

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, OCTOBER 18, 2010**

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

Attendance

Supervisor: Karl Brabenec

Councilmember's: Gary Spears (7:30), David Dean, David Hoovler

Absent: Arthur Trovei

Attorney: Glen Plotsky

Pledge of Allegiance: David Dean

Call to Order at 7:00 p.m.

Public Hearing - Demolition of 34Grove Street, Godeffroy, NY (SBL 28-1-47.225) at 7:04 p.m.

Town Clerk, Florence T. Santini read the Public Notice and a copy is attached to the official minutes.

Supervisor Brabenec stated that at the last meeting, they made a motion asking the town's engineering firm, Fusco Engineering & Land Surveying, P.C. to perform an inspection of the property. His letter following the inspection, recommended the house and shed located on the parcel have severe structural deterioration, water damage, etc. and are unsafe and recommended they be demolished as soon as possible.

Public Comment: Mr. Robert Romano, property owner spoke and understood the report of the engineer. He is not able to repair the structures and according to the Nassau Supreme Court, cannot do any work other than maintain the property in its present form. He doesn't want the town to assess him to have it removed, he would be happy to rent a machine to remove it himself. He would like to retain a section of the property for storing material. He wanted to save the windows and talked about smoothing out the driveway. He mentioned the home was yellow not white. He offered to work with the town, but needed time to resolve the court settlement and would be able to comply by the spring. Councilman Hoovler asked if he had put something around it, and Mr. Romano had put up a cable and KEEP OUT signs around the driveway. He would board up the windows if necessary and put up more signs. Councilman Dean asked if he needed anything else. Mr. Romano needed a resolution. Councilman Hoovler stated they would allow another six months for him to demolish these structures on his own. There were no other comments from the public. He would furnish a copy of the Judgment from the Nassau Supreme Court limiting him at this point.

Motion to Close Public Hearing on the Demolition of 34Grove Street, Godeffroy, NY at 7:13 p.m.

Motion by Karl Brabenec, 2nd by David Dean to close public hearing on the demolition of 34 Grove Street, Godeffroy, NY at 7:13 p.m.

VOTE: 3 AYES: David Dean, David Hoovler, Karl Brabenec

2 ABSENT: Gary Spears, Arthur Trovei

MOTION CARRIED

Public Hearing – Introduction of Local Law #7 of 2010 – “A Local Law Amending Chapter 99 of the Town of Deerpark Code and Creating a Procedure for the Licensing of Dogs in the Town of Deerpark” at 7:15 p.m.

Town Clerk, Florence T. Santini read the Public Notice of the proposed Local Law 7-2010 and a copy is attached to the official minutes.

Supervisor Brabenec briefly explained the purpose of the local law stating the town would be in charge of the dog licensing in January 2011. The revenue would come to the town except for a small percentage for a state fund for spaying and neutering.

Public Comment: None

Councilman Dean asked how they would set the rate for licensing and Ms. Santini answered the rate was set at \$5.00 and \$13.00 years ago. He then asked if that would be enough money to administer this program and Ms. Santini replied she thought it would be enough because they would keep the whole amount now. It is set in the Local Law that charges can be changed by resolution. These charge could be changed anytime through the Board and on her computer software. Discussion followed on the reporting and time involved to assess whether the charges were enough to cover the expenses.

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It was agreed that six months would give a realistic view financially. The town would still keep \$5.00 and \$13.00, the state would keep the \$3.00 and \$1.00. Councilman Dean asked if surcharges would stay the same if the town changed their fees and Ms. Santini confirmed that would happen. Councilman Hoovler asked Ms. Santini how many dogs were in the town and she replied 2,300. Most dogs are spayed and neutered. The purebred dogs would be licensed separately.

Public Comment: A resident asked how people would know about the law to license their dog and Ms. Santini mentioned they had discussed this for a year; every town, city and village has had something written about it and in November she would probably put a Public Notice in the newspaper. They want as many dogs licensed as possible. The supervisor added they would put something on the website and send out a news release after passage of the local law.

