark.org. We received our first correspondence today on that email in regards to the rebuilding of Eagle's Nest Restaurant on Route 97 from Ken and Patricia McGregor of Walker Valley, New York. Also, December 23, 2009 this letter was sent to the Supervisors of the Towns of Crawford, Mount Hope, Goshen, Greenville, Hamptonburgh, Minisink, Wawayanda and Walkkill from Fusco Engineering regarding the municipal towns voting representatives will expire for the end of the year for the Orange County Transportation Council. There are funds available for paving each year that is awarded to municipalities and Supervisor Brabenec has requested a voting position on this Board. Supervisor Brabenec reported that a department head meeting was scheduled for the next day, January 12, 2010. He had one the previous week and he plans to have a Department Head Meeting after each Board Meeting to update everyone on what is going on.

Motion to Table the Acceptance of Minutes:

Motion by Gary Spears, 2nd by David Hoovler to table the acceptance of December 21, 2010 Minutes.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoovler, Karl Brabenec

MOTION CARRIED

Reports of Officers, Committees and Department Heads

Ed Hughson, Highway Superintendent: They are on Darraugh Lane putting in new storm drains-under drains along the road. (Emails from Mrs. Gordon were received of her appreciation.) After that, they will be cutting brush around town, weather permitting. The Agreement for Expenditures of Highway Moneys was presented to the board. He shared that Mr. Hoovler approached him and he then talked with Mr. Bavoso to help him understand it. They want you to list the sum of money you get for general repair and any state aid you receive. The Highway Department receives CHIPS money, but they never know if they're receiving it until May or June. It was agreed to add verbiage in the application that allows for the possibility of accepting funds in the future. Mr. Hughson's only problem is that in the spring when they have unexpected road repair work, the costs may vary with what is on this form under number 2 for the roads and type of pavement. **Council Hoovler** addressed this concern and referred back to the time recently spent at Albany and learning that there is a current push by the Association of Towns in New York because of the economic climate we have to employ the best practices and go back to the way things are written. The State will ask for this agreement, referred to as a "284 Contract", and appreciated Mr. Hughson putting this together on such short notice. Mr. Hughson asked when they would be able to sign it. **Supervisor Brabenec** inquired about Upper Brook Road for CDBG and asked if it should be listed, Mr. Hughson said it is not a state funded road, rather a county road, so it was not included.

Mr. Hughson also brought the list of roads that are shoveled ready (ARRA2 Funding and Transportation Improvement Money "TIP"). To request this money, they want a list of roads and he talked with Supervisor Brabenec and Al Fusco, Engineer both hope to get one million dollars for this. He thought the Wilson Road (3.41 miles), Boehmler Road 1.9 miles), Oakland Valley Road (2.10 miles), part of Academy Avenue (1.4 miles) and the Country Road, which comes off the side of Wilson Road (2,500 feet long) and the list is in order of the worst roads first. They also want to do the guardrail, which they have plenty of and could do themselves. Supervisor Brabenec made it known that a letter from Fusco Engineering (a copy was provided to the Board) stating there is a one-month deadline for new projects. The preliminary engineering requirement by municipalities will not be reimbursable, the ARRA2 would be a 100% grant with a reimbursable component, the TIP grant is 80% federal and 20% local. The TIP funding wouldn't be seen for five years. Based on Mr. Fusco's recommendation, they had applied for \$500,000 for Peenpack Trail and they were awarded that grant and now recommends they go for \$1 million this time. Mr. Hughson inquired about NYSERDA looking at their facility for cost efficiency. Supervisor Brabenec responded by saying that municipalities over 50,000 population and their second funding phase is for smaller municipalities and they fund up to \$500,000. Councilman Hoovler received a packet on the ARRA2 program and will give it to Mr. Hughson, describing a 100% reimbursable grant.

Motion to pass Agreement for Expenditure of Highway Moneys

Motion by David Hoovler, 2nd by Gary Spears to approve the Agreement for Expenditure of Highway Moneys, with the following sum of \$275,244.00 set aside for permanent improvement of town highways Painted Apron Terrace leading to Black Rock Trail and Sturns on Peenpack Trail leading to Boehmler Park.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoovler, Karl Brabenec

MOTION CARRIED

Supervisor Brabenec will give this Agreement to the Town Clerk for her records.

