

**TOWN OF DEERPARK  
TOWN BOARD MEETING  
TUESDAY, JANUARY 22, 2013**

**Attendance**

**Supervisor:** Karl Brabenec

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

**Absent:** Arthur Trovei

**Attorney:** Glen Plotsky

**Engineer:** Al Fusco

**Call to Order** at 7:38 p.m.

**Pledge of Allegiance** led by David Hoovler

Additions or Changes to Agenda

Supervisor Brabenec called the Public Hearing on Local Law No. 1 of 2013 (also known as Local Law No. 2 of 2012) regarding the proposed zoning changes for the Town of Deerpark to order at 7:40 p.m.

**Public Hearing Proposed Local Law No. 1 of 2013 – “A Local Law Repealing Chapter 230 of the Town of Deerpark Code (Zoning Law) and Replacing it with a Revised Chapter 230 (new Zoning Law)”**

Town Clerk, Florence T. Santini read the Public Notice of the proposed Local Law No. 1 of 2013 and a copy is attached to the official minutes.

Supervisor Brabenec stated he received two letters to be entered into the record for the Public Hearing from Dominic Cordisco and Burton Thelander.

**Motion to Enter Letters from Dominic Cordisco and Burt Thelander into the Minutes**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to enter letters from Dominic Cordisco and Burt Thelander into the Minutes.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

Supervisor Brabenec explained they are re-opening the public hearing on proposed zoning changes. They had a public hearing on the proposed zoning changes around December of 2012 and had good discussion and good comments, a good number of emails that they were very encouraged about. People were looking at the zoning and how the changes could potentially affect the town or parts of the town. Also, at a recent meeting the board proposed to alter the HMU proposed changes on the Route 42 corridor in response to the public comments and discussions. They will look at changing the proposal in that regard. Under New Business, there is consideration of Local Law No. 1 of 2013 and during that time they can potentially pass that proposal as it is, make amendments to the proposal and pass with the amendments or they can also table it until the next meeting or a future meeting.

The Supervisor asked the Town Board if they had any comments. They asked to wait for the public to comment first.

Al Fusco, Town Engineer made some comments prior to the public comments. These basic zoning changes have had to do with minor housekeeping, like the numbering system of the Town Code to use that instead of making a zoning booklet. They also fixed some typographical errors along the way. They also looked at the County's comments and those were addressed as well. As the Supervisor stated, they superimposed the map on the wall. The 2<sup>nd</sup> draft included some HMU changes on Route 42 to consider for future commercial and recreational uses. Some of those changes would not have looked compatible. They put it back to the original RS and RR zones. The exception was the change by court order for the banned residential district in 2008, to codify previous requirements and local laws into a document. That was the only change in that area. The other changes were minor in nature, basically it is the same. It has been on the Town Clerk's desk the appropriate amount of time.

Public Comment

Supervisor Brabenec stated that all public comment should be made about the Local Law Zoning Changes only. There is another item on the agenda; Resolution 2, “Opposing the New York Safe Gun Control Law” and that will be done later on in the meeting.

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Dominic Cordisco – Represents YMCA, a 1,000 acre camp on Big Pond Road that hosts up to 16,000 children and youth for educational programs annually. YMCA is concerned about the hard rock mine site across the street from the entrance and the potential impact it will have on the children attending camp. He was accompanied by Mr. Griffin, Executive Director of YMCA and their engineer. They have an aerial photo and referenced the letter sent to the Board earlier. He explained the photos. He will make sure they receive hard copies. The photos submitted were taken from areas on the YMCA property used by children for outdoor classes looking at the site. They simulated what the mine site would like from the view of the camp because as it is proposed, they would see it. Councilman Dean stated he didn't think there were zoning changes to the mining site and explained the process was with Planning Board and Mr. Cordisco responded the DEC was the lead agency. What they wanted to address was the proposed changes to the mining site stating the Planning Board may require a 200 foot buffer around a mine. In 1992, the DEC took away from the municipalities assets from mining. This was one of the items they took away. The problem is the way it is written, that the Planning Board has the discretion to provide it. He thought if they did not make the 200 foot buffer mandatory, the DEC as the lead agency would only comply with mandatory conditions and it could be a conflict if left as written. He would be happy to answer any questions or comments.

