

**TOWN OF DEERPARK  
TOWN BOARD MEETING  
MONDAY, FEBRUARY 22, 2010**

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

**Invocation** by Arthur Trovei

**Attendance**

**Supervisor:** Karl Brabenec

**Councilmember's:** Gary Spears, Arthur Trovei, David Hoovler, David Dean

**Attorney:** William Bavoso, David Bavoso

**Engineer:** Al Fusco

**School Administrators:** John Xanthis, Lorelei Case, Mike Bello

**Recreation Commission Chair:** Daniel Morse

**Call to Order 7:33 PM**

**Pledge of Allegiance** led by Councilman Dean

**Public Hearing Proposed Local Law 1-2010 "A Local Law Establishing the Town Board's Right to Appoint Alternate Members to the Planning Board and Repealing the Current Section 9-7 of the Town Code" at 7:34 p.m.**

Town Clerk, Florence T. Santini read the Public Notice of the proposed Local Law 1-2010 and a copy is attached to the official minutes.

Councilman Trovei said the purpose for this law was due to their concern for conflict of interest and they want to be careful of local municipalities suffering great injury due to lawsuits because of inappropriate action of boards. Sometimes board members need to recuse themselves when there is a conflict of interest. An alternate member should be in place to keep the board moving ahead without problems.

Councilman Hoovler thinks this law was long overdue and an ethics law will soon be presented to the Town of Deerpark and they will need alternates for boards for that. It is the number one area where a town can be sued and where financial repercussions are extravagant.

Supervisor Brabenec mentioned the need of this law would help secure a quorum for meetings when attendance at meetings is an issue. He then read the Local Law in it's entirety and it is attached to the official minutes. He added that this Local Law mainly deals with the Planning Board. Appointing alternate members to the Zoning Board is primarily covered in the New York State Code.

Attorney Bill Bavoso responded by stating they were reviewing those sections dealing with the Planning Board in the Town Code and with the Zoning Board of Appeals. They found a provision in the Town Code almost identical to this particular section regarding the Zoning Board of Appeals (ZBA), which allowed the Town Board to appoint alternates to the ZBA for both absenteeism and conflict of interest. The Planning Board sections of the code revealed there was not a provision in the law to appoint an alternate for absenteeism reasons and they are cleaning up the town code. Now they will have almost identical sections for both the Planning Board and the Zoning Board of Appeals, authorizing the Town Board to appoint alternate members for the purposes of absent members and conflicts of interest.

Public Comment: None

**Motion to Close Public Hearing on Local Law 1-2010 at 7:42 p.m.**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to close the Public Hearing on Local Law 1-2010 at 7:42 p.m.

**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean, Karl Brabenec**

**MOTION CARRIED**

Supervisor Brabenec apologized for not having the camera crew there to film the meeting. He will look into that and may need to find an alternate for them as well.

**Opening Board Comments:**

Supervisor Brabenec stated a decision was made before attending the Association of Towns meeting that \$125 per person per day would be allowed for food and drink allowance. The week before the meeting there was discussion among the

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board members in how they could costs and they decided to not reimburse for any meals or beverages for the Association of Towns Meeting in New York City. He wanted to make that an official motion.

**Motion to Not Reimburse Food and Beverage Costs for the Association of Town's Meeting**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Dean to not reimburse food and beverage costs for the Association of Town's Meeting in New York City in February 2010.

**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean, Karl Brabenec**

**MOTION CARRIED**

Supervisor Brabenec stated that the board met on February 5<sup>th</sup> and had a site visit at the Highway Garage to inspect the facility and recommend repairs. This is on the agenda under New Business. He then welcomed the newest town board member David Dean for his first official meeting.

**Presentations and Communications:**

*Port Jervis School District:*

John Xanthis, Port Jervis School Board Superintendent thanked the town board for the time to make a presentation about the town vote on February 23, 2010. This vote is an opportunity for the community to pass a referendum for \$14.5 million dollars with no new taxes. They were defeated in November, 2009 by 29 votes and they looked at the referendum to see what they could do differently. After discussions with their board in December they decided to build a new referendum that would rely totally on state aid and money from their budget, so they wouldn't have to ask for an increase in taxes. They also want to work together with the Town of Deerpark and build a partnership with the board.

