

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, MARCH 5, 2012**

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

Attendance:

Supervisor: Karl Brabenec

Councilmember's: Arthur Trovei, David Hoovler, David Dean

Absent: Gary Spears

Attorneys: David Bavoso

Invocation: Arthur Trovei

Call to order at 7:42 p.m.

Pledge of Allegiance: David Dean

Additions or Changes to Agenda - None

Opening Board Comments – None

Presentations/Communications

Supervisor Brabenec stated that the *2012 YMCA Camp Program* was a huge success last year and they were very happy to be offering it again this year with the help of one of the greatest assets they have in town—the YMCA Camp just down the road. Wheaton Griffin is the Executive Director of the New York State YMCA Camp came to the podium and introduced Jenny Caifa, Office Manager; Danielle Ersalesi Brown, Day Camp Director. Everyone congratulated him. Mr. Griffin thanked the Board for partnering with them. They had been part of the community since 1922 and opened up their camp to the community just recently. Jenny shared information from 2011: They had 130 children from the Town of Deerpark attended the camp, 78 campers attended for the first time. She felt it was a very successful program. Due to new guidelines this year, the ratios changed for counselors to campers. They are unsure how many weeks or campers they can offer until they know the number of counselors available. The day camp starts June 25th and runs for 10 weeks. The costs for staffing have not changed from last year, the cost being \$2,750.00. They would hope the town would cover the payment of two staff as they did in 2011. They will charge \$75.00 per camper, per week this year because their true cost of camp is \$241 per day and \$150.00 for two weeks. Supervisor Brabenec mentioned that at the last meeting, they discussed the possibility of providing for a third counselor because of the interest. Mr. Griffin answered by saying the quality of services suffers when they add more campers. They need to solve the facility issues to provide for more kids. Ms. Caifa added that the cost she mentioned figures three counselors, with the YMCA covering one of them. Technically, the supervisor was inquiring about paying for a fourth counselor. Another issue was having a 3-week cap, but Ms. Caifa mentioned they serve other communities in the area as well. She thinks they could run a full waiting list. Mr. Griffin spoke again about the space issue. Discussion followed. Supervisor Brabenec mentioned that this program for kids at YMCA is a great thing for the town. Councilman Dean commented that this was a prime example of when government partners with private business to create something better than what they had and is more cost-effective and certainly more effective period. The children of the Town of Deerpark have benefitted. The Board thanked YMCA for all they are doing for the community. The information will be posted in the Town Hall and on the website once the Supervisor and Theresa Creegan, Recreation Committee Chair work out the details.

Motion to Approve the YMCA Camp for Town of Deerpark Residents for 2012

Motion by Karl Brabenec, 2nd by Arthur Trovei to approve the YMCA Camp for Town of Deerpark Residents for 2012, and the Town will allocate funding for two counselors at \$2,750.00 each and one counselor will be paid for by the registration fees.

VOTE: 4 AYES: Arthur Trovei, David Hoovler, David Dean, Karl Brabenec

ABSENT: Gary Spears

MOTION CARRIED

Councilman Dean thanked Theresa Creegan for her good work with the YMCA camp program. Supervisor Brabenec also thanked her.

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Motion to Accept Board Minutes for February 6, 2012

Motion by Karl Brabenec, 2nd by David Dean to accept the Board Minutes for February 6, 2012.

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

ABSENT: Gary Spears

1 ABSTENTION: Arthur Trovei

MOTION CARRIED

Public Comment – None

Board Business

Motion to Approve Resolution 9 of 2012 – Abolishing Section 4.1.3 of the Deerpark Personnel Policy Regarding Longevity

Motion by Karl Brabenec, 2nd by Arthur Trovei to approve Resolution 9 of 2012 Abolishing Section 4.1.3 of Deerpark Personnel Policy Regarding Longevity effective immediately.