Motion to Close Public Hearing on Proposed Local Law #7 of 2010 at 7:23 p.m.

Motion by Karl Brabenec, 2nd by David Hoovler to close the public hearing on proposed Local Law #7 of 2010 at 7:23 p.m.

VOTE: 3 AYES: David Dean, David Hoovler, Karl Brabenec

2 ABSENT: Gary Spears, Arthur Trovei

MOTION CARRIED

Motion to Recess Until 7:30 p.m.

Motion by Karl Brabenec, 2nd by David Hoovler to recess until 7:30 p.m.

VOTE: 3 AYES: David Dean, David Hoovler, Karl Brabenec

2 ABSENT: Gary Spears, Arthur Trovei

MOTION CARRIED

Call to Order at 7:35 p.m.

Present: Gary Spears

Invocation: Gary Spears

Pledge of Allegiance: Gary Spears

Moment of Silence for John Gould and Kathy Van Horn, residents of the Town of Deerpark.

Opening Board Comments

Supervisor Brabenec announced the town had been awarded a \$2,600 grant from the Upper Delaware Council (UDC) to be applied towards a tourism map of attractions in the Deerpark area, that would be available in the Town Clerk's office. He congratulated Flo Santini, Town Clerk and Norma Schadt, Historian for their work on the application. They took the initiative to apply for that grant. He also reported on the Constituent Day Open House on October 16th and thanked Donna Benson, County Clerk and Dennis Simmons, Orange County Legislator for attending, and all those who showed up and stated they were working on solutions to problems discussed. The supervisor offered that they are always available and if residents have questions, they should not hesitate to contact the office.

Presentations/Communications

Port Jervis Ambulance Corps – Sean Aumick, Operations and Paramedic Supervisor for Port Jervis Ambulance. The Ambulance Corps is going through some changes. They currently provide basic life support service (BLS) for the entire Town of Deerpark, City of Port Jervis, and Borough of Matamoras, PA. A feasibility study was done in May towards becoming an advanced life support service (ALS). They are not receiving any funding from these communities and want to keep it that way. They want to become a paramedic provider, which would allow 24/7 coverage. They have invested \$100,000 so far and have two hurdles still to deal with: 1) the November 1st vote by the Hudson Valley Regional Council and 2) a state inspection. They are anticipating a positive vote and inspection and hope to be up and running with a paramedic 24/7 by mid November. Regional EMS will continue to back them up with their paramedic and mobile life support services. Mutual aid plans involve both Greenville and Westfall, PA. They are a volunteer service and answer up to 2,000 calls a year. There will now be paid staff with the volunteers. They should be much more reliable. Councilman Dean inquired where they got the \$100,000 and Mr. Aumick explained their third party billing. Discussion followed.

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Anyone inquiring to volunteer should call: 845-856-3033 and ask for Dennis Aumick, President or either Lincoln VanHorn or Jim Rohner, both liaisons. Supervisor Brabenec will post information on the town website. Mr. Aumick will contact the Supervisor with further details as they develop.

Supervisor Brabenec announced that due to the next board meeting on November 1st, the board would need to make a decision in their meeting for the Tax Collection software. The next two presenters would speak to that issue.

Orange County Real Property – John McCarey began with history of Orange County receiving a \$25,000 state grant to study the tax collection system in the county. They reported on using several systems. They were recommended to use one system so all the information gathered would be available and after reviewing many systems, putting out RFP's, they narrowed the selection to BAS. BAS was also recommended by the Orange County Tax Collector Association, and letters were sent to the Town the previous month. The towns have the choice to keep their existing system, but the BAS software is available to every local school district, village and town at no cost for the software. Annual maintenance paid in the current system will also be paid by the county for the next ten years. The BAS system information was distributed. Mr. McCarey presented the features of the system. The tax payers would be able to view their bills online. Discussion followed. Basically, there are no costs for 10 years and no annual maintenance fees that would be in the contract. Currently, the tax bill cost is \$9.75 per bill and with increased computer costs, the bill will be \$11.25 per bill. Training would be provided in November and December. There would be no difference in coverage based on the tier level. All vendors not using the BAS would need to meet the county's standards to transfer the data to them. They have not had any problems with the current vendor used.

