

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, FEBRUARY 7, 2011**

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

Attendance

Supervisor: Karl Brabenec

Councilmember's: Gary Spears, Arthur Trovei, David Hoovler (7:29 p.m.), David Dean

Attorneys: Bill Bavoso, David Bavoso

Invocation: Arthur Trovei

Public Hearing Called to Order at 7:20 p.m.

Pledge of Allegiance by Arthur Trovei

Public Hearing of Local Law No. 1 of 2011 – “A Local Law Replacing Chapter 67 of the Town of Deerpark Code and Re-establishing the Town Police Commission”

Florence Santini, Town Clerk read the Public Hearing Notice in regards to the Local Law No. 1 of 2011, which is attached to the official minutes.

Supervisor Brabenec explained the purpose for Local Law No. 1 of 2011-Changes to the Police Commission, stating that currently it is comprised of five members and a chairman appointed by the Town Board. Each commissioner has a five-year term of office once appointed and are non-paid positions. The board has begun to review the structure of the police commission to conform more to the New York State standards. There were two options to consider and one was to appoint the Town Supervisor as the sole Police Commissioner, and the other was to have two members of the public and one member of the town board, and they opted for that. They are doing away with terms of office and would appoint at will members of the town board. The reason for that would be to remove those members that don't attend meetings, rather than wait for their term to come to an end. This would also allow for three alternate members so if the regular member is sick or has a conflict of interest, the alternate member can step in for the regular member to vote. The Board of Police Commissioners will be looking over the operations of the department and making recommendations to the Town Board for their approval. The Chairman of the Board of Commissioners will still be appointed by the majority of the Town Board. Background checks will still be in effect for all members that serve on the Police Commission and community members who serve would need to be residents of the Town of Deerpark. Authority will be retained by the Town Board to appoint, hire and fire, contract services with or maintain other services. It gives a little more power to the Town Board to make decisions while giving more of an advisory role to the Police Commission.

Public Comment

Jerome Vandermark, 680 Prospect Hill Road, spoke about early intentions of the Police Commission had been to keep the politics out of the Police Commission. He thought having a member of the Town Board on the Police Commission didn't keep the politics out. He stated that was part of the thinking when it was started.

Supervisor Brabenec commented that anybody serving would be influenced by their political persuasions and being on the town board wouldn't necessarily make it political, though realistically they might. He went on to state it was up to the Town Board to appoint capable individuals who would look past the politics regarding decisions in regards to the Police Department.

Councilman Spears added that those on the town board were pretty much hands-on managers, and there were things they thought they should be more involved in and their thinking is that having one board member on that commission would help the board be more informed and allow the Board to be more abreast of the issues needing to be dealt with at the board level.

Jerome Vandermark commented that he thought that was happening.

Supervisor Brabenec added that some other towns don't have a Police Commission, the Town Board deals with everything. This is sort of a hybrid where they take a little of both and see how this will work.

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Motion to Close Public Hearing on Local Law No. 1 of 2011

Motion by David Dean, 2nd by Arthur Trovei to close the Public Hearing on the Local Law No. 1 of 2011 – Changes to the Police Commission.

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

MOTION CARRIED

Supervisor Brabenec stated they were now in regular session.

Opening Board Comments

Councilman Dean wished a belated birthday to Ronald Reagan.

Presentations/Communications

Supervisor Brabenec received a communication from Bavoso, Plotsky & Onofry, the town attorneys about ASCAP, the musicians association. They are looking for a one-year license of \$309 to protect the town from any copyright liability during festivals and events. The town has a couple of events being planned with the Recreation Committee and the Historian. This would protect the town from any liability and left it up to the board to decide. Councilman Spears commented that the last time this came up, they decided to not pay the fee due to not having much going in 2010, but with the 9/11 festivities and other things it would be better to pay the fee, than to risk any consequences. He thought it would be good to go ahead and pay the fee. Councilman Dean added that once this is paid, they would need to continue paying each year and it would be fine if it remained \$309 forever. Supervisor Brabenec suggested they could discuss this later. Councilman Trovei asked if they could get one time permission for particular events or songs and Councilman Spears asked if the Town Clerk or Attorneys might have information about that. Ms. Santini, Town Clerk explained that the 9/11 ceremony is once a year and the Historian has a once a year event including music and she agreed they should look at it.