Motion to apply for \$1 Million from ARRA2 Funding and TIP Surplus Funds

Motion by Gary Spears, 2nd David Hoovler to approve the application for \$1 million from ARRA2 funding and TIP Surplus Funds through Fusco Engineering, with the understanding that there is about a \$400 application fee.

Discussion: Supervisor Brabenec asked if they should send a recommendation list of the Highway Superintendent for those projects. Councilman Spears asked if Fusco Engineering could do a review first and submit recommendations. There might be some roadwork that will come out of a project in the future and he wanted to reserve the right to say where that money is going if possible. Councilman Hoovler would like to see the Highway Superintendent and the Engineer collaborate with the projects and where they are going. He reiterated that this program is 100% reimbursable and it will cost the town budget nothing. The TIP money is 80% federal and the town pays 20%. The first part of the ARRA2 will cost the town essentially nothing. Supervisor Brabenec asked if they were applying for just the ARRA2 funds or for TIP as a secondary and Councilman Spears thought they should both be applied for. The council agreed. The standard engineering cost is 10% and the \$400 to Fusco Engineering, which is non-refundable.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoovler, Karl Brabenec

MOTION CARRIED

Dennis Simmons, Orange County Legislator greeted the Town Board and wanted to officially greet the board and those in the audience. He offered to assist the Supervisor, Council and any constituents that deal with the county's business and invited them to contact him at 856-6595. He received a call asking if the Orange County Department of Health could set up a clinic in the Port Jervis/Deerpark area for the H1N1 vaccine. The date is set for Wednesday, January 13, 2010 from 9 a.m. to 1 p.m. at the McCauley Center, 140 Hammond Street in Port Jervis for those 19 years old and older. The vaccine is available and free. He also expressed his thanks to Legislator Melissa Bonacic who helped him get that set up. She has also helped him get familiar with the county protocol now that he is a legislator. Legislator Simmons closing comments were directed to the resolution under New Business on the agenda. He wants a copy of the Resolution and thinks it is absolutely wonderful and if the city agrees to release water before the rivers

have crested and then shut down the reservoirs when they do crest, he will offer his support at the county level.

Supervisor Brabenec read a letter from the Department of Transportation, State of New York regarding the design phase of rehabilitating the Hawks Nest on Route 97 needing drainage repair, the removal of graffiti, and replacing sections of parapet in the summer of 2010. They will contact the Council for a meeting in the near future. Councilman Spears asked the Supervisor to make sure the Highway Superintendent gets a copy of that letter and he agreed.

Upper Delaware Council (UDC): Phil Chase mentioned that Senator Hinchey has requested \$200,000 for a flood warning system, which was approved by congress and they hope it will be approved by the Assembly. It would upgrade the stream gauge network, forecasting for flash-flooding, increase outreach and flood preparedness education and coordination between local, state and federal agencies. Mr. Chase met with Carol Collier, Director for the Delaware River Basin at the last UDC meeting about needing to do more for the river. There is a difference of 300 million gallons a day not being used by New York City that could be released for drawdowns to these reservoirs. The Delaware River Basin Commission (DRBC) needs more power to act. He commended the Council for being on the right track with the Resolution drafted, and thanked Councilman Hoovler, the other council members and the Supervisor. Supervisor Brabenec thanked Phil Chase for an incredible amount of work on this issue. Councilman Hoovler addressed the public and the council members saying that a copy of the draft resolution was supplied at the beginning of the meeting. He has struggled with this water issue for a long time, in regards to towns lying lower than the New York City Reservoir system having no say in the amount of cubic yards of water that are dispersed from those reservoirs, and how that water is dispersed. Despite the fact that these towns have members of the Delaware River Basin Commission and they send people to meetings, the flooding in these downstream communities has been catastrophic just since 2004. There have been three '500-year floods' in essentially five years. Essentially, the State Department of Environmental Protection, because of the fact New York City has so much power, says that lowering the water level of the reservoirs makes no difference. The studies fail to say they only focused on the three '500-year floods'; they didn't focus on the flooding that occurs every 10 or 50 years, or on an annual basis. Because of that, they run away from this issue and it affects our town tremendously. To that end, after speaking with many members in New Jersey who are part of the DRBC and Mr. Chase, he said he wanted to propose a resolution, which is being requested by other towns. Though this resolution is a recommendation in nature, it carries a lot of punch and if all the towns got together and voiced their opinions on this. He then read the proposed Resolution No. 7 out loud.