Information Systems – Eric Lundstrom is the current vendor rehearsed his history with BAS and Information Systems and reported that both systems are good. He indicated this situation is like an iceberg syndrome where the surface appears great, but decisions are made on what is beneath the surface. Tax payments, whether with credit cards, installment payments, etc. is up to the clients. The service they provide is personal and physical, not just over computer or phone. Their philosophy is to train tax collectors and work with them as they learn, building upon their accrued knowledge. He appreciates that the county would pay maintenance costs for 10 years, but recommends they see that in writing. The receivers working with Information Systems, know everything is in balance when they send everything to the county. Their system contains everything necessary to be in compliance with the county requirements, at no additional charge to local municipalities. They charge \$450 a year for their services.

Supervisor Brabenec reported the Port Jervis School District Employees were seeking sponsors for the *2010 Wreaths Across America*, a nationwide fundraising effort to place fresh wreaths on veterans cemeteries this holiday season. December 11th wreaths will be placed at West Point and information may be picked up at the Town Clerk's office and would be posted on the website. A letter from the State of New York Governor's Traffic Safety Department of Motor Vehicles was received regarding the *Selective Traffic Enforcement Program (STEP)*, notifying the Town of Deerpark they have been awarded \$8,510 to participate in the statewide STEP. Their goal is to reduce aggressive driving and speeding. A letter from the town's attorneys, Bavoso, Plotsky and Onofry regarding the *ASCAP* program was received. This was discussed in a previous meeting and they may need to get licensing for \$350 annually regarding playing music and the copyright infringement when playing music in public. Mr. Brabenec announced that he is applying to the New York State Office of Children and Family Services through the *Orange County Youth Bureau for Youth Program funding*. They did this last year and next year they will have a community day, and these fundings are available as a 50% match grant. Through *NYMIR*, they received a couple communications: a check for \$4,392 to pay renewal (a distribution out of the original capitalization payment \$17,570). When they received the check, they were made aware of the *NYMIR Online University* that trains their Planning and Zoning Board members and if the board is interested, these modules are provided at no cost from *NYMIR*.

Public Comment Period (3 Minutes per Person/Agenda Items Only)

Tax Collector – Jane Garvey spoke about asking Eric Lundstrom to attend the meeting. She acknowledged the county offer is free and wanted the board to know shewais very happy with Mr. Lundstrom's assistance and had worked with his program for 8 years. She had many questions and won't have answers until she uses the other program. She does not want to change right now, and asked Mr. McCarey about the option to change. Should she decide not to change this year but would like to join BAS in the future, would she be penalized or would the town be penalized? Discussion followed with Mr. McCarey of Orange County Real Property. Councilman Spears asked how many towns in Orange County may go with BAS the first year and would they be able to handle all these in one year. Mr. McCarey stated there were 23 towns and BAS has serviced 12 of them already. There would be 8 more towns added this year. BAS can handle all 23

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towns. They have two towns not using computers. He added that Ms. Garvey has done an excellent job as Tax Collector and has had very few issues over the years and should be commended for her record keeping. The downloading concerns could be adjusted. Supervisor Brabenec inquired about upgrading the computer software and no change needed to happen; bounced checks were discussed. Councilman Dean questioned whether they could look over the program without committing to it and Mr. McCarey recommended Ms. Garvey could view another's program with no problem.

Old Business

Supervisor Brabenec reported on the Public Hearing to consider Local Law #7 of 2010 on licensing dogs. All municipalities need to draft their own local laws and procedures and a special thank you was expressed to the Town Clerk, Town Attorney and the Orange County Town Clerks Association for working very hard since February to put these together. The suggestion to be able to change the dog licensing fees with a resolution, rather than having it in the local law was an exceptional recommendation.

