

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, DECEMBER 20, 2010**

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

Attendance

Supervisor: Karl Brabenec

Councilmember's: Gary Spears, Arthur Trovei, David Hoovler (7:40 p.m.)

Absent: David Dean

Attorneys: William Bavoso, David Bavoso

Invocation: Arthur Trovei

Pledge of Allegiance: Gary Spears

Call to Order at 7:37 p.m.

Supervisor Brabenec asked the residents to keep in their thoughts and prayers Mr. Bob Levin, a past board member who fell and hit his head.

Additions or Changes to Agenda

Supervisor Brabenec asked to make a slight change to the Holiday Schedule/Meeting Schedule under New Business.

Motion to Change Holiday Schedule/Meeting Schedule Under New Business

Motion by Karl Brabenec, 2nd by Gary Spears to change Holiday Schedule/Meeting Schedule under New Business on the Agenda.

VOTE: 3 AYES: Gary Spears, Arthur Trovei, Karl Brabenec

2 ABSENT: David Dean, David Hoovler

MOTION CARRIED

Opening Board Comments

Supervisor Brabenec asked that the councilmen and those making public comments, speak into the microphone at the podium so it can be taped and transcribed. The council preferred to wait to make comments.

Presentations/Communications

Norma Schadt, Historian reported on the Schoolhouse Stitchers History Time Line Quilt dedicated to the Town Hall, descriptive of the Town of Deer Park history, individually designed and stitched by hand. Those contributing were: Norma Schadt, Linda Onofry, Barbara Johnson, Pat Eccleston, Candy Spangenberg, Sue Clayton, Florence Gray, Sue Smith, Jean Fox and Demetre Bove. The information and list of contributors is attached to the official minutes.

Supervisor Brabenec thanked those participating for the quilt and stated it would be held there in the Town Hall for a long time. He thanked Norma Schadt for her dedication for preserving the town's history.

Supervisor Brabenec noted he had received several letters of communication and began with announcing a '*No-cost Rabies Vaccination Clinic*' being offered at the Roeder's Ark Veterinary Clinic for all Mt. Hope and Deer Park residents with proof of residency. The Port Jervis/Town of Deer Park Humane Society sponsors this one-year vaccination clinic scheduled for Sunday, January 9 from 1 – 3 p.m. at 361 Finchville Turnpike, Otisville, NY 10963. Pre-registration is recommended by calling 386-8700. The information would be posted on the town's bulletin board and on the website.

Supervisor Brabenec next mentioned that the Orange County Department of Personnel would now be referred to as Human Resources. Also, Alita Graham, the Director of Civil Service retired and the new person was Diane Hayden.

Another announcement was that the *Orange County Transfer Station* changed their hours to 7 a.m. to 12 noon, and noted that would only be for *Goshen only*—Newburgh and Port Jervis hours would remain the same. The town's website would post this information. The Orange County Landfill announced closure on Christmas Eve and Christmas Day (12/24 & 25) and New Year's Eve and New Year's Day (12/31 & 1/1), and open on 12/23 normal hours and 12/30 for normal hours. *Port Jervis Ambulance Corp* conveyed elected officers for 2011 are Captain Lincoln VanHorn; 1st Lieutenant James Rohner III; 2nd Lieutenant Rita Parkhouse; President Robert Lonce; Vice President Dennis Aumick; Secretary Tara VanHorn; Treasurer Bridget VanHorn. They would be working closely with the Town of Deer Park and the City of Port Jervis in the coming months. He congratulated the new officers. The Annual Report from the *Orange County Partnership* is available on the table in the Town Hall. Kim McDonald from JNS communicated that everything is in