VOTE: 4 AYES (Roll Call): Arthur Trovei, David Hoovler, David Dean, Karl Brabenec

ABSENT: Gary Spears

MOTION CARRIED

Councilman Dean spoke about the *Wetlands Legislation Update*: In July of 2011 an article about the remapping of the wetlands appeared in the Times Herald Record, by the DEC. The perimeter surrounding wetlands is an additional 100 foot buffer. Essentially, when wetlands are declared in a community, the resident's property value is depreciated. The owner could go to the Tax Collector and tell them the DEC has declared property wetlands and no longer viable for them to pay the assessed value, and then grieve their assessment to get it lowered so they pay fewer taxes. Wetlands basically take land from property owners. The DEC wetlands map is about to be revealed for Orange County and he reported on what he saw at the Association of Towns meeting in New York. The wetlands have doubled. They identified 16,000 new acres of wetlands in Orange County and this does not include the 100 foot buffer. The maps will be part of mandatory DEC Public Hearings likely to happen later this spring. He urged people to follow this and attend the meetings. Every affected landowner must be sent a notice of Public Hearing by certified mail. People with wetlands on their property will get one of these mailings and if people are adjacent to the wetlands, they will have a 100 foot buffer on their property and they too would get a certified mailing. Once the notices are sent out, the new maps go into effect. There would be no grandfathering for previously obtained approval or for those going through approval process—although there might be some question as to whether that is accurate. Taxes will go up for those not affected by wetlands directly.

Supervisor Brabenec mentioned that the Town of Deerpark was the first town in the state to present and pass a resolution opposing these wetland map revisions and expansion of them. Three or Four other municipalities in Orange County immediately jumped on board with the town and voted in favor of that resolution passed. He will forward the resolution to all Town Supervisors and the New York State Association of Towns.

Councilman Hoovler clarified that anyone in the buffer zone cannot place any permanent structure in the buffer zone.

Councilman Trovei asked about another town dealing with the government and property owner, where if the DEC took their property, that agency would have to purchase it. Discussion followed. They thought perhaps the attorney could look into how they might strengthen their resolution wording based on that contested case.

Supervisor Brabenec said the *New York State Department of Health* recently did a safety inspection and one of the items they indicated was that the Police Department recommended their officers, the opportunity of Hepatitis B vaccinations. They were pretty much ordered to do this by the Department of Health. The Police Chief obtained two price quotes and one was from Partners for Safety for \$225 per person and Middletown Community Health Center was \$165 per person. The cost range would be between \$1,155 and \$2,475. Out of 11 possible, they have not heard from four officers. Councilman Dean asked who ordered it and why they don't pay for it. Supervisor Brabenec stated that the Department of Health ordered it and they could be fined, have potential liability problems if someone gets Hepatitis B and the town didn't offer it. They also recommended other changes for the Highway Department and Police Department that will need to be addressed in the near

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future. They commended the town for their Workplace Violence Policy and want them to add a couple things that would be site specific. Discussion continued.

Motion to Accept Written Quote with Middletown Community Health Center for Police Department Vaccinations

Motion by David Hoover, 2nd by Arthur Trovei to accept the written quote of \$165.00 per Officer from Middletown Community Health Center for Police Department Hepatitis B vaccinations.

VOTE: 3 AYES: Arthur Trovei, David Hoover, Karl Brabenec

VOTE: 1 NO: David Dean

ABSENT: Gary Spears

MOTION CARRIED

Supervisor Brabenec mentioned the annual contract with the National Park Service. This contract is between the Town of Deerpark Police Department and the US Department of the Interior National Park Service and the Upper Delaware Scenic and Recreational River. It is for patrols in that area and the town receives an allocated amount that can be used. The Supervisor requested \$7,000 and has budgeted \$5,500 for the year. They need to authorize him and the Police Chief to sign the contract so they are ready for the patrols this year.

Motion to Authorize Supervisor and Police Chief to Sign Contract with the National Park Service

Motion by David Dean, 2nd by David Hoover to authorize the Supervisor and Police Chief to Sign the Contract with the National Park Service.

VOTE: 4 AYES: Arthur Trovei, David Hoover, David Dean, Karl Brabenec

ABSENT: Gary Spears

MOTION CARRIED

Florence Santini, Town Clerk explained that the Highway Superintendent asked for the bid to be placed and she read the bid. The sealed bids would be for the Highway Department on Clear Low Sulfur Diesel Fuel #87 Octane Regular Unleaded Gas and the Town must be guaranteed delivery at least twice a week (or as needed). The specifications must be submitted to the Town Clerk's Office on or before March 29, 2012 at 2:00 p.m. Opening of bids will be at 2:15 p.m. that day at the Town Hall. The Town of Deerpark reserves the right to accept or reject any or all bids.