Lorelei Case, Assistant Superintendent for Business added that they recognized two important items expressed by the public after the failed vote in November. One was that the proposal was not viewed as addressing efficiencies and safety, energy and security concerns, so they split it. Separate from this was the smaller proposition for the Science renovation rooms and for the voice over IP. The second part had to do with the energy savings and a consultant came in and looked at what values would change from going from 1960/1976 windows to 2010 windows and those projections helped. Proposition One was for \$11.5 million for windows at the 209 complex, as well as the Hamilton Bicentennial school (HBE); in addition to energy concerns, there are safety concerns at both buildings. Security vestibules are being installed at ASK's entrance. They are limiting the amount of work at the Middle School because if they took a building off line, that would be the building. Teachers are not able to call the main office from their classroom in case of an emergency and parts are not available any longer for that system. Proposition Two \$3.4 million was for the Science rooms to upgrade the standard of their educational program. The second major component of this is the Voice Over IP System, a network based telephone system. They would be able to eliminate a lot of their landlines. They estimate a savings of \$45,000 a year with a Voice Over IP System. This would go into all the school buildings, including the Middle School because they consider it a safety issue. It would allow better communication between parents and teachers and homework hotlines, etc. Ms. Case explained that in the cost of both propositions together, they have 87% in state building aid-83% of that is available as of the vote date. They also have \$676,000 on the table from the excel aid of 2006, which was left over for a new project. That aid will go away March 31, 2010, that is 4% of the total bond. If the propositions fail, they would need to address the safety glass issue and the announcing system in next year's budget. It would have an impact on the taxes. Proposition One could stand alone, but a no vote would prohibit any work from being done. The Board was adamant that they would not move forward with Science room renovations until the most important needs of windows and boiler systems was addressed. Mike Bello, PJSB Board Member said the board was unanimous to present this referendum to the public, the state aid will go away if not successful, but the needed repairs will not go away. Ms. Case explained that the state building aid won't be impacted by government reductions—they are entitled to \$1.5 million. Mr. Xanthis said that legally and historically the state aid has never been pulled.

The town board was impressed with their presentation and felt it benefited the community as a whole. The money will be reallocated elsewhere if the propositions fail.

Supervisor Brabenec apprised the audience of 173 communications he received the past few weeks. Some highlights: Tom Gross is the new owner of *GAMO's Deli* on Main Street in Sparrowbush with a ribbon cutting in the next couple of weeks to promote the business; Robert Breault's letter requesting to participate on the *Recreation Committee*.

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**Motion to appoint Robert Breault to the Recreation Committee**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Hoovler to appoint Robert Breault to the Recreation Committee for 2010.

**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean, Karl Brabenec**

**MOTION CARRIED**

Supervisor Brabenec announced the *bone marrow drive* at Building No. 2 on Route 209 at the Police Barracks from 1 p.m. to 7 p.m. for the benefit of 24-year-old Stephen Cooley diagnosed with Hodgkin's Lymphoma and is in need of a bone marrow match. The 15-minute process involving a mouth swab could save a life. Tina Wurlitz is the coordinator, her number is 820-0091.

A letter read from *ARC Huguenot Estates* asked to donate new basketball nets and paint for the playground next to the Police Station on Route 209, stating their maintenance department will install the nets and paint the hoops and stands from Linda Jones, the office assistant.

**Motion to Accept the Donation from ARC Huguenot Estates**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to accept the donation of time and supplies from ARC Huguenot Estates for the basketball nets and paint for the playground next to the Police Station on Route 209.

Discussion: Councilman Hoovler inquired as to whether the workers were covered in case of injury while making these improvements and Supervisor Brabenec confirmed that the insurance policy covers them as volunteers. However, there is a Hold Harmless Agreement that each volunteer could sign that he recommended. Based on this, Councilman Spears offered to amend the motion.

**Amended Motion to Accept the Donation from ARC Huguenot Estates & Signed Hold Harmless Agreement**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to accept the donation of time and supplies from ARC Huguenot Estates for the basketball nets and paint for the Police Station playground on Route 209 and a signed Hold Harmless Agreement by the volunteers.

**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean, Karl Brabenec**

**MOTION CARRIED**

*Time Warner Cable* sent a communication stating that as of April 5, 2010 Cable Six will become a full time news station. Councilman Spears asked if this would be a good thing to put on our website so the residents would know about it and Supervisor Brabenec said he would see to it.