Motion to Table the Discussion on Paying the ASCAP License

Motion by Arthur Trovei, 2nd by Gary Spears to table the discussion on paying the ASCAP License at \$309.00, until the next meeting.

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

MOTION CARRIED

Communications Cont'd.

Supervisor Brabenec read the letter from the *Port Jervis City School District Board of Education and Administrators* inviting people to the February 15, 2011 Board of Education Meeting and Budget Workshop, dedicated to a line by line and discussion on the first draft of the 2011/2012 budget. They were hopeful to have some state aid from the Governor to discuss. He thought it would be at the school cafeteria at 7 or 7:30 and suggested they check the school website for details. Another letter was received by Bavoso, Plotsky & Onofry regarding Ronald Babcock's property on the *Hawk's Nest Restaurant* and their DOT compliance. Mr. Bavoso gave a brief history on the Hawk's Nest Restaurant that burned down. Mr. Babcock's attorney, Mr. Peterson laid out the applications for a building permit, delay or lack of prosecution of work on that building permit and the fact that the permit actually expired and a new permit was obtained, and the bottom line is for the Town Board to do something that it has no jurisdiction over. It is a state highway and the State Department of Transportation (DOT) has the jurisdiction over who may enter and exit that highway and granting a permit to do so. So, the request is understood but the Town Board has no jurisdiction and due to being on a state highway, they can do nothing but could write a letter stating they are in sympathy with the request by the applicant. The Town Board cannot overturn what the State DOT has already determined. Discussion continued. The conclusion was that the attorneys would help in any way possible, but would relay that the Town Board could not overturn the DOT's ruling. The *City of the Port Jervis Police Department* sent a letter to the Chief Werner thanking the participation of Police Officer Anthony Vicaretti who assisted with a suicide attempt recently. He was commended as was the department in diffusing the volatile situation rescuing the person.

Motion to Place this Letter in Officer Vicaretti's Personnel File

Motion by Karl Brabenec, 2nd by Gary Spears to place this letter from the City of Port Jervis Police Department in Officer Anthony Vicaretti's personnel file.

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

MOTION CARRIED

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Approval of January 10 and January 19, 2011 Minutes

Motion by Karl Brabenec, 2nd by Gary Spears to approve the January 10 and January 19, 2011 minutes as written.

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

MOTION CARRIED

Public Comment – None

Old Business

Supervisor Brabenec reported that the bids were opened on the 2001 Chevy Impala on Friday, February 4, 2011 and in attendance were Florence T. Santini, Town Clerk; Judy Carr, Clerk to the Building Inspector; and Theresa Creegan, Deputy Town Clerk. The highest bid was received by Richard Guitoni in the amount of \$859.89.

Motion to Sell the 2001 Chevy Impala to the Highest Bidder - Richard Guitoni

Motion by Gary Spears, 2nd by David Dean to sell the 2001 Chevy Impala to the highest bidder, Richard Guitoni for \$859.89.

Discussion: Councilman Hoovler stated that the bid was in excess of the rough trade in by about 20% and Supervisor Brabenec added that the car is in rough condition.

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

MOTION CARRIED

Supervisor Brabenec mentioned they are still accepting applications for two part-time police officers for the Town of Deerpark. They received numerous applications and they are due by Friday, February 25th at 4:00 p.m. However, he asked the Town Board about the interviews and whether the Police Department should conduct interviews and present their recommendation to the board or have the board handle the interviews. Councilman Spears expressed his preference would be to have the Police Commission narrow that list down. The Town Board would make the final determination on hiring.

Motion to Approve the Police Commission Interview and Recommend Five Police Officers for Hire

Motion by Gary Spears, 2nd by David Hoovler to approve the Police Commission for interviewing police officers and recommend five applicants to the Town Board for the final hiring decision.

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

MOTION CARRIED

Motion to Re-Appoint Joyce Cirulli as Deputy Director of Deerpark Emergency Management

Motion by Karl Brabenec, 2nd by David Dean to re-appoint Joyce Cirulli as the Deputy Director of Deerpark Emergency Management for the term to end December 31, 2011.

Discussion: Councilman Spears stated he has witnessed her in that position and she does an excellent job. Councilman Hoovler added she'll be getting a little work the end of the month and Councilman Dean said she is an asset.

