

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, JUNE 21, 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 Dean, David Hoover

Attorney's: William Bavoso, David Bavoso

Invocation by Arthur Trovei

Call to Order at 7:38 p.m.

Pledge of Allegiance by Arthur Trovei

Additions or Changes to Agenda

Supervisor Brabenec asked to add the International Beer Festival under Presentations/Communications on the Agenda. There were no objections and it was added.

Opening Board Comments – None

Presentations/Communications

International Beer Festival - Stephen Skye, President of the Neversink Valley Area Museum, introduced Roy Kudzrycki, as head of the Beer Committee and Bill Rabsey, Vice President of the Museum. They will be having an International Beer Expo at the Neversink Valley Area Museum on July 24th from 2:00 p.m. – 6:00 p.m. on Hoag Road. The website is www.greatbeerexpo.com. They expect 600-800 people this year and about 75 different local and international beers. Councilman Trovei verified they would supply the proper insurance certificate prior to the event. Supervisor Brabenec offered to put the information on the Town of Deerpark website. He added that he attended the expo last year and it was a very impressive event.

Supervisor Brabenec mentioned they had received about 120 pieces of correspondence, since the last board meeting. Charlotte Russman submitted a letter of resignation from the *Zoning Board of Appeals* due to her work scheduled.

Motion to Accept Letter of Resignation from Charlotte Russman

Motion by Karl Brabenec, 2nd by David Hoover to accept the letter of resignation from Charlotte Russman from her appointment to the Zoning Board of Appeals.

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

MOTION CARRIED

Motion to Advertise for Zoning Board of Appeals Member

Motion by Karl Brabenec, 2nd by Gary Spears to advertise for a Zoning Board of Appeals member.

Discussion: Supervisor Brabenec mentioned they do have an alternate member of the Zoning Board. However, according to the rules, they still need to interview for the opening and the alternate can interview as well. Councilman Spears asked that a letter of acceptance and appreciation be sent to Ms. Russman for her service and the Supervisor will see that the letter is sent out the next day.

A resume was mailed to the Town Clerk expressing interest in being considered as an Alternate to the *Police Commission* by Michael E. Murphy, a resident of Deerpark. Supervisor Brabenec stated there were two vacancies left on the Police Commission for alternate members.

Motion to Appoint Michael E. Murphy as an Alternate to the Police Commission

Motion by Karl Brabenec, 2nd by David Hoover to appoint Michael E. Murphy as an alternate to the Police Commission.

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

MOTION CARRIED

Supervisor Brabenec asked the Town Clerk to notify Mr. Murphy of the appointment.

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The Deerpark Dairy Bar sent a notice of their Grand Opening at 228 Route 209, across from the Police Station, on Saturday, June 26th at 1:30 p.m. They hope to promote their new business including hard and soft ice cream, and many other items. A letter from the *Port Jervis Police Chief* was sent asking the supervisor to commend the Deerpark Police Department, specifically Chief Bill Werner, Sergeant Russell Potter, Detective Raymond Cirulli, Officers Michael Conklin and Jesse Cramer for their emergency response on June 7, 2010 to a call on Seward Ave. The department's involvement was crucial with helping to quell a large unruly crowd, making several arrests and recovering a 12-gauge shotgun. There were no injuries. They were grateful for the professionalism exhibited and the excellent working relationship they enjoy.

Motion to Place a Copy of the Port Jervis City Letter in Deerpark Police Employees Personnel Files

Motion by Karl Brabenec, 2nd by David Dean to place a copy of the Port Jervis City Letter in Deerpark Police Employees Personnel Files of Chief Bill Werner, Sergeant Russell Potter, Detective Raymond Cirulli, Officer Michael Conklin and Officer Jesse Cramer.

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

MOTION CARRIED

Supervisor Brabenec also received notification of *Planning and Zoning* summer schools that will be given to the members of the Planning and Zoning committees. They also received notification of the *Deerpark Summer Program*, which Dan Morse will address under Reports.

Approval of Minutes of Previous Meetings

Motion by Karl Brabenec, 2nd by Gary Spears to Approve the June 7, 2010 and June 14, 2010 Minutes as presented.