Motion to Authorize Placing an Ad for 2012 Fuel Bids

Motion by Karl Brabenec, 2nd by David Hoover to authorize placing an ad for 2012 fuel bids.

Discussion: Councilman Trovei asked what would happen if the fuel prices go up and if it was based on a certain kind of pump price. He didn't know how you could lock in prices with the fuel prices fluctuating. Supervisor Brabenec said that for bulk amounts, discounts are given. Ms. Santini offered that they have a price index they go by. Councilman Trovei thought they should be more clear that they want to bid based on the price changes by certain amounts the day they order it. Ms. Santini thought they were not locked in, but offered to look into it. They agreed to table a decision until the next meeting.

Motion to Table Placing An Ad for 2012 Fuel Bids Until April 2, 2012 Board Meeting

VOTE: 4 AYES: Arthur Trovei, David Hoover, David Dean, Karl Brabenec

ABSENT: Gary Spears

MOTION TABLED

Theresa Creegan, Recreation Committee Chair, announced the *Annual Easter Egg Hunt* on March 31, 2012 from 12:00 p.m. to 2:30 p.m. at the Harriet Space Park. She spoke to the same DJ they had last year and he is available at the same price paid in 2011. They ordered pre-filled Easter Eggs this year. She is looking for donations. She talked to Joanne Vicaretti and they will have their Breakfast at the Huguenot Fire House, where the bicycles will be. The raffles for the bikes will be for those who eat breakfast, as well as prizes of tickets to win the bikes at the Easter Egg Hunt. The year before had gone smoothly and she has more help this year.

Appropriations, Budget and payment of Bills

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Motion to pay Bills for February 17, 2012

Motion by Karl Brabenec, 2nd by David Hoovler to pay bills for February 17, 2012 that have been signed by three council members, and may be viewed in the Town Clerks Office.

General Fund Abstract #3 of 2012 for a total of \$ 259,463.03

Highway Fund Abstract #3 of 2012 or a total of \$37,170.44

VOTE: 4 AYES: Arthur Trovei, David Hoovler, David Dean, Karl Brabenec

ABSENT: Gary Spears

MOTION CARRIED

Motion to pay Bills for March 5, 2012

Motion by David Hoovler, 2nd by Karl Brabenec to pay bills for March 5, 2012 that have been signed by three council members, and may be viewed in the Town Clerks Office.

General Fund Abstract #4 of 2012 for a total of \$733,398.25

Highway Fund Abstract #4 of 2012 or a total of \$42,846.62

VOTE: 4 AYES: Arthur Trovei, David Hoovler, David Dean, Karl Brabenec

ABSENT: Gary Spears

MOTION CARRIED

Motion to Accept the February 2012 Budget Officer's Report

Motion by David Hoovler, 2nd by David Dean to accept the February 2012 Budget Officer's Report and may be viewed in the Town Clerk's Office.

VOTE: 4 AYES: Arthur Trovei, David Hoovler, David Dean, Karl Brabenec

ABSENT: Gary Spears

MOTION CARRIED

Closing Board Comments

Councilman Trovei thanked David Hoovler for his presentation on Emergency Preparedness at the Association of Towns meeting in New York, along with John Flynn and Al Fusco. They did a wonderful job.

Councilman Dean said they go to a lot of presentations at the Association of Towns and he said there was a lot of interest in the Emergency Preparedness presentation and the room was really packed. He thought the Association of Towns was worthwhile because there are things to learn that you wouldn't know if you didn't go. He acknowledged it was an expense to the town, but also to those attending, but it was a good thing. He told Councilman Hoovler he did a great job.

Councilman Hoovler mentioned that March 24th was clean-up work day at Harriet Space Park for anyone who wants to help. There will be a waiver prepared that would need to be signed. They are still taking sign-ups for the Boys and Girls Softball; Football is also taking sign-ups. The Soap Box Derby (largest in the world) in Port Jervis has a sign up date on Wednesday evening, March 7th at the Recreation Center. The Little League sign-ups are Saturdays at Bell Field (West End) and Port Jervis Youth Football is the first Saturday morning of every month at the Recreation Center. He went to the Association of Towns, it was the second year they asked him to present. He had a good time. He mentioned some horror stories from Supervisors who have nothing in place yet and some haven't even contacted their town engineers to begin the process. The DEC wetlands really can have an effect. One man walked out of the presentation at the Association of Towns, he could not put up a privacy fence because the fence is permanent. Orange County is going to get hit massively.

