

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, MAY 7, 2012**

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

Engineer: Alfred Fusco

Invocation: Gary Spears

Call to order at 7:23 p.m.

Pledge of Allegiance: Gary Spears

Additions or Changes to Agenda

Supervisor Brabenec asked to add Resolution 14 of 2012 – Adoption of Cafeteria Plan. Councilman Spears asked what that was and he explained it was the Health Insurance Plan and their Health Savings Account they have to authorize which is done annually to say they would use that account for the MVP Health Insurance Plan.

Motion to Add Resolution 14 of 2012-Adoption of Cafeteria Plan to the Agenda

Motion by Karl Brabenec, 2nd by Gary Spears to add Resolution 14 of 2012 – Adoption of Cafeteria Plan to the agenda.

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

MOTION CARRIED

Supervisor Brabenec opened the Public Hearing on the Community Development Block Grant Application.

Public Hearing on Orange County Community Development Block Grant (CDBG) Program for 2013

Town Clerk, Florence T. Santini read the Public Hearing Notice of the Orange County Community Development Block Grant Program for 2013, which is attached to the official minutes.

Ms. Santini read that under this program a variety of physical improvements were listed as eligible for funding:

1. Acquisition & Disposition of Real Property
2. Public Works, Public Facilities or Site Improvements
3. Code Enforcement (Housing & Health Codes)
4. Clearance, Demolition & Rehabilitation for Public Use or Economic Development
5. Housing Rehabilitation Loan and Grants
6. Special Projects for Elderly & Handicapped
7. Provision of Public Services (Shelters, Clinics, Senior Nutrition, Etc.)
8. Payment of Non-Federal Shares of Other Grant Programs
9. Relocation Payments and Assistance
10. Handicap Bathroom

Supervisor Brabenec said this was the annual application for the Community Development Block Grant (CDBG), which is a federal program through the Department of Housing and Urban Development and administered through the Community Development Agency in Orange County. Typically, the Town of Deerpark has used the funding these past years for improvement of certain roads in the town. There is also a ranking system, and it could be used for renovations of a senior citizen area, activity center or other communities that have sponsored not-for-profit organizations. It has been a big help with the highway budget in paving certain roads. Due to income guidelines, not all the town's roads are eligible. Another good thing is the County Executive appointed him to the Community Development Block Grant Advisory Committee to oversee this program. He then invited comments from the public on how they should use these funds. They usually apply for the whole amount of \$125,000, but you can apply for a three-year program in the amount of \$375,000, but then you aren't eligible for another three years. Typically they just apply for \$125,000.

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Public Comment

Ruby Feliciano – Lives at 56 Sleepy Hollow Road and spoke to a different agenda item. She was asked to postpone her comments as this public hearing was just about the Community Block Grant.

Moises Serrano – Also lives at 56 Sleepy Hollow Road and started to explain why they were requesting assistance through the Community Block Grant program. Part of the federal program does not allow them to receive up to 25%. In discussion with the Town Engineer earlier, he was assured that they were putting their project in for the Community Block Grant. FEMA has advised there is a complication with the way their property is designed and the type of elevation they need to have on their property.

Al Fusco, Town Engineer spoke about some confusion due to two community development programs. The one that the Public Hearing is set for now is improvements to Senior Centers, Fire House, Public Works, sidewalks, paving and things of that nature. This is the annual program that has happened every year for the past 30 years. He explained that the program he explained to these people (Ruby Feliciano and Moises Serrano) was a new program that only came out a week ago. The Supervisor received notice that the CDBG Program is being opened up for storm related projects and that is what they were putting in on their behalf. He'll discuss it later with the Town Board. It was a special project needing to be in by May 18th. The program being discussed now has until May 31st.

