

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, MARCH 21, 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, David Dean

Attorney: Glen Plotsky

Invocation: Arthur Trovei

Call to Order at 7:33 p.m.

Pledge of Allegiance by David Dean

There was a Moment of Silence for the country of Japan due to the catastrophe.

Motion to Add Executive Session Re: Potential Litigation

Motion by Karl Brabenec, 2nd by Gary Spears to add Executive Session to the Agenda regarding potential litigation and invite Mr. Fusco and Mr. Plotsky in with the board.

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

MOTION CARRIED

Motion to Add Dennis Simmons, Orange County Legislature under Presentations/Communications

Motion by Karl Brabenec, 2nd Gary Spears to add Dennis Simmons, Orange County Legislature under Presentations and Communications.

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

MOTION CARRIED

Presentations/Communications

Supervisor Brabenec introduced *Jeff Reilly, the Sr. Vice President of Operations for Bon Secours Charity Health Systems*. They have two hospitals in Orange County, New York, Bon Secours Community Hospital in Port Jervis and St. Anthony's Community Hospital in Warwick. The presentation was about the past two years of transformation at the Bon Secours Community Hospital including the new Clinton facility and equipment, the emergency room care, concierge program serving patients with scheduling and coordinating with three hospitals, and has the latest technology available in the market and probably the best equipment available to diagnose and treat patients in the community. The long term plan is to improve the emergency department and launch a major fund raising campaign to double the size of that department. He then fielded questions. Councilman Spears heard a more comprehensive presentation and congratulated he and his staff for all their efforts and for the benefits to the Deerpark and Port Jervis area.

Orange County Legislator Dennis Simmons invited Norma Schadt, the Historian to come forward as he mentioned how she was always willing to help with the video taping of various veterans in the area and had used the camera many times. As a thank you for all she does for the veteran's community, he bought her a new video camera. This particular camera will use a memory card, rather than a VHS tape, which should help her with efforts to reproduce. In addition, Supervisor Brabenec had asked for a flag. He presented a flag, flown over Iraq by the boys in Syracuse, to Supervisor Brabenec. The Supervisor thanked him and explained that the flag would replace the one that has been hanging in the Town Hall.

Ed Hughson – Highway Superintendent was asked by Councilman Spears to provide an update on monies spent on snow removal and from January 7 to February 27, 2011 they had 12 winter storms and a detailed use of funds is attached to the official minutes. The major culvert project on Big Pond road and other problems with road shoulders need to be repaired due to the March 6th storm. Mr. Hughson has submitted a form to the county for FEMA assistance to cover the cost. He is waiting to have the roads repaired until they find out about FEMA funding. They have a few vehicles that don't run: a 2001 Dodge Ram Pickup 4-wheel drive; a 1995 Dodge Ram Pickup 4-wheel drive; and a 1 ton Chevy Dump 4-wheel drive. He was wondering if the Board would put these vehicles out to bid for surplus. Supervisor Brabenec stated it should not be a problem and they have another item for declaration of surplus items. He asked for the vin numbers which Mr. Hughson provided. He took the insurance off them, they will take the plows off them in case they are able to use them on other trucks. Supervisor Brabenec thanked Ed Hughson and Police Chief Werner for working with the comprehensive insurance review and found one

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or two cars that are no longer owned, they have been carried on the insurance. They will seek a refund from the Insurance Company for those. Councilman Trovei will work with Mr. Hughson on values for the trucks and Councilman Spears asked about replacing these vehicles. Mr. Hughson said he was looking into a state bid for another one ton dump, like they purchased a couple years ago. He has looked into municipal leasing as well. Councilman Hoover mentioned they would get a much lower rate with a municipal lease and better than a bond. Councilman Trovei inquired about the reimbursements for fuel with the other departments and Mr. Hughson stated that was figured into his report.

Motion to Approve March 7, 2011 Board Minutes

Motion by David Hoover, 2nd by Karl Brabenech to approve March 7, 2011 Board Minutes.

Discussion: Councilman Spears asked to abstain since he had not read the minutes, and Councilman Trovei and Councilman Dean also had not had a chance to read them.

Motion by Karl Brabenech moved to table the approval of March 7, 2011 Board Minutes until the next meeting.

MOTION TABLED

Public Comment – None

Old Business

Supervisor Brabenech gave an update on Resolution 11 – Election District 3 and 5 Changes regarding the boundary lines to accommodate those in Sparrowbush who used to vote close to their homes, instead of driving to Huguenot. There was some confusion on the Orange and Rockland right away and for Reservoir Avenue. They need to amend Resolution 11 and once they do that, they will certify it to the Board of Elections. Supervisor Brabenech read the amendment clarifying the right away.