Motion to Adopt Local Law #7 of 2010 – “A Local Law Amending Chapter 99 of the Town of Deerpark Code and Creating a Procedure for the Licensing of Dogs in the Town of Deerpark”

Motion by David Hoovler, 2nd by David Dean to adopt Local Law #7 of 2010 – “A Local Law Amending Chapter 99 of the Town of Deerpark Code and Creating a Procedure for the Licensing of Dogs in the Town of Deerpark”

Discussion: Councilman Spears apologized for missing the public hearing and asked if there were any comments from the public and there were no comments. He questioned if the state was mandating the law and the board answered it was. Supervisor Brabenec thanked Tom Yonskie, Dog Control Officer for his input with the procedures. Councilman Dean asked Florence Santini, Town Clerk to report back in six months and she agreed to.

VOTE: 4 AYES: Gary Spears, David Dean, David Hoovler, Karl Brabenec

1 ABSENT: Arthur Trovei

MOTION CARRIED

Motion to Approve Police Chief Signing the STOP-DWI Contract

Motion by Karl Brabenec, 2nd by Gary Spears to approve Police Chief Bill Werner signing the STOP-DWI Contract.

Discussion: Councilman Hoovler commented on the contract being a fall component, October through January 1, 2011 to cover the holiday season. Councilman Spears asked if there was an amount and he said the reimbursement would not exceed \$1,850.

VOTE: 4 AYES: Gary Spears, David Dean, David Hoovler, Karl Brabenec

1 ABSENT: Arthur Trovei

MOTION CARRIED

Supervisor Brabenec reported on the Demolition of 34 Grove Street in Godeffroy and how the property owner spoke at the public hearing earlier.

Motion to Table Demolition of 34 Grove Street, Godeffroy, NY for 30 Days

Motion by David Hoovler, 2nd by David Dean to table the demolition of 34 Grove Street, Godeffroy, NY for six months, providing proper documentation proving restrictions in pending lawsuit be received within 30 days.

VOTE: 4 AYES: Gary Spears, David Dean, David Hoovler, Karl Brabenec

1 ABSENT: Arthur Trovei

MOTION CARRIED

Supervisor Brabenec reported on two lease agreements on Telephone Companies using the cell tower going up, and the agreement with Verizon was already signed. Councilman Dean read the letter from the attorneys and there are three questions needing to be answered.

Motion to Table Until Next Meeting the Authorization for the Supervisor to Sign AT&T Lease Agreement

Motion by David Hoovler, 2nd by David Dean to table until the next meeting the authorization for the Supervisor to sign the AT&T Lease Agreement.

Discussion: Councilman Spears asked if waiting a couple weeks would matter and Councilman Dean thought a couple weeks wouldn't matter, but getting the answer to the one question was paramount.

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VOTE: 4 AYES: Gary Spears, David Dean, David Hoovler, Karl Brabene
1 ABSENT: Arthur Trovei

MOTION CARRIED

Motion to Approve Resolution No. 42 of 2010 – Suspension of Longevity Pay in Personnel Policy for 2011

Motion by Karl Brabene, 2nd by David Hoovler to approve Resolution No. 42 of 2010 – Suspension of Longevity Pay in Personnel Policy for 2011, changing the Personnel Policy established by Resolution No. 8 of 2005, Article 4, Section 1.3 Longevity Benefit.

Discussion: Councilman Spears read some comments from the Comptroller and that this would be good to do because there are no funds to budget for this in the next year.

VOTE: 4 AYES: Gary Spears, David Dean, David Hoovler, Karl Brabene
1 ABSENT: Arthur Trovei

MOTION CARRIED

Supervisor Brabene explained the next business referring to the previous board meeting where the vacant positions in town were eliminated. Some police officers leave positions temporarily and the position should remain open for filling those positions. Restoring some of these vacant positions are necessary.

Motion to Approve Amendment for P/T Police Officer Position Vacancies

Motion by Karl Brabene, 2nd by Gary Spears to approve amendment for the Part/Time Police Officer Position Vacancies: 11593-Part/Time Police Officer; 11623-Part/Time Police Officer; 11624-Part/Time Police Officer; and 11577-Part/Time Officer, civil service positions in the Town of Deerpark Police Department.