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

MOTION CARRIED

Reports of Officers, Committees and Department Heads

Edward Hughson, Highway Superintendent presented his monthly report, which is attached to the official minutes. He commented on the excellent paving job done on Peenpack Trail, and it is the end of the stimulus money. He also mentioned that a new used paver was purchased and the old one needs to be put out for bids. It doesn't run, is in rough shape and said it was a 1962 model. They have had since 1989 and it has paved all the roads in Deerpark. The newly purchased paver is a 1997, 4-wheel drive, automatic and only takes one person to run it.

Mr. Bavoso confirmed with the councilmen that the paver could be declared surplus property, no longer useable or necessary, and advertise it for bid.

Motion to Declare the Highway Department Paver as Surplus Equipment

Motion by Arthur Trovei, 2nd by David Dean to declare the Highway Department paver as surplus equipment.

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

MOTION CARRIED

Mr. Hughson received a letter from Senator Bonacic's office in regards to the award they were to present to the Deerpark Highway Department for their work during the winter storms.

Councilman Spears thanked both Ed Hughson and Al Fusco for their good work on the Peenpack Trail preparation work on that project. Mr. Hughson also thanked Mr. Fusco for his daily attention to the work being done there. Councilman Dean verified that the *Luzon Company* would install the pumps and Mr. Hughson confirmed they would bring another quote indicating what else needs to happen to comply. They won't charge for the stickers, but would need a retaining cap or spill preventer, that needs to be installed. The Highway Department can do some less specialized work, but the valves and pump are more significant projects they will have them do. Councilman Dean thanked Mr. Storms personally for the fine job he did in building the enclosure for the bulk tanks. He thought it was top notch and difficult, and really appreciated his efforts. He asked Mr. Hughson to extend the board's appreciation to Mr. Storms, as they were all in agreement. Supervisor Brabenec asked Mr. Hughson to put together a memo to that effect, listing all those involved in that project so it can be put in their personnel files. Councilman Dean then asked if Mr. Hughson had an idea of the fuel borrowed from the school system, and he did not know but didn't feel they borrowed much diesel. He would need to check with the Police Department and when an estimate is compiled, they will look into that. Mr. Hughson thought they would be in compliance by the end of the next week depending on when the pumps are hooked up.

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Daniel Morse, Recreation Committee Chairman reported the Deerpark Summer Program will run from July 6 – August 13. Flyers went home with the schools and some flyers are posted at the Town Hall and is open to Deerpark residents, ages 5 and up. He recommended Kubrat Ogunleye as Program Director from Westbrookville for \$9.50 an hour, and also four summer program counselors: Sara Space, Kelly Winters, Megan Nason and Cassandra Ruppert for \$8.50 an hour. Mr. Morse confirmed that these ladies were all interviewed and stated Ms. Ogunleye is an assistant director for a before-and-after school program at West Point and is CPR First Aid certified.

Motion to Appoint Kubrat Ogunleye as the Deerpark Summer Program Director

Motion by Karl Brabenec, 2nd by Gary Spears to appoint Kubrat Ogunleye as the Deerpark Summer Program Director at the rate of \$9.50 per hour, for a maximum of 20 hours a week.

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

MOTION CARRIED

Motion to Appoint Sara Space, Kelly Winters and Megan Mason as Deerpark Summer Program Counselors

Motion by Karl Brabenec, 2nd by Gary Spears to appoint Sarah Space, Kelly Winters and Megan Mason as Deerpark Summer Program Counselors at the rate of \$8.50 per hour, for a maximum of 20 hours a week.

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

MOTION CARRIED

Motion to Appoint Cassandra Ruppert as Deerpark Summer Program Counselor

Motion by Arthur Trovei, 2nd by Gary Spears to appoint Cassandra Ruppert as Deerpark Summer Program Counselor at the rate of \$8.50 per hour, for a maximum of 20 hours a week.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean

1 ABSTENTION: Karl Brabenec

MOTION CARRIED

Mr. Morse scheduled a meeting so the summer workers can meet each other and Ms. Santini will join them to give them their Oath of Office. Mr. Morse further stated that Ms. Ogunleye would report to Mr. Morse weekly by way of a written report, and a monthly report, then finally an end of program report that would be reported to the Board by him.