Motion to Approve Amended Resolution 11 of 2011 – Election District 3 and 5 Changes

Motion by Karl Brabenech, 2nd by Gary Spears to approve Amended Resolution 11 of 2011 – Election District 3 and 5 Changes.

Discussion: Councilman Dean asked who came up with the actual boundary description and if it was agreeable to the county. Supervisor Brabenech stated it was agreeable with the county and he talked with them and went over the wording in detail and he said it was the last time the board would pass it and they were agreeable. Councilman Dean asked if the verbiage was checked with a map to make sure it was correct and the Supervisor assured him he did.

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

MOTION CARRIED

Supervisor Brabenech gave an update on the Romanov Property, the Building Inspector sent a letter to Mr. Romanov requesting the trailer be demolished and removed by May 2, 2011. If that was not done, the Code Enforcement Officer would send the board a report and they would have to take further action. There were no questions.

Supervisor Brabenech mentioned the Gamble property discussed the previous year which was a house in Myers Grove that had a burn and there were legal issues. Town Attorney Mr. Plotsky stated that Mr. Gamble failed to appear for various local court proceedings and at this point thought there was a warrant for his arrest and there was no legal impediment for this board scheduling a public hearing to determine whether or not a dangerous building situation exists and should be taken down, secured or other sub-state.

Motion to Set Public Hearing on Gamble Property for Monday, April 4, 2011 at 7:00 p.m.

Motion by Karl Brabenech, 2nd by Gary Spears to set public hearing on Gamble Property for Monday, April 4, 2011 at 7:00 p.m. at the Town Hall.

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

MOTION CARRIED

Councilman Hoover asked Mr. Plotsky about a letter sent to Mr. Bavoso regarding Town of Deerpark Town Law Section 119 dealing with unsafe buildings. He thought it was last updated in 1983 and asked him to look at it to see if that section should be updated a little bit. He thought the warrant was good for Mr. Gamble but knew some towns bring Article 78 actions to

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recoup the money in legal expenses and wondered if their law firm could look into updating the town code to recoup legal expenses.

New Business

Judge Laurie Osowick, provided an update on the *JCAP Grant*. In October, 2010 Judge Osowick went for a grant for the Justice Task Assistance Program requesting security cameras to be put into the court room in order for the clerk to know when someone is coming. Each of the Court clerks offices would have a monitor facing the entrance of the Courtroom and they have been awarded \$840 for the supplies. This should be easy to set up and it arrived that day. The only thing they requested was to adjust her emergency button and they would resolve that issue. Judge Osowick then asked about the Budget Modifications in December, \$1,400 was added to Judge Wulff's personal services. She had asked both Judge Wulff where the money came from and he didn't know. She then asked Supervisor Brabenec and hadn't heard back from him. The Supervisor said he thought they had gone over a little on one of the clerk's salaries due to working extra hours for Judge Wulff when he was a new justice. Supervisor Brabenec stated he was researching the reason and promised to get back to Judge Osowick on that. Councilman Spears thanked Judge Osowick for her other grant work and expressed thanks on behalf of the town.

Norma Schadt, *Historian* thanked Legislator Dennis Simmons for his presentation of the video camera earlier in the meeting. She presented her report which is attached to the official minutes. The Community Outreach involved a visit by the Girl Scouts on March 12th for a program. In April letters will be sent to the fourth grade teachers in the Port Jervis Elementary Schools to schedule their annual classroom programs. She received a grant in the amount of \$400 to purchase a projector to present Power Point programs. The report included information about the Deerpark Diary, the New York State Local Historians Annual Report for 2010, the brochure she is working on with the Town Clerk, and the Veteran's Committee, etc.

Motion for Declaration of Surplus Equipment

Motion by Karl Brabenec, 2nd by Gary Spears for declaration of surplus equipment of the following:

- Sharp AR507 Digital Image Copier #986;
- Sharp AR164 Laser Copier Printer – 25040990;
- Sharp FO-4650 Fax Machine #985 – 27101781;
- 2001 Dodge Ram Pickup 4-wheel drive VIN#3B7KF26Z01M287623;
- 1995 Dodge Ram Pickup 4-wheel drive VIN#1B7KF26Z2SS139580;
- 1998 Chevy One-Ton Dump Truck 4-wheel drive VIN#1GBJK34F3WF067281

Discussion: Councilman Spears asked how they would handle the bidding after these items were declared surplus. Supervisor Brabenec stated the town has an option to use Auctions International where they do everything for you and the buyer pays their fee, because the seller has to pay when using E-bay. There is a wider array of viewers with the online Auctions International and would also be available on the town's website.

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

MOTION CARRIED

Supervisor Brabenec stated they need to advertise for a Board of Assessment Review Clerk. This was requested by the Chair of the Board of Assessment Review.

Motion to Advertise for Board of Assessment Review Clerk

Motion by Karl Brabenec, 2nd by Gary Spears to advertise for Board of Assessment Review Clerk.