Penny Giles – Wilson Road, Sparrowbush. She thanked the Board for the opportunity to speak to the zoning changes and making this available. She had a few suggestions, adding they are all going towards the same philosophy. And that philosophy is the overarching goal of improving the economic health of this town. The idea of having smaller lot sizes in the majority of Deerpark, which is predominantly rural residential. On the face of it, it looks like it could do that, that it could improve the revenues because you have more ratables and the more ratables would come down to more taxes. But if they look at the economics of smaller lot sizes. What are usually associated with smaller lot sizes are smaller homes. Smaller homes are usually attuned to younger, starter homes that usually attracts children. If we look at children who go into school and the cost for a child per year to be educated in New York State is \$18,000. She used a hypothetical scenario of 25 acres, with 100 units on it with a quarter acre and zoning and it would be beneficial to the owner of the 25 acres, subdivided that would be a lot more revenue up front. But, once you have the smaller houses with half of them with two children and the other half with no children, you wind up with 100 children. Based on \$18,000 or if you use \$21,000, it will cost \$2.1 million. And that would be against an annual revenue cost. She wasn't sure that having smaller lot sizes for rural residential is necessarily the best way. It could be the law of unintended consequences down the road if they're looking at it that way. That's just sort of an overarching thought. She distributed a visual aid showing a comparison across the different zones. The Hamlet Mixed Use (HMU) zones, the Neighborhood Residential (NR), the Rural Residential (RR), and the Residential Settlement (RS) and it shows what the intended stated purpose in the draft proposed zoning laws are. Ms. Giles emphasized with bolding. The HMU is for moderate to high density residential development; NR is for commercial and mixed use development within key neighborhoods at relatively high density; RR is supposed to protect the rural character and provide for wildlife, recreation, forestry, and conservation uses in general; and RS, the most restricted zone they have now, is to protect the integrity of single-family residential areas of the Town from commercial and industrial intrusions. Those are the stated intents and if they run down the comparison chart, what you see is that the minimum lot size for rural residential as proposed, matches very closely to HMU. It seems a little dichotomous and if you want to talk about the residential part, she would question why they wouldn't keep the residential part of RR at least consistent with RS. In fact, the minimum lot size for RR, as proposed is more dense than NR where the stated intent is for a relatively high density. She also wanted to point out the maximum and impervious coverage because she thought that was pretty startling. The maximum impervious coverage for homes, for the maximum building coverage across all of the zones is 20%. What is being proposed for RR was the same as it was for HMU, which was 70%. She asked what that says. If there was an impervious coverage of 70% on your lots, that was talking about parking lots. So, her next question was what was being proposed in RR that needs 70% impervious coverage that requires parking lots. She thought it was good to look at extremes when looking at regulations. She said there was nothing in the zoning to allow the Planning Board to oppose a person building on 20% and paving 70% of their lot because it was in the regulation that that was allowed. She wants to see the Planning Board empowered to be able to make good decisions. There was a new portion in this law about allowing a new category of things for planning board approval that are no longer in special use. To her, that disempowers the Planning Board. When there was a special use, the Planning Board has power to re-authorize over time and they make sure people comply with the local laws. If there was Planning Board approval and it gets approved, it takes it out of their hands. She urged them to carefully consider moving all these special uses under this new category of allowing for Planning Board approval. Referring to Table 3 of her handout lays out the differences between proposed zones in terms of various uses for the new category of permitted uses with Planning Board approval. Most of these have been special uses. But if you look at some of them you wonder if you're going to do the zoning, why don't you redo the zoning so some of these uses that might make sense in rural residential, put them in this category that's allowed with Planning Board approval. For some of them that don't make sense, take some of them out. She wondered why there wasn't some zoning allowance sometimes if restaurants aren't allowed. She didn't know why restaurants are only in HMU and why convenience stores are only in NR.