Motion to Adopt Resolution 7 of 2010 – Opposition to High Water Levels in New York City Reservoirs

Motion by David Hoovler, 2nd by Arthur Trovei, to adopt Resolution 7 of 2010, Opposition to High Water Levels in New York City Reservoirs.

Discussion: Councilman Spears responded saying this is long overdue for this area and was glad for taking this step and thanked Mr. Chase for his tireless work in this area for many years, as well as Councilman Hoovler. Councilman Trovei appreciated the steps being taken, mentioning that he experiences these floods. Councilman Hoovler highlighted Mr. Chase's incredible diligence in this matter and learned from him that the reservoirs are 98% full now. There is no reason they should be at that level now. New York City wouldn't need that much water this time of year and seasonal melting and rains could cause problems. Supervisor Brabenec agreed and was grateful to the work done and hoped other municipalities would follow the Town of Deerpark's lead on this.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoovler, Karl Brabenec

MOTION CARRIED

Public Comment – 3 Minutes, Agenda Items Only:

None

Old Business:

Supervisor Brabenec referred back to the reorganization meeting held January 4, 2010 and offered the following corrections:

Motion to accept change in Emergency Management Meetings for 2010

Motion by Karl Brabenec, 2nd by Gary Spears to approve The Emergency Management Meetings, which were changed to meeting the 1st Wednesday of each month at the Town Hall at 7:00 p.m.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoovler, Karl Brabenec

MOTION CARRIED

Motion to accept correction in Two Court Clerk Salary's

Motion by Gary Spears, 2nd by Arthur Trovei to accept the correction in Court Clerk salary of \$12.47 an hour, up to 64 hours per month.

Supervisor Brabenec acknowledged that the computation was based on the wrong number of hours.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoovler, Karl Brabenec

MOTION CARRIED

Supervisor Brabenec announced the RFP for phone service and in order to get the specifications, they first need assessments from Time Warner, Frontier and Verizon.

Motion to table the RFP for phone service

Motion by Karl Brabenec, 2nd by Gary Spears to table the RFP for phone service.

Supervisor Brabenec explained that both he and Councilman Spears met with Time Warner Cable. Originally, a RFP went out in 2004 to replace the Town Hall phone system and specific requests in that RFP were not met. There were 31 individual phone lines coming into Town Hall (Police, Highway, etc.) and the RFP called for a roll over system eliminating the amount of lines needed, which would have saved the town money. However, when the phone system was put in place, they never eliminated the lines. For five years, the town has paid for 31 lines that were not needed. Currently, the phone bill each month is about \$1,600 and potentially will be reduced to \$900. They have calls into Frontier and Verizon for quotes and hope to have information pertaining to this in the future. Councilman Hoovler wanted to know why there were so many lines in the first place. Councilman Spears answered that 11 months ago when he first came on the board and had to sign the check, he started to check on the history with Flo Santini. The phone lines were dedicated lines to each office and at that time they were trying to improve the situation and go to a roll over, unfortunately it was never completed. It looks like a savings of about \$6,000 a year when they address this problem, as well as picking up about 10 additional values ie., call waiting, caller I.D., three-way calling, etc. He said the town communications would be improved at a much lower cost. They think they will be able to go to 16 lines handling every department and a fax line. Supervisor Brabenec added how they discovered in their meeting that they have a dedicated fax line with a voice mail. That has been paid for monthly and they are going to correct it.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoovler, Karl Brabenec

MOTION CARRIED

Supervisor Brabenec said that last year they created the Park Maintenance Supervisor (who is our Highway Superintendent) and as part of that resolution he would submit a voucher every month for payment for his duties. However, they found out that taxes have to be taken out and they need to amend the resolution stating it is part of the payroll.