A letter regarding the Resolution No. 7 was received from *Aileen Gunther* for a meeting at her office and Paul Rush, the Deputy Commissioner of the DEP. Supervisor Brabenec and Councilman Hoovler, along with both Phil Chase and Melvin Decker will attend. It is open to the other council members as well. Councilman Hoovler added that after this Resolution was passed, it was sent to the New York City Mayor's Office and his Chief of Staff, Ms. Gunther, Mr. Bonacic and others. The City of Port Jervis passed it and several other communities have either passed it or are considering it. Councilman Spears would like to attend this meeting and asked about the procedure when they attend a meeting and have a quorum. Bill Bavoso, Town Attorney said that an announcement of the meeting could be posted outside the Town Clerk's Office.

**Motion to Post Announcement Re: Council Member's Meeting With Government Officials About Resolution No. 7**

Motion by David Hoovler, 2<sup>nd</sup> by Gary Spears to post announcement regarding council member's meeting with Government Officials about Resolution No. 7 in Monticello on Friday, March 12, 2010.

**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean, Karl Brabenec**

**MOTION CARRIED**

A letter from the *Upper Scenic Byway* requesting a donation was read and Supervisor Brabenec mentioned that a donation was made for the year 2009, and \$1,000 has been budgeted for 2010.

**Motion to Send Donation to the Upper Scenic Byway**

Motion by Gary Spears, 2<sup>nd</sup> by David Hoovler to send a \$1,000.00 donation to the Upper Scenic Byway as budgeted.

**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean, Karl Brabenec**

**MOTION CARRIED**

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Supervisor Brabenec will communicate this vote to Burt Thelander and send the check to the UDC.

Supervisor Brabenec announced that Mr. Andrew Smith is this year's 215-pound *Section 9 Wrestling Champion*. He leaves for the State Championships on February 25, 2010. Billy and Regina Smith are the proud parents. The Town will put together a certificate for him congratulating him of his accomplishments. Several *Odyssey of the Mind* teams are going to the State Championships and several placed regionally. They will get their names and send them letters of certificates as well. Another letter came in from the Commissioner of Finance, Joel Kleiman about the *Metro North State Aid* payment in January 2010 explaining the \$11,360.11 checks for four years. *Tri-state Spelling Bee 2010* is sponsored by TD Bank and is scheduled for Sunday, March 14, 2010 at 1:30 p.m. at the DelawareValley High School Auditorium. The *National Park Service Upper Delaware Council* has received our affirmative response for participation in the 2010 law enforcement program and it is an annual program we sign up for. *Time Warner Cable* has a 2010 scholarship program and it will be posted on the website. They received information from the *Board of Elections* and mentioned changes of polling sites and new voting machines and any questions can go to the Board of Elections at 291-2444.

**Approval of February 1, 2010 and February 8, 2010 Minutes**

Motion by Karl Brabene

c, 2<sup>nd</sup> by Gary Spears to approve the February 1 and February 8, 2010 and publish them on the website.

**VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoover, Karl Brabene**  
**1 ABSTENTION: David Dean**

**MOTION CARRIED**

**Reports of Officers, Committees and Department Heads**

Councilman Spears, liaison for the , commented on the site visit at the with the Superintendent, Ed Hughson and the Town Engineer, Al Fusco and the Board members. Mr. Fusco was asked to provide a report that would bring the building to a level of safety they were comfortable with and for their insurance company. They now have a letter and a set of plans from Fusco Engineering that they are addressing. He also asked that a copy of Mr. Fusco's letter be copied to Mr. Hughson so work could begin as soon as possible.

**Motion to Authorize Fusco Engineering and Superintendent to Coordinate Project**

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei to ask Al Fusco of Fusco Engineering and Ed Hughson, Highway Superintendent coordinate their efforts to begin working on this project.

Discussion: Councilman Hoover said they need to strengthen beams to satisfy the Insurance Company for the safety and welfare of employees and anyone else around the building. Mr. Fusco offered to work with Mr. Hughson and said they are in agreement. They need to present a budget because not all of the projects can be done in-house. Supervisor Brabenec said they have the authorization to put this budget together and they should also work out a timetable. The Insurance Company will come again in the spring to follow up on these repairs.