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Her main issue was why RR needs smaller lot sizes and more impervious coverage. The only thing she can find that is allowed, that might need more impervious coverage is commercial greenhouses, funeral homes, hotels, motels, resort maybe, places of worship. She was thinking that 70% coverage—she is thinking parking lot. None of the other uses she sees in RR allowed in any of the permitted uses, permitted uses with Planning Board approval or special use needs 70% impervious coverage. To make that blanket requirement in RR seems to be a little extreme. With that she would conclude. Her final comment about the PRRD, was asking to talk about the court order from 1991 that they haven't been able to get out from under.

Councilman Dean responded by stating this is about Deerpark Village. This was adjudicated. This was July 24, 1991 and the stipulation plaintiff Town of Deerpark, aka Deerpark Village. The stipulation was read and he highlighted number 3, saying that was the tough one. Item 3, he read, consistent with the agreement between the parties. The planned residential retirement district, aka Deerpark Village on Wilson Road shall provide a maximum permitted density of 6.25 residential units per acre. When multiplied the amount of acreage times 6.25 units, you come up with the maximum of 15.18. That's not something they desire to have. That's not something they agree with. That is what the court stipulation says. They were bound by the court stipulation. Those who would wish they weren't, he agreed. He wished they weren't either. Unfortunately, that was the court stipulation. He said the 15.18 units on Wilson Road is possible, but he would seriously doubt that, but they have no choice in the matter, nor do the neighbors have any choice in the matter, nor does the Planning Board have any choice in the matter. Here's what they do have, the 15.18 is a maximum. This would be a phase project and there will be a project review done after each phase. There will be data collected on water usage, sewage, traffic, and load conditions on both Wilson Road and internal in the project, effects on Route 97 and 42. There's a whole host of items that have to be reviewed by the Planning Board, reviewed by the Town Engineer before the project can move on to the next phase. There will also have to be an environmental impact statement done on each succeeding portion of the project. So, right there, if there is not enough water for this 15.18, that's going to come out in the data collection during the project. Obviously, they will have to find the water, or they won't be allowed to build more units. That's the facts. It is not an approved project for 15.18 units. Anybody who wishes to see the stipulation, the Supervisor's office would make copies available to anyone who would like one. They could leave their name with the Town Clerk tonight. That's the truth on Deerpark Village. Nobody on this board has any connection with, compensated by, any financial gain to be made as has been alluded to in a letter from their neighbors. That is just not true. He said it was his community too.

Councilman Hoovler added that he also lives there too. He is an attorney. He sees Deerpark Village as a bad project when it was conceived. It was a bad project 10 years ago and a bad project today. That was his personal opinion. Deerpark Village is smart; they will just lie and wait, just like what happened with the litigation. Someday they'll take their shot, they'll take it, they'll get denied, they'll sue and some appellate court will rule that somebody's rights were infringed and get them 20 or 30 million dollars. That has to be the master plan. He can't imagine any family member 7 or 8 miles out of town, up on a hillside. Sitting up here, it means absolutely nothing. But he was pretty confident in saying he thinks that is Deerpark Village's plan. It's not like somebody said they would try to create zoning to help this project, none of them has anything to do with it, and like he said—he doesn't like it. At the end of the day, he thought to really educate yourself; you should read the stipulation from 1991 because it does lay out the rights and privileges of each partner. This litigation has passed over 20 some years has cost the town a fortune. These are some things you should consider. He said he lives in Sparrowbush and he isn't really affected by where it is at.