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order for the new cell phone tower for AT&T and Verizon. Construction would start on December 27th, next to the Highway Garage. Rent for AT&T would be \$2,000 with \$1,000 going to JNS and \$1,000 to the Town of Deer Park. The *Department of Transportation for New York State* sent a letter concerning the reimbursement request for the Peenpack Trail Project stating they are processing the payment for \$275,610.89 from the Office of the State Comptroller. He then thanked the town engineer, Al Fusco because he stepped in and helped streamline the process. *Upper Delaware Council* sent a correspondence updating them on their grant. This year's grant amount of \$3,125 was for the redesign and update of the official website for the Town of Deer Park. This is a reimbursement to the town. The *Laborers International Union of North America Local Number 17* stating they are interested in taking over the bargaining for the Highway Department employees for the town and are requesting action. In regards to this, Supervisor Brabenec asked they table this until the meeting on January 10, 2011 when they'll have more information and also review what they are requesting as well. Councilman Spears suggested they send a letter confirming they received it and that this would be on the January 10th agenda. Councilman Hoovler asked if they had sent a Recognition Agreement and Supervisor Brabenec acknowledged they had, and clarified they would be the bargaining liaison for the Highway Department. He also stated he would send them a letter of acknowledgement. The *Port Jervis Ambulance Corp* sent a letter stating that beginning midnight, January 3, 2011 they will have at least one paramedic and one EMT on staff 24/7 due to their ALS upgrade approval. They requested the Town of Deer Park to formally submit a letter to Orange County 911 Dispatch Center stating that the Port Jervis Ambulance Corp is to be designated as the basic BLS (Basic Life Support) and ALS (Advanced Life Support) for the town and that they no longer request Regional EMS to be dispatched automatically on all calls. Regional EMS would be the back up support system. Supervisor Brabenec had only received the letter that day and asked to table the request until the next meeting, December 30, 2010 allowing them to give an answer by January 3rd. The supervisor would call Regional EMS and they would try to have a meeting involving a representative from both services.

Approval of December 6, 2010 Minutes

Motion by Gary Spears, 2nd by Arthur Trovei to approve December 6, 2010 Minutes as presented.

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

1 ABSENT: David Dean

MOTION CARRIED

Public comment period (3 Minutes per Person/Agenda Items Only)

Laurie Osowick asked for an explanation of the *Columbia Gas Pipeline Agreement* under New Business on the Agenda. Councilman Spears explained that Councilman Dean was the board member working with the Pipeline, but was away due to a family obligation. He had consulted with him and Mr. Bavoso, the town attorney. Columbia has a current Pipeline Agreement with the Town dated 1947. They plan to upgrade their gas line going through Boehmler Park. Presently they have a 40-foot right of way, with the higher size pipe, they need to go to a 50-foot right of way. During construction they want 25 feet more of working area, but that 25 feet would return to natural after they are done, but the pipeline easement going from 40 feet to 50 feet is basically the only change. They will pay the town \$73,000 for the bigger right of way and \$92,000 for the right to come in and do the work. There will be tree cutting estimated to provide 100 cords in firewood. The only alternative would be paying to fight their taking eminent domain. Ms. Osowick asked about their restrictions and who would be watching them to keep track of what they do. Both Councilman Hoovler and Councilman Spears answered that the agreement restrictions are in writing and there was consultation with a Forrester and a DEC Forrester, and the firewood would be put out to bid. The income from the wood would be extra for the town and any town resident could bid on it as a whole. To pick it up, they would need to supply a certificate of insurance. Councilman Hoovler mentioned that one of the goals was to use the revenue generated by this to fund some of the reserve funds started this year. Ms. Osowick then asked about protecting the water of Boehmler Pond and Councilman Spears assured her they would check on that, but also stated they were a professional outfit operating with guidelines. He then stated that he would ask the attorney to make sure it was specified in the agreement and thanked her for the good point. Mr. Bavoso said the resolution he prepared was for authorizing the Supervisor to sign the agreement, and that would be subject to review and research.

Vince Malzahn also talked about the pond being part of the Port Jervis Reservoir system, feeding into all of the city of Port Jervis. He mentioned that the tributary from Boehmler Pond and even down further goes into two reservoirs for Port Jervis. Councilman Spears suggested that perhaps their engineer, Al Fusco who also does some work for Port Jervis, could be asked to do a site visit to make sure they have what they need. Supervisor Brabenec mentioned that their pipeline liaison would be back the next day and they would look into these details.

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Old Business

Supervisor Brabenec stated they had received a letter from the Code Enforcement Officer and discussed 6 Grove Street in Myers Grove during the last meeting (December 6th). They expected an update from the attorney. Mr. Bill Bavoso, reported that this situation was now a criminal matter scheduled for a trial on December 28th. Another attorney, Mr. Plotsky would follow up with that. Supervisor Brabenec replied that this matter should be tabled until they receive further information.