**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoover, David Dean, Karl Brabene**c

**MOTION CARRIED**

**– Edward Hughson, Superintendent:** The Report for February is attached to the official minutes. There will be an inspector from Metro North to meet at 10 a.m. on Wednesday, February 24, 2010. A notice will be posted outside the Town Clerk's Office due to a site visit off premises.

**Community Development Task Force – Councilman Dean:** Their meetings are held the last Tuesday of each month. They are proposing to add Mr. Hockenberry to their Task Force. Orange County Partnership will make a presentation at next month's meeting.

**Motion to appoint Bill Hockenberry to Community Development Task Force**

Motion by David Dean, 2<sup>nd</sup> by Gary Spears to appoint Bill Hockenberry to the Community Development Task Force for the term expiring December 31, 2010.

**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoover, David Dean, Karl Brabene**c

**MOTION CARRIED**

Councilman Dean added that they still have two openings on the Task Force if anyone is interested and is willing to work.

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**Recreation Committee – Daniel Morse, Chairman:** The Recreation Committee met on February 3<sup>rd</sup> and the focus of their group will be to create more youth events and fix up the local parks. They are planning to host the 11<sup>th</sup> Town of Deerpark Easter Egg Hunt on March 27<sup>th</sup> beginning at 11:00 a.m. The Deerpark Lions Club will send hotdogs and drinks as a fundraiser for them. The September Dogs will provide live music, they'll have arts and crafts and an Easter Bunny will show up from the Bunny Breakfast of the Deerpark Lions for pictures. They are looking for donations. Information will be given to the Times Herald Record/Gazette and they hope to advertise on Channel 23 and contact Barbara Bedell. The weather date will be the following day. A schedule for 2010 has been drafted which includes at least one event per month for the youth, once the committee has approved the proposed dated, they will present it to the Town Board. Website space to advertise a calendar of the events is requested. They are looking at planning a fundraiser; a football event; a hunter-safety course; the Port Jervis Little League is ongoing, and Soap Box Derby registration will be March 4 & 7 for \$100 (contact # is 800-1000). The Recreation Committee is interested in working with the Town Board and NYMIR for insurance for the parks. Councilman Hoovler told him they were going to be the pilot program. If anyone has interest in working with the Recreation Committee, they are looking for motivated individuals to help them out. If there are any questions, comments or suggestions, they can contact the chairman at [dmorse@townofdeerpark.org](mailto:dmorse@townofdeerpark.org). Councilman Spears asked if they could call Noel Marlsberg for Dan Morse to have his own webpage for Recreation and Supervisor Brabenec offered to contact him that night. There was a separate recreation account used for the \$1,000.00 that was only supposed to be used for capital improvements, so the donations need a separate account (trust and agency) with a cap.

**Motion to Establish a Recreation Committee Account for Donations**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to establish a Recreation Committee Account for Donations accepted.

Supervisor Brabenec said this particular account would be monitored by the Bookkeeper and the Recreation Committee would coordinate their donations and statements with her. Attorney Bill Bavoso will look into the receiving of donations being tax-exempt and Supervisor Brabenec will consult with Rob Schultz, Town Accountant and ask of costs to file with IRS. Tax exempt as a government agency, but not a 5013c and that will be checked into. There is also an option of setting up a not-for-profit Friends of Recreation status. Mr. Bavoso volunteered their services to set up a not-for-profit if the town desires.

**Upper Delaware Council – Phil Chase:** Mr. Chase introduced himself to the audience mentioning he has represented Deerpark to the UDC since 1995. He started a bulletin board to help everyone stay up to date. In regards to the Resolution No. 7 with high water levels, he thanked Councilman Hoovler for his hard work on this "800 pound gorilla" issue. Delaware River Basin Commission website has a terrific amount of materials and recommended those interested go there for information. There is a Notice of Public Hearing on water from the Lackawaxen River for hydro-fracting for gas will be Wednesday, February 24, 2010 from 3:00 – 7:00 p.m. at the Best Western. If anyone wants to say anything, they need to be there by 2:30 to register.

Supervisor Brabenec reported that Mr. Chase is putting together packets of information they can take to their meeting with Assemblywoman Aileen Gunther and updating them with the percentage of the filling of the reservoirs.