VOTE: 4 AYES: Gary Spears, David Dean, David Hoovler, Karl Brabene
1 ABSENT: Arthur Trovei

MOTION CARRIED

New Business

Supervisor Brabene introduced the Justice Program Assistance Grant (JCAP), that Judge Osowick and Judge Wulff have worked on for grant funding for the courts. Judge Osowick has found grant money in the past. A resolution must be passed each year and she would like to submit for funding in 2011 for security cameras for the court room. A major problem in the court is visibility and it poses a potential risk.

Motion to Approve Resolution No. 43 of 2010 – Uniform Court Justice Assistance Application

Motion by Karl Brabene, 2nd by to approve Resolution No. 43 of 2010 – Uniform Court Justice Assistance Application allowing Judge Osowick and Judge Wulff to submit this grant.

Discussion: Councilman Hoovler mentioned that NYMIR recommended the Court Room be secure not allowing access from the public where a sitting judge would be, without going through security. Supervisor Brabene stated there is a security check point at the entrance of the Court Room, which is a start in meeting their recommendations.

VOTE: 4 AYES: Gary Spears, David Dean, David Hoovler, Karl Brabene
1 ABSENT: Arthur Trovei

MOTION CARRIED

Motion to Approve Tax Collector Software With Information Systems

Motion by Gary Spears, 2nd by David Hoovler to approve Tax Collector Software with Information Systems for one year.

Discussion: Councilman Spears was aware of the excellent job Jane Garvey does for the town, and would like to see her go with the system she has now for one year, providing the county would permit her to switch over next year. This would allow her to grow more comfortable with the change in software. Each board member agreed to support Ms. Garvey to continue with Information Systems for one more year.

VOTE: 4 AYES: Gary Spears, David Dean, David Hoovler, Karl Brabene
1 ABSENT: Arthur Trovei

MOTION CARRIED

The Board thanked John McCarey for his presentation.

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Motion to pay bills:

Motion by Karl Brabeneć, 2nd by Gary Spears, to pay bills that have been signed by three council members, and may be viewed in the Town Clerk's office.

General Fund Abstract #19 of 2010 for a total of \$72,530.07

Highway Fund Abstract #19 of 2010 for a total of \$11,346.00

WTC Memorial Fund Abstract #3 of 2010 for a total of \$550.61

Deerpark Village Engineering Escrow Abstract #1 of 2010 for a total of \$15,000.00

VOTE: 4 AYES: Gary Spears, David Dean, David Hoovler, Karl Brabeneć

1 ABSENT: Arthur Trovei

MOTION CARRIED

Supervisor Brabeneć stated the Preliminary Budget was in place and the comptroller came and made preliminary recommendations that should be firmed up by October 21st, then they would get a final written report, which would be followed by a Public Hearing, followed with adopting the budget.

Motion to Set Public Hearing for 2011 Preliminary Budget on Monday, November 1, 2010 at 6:30 p.m.

Motion by Karl Brabeneć, 2nd by Gary Spears to set Public Hearing for the 2011 Preliminary Budget on Monday, November 1, 2010 at 6:30 p.m. at the Town Hall.

Discussion: Councilman Spears asked whether one hour would be enough time and what date did the budget need to be passed by. Supervisor Brabeneć hoped it would be able to fit on a night they already planned to be together and the budget needed to be passed by November 20th. Councilman Hoovler mentioned they need to go with the Comptroller's recommendations and even though residents comments are important, they would need to be submitted to the Comptroller in writing. Councilman Spears asked if the Public Hearing didn't allow enough time, would they be able to extend it and the supervisor answered they could. Town Clerk, Flo Santini mentioned that the Preliminary Budget registered in her office, needs to represent the totals reflected in that report.