Mr. Morse continued his report, stating he has been in touch with Gametime regarding playground equipment and he is looking into purchasing rubber mulch rather than regular mulch, so they get a longer use out of it. The estimate will be much more financially, but it will be longer lasting. A Jungle Gym set up is very expensive and he did not think it would be possible to purchase, but the Supervisor recommended discussing it with the Lions Club, because they were interested in working with the Recreation Committee for a donation, as well as the Rotary Club. The last Recreation Committee meeting discussed the cost of \$50 charged to residents using the Harriet Space Park facility. The committee wanted to recommend charging an extra \$50 charge to Deerpark residents and \$100 to non-Deerpark residents for using the park to pay for the park upkeep. Councilman Spears thought this should be put on a separate agenda to discuss. Supervisor Brabenec said they would present it to the Attorney and put something together in that regard. Mr. Morse stated their next meeting would be June 24th and July 6th. Mr. Hughson inquired about the depth required for rubber mulch and they will investigate the dimensions necessary for particular mulch types to be compliant. Councilman Hoovler recommended using the website for consumer protection guidelines for these specifics. Discussion continued.

George Keller, Cable Commission Chairman reported on their work updating the present franchise agreement with Time Warner Cable, stating the current agreement has been in effect for 23 years without any revision of fees. Currently, Deerpark is being paid at a rate of 3% of Time Warner's income in Deerpark, amounting to about \$64,000. They are hoping to bring that percentage amount up to about 5%. The Cable Commission met and invited the public, however no one from the public attended. They would like to invite any comments via email to the town's website, or leave messages at the town hall. They have no control over cable content whatsoever. They have been in contact with the New York State Public Service Commission and they will attend the next Cable Commission meeting on July 15th, which is open to the public. They are also waiting on a letter from the NYS Public Service Commission to Time Warner Cable as requested by the Supervisor.

Charles Carlsen, Police Commission Chairman reported from the monthly report (a copy is attached to the official minutes). There will be a special meeting in Building No. 2 on June 30th at 7:00 p.m. polling for police chief. The Police

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Commission met and asked him to inquire about the status of evaluations that had been put on hold at a Town Board Meeting. Mr. Carlsen stated they did remedy the situation and explained their efforts. Discussion continued and resulted with the recommendation to Mr. Carlsen to announce their remedy to the Police Chief and PBA and if there is a problem, bring that problem back to the Board. He continued with his report and requested input about the Rules and Regulations for the Police Commission that he had put together and asked for their feedback as to whether they could implement this. Supervisor Brabene asked about the local law and the attorney stated there was a state law and the Town Clerk reminded Mr. Carlsen she had supplied him with a contact. He offered to send this document to the Town Attorneys for review and the Supervisor added that they could expand the home rule to include this document. Supervisor Brabene said that once it is reviewed by the attorney, they can add it to a future agenda. Mr. Carlsen mentioned June 2008 interviews and that they now want to hire one of the interviewees as a part-time officer stating this would be good for the town. Supervisor Brabene opened it up for discussion. Councilman Spears asked for more information. The supervisor stated he was not comfortable hiring another police officer at this time because all the shifts haven't been utilized by the part-timers now. Mr. Carlsen continued his report stating the Federal Correction Institute in Otisville, New York would be holding their 30th year anniversary, which will also be Correction Officers week. In regards to the request for work detail, the prison will finalize everything with the Town Supervisor. Lastly, he announced their next meeting would be July 8 at 7:00 p.m. in Building No. 2. Supervisor Brabene stated he and Ed Hughson would meet with the coordinator of the work detail to iron out the details.

Phil Chase – Upper Delaware Council (UDC) reported that two weeks ago the National Parks Service held an open house near the Lackawaxen River at the Zane Grey House. The speaker was Chris Carney of Pennsylvania and he was excellent. The Mongaup System would have a new applicant through FERK to run the generators for the production of electricity, called Eagle Creek Hydro Power. The UDC put a letter together bringing out some of their concerns in the past and they are getting 100 cfs daily year round out of the generators at Swinging Bridge Reservoir, Mongaup Falls. If the generators are not run, there is zero water going into the river. The UDC included in their letter to FERK, supporting the 100 cfs. The Upper Delaware has been named America's Most Endangered River in relation to gas drilling and could harm 17 million people. There are lots of different opinions on gas drilling. The Delaware River Basin Commission didn't like that statement and responded with their disagreement. Mr. Chase saw an exploratory well and couldn't define that but thought there was a cracking liquid under pressure. He mentioned these were carcinogenic liquids allowed in an area where they are drilling, and that concern has been stated over and over again. He mentioned some policy options under consideration. Councilman Dean asked if there was a way to discovering what the cracking code is. Mr. Chase didn't know of any. Mr. Chase will try to find out who made the statement there were carcinogens in the water.