Mr. Serrano responded by stating they needed to leave the meeting before they get to that part, and would say for the record that they request that assistance. He then clarified that talking about paving means talking about doing things to improve traffic flow. He wanted to talk about traffic calming solutions for town roads, including Sleepy Hollow Road. Three suggestions he wanted to make, though one would not be funded through the grant, was a century unit with radar and camera for speeders. There is a big problem with Sleepy Hollow Road and he has worked with Chief Werner, and that unit was destroyed by a vandal. Regarding road conditions he mentioned utilizing speed bumps. In order to meet criteria, he gathered these stats on traffic speeds on Sleepy Hollow Road using a radar unit from his driveway recorded the following on Memorial Weekend 2011: Saturday 264 vehicles exceeded target speeds of 40 mph; 8 exceeded 50 mph; 2 exceeded 60 mph; and it is a 30 mph road. Sunday 349 vehicles exceeded target speeds of 40 mph; 15 exceeded 50 mph; 3 exceeded 60 mph. Monday 312 vehicles exceeded target speeds of 40 mph; 31 exceeded 50 mph; 1 exceeded 60 mph. July 4th and Labor weekend stats were pretty much the same. He left the unit on which he felt deterred some folks who had radar units to slow down. The road has culvert types that have been covered and the water is retained on the residential side due to not draining. The Highway Department dug some ditches, but they are just holding water in a pool. He mentioned exposed black top on the other side of the road. He asked the Town to consider putting in for money to install speed humps and simultaneously look into uncovering the culvert pipes and make replacements. The same problems are on Peenpack, Neversink, Myers Grove and on Main Street in Sparrowbush. This is something that could benefit many areas. (Report is attached to official minutes.)

Supervisor Brabenec said he would notify the Chief of Police about the speeding problem over there as well as needing some added enforcement.

Mr. Fusco asked they put in the record that they wanted to look into handicap bathrooms in the Community Center so they have the full gist to look out for the proposal. Supervisor Brabenec asked to add possible renovation or replacement of the Senior Citizen Center in Building 2. A question was asked about recreation for the kids and Mr. Fusco responded that it would be eligible, but it would be based on a low to moderate impact.

Supervisor Brabenec asked the Board for any input for projects. In the past, they applied for the Skinners Lane Development to be repaved, the Painted Aprons Development, Deerpark Manor Development and Myers Grove as well. There are multiple applications and typically the developments have about a mile of road in them and \$125,000 comes pretty close to paving a mile of road. Old Cahoonzie Road is 3 or 4 miles long, so they were only able to do a portion of that road with that funding.

Councilman Hoovler asked Mr. Fusco if there was any mitigation in what was brought up previously by the gentleman in regards to Sleepy Hollow, particularly with the grade on the river side. Mr. Fusco stated he had already written three grants for Sleepy Hollow. New York State denied one, another to FEMA was denied and now that the CDBG program mentioned was available, he applied for \$300,000 and hoped the Board would go along with it for the drainage. He mentioned other programs as well.

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Motion to Close Public Hearing on 2013 Community Development Block Grant Application at 7:45 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to close the Public Hearing on 2013 Community Development Block Grant Application at 7:45 p.m.

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

MOTION CARRIED

Opening Board Comments

Councilman Spears had the opportunity to attend the Budget Finance School put on by New York State with Councilman Hoovler. They had five or six different topics, including the 2% tax cap, budgeting for your town, three and five year plans, and thought it was time well spent. They had very knowledgeable speakers and he thought it would help them. They have already been doing a lot of exactly what they said, but they still picked up a few good pointers. The state put on a very good class.

Councilman Trovei observed that with the new building in town, he hoped they would have other projects like it and that the town would continue to support these projects.

Councilman Hoovler also mentioned there was a lot of good stuff taught at the New York Finance School. He said they were already doing 99% of what they recommended. He reported the Town's Annual Financial Audit had been completed and was available for public inspection. The town has done remarkably well the last couple years. He stated that the Town of Deerpark was mentioned at the Finance School as a model of how to increase cash flow. If anyone wants to see the Audit, they should go to the Town Clerk's office.