**Old Business:**

Supervisor Brabenec requested correction on salaries listed in the Re-organization Meeting January 4, 2010 that were not correct.

**Motion to Correct Hourly Salary for Secretary**

Motion by Gary Spears, 2<sup>nd</sup> by David Hoovler to correct hourly wage of the secretary for the Zoning Board, Planning Board and Board of Assessment Review from \$12.94 to \$13.33 an hour.

**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean, Karl Brabenec**

**MOTION CARRIED**

**NYMIR Insurance Update**

Councilman Hoovler stated they will be doing a comprehensive insurance risk assessment of the Town come late spring and some of the things on the initial punch list that they have already taken care of are as follows: locks in Town Hall were changed; the alarm codes were changed; training packets regarding NYMIR were given out, etc. The policies and procedures will be the most comprehensive and problematic because they require written policies and procedures for almost everything. The Town will be on a pilot program for the Recreation Committees and programs as far as risk

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assessment and finally, workplace violence prevention. This topic was discussed on February 26, 2007 and nothing was ever done. This will be discussed under new business.

**Motion to Authorize Signing Section 211 Waiver for Lt. Richard Szyndor**

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei to authorize Supervisor Brabenec to sign Section 211 Waiver for Lt. Richard Szyndor.

Discussion: Supervisor Brabenec explained that this waiver will enable him to receive his benefits and Councilman Spears said it was beneficial to the town because the police officers only receive salary from the town.

**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean, Karl Brabenec**

**MOTION CARRIED**

**New Business**

**Motion to Approve Local Law No. 1 of 2010 as Read**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to approve Local Law No. 1 of 2010 as read (Alternate Planning and ZBA Members).

**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean, Karl Brabenec**

**MOTION CARRIED**

**Motion to Purchase Police Car**

Motion by David Hoovler, 2<sup>nd</sup> by Gary Spears to authorize the Police Department to purchase one 2009 Chevy Impala with a police package for \$22,286.05 as a state bid item.

Discussion: Councilman Hoovler read the request for permission from the Police Department to purchase a 2009 Chevrolet Impala with Police Package. It is a state bid item and they are requesting to purchase the police package at the minimum rate is \$22,286.05 and it is a Rochester based dealership that has been awarded the contract for state bid, so it will be delivered from there. This money was previously budgeted to the Police Department for vehicle replacement. This vehicle was scheduled to be replaced in 2007 but was not replaced due to budgetary cuts and instead replaced a transmission in one car.

**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean, Karl Brabenec**

**MOTION CARRIED**

**Discussion of Water/Sewer District #1 Grant Application**

Supervisor Brabenec introduced the topic and that Al Fusco, Fusco Engineering would be making the presentation. Mr. Fusco prepared a detailed proposal for a Water and Sewer District #1 as well as grant applications totaling more than \$12 million and this is the most progressive step in the town to bring economic development.

Councilman Hoovler explained that this proposal is for a grant application going to ARRA (American Reinvestment Recovery Act). They learned that unless projects are preplanned and ready to go years in advance, it's possible to lose out on them. Mr. Fusco has really worked hard and as a result of the stimulus money, they are sending a grant application and hoping to get on a list. Once on a list to be approved, the money may not come for a few years, or possibly never. If the stimulus money were awarded, it could be charged to everyone in the district or only to those who benefit from it. This project involves a small geographic area on Route 6 next to Hwy. 84 and the project can be scaled down to fit the money granted. This is ideal property having a minimal impact environmentally, accommodating the aesthetics of this town and it would be a commercial ratable for the town with a good business interchange.

Al Fusco proceeded explaining the commercial center area and the need to develop the sewer and water capabilities. A pre-application needs to be submitted which will be put on an intended use program. An application needs to be filed for both the sewer program or the clean water program and the other for drinking water. Under that is a priority ranking, which they would try to elevate to get the funding. The Governor's Office looks for projects that are shovel-ready—that could be ready to begin within 90 to 120 days. At this time, the application will be submitted for \$6 million dollars for sewer and \$6 million dollars for water—and it does not obligate anyone and the amount can be adjusted according to money made available. There is nothing to lose, but everything to gain. The time-table listed in the application are target

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dates, not hard and fast dates. They are in the beginning stages needing discussions, but this is the first step in the process. The town's goals are significant to increase commercial ratables, create construction jobs and full-time jobs, and to bring conveniences to the residents of Deerpark. The scope of the IB zone, which is 350 plus or minus acres, and that can be adjusted now or in the future as to what the needs are going from the intersection of Route 6 and County 15. That would service the major roadway in that Interstate Business (IB) zone. They identified the sewer district where the salt barn is on the state highway and they are hoping to get that property back.