Supervisor Brabenec stated that property at 311 US Route 209 had instructions for demolition and bids were received and the lowest bidder was Frank Somarelli and the house had been taken down a week ago. Payment was pending and a check would be sent when the vouchers are signed.

New Business

Supervisor Brabenec mentioned that normally they would vote on the Holiday Schedule at the 2011 Reorganization Meeting, but due to a holiday falling on December 31st this year, and New Year's is on Saturday, they need to act on this now. The schedule would begin with December 31, 2011.

Motion to Approve the 2011 Holiday Schedule

Motion by Gary Spears, 2nd by Arthur Trovei to approve the 2011 Holiday Schedule as presented.

Discussion: Councilman Spears said that according to their contracts with the Police and Highway, and the Personnel policy, 13 paid holidays are allowed. He asked to remove the day after Thanksgiving, noted as a personal floating holiday from the schedule.

Motion to Amend 2011 Holiday Schedule

Motion amended by Gary Spears, 2nd by Karl Brabenec to remove Friday, November 25th Day After (Personal Floating) on the 2011 Holiday Schedule.

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

1 ABSENT: David Dean

MOTION CARRIED

Motion to Approve the 2011 Holiday Schedule as Amended

Motion by Karl Brabenec, 2nd by Gary Spears to approve the 2011 Holiday Schedule as amended.

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

1 ABSENT: David Dean

MOTION CARRIED

Supervisor Brabenec also spoke of the Town Board Meetings for 2011, stating they would be on the first and third Mondays of each month starting at 7:30 p.m. at Town Hall, 420 Route 209, Huguenot, New York. Special meetings will be scheduled with the public being notified of dates and times. One of the exceptions is January where the meetings will be on the second and the fourth Mondays because of holidays.

Motion to Approve the 2011 Town Board Meetings

Motion by Karl Brabenec, 2nd by David Hoovler to approve the 2011 Town Board Meetings.

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

1 ABSENT: David Dean

MOTION CARRIED

Supervisor Brabenec mentioned that the Budget Modification zeros out as far as the General Fund and the Highway Fund. He would like to do these in two separate motions. He read out loud the modifications and reported that when you add the decreases and expenditures and the increases and revenues with the expenditures, everything zeros out.

Motion to Approve Budget Modifications for the General Fund

Motion by Karl Brabenec, 2nd by David Hoovler to approve the Budget Modifications for the General Fund as presented.

Discussion: Councilman Hoovler announced that this was the first year they hadn't had a deductible claim. This was the first year they didn't dip into unallocated insurance. That total was \$65,000 that wasn't touched in 2010. Councilman Hoovler asked about the natural resource conservation 8710.4 and it was overdue and the supervisor will look into it.

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Town of Deer Park

General Fund

Budget Modifications December 20, 2010

Increases:

Revenue:

1560 Safety Inspection Fees	\$ 15,700
Other	-
Total Increase in Revenue	<u>15,700</u>

Expenditures:

1420.4 Attorney - Contractual	5,200
1450.4 Elections- Contractual	12,000
1620.4 Buildings - Contractual	7,500
1650.4 Central Communications - Contractual	1,500
1670.4 Central Printing & Mailing - Contractual	1,000
3010.4 Public Safety Administration - Contractual	500
3120.1 Police - Personal Services	65,000
3510.1 Dog Control - Personal Services	500
3620.4 Safety Inspection - Contractual	2,000
3650.4 Demolition of Unsafe Buildings- Contractual	800
3989.1 Emergency Management - Personal Services	1,000
5182.4 Street Lighting - Contractual	1,500
7450.4 Museum - Contractual	500
7510.4 Historian - Contractual	500
8710.4 Natural Resource Conservation - Contractual	<u>1,200</u>
Total Increase in Expenditures	<u>100,700</u>

Decreases:

Expenditures:

1320.4 Accounting/Auditing - Contractual	(10,000)
1910.4 Unallocated Insurance - Contractual	(15,000)
1930.4 Judgments and Claims - Contractual	(50,000)
9015.8 Police & Fire Retirement	<u>(10,000)</u>
Total Decrease in Expenditures	<u>(85,000)</u>

Net Increase (Decrease) in Budget

\$ -

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

MOTION CARRIED

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Supervisor Brabenec read the Budget Modifications for the Highway Department.