Councilman Hoovler mentioned that the board had recommended Mr. Chase for the Senior Citizen of the Year and though he was not selected this year, they requested the Board continue to negotiate him as it usually takes three recommendations to be elected.

David Dean – Community Development reported there is a meeting scheduled for June 29th and it will be postponed to July 27th.

Florence Santini – Town Clerk mentioned that there will be a BAS class in Wallkill on June 23rd to talk about dogs and credit cards for towns and municipalities. Also, the Assembly already passed the Governor's proposal to bring the dog licensing to towns, cities and villages. She is fairly certain this will go into law. Dogs need to be registered with the town and if they are not currently licensed they just need a rabies certificate to do that. Councilman Spears asked about the credit cards and Ms. Santini replied that BAS would let them know of the cost. The credit cards will work for anything in the Town Clerk's software. Councilman Spears asked if the credit card would work for the Tax Collector and whether she would attend the meeting and Ms. Santini replied that tax collection would be a separate situation and that the tax collector would not be attending this meeting. Councilman Dean asked if she would be able to take credit cards for fishing and hunting licenses and she affirmed that she could. Ms. Santini then stated burning is allowable for brush.

The Town Clerk briefly explained how the *World Trade Center Memorial Fund* began. Ms. Santini reported how a World Trade Center I-beam was gifted to the Town of Deerpark due to a request for an artifact from Jim Rohner of Neversink Lumber and Bill Werner, Deerpark Police Chief. The approved artifact is a steel I-Beam, 11.5 feet and weighing approximately 700 pounds. Betty Krantz designed a setting for the beam and Al Fusco, of Fusco Engineering offered, without hesitation to take care of the dimensions and the footings for stabilizing the beam according to Ms. Krantz design. Police Chief Werner mentioned that an honor guard should accompany this steel as it comes from New York City and the City of Port Jervis, the Town of Deerpark, the Orange County Sheriff's Department will each supply

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personnel accompanying the beam in route to the Town Hall. There has been a very positive response to this commemorative setting. Councilman Hoovler confirmed with Mr. Fusco about his donation and thanked him for such a generous donation and Councilman Dean added that Mr. Fusco continues to amaze him. All the board thanked him. Ms. Santini formed a committee and found she cannot include all who want to be on it. A letter will be sent out to local businesses and friends for donations. The attorneys will look at the compliance rules and regulations being sent from the Port Authority. She will keep the Board updated with the 9/11 Ceremony as it comes together as well. Supervisor Brabenec invited anyone interested in donating to the WTC Memorial Fund, they may do so and make their check payable to the Deerpark WTC Memorial Fund and all those donations will go towards putting the memorial together. Councilman Spears donated his truck and/or trailer and they will be using the trailer.

Public comment period (3 minutes per person/agenda items only) – None

Old Business

Supervisor Brabenec - Consideration of *Liberty Mutual Employer Agreement* presentation at the last meeting providing auto and home insurance. They would like to offer the option to the town employees and would get a 10% discount on the insurance. They would provide defensive driving classes at discounted rates for Deerpark residents. They require the board to sign an Employer Agreement that has been looked at by the Town Attorney and they will strike Section 2c.

Motion to Approve Signing Employer Program Agreement from Liberty Mutual with deduction of Section 2c

Motion by Karl Brabenec, 2nd by David Dean to approve signing the Employer Program Agreement from Liberty Mutual with the deduction of Section 2c.

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

MOTION CARRIED

New Business

Motion to Approve Resolution 31 of 2010 – Environmental Impacts for JNS Tower Proposal

Motion by Karl Brabenec, 2nd by David Dean to approve Resolution 31 of 2010 – Environmental Impacts for JNS Tower Proposal as presented.