Presentations/Communications

John Xanthis, Superintendent of the *Port Jervis School District* thanked the Board for time to make some brief comments highlighting their budget. He thought it was a good budget and that it would be voted on May 15th. The polls will be open from 6:00 a.m. to 9:00 p.m. in the Middle School, ASK/High School Gym and HBE. They were set up for the 2% tax cap and they have a five-year plan for their fund balance. They have loss in their school budget, but near the level of what other districts have. The levy this year would be about 1.5%. They plan to spend their fund balance over the next five years. He thanked the Town Board for their time. Lorelei Case then described how they began their budget season with a \$1.2 million dollar deficit. However, in March, the state granted them another \$565,000 of aid and in April they received seven retirements, which was extremely helpful to them. Their budget is intact, their programs are intact, they are losing three teaching positions by retirement, and class size still stays in the low 20's. They will lose an English High School teacher going into the next year. They did lose CSEA personnel. An Administrative position will not be filled. They are looking at a 2.4% increase with \$1 million of that being debt principal. (More details continued.) The School Board is adamant to negotiate contracts they can afford. In her seven years, this is the first time the utility budget has dropped—very impressive in a time when rates are going up for all their utilities. The new roofing, windows and boiler systems are paying off. Budget to budget, they are at 2.4% and levy to levy they are about 1.5%. The Board felt it was important they get the budget under 2% and they wanted to set it up because the cap is carried into the next three to five years. They are using the fund balance to keep the taxes low. She encouraged everyone to vote on the 15th and if anyone had questions or concerns, they should contact their office or website.

Councilman Trovei asked if there was any relief from the state yet and if they were backing off at all. Ms. Case said they were given one mandate that didn't help them much in Port Jervis, but they allowed them to not have a seat for every student on the bus, it can be based on ridership and they may save one or two bus runs. The problem is that kids would be on the bus for hours because the area is so big. That was the only relief they had seen. Mr. Xanthis said that Governor Cuomo announced a new commission last week, but there was no one from education on the commission. Special Ed costs had risen in the Port Jervis area by 600%, 700% or 800%.

Councilman Dean mentioned that the transportation move to privatization saved about \$1 million a year and asked if that was a close number. Ms. Case said that was true and they have also saved money with worker's comp. Councilman Dean replied that if they saved so much with privatization, why not also privatize the building maintenance and grounds keeping, and so on and so forth. When the fund balance is gone, there won't be anything to draw from. He thought now would be the time to look at how to decrease expenses. Ms. Case explained they had looked at this issue, as well as Food Service and it has to do with

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how well you monitor them. They have a liaison with the bus runs to keep that in check. The other areas are much harder to monitor. They will continue to look at those areas. More discussion continued.

Assessor's Office – Robert Wilcox reported that May 1st came around and the tentative assessment roll had been filed. After all the certioraris have been settled they increased the assessed value by approximately \$1.5 million town taxable about \$500,000 and with that being said, most of the certioraris are since settled. They have one signed order and everything else has been taken care of. Their level of assessment for this year is at 55% which is in line with residential assessment shield of 54.92%. Grievance Day is May 22 this year from 4:00 p.m. to 8:00 p.m. Anyone wanting to file a grievance has until that date. Regarding the data collectors updating the town, they are getting into section 47, so they are moving along, and then they will go back to commercial property by appointment so they don't inconvenience anyone.

Supervisor Brabenec stated that Mr. Wilcox had done a fantastic job so far and he had a lot to root through in that office and update. He thanked him.

John McCarey, Commissioner of Real Property expressed thanks to Rob and stated they were fortunate to have Rob and their staff in the office and all were doing a great job. The Assistant to the Assessor, Pam Platt was leaving and he thought she was a great asset to their office and she did a great job.

Historian – Norma Schadt reported on the Historian Office, Deerpark Museum and upcoming Brant's July 1779 Raid Bus Tour on Saturday, July 21, 2012. (Her report is attached to the official minutes). Part of her report included the town has 53 historical markers, 12 are missing. They are in the process of repairing them and marking them on a map and website and will work with Michael Murphy, Boy Scout, who is in the process of painting and mapping all the markers along Route 209 as part of the Eagle Scout project. She hopes to put this on the website as a pilot program for other Historic Regions. She was very pleased with this young man. Dan and Sheila Witt are working with Norma to paint the signs on Neversink Drive. They plan to have an open house at the Schoolhouse with demonstrations and local artists on September 30, and one on October 14 regarding the Basha Kill and the History of the Lenape Queen Basha. Councilman Dean thanked Ms. Schadt for being such a good steward over her budget. Supervisor Brabenec commented on Ms. Schadt probably being one of the best historians in New York State. They were fortunate to have her and thanked her for doing such a wonderful job for the town and the residents. Ms. Schadt said that before she retires, she would like to be a certified historian. That was her personal goal.