Supervisor Brabenec stated that in regards to the Salt Shed, they have been meeting with Senator Bonacic to get this property back. It was given up in the 80's by the town to the State of New York. They will contact the State DOT first and if that doesn't go anywhere they may have to go to the State Legislature. As Mr. Fusco already stated that is among the first major steps in implementing the economic development goal for the town. He then thanked Mr. Fusco for his hard work.

Councilman Dean inquired about the IB Zone and whether it was zoned for heavy commercial use, restaurants, stores, etc. The way the zoning is now, it states "principal use: none." He asked Mr. Fusco if part of this was amending the zoning to be a little more friendly to attract those types of businesses. Mr. Fusco agreed 100% that this needs to be looked at together with this whole program. They can look at generic projects developing land to attract commercial business to make it as easy as possible. Not that they will give anything away, but make the approval process easy. They could begin some of this themselves with generic projects.

Mr. Fusco agreed that the evaluation of requests could be broken down into generic reviews and specific reviews, rather than saying "no use." He added that they could look at generic EISs and programs so they could be shovel ready, and get these lands developed so if there was an opportunity to lure someone into this area with jobs, it would be an easy approval process for them by identifying these in a generic basis that would only involve months rather than years.

Councilman Hoovler brought up the recent Community Development meeting when several Engineers were present and when this 'permitted uses being "none"' came up and they thought it was a misprint. They asked why this said "none" and discussed that this indicates people would need to "jump through hoops" to get any permission approved. He agreed with Mr. Fusco and that this was something that could be easily changed.

Councilman Hoovler read three resolutions regarding this particular project and began with Resolution No. 15:

**Motion to Approve Resolution No. 15 of 2010 – Authorization for Pre-Application of Clean Water State Revolving Fund ("CWSRF") & Drinking Water State Revolving Fund ("DWSRF")**

Motion by David Dean, 2<sup>nd</sup> by Gary Spears to approve Resolution No. 15 of 2010 – Authorization for Pre-Application of Clean Water State Revolving Fund ("CWSRF") & Drinking Water State Revolving Fund ("DWSRF") as read. (A copy is attached to the official minutes.)

**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean, Karl Brabene**c

**MOTION CARRIED**

Councilman Hoovler stated that as part of applying for this pre-application, Mr. Fusco prepared a short environmental assessment form and in order to put this package together, they need to pass the following two Resolutions.

**Motion to Approve Resolution No. 13 of 2010 - Town Board Lead Agency Authorization for Pre-Application of Clean Water State Revolving Fund ("CWSRF") & Drinking Water State Revolving Fund ("DWSRF")**

Motion by David Dean, 2<sup>nd</sup> by Gary Spears to approve Resolution No. 13 of 2010 – Town Board Lead Agency Authorization for Pre-Application of Clean Water State Revolving Fund ("CWSRF") & Drinking Water State Revolving Fund ("DWSRF") as read. (A copy is attached to the official minutes.)

**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean, Karl Brabene**c

**MOTION CARRIED**

**Motion to Approve Resolution No. 14 of 2010– No Significant Adverse Environmental Impacts Related to Authorization for Pre-Application of Clean Water State Revolving Fund ("CWSRF") & Drinking Water State Revolving Fund ("DWSRF")**

Motion by David Dean, 2<sup>nd</sup> by Gary Spears to approve Resolution No. 14 of 2010 – No Significant Adverse Environmental Impacts Related to Authorization for Pre-Application of Clean Water State Revolving Fund ("CWSRF") & Drinking Water State Revolving Fund ("DWSRF") as read. (A copy is attached to the official minutes.)

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**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean, Karl Brabenec**

**MOTION CARRIED**

All the council thanked Mr. Fusco for his incredible turn around on this project.