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

MOTION CARRIED

New Business

Motion to Adopt Local Law No. 1 of 2011 – A Local Law Replacing Chapter 67 of the Town of Deerpark Code and Re-establishing the Town Police Commission

Motion by Karl Brabenec, 2nd by David Hoovler to adopt the Local Law No. 1 of 2011 – Amending the Structure of Police Commission (A Local Law Replacing Chapter 67 of the Town of Deerpark Code and Re-establishing the Town Police Commission).

Discussion: Councilman Spears said this is a good move and the board needs to be informed of everything that goes on and this is a better way be more hands-on . Supervisor Brabenec re-iterated what he said at the Public Hearing on this subject, stating that some towns have the town board handle all police matters as the police commission, and some towns have the police commission do everything, but this option is a hybrid of both. He thinks communication will be greatly improved by this move and a lot more will be accomplished with the procedures of the Police Department. Councilman Spears added that this format will be more in line with the state recommended best practice.

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VOTE: 5 AYES (Roll Call): Gary Spears, Arthur Trovei, David Hoovler, David Dean, Karl Brabenec

MOTION CARRIED

Motion to Approve Resolution 6 of 2011 – Changing the Boundaries of Deerpark Election Districts Three and Five

Motion by Karl Brabenec, 2nd by David Dean to amend the boundaries of Deerpark Election Districts Three and Five.

Discussion: Supervisor Brabenec read the resolution in its entirety highlighting the boundary changes and explaining them with an enlarged map of the town. These changes will affect about 109 voters and making voting localities easier by being closer. Councilman Trovei asked if these changes affect fire houses and the supervisor stated they do not. Councilman Hoovler claimed that the main change is only on Upper Brook and Academy Avenue. Councilman Dean added this is a touchy situation and agreed that this needs to be changed back and was thankful for Flo Santini, Town Clerk's persistence to see this get done.

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

MOTION CARRIED

Motion to Approve Resolution 7 of 2011 – Authorizing Supervisor to Sign Contract with Orange County Regarding Assessor Services

Motion by Karl Brabenec, 2nd by David Hoovler to approve authorizing the Supervisor to sign a contract with the Orange County regarding the Assessor's Office.

Discussion: Supervisor Brabenec explained that with the Assessor resigning, they have a unique opportunity to work with the County to update the office from the 1990's to the 21st century, with computerization. They worked in Monroe and it was a great success. They could partner in the future with other municipalities, which is an option. They would be saving the town approximately \$71,000 over a two-year period and they will be updating the office as well.

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

MOTION CARRIED

Motion to Approve Resolution 8 of 2011 – Authorizing Supervisor to Sign Contract with Xerox Regarding Copier/Scanner/Fax Leasing

Motion by David Hoovler, 2nd by Arthur Trovei to authorize the Supervisor to sign the contract with Xerox providing two copiers, scanner and fax machines for use of town business at Orange County Government pricing guidelines.

Discussion: Supervisor Brabenec said this would also update the office and explained this would also save the town a lot of money. The Town has 10 – 15 copiers, inkjet printers in every office in the town hall. Buying toner is costly and one of the biggest expenses for the town, spending about \$3,827.36 on toner, ink for printers and faxes last year. Also, these 10 -15 year old copiers all have service contracts each year, needing to be renewed annually and with all of the contracts. Just last year, they spent \$6,576.36. They were advised by Orange County Department of General Services that owning equipment is a waste of money, and leasing new equipment was better. Joining with Orange County allows the town to save money using their discount and leasing was estimated at \$260.34 including service, ink, maintenance, etc. a month. They expect paying \$3,124.08 a year for all the copiers, scanner and fax equipment. The copiers would be networked with the computers and the employees will be informed that the office equipment will be phased out and eventually bid out to the highest bidder. They plan to take the Town Clerk's Office copier to the Police Department. They expect to see a \$3,000 savings a year and have plenty of copying ability. The term of the contract would be for five years and then could update the equipment. Councilman Dean stated that equipment changes so rapidly and might need to consider updating even sooner than four years.

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

MOTION CARRIED

Motion to Nominate Alan Schock to the Planning Board

Motion by David Dean, 2nd by Gary Spears to nominate Alan Schock to the Planning Board for a term to end December 31, 2017.