Supervisor Brabenec said they would take a five minute recess and reconvene at 8:22 p.m.

Supervisor Brabenec announced they were back from recess at 8:23 p.m.

Motion to Move Resolution 13 of 2012 up on the Agenda

Motion by Karl Brabenec, 2nd by Gary Spears to move Resolution 13 of 2012 from Board Business to after RMC Recognition under Presentations/Communications.

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

MOTION CARRIED

Presentations/Communications, continued

Supervisor Brabenec reported on the town being very fortunate to have very dedicated Firefighter/EMS volunteers providing services to the community and giving 100%. Many times they don't get the recognition they deserve. The Town Board wants to recognize those people for their actions. A couple individuals have done extraordinary things and the Town Board presented awards to the following people:

- 1) **Brad Dain** of Orange County Emergency Communications, who was honored for receiving the Lifesaving Award for 2011, and for going above and beyond the call of duty; and
- 2) **Scott Glynn** of Orange County Emergency Communications, for each year receiving a meritorious award in dispatching and going above and beyond the call of duty; and
- 3) **John Tunney** for all his hard work on the new radio tower, his persistence and commitment will help the fire service in years to come.

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The Supervisor mentioned other awards would be given out at another meeting since they could not make it to the meeting. If anyone knew of any volunteers in the town that deserve special recognition, they should notify the Supervisor's Office.

Supervisor Brabenec read the letter recognizing their Town Clerk, Florence T. Santini from the New York State Town Clerk's Association, Inc. dated April 23, 2012 stating she was awarded her Registered Municipal Clerk certification. The RMC shows she is dedicated to her profession as a municipal clerk and has met the high standards of the association. The Supervisor emphasized the value of this honor and stated not many town clerks in New York State receive this award. The board congratulated her.

Supervisor Brabenec announced Resolution 13 of 2012, which is renaming Deerpark Manor Park to Sheriff H. Frank Bigger Memorial Park. The entire Bigger family was present to accept the resolution. The Supervisor read the resolution.

Motion to Adopt Resolution 13 of 2012 – Renaming Deerpark Manor Park to Sheriff H. Frank Bigger Memorial Park
Motion by Karl Brabenec, 2nd by Gary Spears to adopt Resolution 13 of 2012 to Rename Deerpark Manor Park to Sheriff H. Frank Bigger Memorial Park.

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

MOTION CARRIED

Supervisor Brabenec thanked the whole family for coming to witness that, and said they would have an official ceremony in a couple months.

Motion to Purchase a Memorial Plaque for Sheriff H. Frank Bigger Memorial Park

Motion by David Hoovler, 2nd by David Dean for the town to purchase a memorial plaque for Sheriff H. Frank Bigger Memorial Park, to honor the renaming and to be presented at a date and time when the park is rededicated.

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

MOTION CARRIED

Motion to Accept April 2, 2012 and April 16, 2012 Board Minutes

Motion by Gary Spears, 2nd by David Hoovler to accept April 2, 2012 and April 16, 2012 Board Minutes as presented.

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

1 ABSTENTION: Arthur Trovei

MOTION CARRIED

Public Comment Period

Pam Platt – Assessor's Office read her letter of retirement as of May 10, 2012. (Letter is filed with the official minutes.)

Brad Dain – Greenwood Trailer Park, Sparrowbush - Stated he had lost his dog to a bear attack the week prior. He and his wife had their dog for 7 years and he meant a lot to them. He asked the board to contact the New York State DEC asking for an extension or extra bear permits issued to the hunters in the area. This is a problem for the residents in the area where they live and DEC won't do anything until someone gets hurt. He lost his dog and though the DEC doesn't consider him as human, they are holding up their end of the bargain and have placed a trap at his house. He would hate to see other residents suffer loss. Supervisor Brabenec has been in contact with DEC and will be in further contact with them in the next couple days. More discussion followed. Councilman Dean suggested urging neighbor to keep trash cans in sheds, don't feed animals and look at the bear as opportunists.