VOTE: 4 AYES: Gary Spears, David Dean, David Hoovler, Karl Brabeneć

1 ABSENT: Arthur Trovei

MOTION CARRIED

Closing Comments

Councilman Spears remarked that the presentations were good and expressed to Jane Garvey that he hoped that would work for her and appreciated her good work for the town. He hoped the residents of the town would be happy with their service on the town budget. Councilman Hoovler reiterated the comments to Ms. Garvey and in regards to the upcoming public hearing, he mentioned a 30 plus page report entitled "Iceberg Ahead-The Hidden Cost of Public Sector Retiree Health Benefits New York" regarding the retiree health benefits in New York. This report stresses how municipalities need to figure out how much money they will need in the future to pay for employee health care. The costs are staggering and investors assume benefits won't even be paid. He recommended people go online to read the report. Councilman Dean reminded everyone that there is no 'pie in the sky' and recommended people to read and re-read this article. He appreciated the good information in the tax collection presentation and asked Jane Garvey to avail herself to the BAS software when possible. Supervisor Brabeneć agreed with previous comments and said that working with the health care benefits numbers are mind-numbing and could see the possibility of taxes being tripled in the near future. As a board, they need to do whatever they can.

Town Clerk, Flo Santini announced the Board of Elections would host a class the 19th of October for the new voting machines at 6:30 p.m. She also announced the Port Jervis Naval Ship Ladies Auxiliary box for hats, mittens and scarves for children and adults for anyone wanting to make a donation.

Motion to Enter Executive Session for Discussing PBA Negotiations, Highway Department Negotiations and Tax Certiorari Update at 9:09 p.m.

Motion by Karl Brabeneć, 2nd by Gary Spears to enter Executive Session for discussing PBA Negotiations, Highway Department Negotiations and an update to their Tax Certiorari cases and invite Town Attorney Glen Plotsky to join them at 9:09 p.m.

VOTE: 4 AYES: Gary Spears, David Dean, David Hoovler, Karl Brabeneć

1 ABSENT: Arthur Trovei

MOTION CARRIED

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Motion to Re-enter Regular Session at 10:14 p.m.

Motion by Gary Spears, 2nd by David Hoovler to re-enter Regular Session at 10:14 p.m.

VOTE: 4 AYES: Gary Spears, David Dean, David Hoovler, Karl Brabenec

1 ABSENT: Arthur Trovei

MOTION CARRIED

Motion to Authorize Settlement of Two Stack Tax Certiorari's

Motion by David Hoovler, 2nd by David Dean to authorize settlement of two (2) Stack tax certiorari's.

VOTE: 4 AYES: Gary Spears, David Dean, David Hoovler, Karl Brabenec

1 ABSENT: Arthur Trovei

MOTION CARRIED

Motion to Authorize Settlement of Pine Grove Trailer Park Tax Certiorari

Motion by Karl Brabenec, 2nd by David Hoovler to authorize settlement of Pine Grove Trailer Park tax certiorari.

VOTE: 3 AYES: David Dean, David Hoovler, Karl Brabenec

1 ABSTENTION: Gary Spears

1 ABSENT: Arthur Trovei

MOTION CARRIED

Motion to Authorize Settlement of Maple Tree Trailer Park Tax Certiorari

Motion by Karl Brabenec, 2nd by David Hoovler to authorize settlement of Maple Tree Trailer Park Tax Certiorari.

VOTE: 3 AYES: David Dean, David Hoovler, Karl Brabenec

1 ABSTENTION: Gary Spears

1 ABSENT: Arthur Trovei

MOTION CARRIED

Motion to Ratify Proposal Submitted to PBA and Request Vote by Membership

Motion by Gary Spears, 2nd by Karl Brabenec to ratify the proposal submitted to PBA and request a vote by the membership.

VOTE: 4 AYES: Gary Spears, David Dean, David Hoovler, Karl Brabenec

1 ABSENT: Arthur Trovei

MOTION CARRIED

Motion to Adjourn

Motion by David Dean, 2nd by David Hoovler to adjourn.

VOTE: 4 AYES: Gary Spears, David Dean, David Hoovler, Karl Brabenec

1 ABSENT: Arthur Trovei

MOTION CARRIED

Respectfully submitted by,

Florence T. Santini
Town Clerk