Councilman Dean wanted to mention one more thing; the Planning Board received some rather nasty comments about some of the people on the Board that were totally unnecessary. Reprehensible. Because once again the Planning Board is bound by the stipulation. So the members of the Planning Board are also your neighbors—they also live in the town. They take their advice from Mr. Plotsky who tells them how to act reasonably and prudent so we don't get sued added Councilman Hoovler. Mr. Dean added that Mr. Fusco also guides the Planning Board.

Derek Wilson – Read his report, which is attached to the official minutes.

George Lombardi – Huguenot. He thanked the Board for having another Public Hearing on this because it affects a lot of people and there was a lot of interest in it. His first thing was on page 15 regarding the minimum right of way, 6a Section 4.918 – that wasn't changed at all in the new zoning. But, then when you go back to the minimum lot sizes. You have the charts. Then, you have another page where it gives you the minimum lot sizes. The minimum lot sizes in RR are 1/8<sup>th</sup>. When you go through the chart system public sewage and water, it cuts them down. He said the first lady who talked about the RR zoning, in the original zoning that was a minimum of 2 acres with the soils because a lot of the RR area, has terrible soils. When you say community sewer water and all that stuff, that's almost a joke in this town. They haven't gotten them in the 30

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years so the development that people think that we're going to get, isn't going to occur without municipal sewage and water. They have a lot of big parcels on Route 209 that haven't been used. It isn't that they don't have parcels for development, and you guys aren't getting too much. He went up to Wilson Road and West Peenpack Trail, there are houses all over the place, they wouldn't get anything in there. But as far as adding a lot more properties for commercial development, the little piece you're adding on 209 somewhere doing the riding operation up to the bridge, that whole side of the west side of the road, if it was looked at a little bit more, they have a little bit of flat land then you have a mountain. One person is complaining that you couldn't build a diner up there. That might be all you would get in that particular stretch that you're in. The other parcel you've got in the IB area near 6, that's a good area close to 84 that could possibly be developed. That's the one big part where you might get some development in Deerpark. But, the other little part that you added on 211 where DaTang Dynasty that is involved with Dragon Springs, one little part of it, you didn't take the whole part, but most of that property where Warren Cuddeback lived, was only RS, which is pretty restrictive. The piece that you're taking off and supposedly changing it to HMU— it is on that main road, which isn't so bad. But to go up on Galley Hill Road and interchange that property, because he is a little afraid of that outfit. They bought that property as RS. They aren't going to build houses there, they're going to do something commercial. That scares him a little bit in the future. They are a powerful organization. It is not residential right now, but he worries that it could become residential and then we'll have a real problem. The changes on zoning on that zoning map were very few. The big problem is with that RS area. They still have to go to the Planning Board and approve septic's, have an engineer doing it all. So all the problems that were there before, the slopes, the rocks, all that is still there and they'll have to prove that they can put these sewers, water and develop these areas. He thought that one particular area should state the engineer, health department should be over that. Supervisor Brabenec said the Health Department does have to review certain tasks. As far as property is developed, there is plenty on 209, the Deerpark Equestrian center is putting a lot of property up for sale and there's quite a bit. He hopes, but doubts we'll get much commercial development in the town for ratables because Pennsylvania is close enough for them to get it. He doesn't think it will ever happen. The charts will tell you that all the problems with setbacks and all that, the minimum lot size part ... if they're on the charts it explains it all. He thought they were in conflict with each other. In our areas, most of that area is developed. He sees the big problem with that, they've got 35 foot side yard setbacks, where in Myers Grove if you have 10 foot setbacks, that is a lot. He wondered if a building code could meet the sewage and water. If you create something that is unbuildable, then you are creating something that you might get valued at \$200 and you won't get any tax benefit for that which won't help ratables. The cost is so expensive to get the site plan, the engineering, the lawyer fee, that there haven't been any subdivisions in this town in years. One thing he thought of, when you subdivide you have to pay that recreation fee. To try to get people to subdivide, you let them subdivide and as soon as they put something on that piece of property, then have to pay the fee. If they have five lots and build two houses, then pay the fee to the recreation fund. But if someone wants to develop and has 10 lots, that's \$10,000 they're going to sit on so that's going to hold them back from getting anything going. As far as that zoning map, there's one spot that might develop because they had the money, but the rest of 209, there has been plenty there and it hasn't been developed. He thanked the board for their time.