Board Business

Councilman Dean presented the resolution regarding their opposition to the NYS DEC Wetlands Proposal, which is an ongoing saga with the DEC as they were remapping the wetlands in Orange County and parts of Ulster and Sullivan County. There is an increase of 50% of mapped wetlands in Orange County, which amounts to between 16,000 and 18,000 acres. He stated this was land that people own and pay taxes on, but will not be able to use it. The wetlands have a 100 foot buffer that will not allow for building on, but owners might be able to put a shed or above ground pool on that buffer. Many municipalities in Orange County have condemned the move. He asked to re-do the resolution they did last year.

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Motion to Adopt Resolution 12 of 2012 – Memorialization of the Opposition to the New York State DEC Wetlands Expansion Proposal

Motion by David Dean, 2nd by Gary Spears to adopt Resolution 12 of 2012 – Memorialization of the Opposition to the New York State DEC Wetlands Expansion Proposal as presented.

Discussion: Councilman Trovei thought this resolution was a great job and found this to disgust him with the taking of private property by this government without giving them something back. He said the buffer zone will affect everybody and even though you don't have water on your land, if your neighbor has water on his land it could affect you because you could lose some of your property too. He suggested that everyone with wetlands should call their congressmen because they were taking too much of people's property and turning it into useless property. Councilman Spears thanked Councilman Dean and Supervisor Brabenec for their resolution. Councilman Hoovler thanked Councilman Dean for all his hours and told the public how he is the biggest advocate for the tax payers.

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

MOTION CARRIED

Supervisor Brabenec introduced the proposed resolution for the Adoption of the Cafeteria Plan, which is an annual flexible spending account needing the Supervisor's signature. It is used to pay deductibles for the MVP Health Care Plan for the Highway Unit, the full time Town Hall employees and the Police Department employees. This is renewing the plan with no changes. This is a formal record of action necessary to be executed.

Motion to Adopt Resolution 14 of 2012 – Adoption of the Cafeteria Plan

Motion by Karl Brabenec, 2nd by Gary Spears to adopt Resolution 14 of 2012 – Adoption of the Cafeteria Plan.

Discussion: Councilman Spears inquired about the negotiations with the PBA to switch over to that plan and the Supervisor agreed that was the case.

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

MOTION CARRIED

FEMA Disaster Aid Update – Alfred Fusco, Town Engineer reported they were moving forward with meetings the past two weeks and probably have another two or three weeks writing them. They submitted 33 projects, of which at this point seven of them have been finalized and those seven represent some \$284,000 coming back to the town. In addition to that, the town has spent over \$200,000 in materials and besides the labor and equipment rental, about \$400,000 will be reimbursed back to the town. That does include some of the \$284,000 he mentioned. The accountant was very pleased and it helped him balance the year-end books and allows for a better borrowing rating for the future. Mr. Fusco said he created a job worksheet and the FEMA representative will review and then the Highway Superintendent will sign off on those. The grants they have requested exceed \$14 million dollars. One is \$11 million by itself—that's the Neversink River to help Myer's Grove and Edgewater people. That would be under a 406 program that the town was approved to apply for just recently. That leaves some \$3 million plus and they hope to get the money they need for repairs and hopefully some for the mitigation. They have applied for funds for other neighborhoods, Pinekill, the Neversink River and also Misty Meadows. There is a possibility they will get funding for that program. They also applied for Sleepy Hollow and Peenpack. Sleepy Hollow has been denied and now they have given it to FEMA, but he would like to apply for a new program for that. He spoke of a program that is open to others with elevation issues and flooding that could be accessed through the Building Department. More details were shared. He asked for approval for the Supervisor to submit the applications on the town's behalf.