**John Hall Appropriations**

Supervisor Brabenec reported that Congressman John Hall's office sent a letter early in February asking for any appropriations that the town might see fit to apply for in the fiscal year of 2011. The congressmen requested these appropriations on the floor of the House and they submitted an appropriations request in the amount of \$2 million dollars for the project title of Town of Deerpark Highway/Police Building Project. This project is for a new town highway garage and police department. The existing facility is over 60 years old and in poor condition. Highway crews are in the process of temporary repairs to hold until funding can be achieved. They consulted the town engineer on the costs of a new building for the Police and s and the budget came close to \$2 million. The new building will entail cost-efficient and green measures. Highway Superintendent Ed Hughson will also submit an application for appropriations to Congressman Hall's office for new highway equipment such as new trucks and plows, etc. Supervisor Brabenec went on to thank Mr. Fusco for his help with this project and commended the town council members for their work and efforts in applying for \$15 million in grants for the Town since the first of the year.

**Motion to Appoint David Dean as Millennium Pipeline Liaison**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to appoint David Dean as Millennium Pipeline Liaison, based on his past work with the Millennium Pipeline Committee.

**VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoovler, Karl Brabenec  
1 ABSTENTION: David Dean**

**MOTION CARRIED**

**Formal Appointments for 2010/2011**

**Motion to Appoint Fusco Engineering as Town Engineer for 2010/2011**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to appoint Fusco Engineering as the Town Engineering Firm for 2010/2011.

Discussion: Supervisor Brabenec commended Fusco Engineering and their excellent assistance in regards to the Towns needs and each of the council members expressed their endorsement and gratitude.

**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean, Karl Brabenec**

**MOTION CARRIED**

**Motion to Appoint Bavoso, Plotsky & Onofry as the Town, Planning Board and ZBA Attorneys for 2010/2011**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to appoint Bavoso, Plotsky & Onofry as the Town Attorneys, Planning Board Attorneys and ZBA Attorneys for 2010/2011.

Discussion: Supervisor Brabenec commended Bavoso, Plotsky & Onofry and their commitment to serving locally and knowing the town's history and community; Councilman Spears mentioned they had continuity and background with the town and quality of service; Councilman Trovei appreciated their generous rates, knowing they work with a local heart. Councilman Hoovler stressed that besides the great rate, the knowledge Mr. Bavoso has is a tremendous asset and the answers asked of him always have a quick turn around.

**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean, Karl Brabenec**

**MOTION CARRIED**

**Motion to Retain Reserve Engineers**

Supervisor Brabenec reported that the Town Board considered the possibility of the Town Engineer or Town Attorney may have conflicts or situations of internal employee matters when they would not be able to represent the town, and since there were some good interviews they decided to retain Maser Consulting and/or McGoey, Hauser & Edsall Consulting Engineers as reserve engineers.

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Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to retain Maser Consulting and/or McGoey, Hauser & Edsall Consulting Engineers as reserve engineers in case of conflict or internal employee matters.

**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean, Karl Brabenec**

**MOTION CARRIED**

**Motion to Retain Reserve Attorneys**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Hoovler to retain Bonacic, Krahulik, Cuddeback, McMahon and Brady, LLP as reserve Attorneys in case of conflict or internal employee matters.

**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean, Karl Brabenec**

**MOTION CARRIED**

**Reserve Fund Accounts Report Assignment**

Supervisor Brabenec assigned Councilman Hoovler to come up with a report for the Town Board to consider on reserve fund accounts in the next 90 days and he agreed to do so.

**Highway Equipment Inventory Report Assignment**

Supervisor Brabenec stated the need to have inventory for all highway equipment, which has been started by the Highway Superintendent and appointed Councilman Spears and Councilman Trovei to assist and make a report to the Town Board within 90 days and they accepted that job.

**Motion to Approve Schedule Change for the Recreation Committee**

Supervisor Brabenec reported that the Recreation Committee has requested to change their regular monthly meetings to the first Tuesday of the month at 6:30 p.m. at the Town Hall and then asked the Town Clerk if there were any problems with that change. Florence Santini answered that the Court is open on Tuesday night and in the wintertime the Tax Collector is collecting taxes. A consensus culminated in working out meeting space if the need arises.

Motion by Gary Spears, 2<sup>nd</sup> by David Hoovler to approve the Recreation Committee meeting change to the first Tuesday of the month at 6:30 p.m. in the Town Hall.