Supervisor Brabenec said he would be talking with Orange County regarding the *town's bulk clean-up day*. It was a success last year and they brought it back for the first time in many years and the public was very happy about it. They had budgeted \$10,000 last year and came in \$4,000 under budget. They will try it again. They learned from last year and need to tweak it a little. They plan to have it for one month this year. He will make a presentation on it next month. He thought the clean-up would be in May. Supervisor Brabenec continued with a situation regarding *Board of Elections* that he felt needed a resolution. The County charges the town for elections and every year they are charging more and more. This year, the Town of Deerpark budgeted \$20,000.00 just to have elections. That is the cost for inspectors, ballots, etc. The cost per election in

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2011 was about \$11,500.00 and that was a typical cost for a general election. They had one election in 2011. New York State cannot make up their minds on primary dates, and all other elections. Today, there is a Primary Election scheduled for April 24th; another primary for Assembly and Senate Districts possible June 24th; then another primary for all other offices that are up the county, local offices, etc. in September; then the General Election in November, all of which the town has to pay for. This year, they have four elections and they estimate each one will cost approximately \$5,500.00 each. They budgeted \$20,000.00. The General election will be close to \$11,000.00, which puts the elections costs closer to \$30,000.00. There are 7 districts in the Town of Deerpark and each district is required to have two Republicans and two Democrats. He also said they used to pay \$125 a day for people in Deerpark to work the polls. Orange County took over the elections, and when they took over the elections from Deerpark they mandated the town saying they had to pay \$200.00. They are picking the people who actually work there, and some are not even from the town. It is becoming more costly. Flo Santini spoke to the Orange County Legislators to argue about this and they passed a resolution very similar to what this will be and he wanted to pass this on to other municipalities if they passed this.

Motion to Adopt Resolution No. 10 – Opposition to Multiple Elections in 2012

Motion by Karl Brabenec, 2nd by Arthur Trovei to adopt Resolution No. 10 – Opposition to Multiple Elections in 2012 and request financial assistance from the state and the county and to reform election laws to allow for more local control and forward this resolution to all county and state officials.

Discussion: Councilman Dean asked who decided on the number of people. Supervisor Brabenec stated that both County Commissioners need to agree—using the idea of placing two Republicans and two Democrats over all the districts in one polling place rather than assigning two of each per district. Councilman Dean said he didn't think the resolution would change the number of elections. He also thought there were too many primaries and wondered who set that up. Supervisor Brabenec said the primaries are set by the New York State Board of Elections and also by the New York State Assembly, New York State Senate, and certain regulations by the federal government asking to move the primary up from September to June. That isn't a problem and would be in favor of something like that. That would help military ballots being cast in proper time. Councilman Dean asked if it was possible to put these requests all together. Discussion continued. They all agreed to add to the proposed resolution including they permanently move all offices for the primary elections to the June date or same date.

Amended motion by Karl Brabenec, 2nd by Arthur Trovei to add language that would request moving all offices for the primary elections to the June date or same date. (See Resolution attached to official minutes with added wording.)

VOTE: 4 AYES (Roll Call): Arthur Trovei, David Hoovler, David Dean, Karl Brabenec

ABSENT: Gary Spears

MOTION CARRIED

Supervisor Brabenec commented on the Assembly District. He said that the new district lines being drawn are not completely adopted yet. The Town is in the same Senate District with John Bonacic, and the current Assemblywoman is Aileen Gunther and that that district under the proposed guidelines is being moved further north in Sullivan County and the town will be included in the district along the New Jersey border. That would be Orange County and a little bit of Rockland County, which would be Annie Rabbitt's district, so it is very possible they will be in that assembly district. Her election is up this year. There are now new congressional lines which could alter who their congress person is, so they will either have Nan Hayworth's District or Chris Gibson's District. They don't know yet what will happen.

Motion to Adjourn at 9:01 p.m.

Motion by Karl Brabenec, 2nd by David Dean to adjourn at 9:01 p.m.

VOTE: 4 AYES: Arthur Trovei, David Hoovler, David Dean, Karl Brabenec

ABSENT: Gary Spears

MOTION CARRIED

Respectfully submitted by,

Florence T. Santini