Motion to Authorize the Supervisor to Sign the FEMA Application Projects

Motion by Gary Spears, 2nd by Arthur Trovei to authorize the Supervisor to sign the FEMA Application Projects.

Discussion: Councilman Dean asked Mr. Fusco if he had an estimate financially for these applications. Mr. Fusco said the Sleepy Hollow drainage project was about \$300,000. All of the private ones he mentioned ranged from \$60,000 to \$80,000. Code Enforcement would be about \$100,000. Councilman Dean asked about Mr. Fusco's charge for the paper work and he reported probably a total of \$1,500.00 for all of them.

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

MOTION CARRIED

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Supervisor Brabenec thanked Al Fusco for his hard work on the town's behalf to secure this money, which is very difficult to get from the government, even though it is promised.

Supervisor Brabenec said that two positions were created in 2011 for Planning Board and Zoning Board for Vice Chairman, so in the case the chairman was not there, there would be a line of succession. Gerald Cedrone has been the Vice Chairman of the Zoning Board of Appeals. He has done a spectacular job so far as a Vice Chairman and as a member of the Zoning Board.

Motion to Appoint Gerald Cedrone as Zoning Board of Appeals Chairman

Motion by David Dean, 2nd by Gary Spears to appoint Gerald Cedrone as Zoning Board of Appeals Chairman to December 31, 2012.

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

MOTION CARRIED

Motion to Advertise for Zoning Board of Appeals Member

Motion by Karl Brabenec, 2nd by David Dean to advertise for Zoning Board of Appeals Member with applications submitted to the Town Clerk by Friday, June 1, 2012 at 4:00 p.m.

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

MOTION CARRIED

Supervisor Brabenec mentioned there is a Chevy Blazer originally used by the Police Department, then went out of commission and was moved to the Highway Department who used it. There were problems with the Blazer and the cost to fix it is too much and now the Highway Department is using a different car no longer being used by the Police Department. They are requesting to take the insurance and plates off the blazer and surplus it.

Motion to Declare Surplus Equipment – 2003 Chevrolet Blazer

Motion by Karl Brabenec, 2nd by Gary Spears to declare as surplus equipment the 2003 Chevrolet Blazer, VIN#1GNDDT13XO3K173539, no longer useable for town activities.

Discussion: Councilman Spears asked where this would be advertised and the Supervisor answered they would upload pictures to Auction International and it is a national network they would accept the highest bid from around the country at a future board meeting.

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

MOTION CARRIED

Supervisor Brabenec announced the next Town Board Workshop meeting on Monday, May 14, 2012 at 7:30 p.m. to discuss proposed zoning changes that Mr. Fusco and the Town Board members have worked on. They discussed it last month and asked if the board had anything else to add before that meeting. Councilman Spears thought they needed another meeting before they can finalize anything they need to put out for Public Hearing. Anyone interested in attending the workshop is welcome.

Supervisor Brabenec announced a County sponsored Rabies Clinic, organized by Tom Yonskie, Dog Control Officer on Saturday, June 2, 2012 from 2:00 p.m. to 4:00 p.m. at the Huguenot Fire House and it will be advertised on the town website.

Florence Santini, Town Clerk announced a Dog Enumeration to coincide with the Rabies Clinic. She explained that the Town Law states that the town has to do a dog enumeration and since she has been in office they have never done one. The Dog Control Officer needs to visit each household in the town to ask how many dogs people have. This is a census for dogs. She said she had the census in her budget and it pays for itself. The dog enumeration needs a public notice in the paper, then those coming in to register their dog, which have not previously been licensed, would be fined. The Assessor's Office produced labels with names and addresses of the town's residents. Supervisor Brabenec asked the town attorney if this census was town code or NYS town law. Ms. Santini said it was NYS Agricultural and Markets law. Supervisor Brabenec asked if this was another unfunded mandate by the state and Ms. Santini agreed it was. Glen Plotsky, Town Attorney offered to look up the law to verify the need for this. Councilman Spears asked if they could table this.

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Motion to Table Dog Enumeration Discussion Until Town Attorney Verifies Requirement

Motion by David Dean, 2nd by Gary Spears to table the Dog Enumeration discussion until the Town Attorney verifies the law's requirement.