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

MOTION CARRIED

Supervisor Brabenec said the Town Clerk would handle the advertisement for the Clerk.

Supervisor Brabenec read the proposal submitted by Theresa Creegan, Chairwoman of the Recreation Committee, requesting the use of Harriet Space Park for the annual Easter Egg Hunt on April 10. They are planning the event with the Lions Club. The breakfast with the Easter Bunny is scheduled to be held at the Huguenot Fire House from 8 a.m. to 12 p.m. and the Easter Egg Hunt would start at 12:15 p.m.

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Motion to Approve Annual Easter Egg Hunt at Harriet Space Park Sunday, April 10, 2011

Motion by Karl Brabenec, 2nd by to approve the Annual Easter Egg Hunt at Harriet Space Park Sunday, April 10, 2011 as requested by the Recreation Committee.

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

MOTION CARRIED

Supervisor Brabenec continued reading the proposal including the need for an emcee to give order to the event. The Recreation Chair found a DJ to offer emcee services for the event at a discounted rate and they could be paid through the Recreation Committee fund. His understanding is the price would be \$250.00.

Motion to Appropriate up to \$250.00 from Recreation Committee Fund for Annual Easter Egg Hunt

Motion by Karl Brabenec, 2nd by Arthur Trovei to appropriate up to \$250.00 from Recreation Committee Fund for an emcee for the Annual Easter Egg Hunt.

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

MOTION CARRIED

Supervisor Brabenec was hoping to get some volunteers (mostly honors students) from the High School to help with the event. The Lions Club would like to sell hotdogs and sodas and Ms. Vicaretti offered to give flyers to the schools and place an ad in the paper for the event.

Motion to Permit the Deerpark Lions Club to Sell Hotdogs and Soda at Annual Easter Egg Hunt

Motion by Karl Brabenec, 2nd by David Hoovler to permit the Deerpark Lions Club to sell hotdogs and soda at the Annual Easter Egg Hunt.

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

MOTION CARRIED

Supervisor Brabenec mentioned that John Goin was meeting with Camp Deerpark in regards to their gift of attendance to their camp. This was discussed at the last Recreation Committee meeting and they will be going to the guidance counselors at the schools to pick needy children for scholarships. They are also scheduling a meeting with the YMCA to discuss possible funding of a camp counselor for their summer program, where they could offer a discounted rate to Deerpark residents. He commented the chairwoman and the committee members were all doing a fantastic job on the Recreation Committee.

Supervisor Brabenec spoke about the consideration of bid on the old computer, a surplus item 1997 IBM Computer from the Assessor's Office. They received a bid of \$10.00, along with the monitor, keyboard and mouse from Pamela Platt, who works in that office. As a standard practice for most government agencies, they typically have them wiped out before they release them. The quote for wiping the computer clean is about \$40. He did think it would be wise to accept the \$10 bid at this time, as the town would incur a \$30 loss. He thought they could reject the bid and offer a minimum bid of \$50.

Motion to Reject Bid of Surplus Computer

Motion by Karl Brabenec, 2nd by David Dean to reject the bid of \$10.00 for the surplus computer – 1997 IBM Computer.

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

MOTION CARRIED

Motion to Set a Minimum of \$50 Bid on the Particular Surplus 1997 IBM Computer

Motion by Karl Brabenec, 2nd by Gary Spears to set a minimum of \$50 bid on the particular surplus 1997 IBM Computer.

Discussion: Councilman Dean asked about waiting to see what the Auction's International people say about this computer, then asked about the mother board. Councilman Spears added that the board still needs to be wiped clean before selling.

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

MOTION CARRIED

Motion to Add to Agenda Cable Commission Report

Motion by Karl Brabenec, 2nd by David Dean to add to the agenda the Cable Commission Report.

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

MOTION CARRIED

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George Keller, *Cable Commission* Chairman reported that on March 9th there was a meeting with Time Warner Cable and Supervisor Brabenec, Councilman Dean, the Town's Attorney, Joyce Cirulli from Emergency Management, Brenda Parks, local representative and John Fogerty, V.P. and General Counsel of Time Warner, John Figliosi, Municipal Assistance Department of the Public Service Commission in Albany and the Deerpark Cable Commission. The topic of conversation was the old franchise agreement. Some of the topics discussed were Deerpark's own government channel that wouldn't be shared with Port Jervis, a senior and veteran's discount was proposed, and the need to build protection into the agreement for the future, etc. Almost everything discussed was unacceptable to the Town of Deerpark. They have a long way to go in the area of accounting, straightening out records of the degree of mis-billing of Deerpark's subscribers, funds being sent to Port Jervis franchising authority, rather than Deerpark franchising authority. The town attorney firm is handling some of the follow up and they will continue to negotiate in good faith until they have a reasonable agreement. Councilman Dean commented that Louise Vandermark attended the meeting. Councilman Hoover asked how many Deerpark subscribers there were and he thought about 2,800.