Motion to Pay Park Maintenance Supervisor Through Payroll

Motion by Gary Spears, 2nd by David Hoovler to pay the Park Maintenance Supervisor through payroll, rather than being paid through vouchers.

Councilman Spears clarified that the Town needs to pay FICA and it could not be paid the way they thought was possible.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoovler, Karl Brabenec

MOTION CARRIED

New Business:

Motion to Re-appoint Theresa Santiago for the Planning Board

Motion by Karl Brabenec, 2nd by Gary Spears to re-appoint Theresa Santiago for the Planning Board for a seven-year term ending December 31, 2016.

Councilman Spears expressed his gratitude for her invaluable work for the Town. Supervisor Brabenec also thanked Mrs. Santiago for her service and looks forward to working with her.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoovler, Karl Brabenec

MOTION CARRIED

Motion to Re-appoint Hugh Frank Bigger for the Zoning Board of Appeals

Motion by Karl Brabenec, 2nd by Arthur Trovei to re-appoint Hugh Frank Bigger for the Zoning Board of Appeals for a five-year term ending December 31, 2014.

Supervisor Brabenec stated that Mr. Bigger has served one full term and has been very active on the Zoning Board making motions and has done an excellent job.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoovler, Karl Brabenec

MOTION CARRIED

Motion to Re-appoint Charles Carlsen for the Police Commission

Motion by Karl Brabenec, 2nd by Gary Spears to re-appoint Charles Carlsen for the Police Commission for a five-year term ending December 31, 2014.

Councilman Spears stated he has worked well in the past and he is happy to have him back. Councilman Hoovler has worked with him in the past and his experience in Corrections makes him an asset. Supervisor Brabenec reflected on some history of his time on the Commission, which proved valuable.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoovler, Karl Brabenec

MOTION CARRIED

Motion to appoint new members for the Recreation Committee

Motion by Karl Brabenec, 2nd by Gary Spears to appoint Jamie Swingle, Tina Morse, Dean Cavanaugh, Sabine Cavanaugh, Erik Waligroski for the Recreation Committee for a one-year term ending December 31, 2010.

Councilman Spears was pleasantly surprised and pleased with these applicants and thinks their concentrated efforts toward developing recreation in the parks and other facilities will offer great opportunities for the Town of Deerpark.

Councilman Hoovler addressed Supervisor Brabenec saying he learned this past week that Deerpark had been turning down money over the past three years from the county, deferring it to another locality. He asked if it was his intention to seek that money for the Recreation Committee and the supervisor responded he absolutely would. Supervisor Brabenec explained that the county has a Youth Bureau grant for recreation funds and service funds. The grant was applied for last year by Mr. Flieger and in past years it was deferred to Port Jervis. Deerpark will now apply for it with the new Recreation Committee in place. Councilman Hoovler is the liaison and will take charge of that committee until they appoint a chairman.

Councilman Spears thanked each member on the past committee and they worked hard to organize activities for the kids. Supervisor Brabenec especially thanked Jerry Vandermark for his leadership in the past and welcomed any advice for the new committee and programs. He also thanked Lee Space and her service and invited both of them back to the committee if they choose to do that in the future.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoovler, Karl Brabenec

MOTION CARRIED

Motion to appoint George Keller as Cable Commissioner

Supervisor Brabenec said the Cable Commission has been dormant for the past few years and they want to reactivate it and have better communications with Time Warner and see what other services they can bring to the town. They had a very enthusiastic interview for that with recommendations to appoint George Keller as the Cable Commissioner.

Motion by Karl Brabenec, 2nd by Gary Spears to approve George Keller, as Cable Commissioner for the five-year term to end December 31, 2014.