Councilman Dean said he understands how difficult it is to bring people to the Town of Deerpark to come here and invest money, build a house, start a business, all that. At 62 years old and he's been listening for his entire life how nobody is ever going to come to Deerpark and there's just no point in trying. He doesn't believe that. He believes there is a point in trying. He's not looking to put 100,000 new people in the Town of Deerpark, that's not what he's looking for. But, he said there are some great things in this town that may not be tangible and he believes it is a little easier for people to come here and build a home, people will come here and build a home. He is willing to look at the comments and see how they can affect the new zoning and they'll keep discussing it.

Councilman Hoovler said he's talked to Taco Bell, Cracker Barrel, Chili's...and he's never seen a Cracker Barrel fail anywhere and he was told there was a 20% chance it would, so they went 75 miles away. They keep trying, that's all they can do. He will take the comments over advisement indicating Mr. Cordisco with YMCA and Mr. Wilson. Thank you.

Councilman Spears thanked everybody who spoke. He served on the Planning Board with Mr. Wilson and he was always well thought out and his comments tonight were thought out and he appreciated them. He wanted to take a lot of this information under advisement and see what they can do to make it better for everyone in the Town of Deerpark because that is why they are up there, not to hurt anybody. They want to make this a better place for them and their grandchildren.

Supervisor Brabenec had many of the same sentiments as the other board members. He always preaches about the town moving from the 1970's into the 21<sup>st</sup> century and they witnessed that with their tablet and their new YouTube channel tonight. He said he has two small children and he'd like them to stay here and grow up in Deerpark and see Deerpark flourish like it did years ago like the stories from the Historian and others who lived there for many years. Route 209 used to have restaurants

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the Planning Board. It is something he wants to see as well. They don't want to see any of their population in the school, that would be a negative growth factor, but they do want to see positive ratables and eventually if they put the tools in place, they are the first step in the process. Obviously, New York State has to do its job, also the federal government has to do their job. But they are definitely the first step and if they put the tools in place. As they say, if you build it, they will come. Definitely, they don't want to do anything that that will hurt in your various neighborhoods. When they go to consideration of Local Law No. 1 under New Business, they have a motion that was tabled at the last meeting to change their map proposal back to the new map proposal over there restoring the old zoning down the Route 42 corridor. He encouraged everybody to stick around for that. He also is in agreement with Councilman Hoovler about the 200 foot setback for the mine as well. He thought that was a very good idea. He thanked everybody for their comments and for coming out. It was very important and it is going to map out the future of their town.

George Lombardi had another comment for Karl and the Engineer. The subdivision maps had parts in there that said Chapter 200 and thought he had already discussed with Karl. Supervisor Brabenec said the subdivision law is Section 200 and that's really not getting considered tonight. Section 240 of the Deerpark Code is the zoning code, so right now when you look at the proposal it's in Local Law format, those corresponding sections will go with the new code once it's passed. Mr. Lombardi questioned the zoning laws and articles and the codification part is conflicting and should be straightened out. Supervisor Brabenec thought maybe another attorney used the Town Law instead of the code.