Motion to Approve the Budget Modification for the Highway Fund

Motion by Karl Brabenec, 2nd by Gary Spears to approved the Budget Modification for the Highway Fund as presented.

Discussion: Supervisor Brabenec explained that a payment is received each year from Orange County to plow the county roads and the money is used to purchase salt. Last year's Budget Officer put it under 5148.1, which is personal services. It should not have been put there, rather put in contractual. They are moving that \$22,000 over to correct where it should be.

Town of Deer Park
Highway Fund
Budget Modifications December 20, 2010

Increases:

Expenditures:

5148.4 Services to Other Governments - Contractual	24,000
Total Increase in Expenditures	<u>24,000</u>

Decreases:

Expenditures:

5140.42 Miscellaneous - Fuel - Contractual	(2,000)
5148.1 Services to Other Governments - Personal Services	<u>(22,000)</u>
Total Decrease in Expenditures	<u>(24,000)</u>

Net Increase (Decrease) in Budget

\$ -

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

1 ABSENT: David Dean

MOTION CARRIED

Supervisor Brabenec reported that the Ethics Board had met and Councilman Hoovler sits on that board. They voted unanimously to recommend Fred Witt to be the chairman of the Ethics Board and were recommending him as chair to the Town Board. January 6th is the next scheduled Ethics Board meeting.

Motion to Appoint Frederick Witt as Chairman of the Ethics Board

Motion by Karl Brabenec, 2nd by Arthur Trovei to appoint Frederick Witt as Chairman of the Ethics Board.

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

1 ABSENT: David Dean

MOTION CARRIED

Supervisor Brabenec asked Mr. Witt to see the Town Clerk to take his oath of office.

Supervisor Brabenec received a letter of resignation from Jim Rich, Police Officer due to accepting a full time position.

Motion to Accept Letter of Resignation from Police Officer Jim Rich

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Motion by Gary Spears, 2nd by David Hoovler to accept the letter of resignation from Police Officer Jim Rich with regret.

Discussion: Councilman Spears said he would accept the letter of resignation with regret, and stated he did an excellent job while he was here. He was glad he had an opportunity to move up to advance his career. Supervisor Brabenec also thanked him for the good job he did for the Town of Deer Park and wished him success. A letter would go into his personnel record and a copy to the Town Clerk and she would send him a letter.

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

1 ABSENT: David Dean

MOTION CARRIED

Supervisor Brabenec mentioned receiving the Resolution from the Attorney, Mr. Bavoso in regards to the Columbia Gas Pipeline.

Motion to Approve Resolution 47 of 2010 Authorizing the Supervisor Signing Columbia Gas Pipeline Agreement

Motion by Gary Spears, 2nd by Arthur Trovei to approve the Resolution authorizing the Supervisor signing Columbia Gas Pipeline Agreement, following the Town Engineer's site visit and Town Attorney's review.

Discussion: Councilman Spears clarified that the town attorney, Mr. Bavoso was going to check out and review this agreement and he would talk to David Dean about asking Al Fusco to conduct a site visit to protect the pond and water resources. Supervisor Brabenec thought it was very important to get the comments received and needed to put into any potential contract signed, some kind of assurances for the environmental protection of the area. He stated he would not be signing it that night, and they have until the 31st of December to sign it. He also commented on the fantastic job Councilman Dean did on this project throughout the course of the year. Councilman Trovei also expressed gratitude for the great job Councilman Dean did with negotiating this extra income to the town not just with Columbia Gas, but JNS Cell Towers also. He thought Fusco Engineering could test the water of the pond before and after the work is done. Councilman Hoovler asked if they would vote on the resolution as modified by Councilman Spears and that was confirmed.

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

1 ABSENT: David Dean

MOTION CARRIED

Supervisor Brabenec mentioned that one day in the future, when they receive the money, they would need to assess where to spend it and what the greatest need was at that time.