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

MOTION CARRIED

Supervisor Brabenec mentioned they are in the middle of highway contract negotiations. They recently met with Michael Richardson, who does labor negotiations throughout the state of New York. He saves longterm money for many municipalities around the state, and he has prepared some reports on how to proceed with Deerpark's Highway Contract Negotiations.

Motion to Approve Hiring Michael Richardson for Highway Contract Negotiations

Motion by Karl Brabenec, 2nd by Gary Spears to hire Mr. Richardson for the purpose of Highway Contract Negotiations.

Discussion: Supervisor Brabenec asked how much they should pay him and where they money should come from. Councilman Spears mentioned they had approved the reports. Councilman Hoovler thought they initially spoke to him about \$2,000, but now as lead negotiator, recommended they put aside \$5,000. The Supervisor will discuss this with the Town Accountant and the contingency fund was discussed. The motion was amended and seconded as follows:

Motion by Karl Brabenec, 2nd by Gary Spears to hire Mr. Richardson for the purpose of Highway Contract Negotiations up to \$5,000, with written recommendation from the Accountant.

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

MOTION CARRIED

Supervisor Brabenec mentioned that at the June 14th meeting, they approved having another Town Board meeting on June 28th beginning at 6:00 p.m., which will be a Special Meeting just to talk with the Labor Consultant Michael Richardson regarding the various contracts they are negotiating and will be doing that in Executive Session.

Motion to Set Special Meeting for PBA Negotiations July 26, 2010

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Motion by Karl Brabenec, 2nd by Gary Spears to set a special meeting for PBA negotiations on Monday, July 26th at 6:30 p.m. at Town Hall.

Discussion: Councilman Spears asked if that date was agreed upon by the other side and Supervisor Brabenec said that Mr. Plotsky got confirmation from Mr. Salfero. It was agreed these negotiations should be in Executive Session, so it will not be an open meeting.

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

MOTION CARRIED

Appropriations, Budget and Payment of Bills

Motion to Pay Bills

Motion by Karl Brabenec, 2nd 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 #10, Voucher #380-418 = \$80,418.50

Highway Fund Abstract #10, Voucher #151-163 = \$165,346.89

Deerpark Manor Lighting District Abstract #4, Voucher #4-5 = \$302.58

Discussion: Supervisor Brabenec mentioned the Abstracts could be viewed at the Town Clerk's Office and the abstracts are available for the board members to sign.

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

MOTION CARRIED

Closing Board Comments

Supervisor Brabenec shared that the *Constituent Day* on Saturday, June 19th was a big success and both County Legislators Melissa Bonacic and Dennis Simmons were there. The neighbors came and had a legitimate concern that they are working on addressing. Another Constituent Day will be scheduled in the fall and will probably focus on veterans and senior citizens.

Councilman Spears thanked Florence Santini and Al Fusco for the WTC memorial and for all their work. Councilman Trovei is excited for the new business in town (Ice Cream) and invites others to open their business in the town. Councilman Dean also thanked Ms. Santini and Mr. Fusco for all the arrangements for the 9/11 Memorial Service here at the Town Hall. He also thanked the Highway Department for their work on the bulk storage system. Councilman Hoovler extended his thanks to both Ms. Santini and Mr. Fusco and invited anyone desiring to look at the drawing of the World Trade Center beam sketch to come up after the meeting as it is quite impressive. He was asked by a resident what the town owed on the town's bond. He stated that this money is scheduled to be paid back on December 31, 2018, and the town borrowed \$859,988 about two years ago. The town will pay back approximately \$1,021,156, and that was with a fluctuating interest rate of 3% and 4%. Supervisor Brabenec announced that a public hearing will be scheduled sometime in July for the Business Exchange on Route 6 and they all hope it will eventually stabilize their tax base a little bit. He encouraged everyone to endorse this when they have the Public Hearing, as it would be good for the community and bring construction jobs, retail jobs and would be a start in the right direction.

Motion to Adjourn at 9:15 p.m.

Motion by Gary Spears, 2nd by David Hoovler to adjourn at 9:15 p.m.

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

MOTION CARRIED

Respectfully submitted,

Florence T. Santini
Town Clerk