**Motion to Close Public Hearing at 8:49 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Dean to close the Public Hearing at 8:49 p.m.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

Opening Comments – None

Presentations/Communications

*Orange County Legislator Dennis Simmons* spoke about the New York State gun law on the agenda. He commended the board for their intestinal fortitude to do that. It would not be easy and they would have people weighing in from outside this area that have nothing to do with Deerpark and they would be hearing from them. He wanted to tell them that they have his support. He also knew each of them on the board and how much they cherish children. He knew that they had their own and many of them spend many, many hours of their own time in doing activities with children and their hearts go out to every family in Newtown, Connecticut that lost children in that terrible incident. But the truth of the matter is that this is not about the children, this is about the Constitution of the United States. This is about the 2<sup>nd</sup> Amendment. He spent 24 years of his life in the military and during that time, oftentimes he would be asked to renew his enlistment oath. Part of that oath was to protect and defend the Constitution of the United States. When he became an elected official, the Town Clerk also had him take an oath to uphold the Constitution of the United States and the Constitution of the State of New York. When he took his oath to re-enlist for the military, he never did he get the choice of what parts of the Constitution he was going to protect, he was bound to protect the entire Constitution. You can't pick and choose which ones you want to defend. The first is important, but without the 2<sup>nd</sup> to uphold the first, which incidentally isn't about hunting. It is about being able to generate a militia, your own personal defense and to protect individual persons against the tyranny of the government. Recent Supreme Court rulings actually have upheld that—that it is an individual right. When the assault weapon ban expired the last time, almost 20 years ago, you actually saw a drop in violent crime of 49%. Those are just statistics they don't want you to know. The other thing they don't want you to know is, believe it or not, the number of guns in the United States doubled, crime went down, and guns went up dramatically. It is unbelievable they don't want you to know these things. No matter whether Barack Obama parades children in front of a camera, or Andy Cuomo screams into the microphone that we have to end this madness, it doesn't change the fact. He also wanted people to know what this recent law of pistol permits—the names of people that have them are not supposed to be released to the general public if you fill out a form. He was here to tell them on his part on the county level, on having it researched to find out that you don't have to fill out a form in Orange County...he doesn't want those names released as a matter of course and if he can have a resolution enacted that is not against the law as it is written, he plans on doing that so they can cut down on the amount of paper work, which is astronomical and the record keeping. When they start talking about Pistol Permits and those who have one know the extensive background checks they went through in order to get that pistol permit. This is an affront to each and every one of them. He wanted to commend each and every one of them to have the strength to stand by their convictions and he said proudly, God bless the Town of Deerpark and more importantly, God bless this great country of ours because we really need it. God bless America.

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**Motion to Approve Board Minutes from December 28, 2012**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to approve Board Minutes from December 28, 2012 as read.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

Public Comment – None

New Business

Supervisor Brabenec referred to the Local Law that was tabled at the last Board Meeting regarding the zoning changes to the Town of Deerpark. There was a motion that was tabled from the last meeting and that was to change part of the Local Law proposal, the section with the map indicating that most of Route 42 toward West Peenpack and Old Forestburgh Road, etc. that was changed over to HMU in the proposal, change back to original zoning.

**Motion to Revert Section of Map From HMU Back to Original Zoning**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to revert the section of the map from HMU back to the original zoning.

Discussion: Councilman Spears expressed thankfulness for all the public input they had. He thought what happened in their quest to make Route 42 more accessible to business, they expanded the area so they wouldn't get in trouble with the zoning. There was a method to it, but it did get too big when they did some site visits and checked out what happened, he thought they all agreed to go back to where it was. In the future, if there is a single entity that comes, they would have recourse through the ZBA. He recommends they go back to the old zoning. Supervisor Brabenec echoed Councilman Spears comments saying he could not see any place for business locating there, so didn't think it was feasible to change it at this time. The motion is just on changing that portion of the map.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

Supervisor Brabenec asked if there were any further changes to the proposal with zoning changes. Councilman Dean said he had discussions with their Town Engineer and took into consideration the public comment they heard and go over Derek Wilson's letter with the Town Engineer and proceed cautiously.