Flo Santini, Town Clerk announced the *House Lighting Contest winners*: 1st Place-Mary Bylsma, 95 Peenpack Trail with a \$25 Gift Certificate from the Cornucopia; 2nd Place-Charlene Canale, 242 Wilson Road with a \$25 Gift Certificate from the Deer Park Café; 3rd Place-Sandy Williams, 97 Peenpack Trail with a \$20 Gift Certificate from Sicuro's; and 4th Place-Karen Crown, 216 Route 209 with 2 large pies at Try-R-Deli. She thanked those who called in and hopes to do this again next year. The certificates could be picked up on Thursday that week. The winners would be posted on the website, and announced on the radio.

Motion to pay bills:

Motion by Karl Brabenec, 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 #23 of 2010 for a total of \$99,193.98

Highway Fund Abstract #23 of 2010 for a total of \$75,965.55

Deerpark Street Lighting District Abstract #10 of 2010 for a total of \$376.98

Schoolhouse Abstract # 4 of 2010 for a total of \$131.95

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

1 ABSENT: David Dean

MOTION CARRIED

Closing Board Comments

Councilman Spears thanked the ladies involved in the quilt and knew it involved a lot of hard work but would look great there in the Town Hall for years to come. He wished everyone a very merry Christmas and a healthy and happy new year. He thanked the town's committee members and board members for their service they give to the town every year. The Highway negotiation will resume in January and hopefully they would soon come to some agreements. Councilman

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Trovei extended the same sentiments about the ladies quilt and the work that went into making it and read their names again. He wished everyone a blessed and merry Christmas and health to all the families. He then thanked those working in the town and their efforts. Councilman Hoovler echoed the comments about the quilt and thought it was fabulous and gave special thanks to Gary Flieger for building the frame for it. He wished everyone a happy new year and invited anyone in the town to offer input to him as he completes the three-year plan along with the town accountant, Rob Schultz. The revenues are looking very flat and the expenses are looking at a minimum of about 3%. They are hoping that the money from the pipeline and other revenue sources could offset it. They always publish it with the projection of numbers and in the end they look at approximately seven years. They need to consult with the school district and consider where they will be, because though the town has no control over their budget it is something that needs to be considered. He asked the Supervisor if he would provide a year-end budget vs. actual and the Supervisor promised to have it by the first of January. Supervisor Brabenec met that day with John Xanthis and Lori Case and Flo Santini about the changes with the school elections in regards to the Town of Deerpark. The polling districts are going to be changed. The voting in the state of New York, especially for school board elections, they are held in the schools and not other facilities. There is a state law that says that, and we are probably one of the last town's to move towards that. They are discussing moving the elections to the schools (HBE and ASK) for the May elections. The school board would consider this in January. He and Ms. Santini talked with them about making the change so quickly and they wanted to make sure everyone would be properly notified of these new polling places. The School Administrators are planning to make a presentation to the board in the next two months or so. This change is a state regulation that the School is now working on complying with. There would be a December 30th Town Board Meeting at 4:00 p.m. for the year-end meeting. This meeting's purpose would be to close out the books for the year end. If there were any other subjects for discussion they would be reflected on the agenda posted online or posted in the Town Hall. This will not be a televised meeting. He then thanked all the Town of Deerpark employees for doing a really fantastic job this year. There were changes initiated and a lot of employees adapted and did a fine job for everyone. He also wished them and their families a merry Christmas and happy new year, as well as all the residents. The next year is full of new items as well and in the next couple weeks, they will announce 2011 plans. One thing they have been hearing about that is happening around that state in government departments, whether it is the Highway Department, the Assessor's Office or Tax Collector, etc. are looking at privatization just for cost-savings purposes. They need to study it to see if there are cost-savings and whether it would be a good or bad idea and they need to know the answer. He would like to appoint Councilman Trovei to look at this and bring back a report in three months. Councilman Trovei added that in his business, he had several people come in to buy plow trucks. He said the state of Massachusetts has privatized their snow plowing. He knows the school saved a lot of money when they privatized the buses and these are tough issues, but certain circumstances prove to be good cost-saving measures. They have a long road to hoe with the amount of money owed. He will report back on this option in three months. Supervisor Brabenec summed up that Councilman Trovei will research this and report back in three months so they know what the answer is and get a solid answer on this issue.

Motion to Adjourn at 8:44 p.m.

Motion by Karl Brabenec, 2nd by David Hoovler to adjourn at 8:44 p.m.

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

1 ABSENT: David Dean

MOTION CARRIED

Submitted by,

Florence T. Santini
Town Clerk