Appropriations, Budget and Payment of Bills

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 #6 of 2011 for a total of \$142,870.97

Highway Fund Abstract #6 of 2011 for a total of \$53,005.48

Deerpark Manor Lighting Abstract #3 of 2011 for a total of \$350.10

Engineering Escrow Abstract #1 of 2011 for a total of \$9,618.90

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

MOTION CARRIED

Supervisor Brabenec stated that the Budget Officer's Monthly Report was submitted to the board via email and due to the presentation in the beginning of the month, it was not presented previously. Most everything is on target except for the snow removal. He invited questions. Councilman Hoover asked about Judge Osowick's comment and the Supervisor mentioned it had to do with the last year. Mr. Hoover continued by stating that this year everything is equalized. The supervisor agreed and added that the 2011 budget is much more itemized than the previous year. He said that Judge Osowick was referring to the 2010 budget and that what happens at the end of the year you cannot be over your line items. The budget has to end with a zero balance at the end of the year. The supervisor summarize that she had asked him a couple months ago and he promised to look into it, and they are and will get her an answer, but they have been swamped with a lot of things in their office.

Motion to Approve Budget Officer's Monthly Report

Motion by David Hoover, 2nd by Gary Spears to approve the Budget Officer's Monthly Report as presented. (Copies of the report are available at the Town Clerk's Office)

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

MOTION CARRIED

Closing Board Comments

Councilman Spears was happy that Mr. Reilly made the presentation on the Bon Secours Hospital and the hospital is vitally important for the town and it is good to have medical care within a short distance. He applauds them for the work they are doing. He also thanked Mr. Keller for his work on the Cable Commission, because it is long overdue and hopefully he will bring that to a head shortly and they will get a new agreement with Cable Vision.

Councilman Trovei was also pleased with seeing progress with new technologies in the area and encouraged Mr. Keller with the cable contract. He also wished Norma good luck with her new camera.

Councilman Hoover also wished Norma good luck with her new camera. He then encouraged members of the public to look over that months report—16 pages long, extremely detailed about where the money goes. Mr. Hoover then asked Florence Santini, Town Clerk if in the last 15 months, has anyone come to the Town Hall and actually look at the report, she replied no.

Councilman Dean reminded everyone that yesterday was the first day of spring. He echoed what Mr. Hoover said, and if people are concerned about the money is spending, it is in the Town Clerk's Office. He invited people to please go in and take

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advantage of it, and if there are questions they should see the Supervisor and he would explain it to them. It shows where every dime is coming in and going out.

Supervisor Brabenec thanked everyone for working on grant money for the town. He thanked Norma Schadt and Florence Santini for working on getting a grant for the *tourism map of the town*, that hasn't been done in over 15 years. He thanked them for that. The money is already allocated and they are putting the final details on the package. He thanked Al Fusco, Dennis Simmons and Melissa Bonacic for helping out with the *Energy Efficiency Grant* and they should know soon if they have approval of funding for that. There was a *State of Emergency* recently with a potential for mass flooding and they got very close and dodged a major bullet on that, and luckily it wasn't that bad. Myers Grove, Deerpark Manor and Hobson road were jeopardized and the emergency responders got together to help many residents. He thanked them for their work throughout the day, the fire department, emergency management officials and pretty much everybody did a wonderful job. The *Clean Up Day* is scheduled for Friday, May 13th and Saturday, May 14th during the regular business hours of the Port Jervis Transfer Station. He will meet with the Police Chief of Deerpark and Port Jervis to talk about traffic control. A system will be set up at the Town Hall in the next couple of weeks and a pass will be issued to the Town of Deerpark residents. There has been a littering problem again on Greenville Turnpike and he encouraged everyone to call the Town of Deerpark Police Department and notify them if they see someone littering. He then encouraged the justices to levy the maximum fine for those brought before them for these offenses.

Motion to Enter Executive Session for the Purpose of Sullivan vs. Town of Deerpark Update at 9:04 p.m.

Motion by Karl Brabenec, 2nd by David Hoovler to enter Executive Session for the purpose Sullivan vs. Town of Deerpark update and invite Attorney Glen Plotsky and Town Engineer, Al Fusco at 9:04 p.m.

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

MOTION CARRIED

Motion to Re-enter Regular Session at 10:05 p.m.

Motion by Gary Spears, 2nd by David Dean to re-enter regular session at 10:05 p.m.

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

MOTION CARRIED

Motion to Adjourn at 10:06 p.m.

Motion by Gary Spears , 2nd by David Dean to adjourn at 10:06 p.m.

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

MOTION CARRIED

Submitted by,

Florence T. Santini
Town Clerk