**Motion to Table Local Law No. 1 of 2013 – to a Future Meeting Date**

Motion by David Dean, 2<sup>nd</sup> by Gary Spears to table proposed Local Law No. 1 of 2013 to a future meeting date to allow time to have discussions with the Town Engineer and consider the comments heard and letters received.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

Supervisor Brabenec stated there were seven mobile home parks in the Town of Deerpark, six of them put in their license renewal applications and needed various paper work and the Town Clerk requested Board Approval to send out permits. They voted via e-mail and according to Open Meetings Law, they bring the e-mail vote to the floor at the next meeting.

**Motion to Reconfirm E-mail Vote to Accept Mobile Home Permits for 2013**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to reconfirm the E-mail Vote to accept Mobile Home Permits for 2013 that passed inspection and paid their fee.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

**Motion to Approve Resolution No. 1 of 2013 – Authorization for Execution of Contract of Community Development Block Grant (CDBG) Program for Fiscal Year 2013**

Motion by David Hoovler, 2<sup>nd</sup> by David Dean to approve Resolution No. 1 of 2013 – Authorization for Execution of Contract of Community Development Block Grant (CDBG) Program for Fiscal Year 2013.

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Discussion: Supervisor Brabenec explained they applied for community development block grant funds each year. Typically they are awarded \$70,000 - \$100,000 annually and it mostly goes for road improvements. They were preliminarily awarded \$200,000 for 2013-2014 for the purposes of constructing a new Senior Center Facility for the town. This resolution authorized him to sign the contract that they can accept the funds if they move ahead with the project. Councilman Spears added, they were looking at replacing the Highway Garage that is currently in a severe state of disrepair. They were going to put two buildings together in a large metal building with the Senior Center at one end and a four bay garage for their highway equipment at the other end. It would be a place where the men could work on the equipment and have an acceptable bathroom facility and rest area. That has gone out to bid. Depending on the bids being what they have estimated to spend, they wouldn't go through with it. But, they are hoping to save a tremendous amount of money on utility costs that are in the current highway garage and also provide a safe work environment for their men. They were thankful to have enough money to do the Senior Center. He thanked Karl Brabenec and Al Fusco for working on that. Councilman Hoovler said the Senior Center would be 2,500 square feet and the Highway Department would be 7,500 square feet.

**VOTE: 4 AYES (Roll Call): Gary Spears, David Dean, David Hoovler, Karl Brabenec**  
**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

**Motion to Approve Resolution No. 2 of 2013 – Support of the Second Amendment**

Motion by David Dean, 2<sup>nd</sup> by David Hoovler to approve Resolution No. 2 of 2013 – Support of the Second Amendment.