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

MOTION CARRIED

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Motion to Re-Appoint Michael Hunter as an Alternate Member of Planning Board

Motion by Karl Brabenec, 2nd by David Hoovler to re-appoint Michael Hunter as an alternate member of the Planning Board for a term to end December 31, 2011.

Discussion: Supervisor Brabenec shared that Mr. Hunter had attended many meetings as an alternate and actually sat in on some sessions and has been making good decisions. He is satisfied with his performance.

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

MOTION CARRIED

Motion to Re-Appoint Dr. Jane Lord as a Member of the Zoning Board of Appeals

Motion by Karl Brabenec, 2nd by Gary Spears to re-appoint Dr. Jane Lord as a member of the Zoning Board of Appeals for a term to end December 31, 2015.

Discussion: Supervisor Brabenec stated that Dr. Lord served on the Zoning Board for quite a number of years and is an active member of the board, she attends training in New York City, and has a very impressive resume and makes good decisions.

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

MOTION CARRIED

Motion to Appoint Daniel Witt as an Alternate Member of the Zoning Board of Appeals

Motion by Karl Brabenec, 2nd by David Dean to appoint Daniel Witt as an Alternate Member of the Zoning Board of Appeals for a term to end December 31, 2011.

Discussion: Councilman Spears commented that the interview with him was very impressive and Councilman Dean agreed he was very qualified.

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

MOTION CARRIED

Motion to Appoint Charles Carlsen, Mike Hunter and Karl Brabenec as the Police Commissioners

Motion by David Hoovler, 2nd by Gary Spears to appoint Charles Carlsen, Mike Hunter and Karl Brabenec as the Police Commissioners for a term to end December 31, 2011.

Discussion: Councilman Spears asked if they should appoint a chairman and Supervisor Brabenec thought it could happen down the line with a separate motion.

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

MOTION CARRIED

Motion to Appoint Patti Sibilila, Joanne Vicaretti, Mario Rubino as Alternate Commissioners of the Police Commission

Motion by Gary Spears, 2nd by Karl Brabenec to appoint Pattie Sibilila, Joanne Vicaretti, Mario Rubino as alternate commissioners of the Police Commission for a term to end December 31, 2011.

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

MOTION CARRIED

Motion to Appoint Charles Carlsen as the Chairman of the Police Commission

Motion by Gary Spears, 2nd by David Dean to appoint Charles Carlsen as the Chairman of the Police Commission for the term to end December 31, 2011.

Discussion: Councilman Hoovler spoke of serving with Mr. Carlsen on the police commission years before and thought he was a worthy candidate for that position. Councilman Dean added that Mr. Carlsen is thorough, and the minutes are very detailed and he is aware of what is going on even though he is not at the meeting. Councilman Trovei agreed.

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

MOTION CARRIED

Motion to Appoint John Goin and Shylo Goin as Members of the Recreation Committee

Motion by Karl Brabenec, 2nd by David Hoovler to appoint John Goin and Shylo Goin as members of the Recreation Committee for the term to end December 31, 2011.

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Discussion: Supervisor Brabenec claimed to have known Mr. and Mrs. Goin for several years. They live in Huguenot. They are very active in all sorts of youth activities and want to help out in any capacity they can. Councilman Dean thanked everyone who came out and applied for these volunteer positions. These jobs are often thankless and yet it is rewarding to see how many people have stepped up to the plate.

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

MOTION CARRIED

Supervisor Brabenec introduced the next agenda item as needing to determine a process to sell vacant town property like paper roads. He received a request to purchase a road called Coleman Drive. There are roads that were part of past development plans that didn't pan out for some reason, yet these roads show up on tax maps and they don't belong to anyone and default back to the Town of Deerpark. Those roads are often purchased by adjoining home owners. They received a bid for this type of road but typically, they would notify adjoining property owners of that paper road and mention the minimum bid. It would be a similar bid like they would do for surplus equipment. A Quit Claim Deed would then be used signed by the Town and the property owner. Councilman Spears suggested they then require that property be annexed into their lot so the problem wouldn't reoccur when they try to resell it—indicate a lot line change as part of the larger parcel. He wanted to ask the town attorney, Bill Bavoso for a legal opinion. Councilman Trovei asked if the attorney thought they should go with consolidation rather than going to the Planning Board and he did think so. Then he asked that whoever purchases the land would be responsible for paying all costs regarding that property, so the Town didn't get charged. Councilman Hoovler mentioned that some of the roads are larger than others. Councilman Trovei wondered if making it known to neighbors and/or adjacent landowners, should it be put out for a public bid. Discussion continued.