**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean, Karl Brabenec**

**MOTION CARRIED**

**Motion to Approve Crafty Stitchers Use of Building No. 2**

Town Clerk, Florence Santini read the E-mail from the Crafty Stitchers who requested the use of Building No. 2 where the elderly wouldn't need to worry about steps and parking. They provided insurance proof with their application and there are no scheduling conflicts in that building the first and third Mondays of each month.

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei to approve the use of Building No. 2 on the first and third Mondays for Crafty Stitchers of the American Sewing Guild.

**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean, Karl Brabenec**

**MOTION CARRIED**

**Workplace Violence Prevention Program**

Supervisor Brabenec noted that this was a state law passed in 2006 and it was brought up in 2007, but never acted upon. He assigned Councilman Hoovler to come up with a Workplace Violence Prevention Program for this facility and for town facilities within the next 90 days. He then asked Councilman Hoovler to give a report on it. Councilman Hoovler has plans to include two other board members. This law was never implemented, but the Workplace Violence Prevention Act was an unfunded mandate brought upon by the New York State Department of Labor. It requires New York State Public Employers to perform a workplace evaluation of every work site and evaluate risks so employees are safe from one another and safe from the public. Some goals are that it has to foster a supportive harmonious work environment. Department Heads need to be trained in how to resolve conflicts between themselves and the public. They must have effective written policies in effect to protect employees from harassment, a written established program for handling employee grievances outside the personnel policy, provide personal counseling through an employee assistance program, implement a security program that protects the town employees and the means of ingress and egress to all town facilities. We have to provide an employee safety program, job counseling for employees who were laid off or fired, train supervisory personnel to recognize troubled employees or citizens, and most importantly a crisis intervention plan and evacuation plan must be set up for all buildings. A company will come in and do this for \$25,000.00, however they will

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not take this route. Rather, they will use the Orange County Sheriff, two other board members, the police department as well as himself. They will do comprehensive surveys and come up with a written policy. They hope to comply with this law by late spring or summer at a savings of \$25,000.00. They will also work with the insurance company in putting this together. Councilman Hoovler said this may need 120 days. Councilman Spears offered to help. Supervisor Brabenec amended his assignment on this to 150 days to provide plenty of time.

**Appropriations, Budget and Payment of Bills**

Supervisor Brabenec explained the General Fund Abstract is high because it includes the tax payments that are given to the Cuddebackville and the Sparrowbush Fire Departments. The Huguenot Department is not in the General Fund because they are not a fire district, they are a fire company that contracts with the town. In addition, the abstracts can be viewed at the Town Clerk's Office during normal working hours.

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to pay the bills that contain the signature or initials of at least three councilmember's in the approval for payment section of the voucher or purchase order:

General Fund Abstract #2, Voucher #'s 51-100 in the amount of \$679,917.97

Highway Fund Abstract #2, Voucher #'s 22-43 in the amount of \$112,922.62

Schoolhouse Trust & Agency Account Abstract #1, Voucher #1 in the amount of \$2,617.50

**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean, Karl Brabenec**

**MOTION CARRIED**

**Closing Board Comments**

Councilman Spears reiterated to both Al Fusco and Bill Bavoso his appreciation for the good job they have both done for the town in the past years and is looking forward to working with them in the future. He also wanted to express his appreciation to Phil Chase and the amount of work he puts in for the residents of this town. Councilman Trovei also wanted to thank everyone, including the other council members and especially David Hoovler. Councilman Dean mentioned his gratitude to others and spoke of how much is going on. Councilman Hoovler encouraged the residents to come in to the Town Clerk's office to view the vouchers because it is very educational. Supervisor Brabenec stated that a report will be provided from the Budget Officer at the beginning of every month to show the cash flow with the budget line items. Supervisor Brabenec congratulated Martin Smith, who was in the audience, and who was appointed to the Orange County Farmland Protection Board.

**Motion to adjourn at 10:02 p.m.**

Motion by Gary Spears, 2<sup>nd</sup> by David Hoovler, to adjourn the meeting at 10:02 p.m..

**VOTE: 5 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean, Karl Brabenec**

**MOTION CARRIED**

Respectfully submitted by,

Florence T. Santini  
Town Clerk