Councilman Spears thanked him for coming in and expressed that he was looking forward to working with him. Councilman Hoovler agreed and found it to be a very interesting interview. Supervisor Brabenec mentioned that Mr. Keller used to work with CBS-TV and would be a very welcome addition to the Town.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoovler, Karl Brabenec

MOTION CARRIED

Supervisor Brabenec stated that Mrs. Keller applied for a board position and as they mentioned in the interview, they have her in mind for several positions and in the coming month she will definitely be called for a position. Again, the supervisor said for those interested in commissions, there are openings in the Recreation Commission and in the next two months they are looking at creating an Ethics Committee in the town and that will be a very important committee to be involved with.

Multi-Year Financial Planning Presentation

Councilman Hoovler described the Multiyear Financial Planning Performance Plan Overview and Requirements he would be referring to as being stamped Courtesy Copy with Draft marked across it. This is something that Councilman Spears and Councilman Trovei and himself have known about and he has advocated for many years. There are currently 41 cities in the State of New York as well as municipalities and towns that incorporate multiyear financial planning. This type of planning is recommended by the Comptroller's Office, the Association of Towns, which we are members of; and New York Conference of Mayors and Municipal Officials. Typically the councilmember's look at the one-year budget for the upcoming fiscal year. However, with the economy bad and the two revenue sources in town (mortgage and sales tax) being drying up, it leaves the taxpayers as the only remaining revenue source. Multiyear Financial Planning is part of business plans in organizations casting a vision for three years or more in the future. This is important for those in office today, but who may change in a couple years, enabling those replacing them to know what the future costs are. It also helps the taxpayers know what things cost in the town and how things are actually budgeted and run in the town. Government financing and financial planning differs from private business because of civil service, town laws, highway laws, etc., so a plan that projects revenues and expenditures for several years into the future is necessary. It is not a multiyear budget because it doesn't authorize any expenditures. It simply illustrates what happens to the town's ability to pay for and provide services depending on certain policy facts and economic assumptions. The projections help those running the town, as in department heads and elected officials assess what they will spend their money on, what the revenue trends are, if there is financial risk, what is the affordability of current services and capital improvements. The plan consists of revenue projections and expenditure projections by object and function. Object is the larger picture and function is the smaller picture. Councilman Hoovler covered the importance of accountability with reaching goals as well. The general principal that Deerpark wants is to address revenue and expenditure projections. They will look at historical data and trends and compare them with towns of the same size. Any financial plan has to have goals. A mandated goal is to provide necessary services and infrastructure of the town. They will be looking at expense reduction, revenue generation and capital funding reserves. The Town of Deerpark at this time is in the bottom 10% of the state for saving money for projects. The town is also under a mandate by the Comptroller's Office. The Town of Deerpark provides them the budget and they are thrilled this multiyear plan is the town's direction. This will be a document provided at the end of each year. Councilman Hoovler will make this same presentation at next month's meeting to help more people know what this is about. He also will try to have the Town Accountant here to help answer questions.

Supervisor Brabenec thanked Councilman Hoovler for his work and reminded those in attendance that he is also the Deputy Supervisor. The Supervisor will recommend later on that they both attend the Finance School the Association of Towns is putting on to teach them more of how to put this together in the proper manner. They will be working very hard on future planning.

Police Mobile Radio Replacement Request

Supervisor Brabenec received a request this same day from Chief Bill Werner describing his need for a mobile radio and they are looking at one slightly used by the Otisville Fire Department. Purchasing it will save \$850 and the Chief is requesting authorization to purchase the mobile radio at \$800 from AC Communications as a radio vendor and the radio will be put in the replacement car, #7F221. The old radio will be taken out of that car and put in the station replacing an outdated unit.

Motion by Gary Spears, 2nd by David Hoovler for the purpose of discussion regarding the Mobile Radio Replacement request.