Motion to Adopt the Recommendations of the Town Attorney for Procedures in Selling Potential Paper Roads

Motion by Karl Brabenec, 2nd by Gary Spears to adopt the recommendations of the Town Attorney, William Bavoso for the procedures in selling potential paper roads in the Town of Deerpark for the Town Board and future Town Boards.

Discussion: Councilman Spears asked if they were adopting recommendations for procedure only at this point, and not resolving the request that presented the situation and they agreed the attorneys would write out the guidelines. Councilman Dean suggested that once these guidelines are set, they should be given to the Planning Board. Councilman Trovei asked if a declaration was necessary showing ownership and the attorney suggested they would need a declaration of consent to abandon the property. Mr. Bavoso promised to draw up the documents and procedures for the board for the next meeting.

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

MOTION CARRIED

Supervisor Brabenec then stated that once the guidelines are drawn up, they will ask the attorney to provide them in time for the February 28th board meeting, then they will decide on the Spangenberg request. He asked Mr. Bavoso to contact the attorney for Mr. Spangenberg in regards to the request for Coleman Road and he agreed.

Motion to Declare Surplus Items for the Town of Deerpark

Motion by Karl Brabenec, 2nd by David Hoovler to declare the following as surplus items for the Town of Deerpark, as these items are not able to be used: 1997 IBM Personal Computer 300 gl with keyboard and mouse, PC Serial# is 23gct56 and the Keyboard Serial# is 0112106 and Deerpark Property No. Tag 813; an 1997 IBM Monitor, Serial#55-c8557, Model #01n, Deerpark Property No. Tag 814.

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

MOTION CARRIED

Appropriations, Budget and Payment of Bills

Budget Officer's Monthly Report – Attached to the official minutes and a copy is available for review at the Town Clerk's Office. Supervisor Brabenec availed himself for any questions.

Motion to Approve Budget Officer's January Report

Motion by David Hoovler, 2nd by Gary Spears to approve the Budget Officer's January Report.

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

MOTION CARRIED

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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 #3 of 2011 for a total of \$87,815.84

Highway Fund Abstract #3 of 2011 for a total of \$39,289.05

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

MOTION CARRIED

Closing Board Comments

Supervisor Brabenec reported on Councilman Hoovler receiving a call from the New York State Association of Towns and their representatives told them that the Town of Deerpark was a model town for emergency preparedness, the emergency preparedness law and for the emergency operations center. YNN just had coverage on television regarding the emergency center as well. The upcoming conference of the NYSAT has asked David Hoovler, Jack Flynn, Joyce Cirulli and himself to make a special presentation on what happened here six years ago and how the operation center works. Councilman Hoovler added that they will share what was learned. A coffee at a local deli will be announced soon with the town board and anyone in town can come and talk with them. They are hoping to plan that for a Saturday in March.

Councilman Spears mentioned the winter weather and had asked the Supervisor if they could have a report at the next meeting in regards to the snow clean up budget, overtime, and was concerned about the costs that might be involved with that. The Highway Department has done a good job keeping the roads cleaned, and obviously there will be bills that follow.

Councilman Trovei thanked the supervisor and David Hoovler for their work in the Emergency Preparedness Plan and then mentioned how much both Jack Flynn and Joyce Cirulli have done in the area of emergency situations.

Councilman Dean thought it was great David Hoovler would be giving a presentation at the upcoming Association meeting. He also commended the Highway crew on their good job with the highways, especially since there was no place to put the snow.

Councilman Hoovler encouraged the public to review the Supervisor's monthly report and to see that every penny spent is documented. He thanked the board for their comments on the Emergency Preparedness Plan and stated that Mr. Bavoso helped him with that plan. The issues covered in this law include who is in charge during an emergency situation, who has the right to decide, who is responsible for making sure things get done in the right way. He was shocked at the invitation to present on this subject, and was looking forward to it.

Motion to Adjourn at 8:42 p.m.

Motion by Gary Spears, 2nd by David Hoovler to adjourn at 8:42 p.m.

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

MOTION CARRIED

Respectfully submitted,

Florence T. Santini
Town Clerk