Discussion: Councilman Dean had initiated this Resolution, then read it, to the applause of the audience. Councilman Hoovler worked with Councilman Dean and said it was a daunting task, but had help from the Legislative Aids in the Illinois House of Representatives. They assisted him greatly as they recently won a similar battle county by county in Illinois. Some of the basis of this needs to be made clear to the public. There was no statistical evidence that could be verified that gun control lowers crime. He added that anytime you start to say gun control lowers crime or reduces violence, you have to consider the gun law, the demographics, economy, drug trade, criminal activity and the culture. None of that was discussed in our state. New York is a regional diverse state, stating that walking a half a mile from here, you would be in a wooded area where firing a rifle or even a machine gun would only hit trees. He thought this law flew in the face of elementary logic. More rationale was given. The crowd applauded. Councilman Dean said he gets emotional over this because it is for the future and everybody's children, and their children. It is important for a free society. There needs to be common sense, but the right to protect one's property and one's life can't be denied. However, in Washington DC and Albany, New York, the attempt is being made to deny just that. He appreciates the support of the council and the support from the citizens of the Town of Deerpark. They had several requests that started that morning from towns throughout New York State asking for a copy of this resolution. He recommended everyone talk to who they know and encourage their towns to contact them. Councilman Spears spoke for himself and Councilman Trovei, saying he has been a gun owner his whole life and he cherished the fact he has the right to protect himself, his family and his property. He wants that right for his children, grandchildren, great-grandchildren and everyone else's too. He truly believes that if they lose that right, it is just the beginning of many, many rights that they will lose in this country. He said they thought it was important to speak up to what they thought was truly wrong. Though we are a small town, everyone has to stand up for what they believe in. The future won't be bright if people don't stand up for what they believe in. More applause. Supervisor Brabenec was very pleased with presenting this resolution. When he heard of the legislation that was passed in Albany, in the dead of night. He had heard nothing about it beforehand. He commended Senator Bonacic, Assemblywoman Rabbitt, Senator Larkin, Senator Ball. They all stood up for the Hudson Valley, they stood up for us and voted against this ridiculous legislation. He was shocked by the governor and the members of the Assembly and the State Senate that voted for this law. This clearly violates the second amendment to the constitution and you cannot have any law that violates the supreme law of the land. He is the firstborn in his family to be born in America and he wants his two children to have all the rights and opportunities that he has. He thanked his grandparents and parents for that. They lost everything to the Nazi's and didn't want that for their future. They fled to America in the 50's and now he can enjoy all the rights and freedoms all the troops over 200-300 years worked so hard securing. He teaches state and local and national government at OCCC and he wanted the President and Governor to read a history to see why this amendment put this in the constitution. That is why this law is absolutely ridiculous. He will advocate this resolution and share it with anyone who wants to pass it. More applause. Mr. Vicaretti thanked the board on behalf of the Town of Deerpark residents for the efforts towards doing the right thing.

**VOTE: 4 AYES (Roll Call): Gary Spears, David Dean, David Hoovler, Karl Brabenec**  
**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

**TOWN OF DEERPARK  
TOWN BOARD MEETING  
TUESDAY, JANUARY 22, 2013**

Appropriations, Budget and Payment of Bills

**Motion to Pay Bills**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Hoovler to pay all current bills that have been signed by three council members and may be viewed in the Town Clerk's Office.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

Closing Comments

Councilman Spears thanked the people who came out on both of the issues. They do appreciate their input. There were comments made they weren't too happy to read, but he assured them they are not the enemy. If they make mistakes, they'll own up to them and try to change them. They are only human, but they are your neighbors and try to do the right thing. He appreciates their input and hopes in the future the comments will stay to the subject.

Councilman Dean thanked Dennis Simmons for what he does in Goshen and appreciated what he said tonight. He offered copies of the resolution to carry if he wanted. This is a tiny step on a long journey. He thanked Councilman Hoovler.

Councilman Hoovler thanked everyone for coming out. He thought it was atrocious that the gun his father brought back from World War II is now illegal. When someone can show him some empirical evidence that gun control reduces crime, then he would change his opinion.

Supervisor Brabenec thanked everybody for coming out and sharing their opinions. He is always available by email or phone or office. If anyone has a comment or question, they should let him know. He wanted to alert everyone that in the spirit of open government, they have established a YouTube channel that will be linked up to their website, so people can view their town meetings whenever they want. Hopefully in the future, they can also view the Planning Board and Zoning Board meetings. He thanked Dennis Simmons for being one of the greatest legislators the Town of Deerpark has ever had and he fights for the town all the time. He thanked him for his service to this country as well.

**Motion to Enter Executive Session After 15 Minute Recess (9:45 p.m.)**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to enter into Executive Session after a 15 minute recess for the purpose of litigation update on Tony Cea vs. Town of Deerpark and invite in Town Attorney, Glen Plotsky.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

**Motion to Re-enter Regular Session at 10:23 p.m.**

Motion by David Dean, 2<sup>nd</sup> by Gary Spears to re-enter regular session at 10:23 p.m.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

**Motion to Adjourn Meeting at 10:24 p.m.**

Motion by David Hoovler, 2<sup>nd</sup> by Gary Spears to adjourn the meeting at 10:24 p.m.

**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