Councilman Spears commended Chief Werner and all the Department Heads when they were told all money spent would be checked and they were asked to get multiple bids to get the best deals. Councilman Hoovler mentioned the original cost was \$1,650 and under the procurement policy any request under \$3,000 and greater than \$1,000, there needs to be two oral or fax quotes. It was clarified that his discretion and per the resolution it is the board approval and they both appreciated his checking the procedure.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoovler, Karl Brabenec

MOTION CARRIED

Appropriations, Budget and Payment of Bills

Motion by Gary Spears, 2nd by David Hoovler for paying bills with the signatures of three or more council members.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoovler, Karl Brabenec

MOTION CARRIED

Supervisor Brabenec stated he would provide a report next month on the cash flow situation on the main accounts. Councilman Hoovler asked if they would be provided at the last meeting each month and the supervisor answered that it would be the first meeting or the last meeting of the month.

Closing Board Comments:

Councilman Spears reiterated his invitation to the town residents to call them with any concerns, or write them in letters or emails. He is impressed and enthused in all the participation of the number and quality of people stepping forward to fill the boards and wanted to urge those who are interested to come forward. They are looking for volunteers because they do want to provide the best for the residents. Councilman Trovei also expressed gratitude for those who came out to serve on committees and encouraged others to join in and be part of the town and help make it a great year. Councilman Hoovler added that he hopes people will come forward with ideas for the multiyear plan as far as cost cutting. He also hoped there would be many more volunteers joining in.

Supervisor Brabenec reported that there would be a special Board meeting Friday, January 15, 2010 at 3:00 p.m. for the annual financial audit meeting. They need three council members to meet with the department heads for the annual audit, which needs to take place before the 20th of January. Also they have two meetings scheduled for January 19th and 20th for the purpose of interviews for the vacant town council seat and Attorney, Engineer and Accountant. There should not be any business coming before then. If there is anything that gets added to that, they will have agendas posted online and they will let the public know so anyone can attend that wants to express their opinion on any business item. There are new email addresses that were set up: info@townofdeerpark.org and townboard@townofdeerpark.org and those are for questions, concerns, proposals, or anything.

There will be a discussion afterwards on one of the items on Deerpark Village if anyone wants to remain until after the Executive Session.

Motion to enter Executive Session 9:05 p.m.

Motion made by Karl Brabenec, 2nd by Gary Spears to enter Executive Session for the purpose of discussion of litigation involving the Sullivan issue, litigation involving Deerpark Village and personnel regarding Garrity and Baumgartner. Councilman Spears asked permission to invite Attorney Glen Plotsky also and the motion was amended to invite Mr. Glen Plotsky and Mr. John Walsh for the purposes of the Sullivan case.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoovler, Karl Brabenec

MOTION CARRIED

Motion to Enter Regular Session at 10:42 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to enter Regular Session.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoovler, Karl Brabenec

MOTION CARRIED

Motion to Adopt a Stipulation of Settlement Re: Deerpark Village

Motion by Karl Brabenec, 2nd by David Hoovler to adopt a stipulation of settlement regarding Deerpark Planning Board pending the Town of Deerpark Town Board approval.

Regarding discussion, Supervisor Brabenec asked the Town Attorney, Mr. Plotsky to provide a quick synopsis of what this motion calls for. Mr. Plotsky described this stipulation of settlement that was adopted by the Town of Deerpark Planning Board on December 9, 2009. The stipulation of settlement will resolve Supreme Court litigation commenced in Westchester County by Deerpark Village Associates as against Willard Wilson as chairperson and the balance of the Town of Deerpark Planning Board and the Planning Board itself. Essentially, what the stipulation of settlement and resolution provides for, is a mechanism of the review of the Deerpark Village Associates application for senior housing on property located on Wilson Road as well as resolution of financial issues related to the payment of the consultants that have provided services to the town.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoovler, Karl Brabenec

MOTION CARRIED

The Town Clerk asked what the Town Board wanted to do about next week's schedule for interviews since there are five for Council; nine engineers; four attorneys and one accountant on Tuesday, January 19th and 20th at 6:30 p.m. That is a lot of people and she wanted the board to know of the amount of people being interviewed. They wanted to leave it as planned on the two nights.

Motion to adjourn at 10:45 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to adjourn the meeting at 10:45 p.m.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoovler, Karl Brabenec

MOTION CARRIED

Respectfully submitted,

Florence T. Santini
Town Clerk