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

MOTION CARRIED

Supervisor Brabenec read the bids received regarding the request for 2012 Fuel Bids from County Petroleum Products and Bottini Fuel for #87 Octane Gasoline and Clear Diesel, Ultra Low Sulfur. Councilman Spears inquired about the Journal of Commerce Posted Price plus 24 cents compared to 15 over Bottini Wholesale. He asked if Bottini used the rate and the Highway Superintendent was not there to ask. He asked if they could table this discussion for a week and find out about the rate so he can research it.

Motion to Table 2012 Fuel Bids Decision

Motion by Gary Spears, 2nd by Arthur Trovei to table the 2012 fuel bids decision until Monday, May 14, 2012 Town Board Workshop Meeting.

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

MOTION CARRIED

Supervisor Brabenec gave an update on the 2012 Bulk Clean up month saying the hours at the Port Jervis Transfer Station were Monday through Friday, 8:00 a.m. – 3:00 p.m. and Saturday, 8:00 a.m. – 12:00 p.m. located at 86 Town Path Road, Port Jervis. The requirements are to be a Town of Deerpark resident and to have a permit from the Town Clerk's office. Everyone is allowed one truck load that equals 4 cubic yards of household (bulk) trash, keeping metal separate and they may bring up to 4 tires. Only one truck load per household or business is allowed. They do not allow leaves, brush, paint cans, TV's or monitors. Any questions can be fielded at the Town Clerk's office. Port Jervis does not accept leaves and brush—they are only accepted at the New Hampton Transfer Station. Paint cans are collected during the Hazardous Materials day. One TV or monitor can be taken a day, but not during the Bulk Clean Up. Councilman Spears said their compacter is broken down for the week, but if you have a large load you may want to wait a week.

Supervisor Brabenec asked the Town Clerk for a report on the Oakland Valley Racetrack Application. Ms. Santini said she copied the application for the Building Inspector and scanned it to the Board. Councilman Spears asked if they submitted their hours of operation. Ms. Santini said she believed it was included. Councilman Dean mentioned their website said that racing ended when they were tired. Councilman Spears wanted to look into times of operation and quiet times. He thought they should table it. Councilman Dean thought the permit should be more specific about their hours of operation.

Motion to Table Oakland Valley Racetrack Application

Motion by David Dean, 2nd by David Hoovler to table Oakland Valley Racetrack Application until they have more information.

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

MOTION CARRIED

Appropriations, Budget and Payment of Bills

Motion to Pay Bills for May 7, 2012:

Motion by Karl Brabenec, 2nd by Gary Spears to pay bills for May 7, 2012 that have been signed by three council members, and may be viewed in the Town Clerks Office.

General Fund Abstract #8 of 2012 for a total of \$75,035.17

Highway Fund Abstract #8 of 2012 for a total of \$41,086.42

Deerpark Lighting Abstract #4 of 2012 for a total of \$286.30

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

MOTION CARRIED

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Motion to Accept Budget Officer's April 2012 Report

Motion made by David Hoover, 2nd by Gary Spears to Accept the Budget Officer's April 2012 Report.

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

MOTION CARRIED

Closing Board Comments

Supervisor Brabenec mentioned they had looked for electric and gas rates since the last meeting, and Councilman Dean told them about Direct Energy who offered them 1 cent lower (\$0.556) per kilowatt. Also with their gas rates, they offered to lower that from \$0.67 per ccw to \$0.62 per ccw.

Councilman Spears apologized to Flo Santini about the Oakland Valley Application, saying she did send it to him March 5th. He will print it and come prepared to the next meeting. He thanked Frank and the Bigger family and extended family for all they have done for the community and said he applauds the renaming of the playground.

Councilman Trovei echoed those comments for the Bigger family.

Councilman Dean reminded everyone how important it was to vote on the school budget. He thought the School Board and Administration have come to the realization that we're in dire straits and they have worked very hard trying to keep the increase at a manageable level. However, whether you're for or against, you should get out and vote. These voting booths are at the schools, not the fire houses. He also thanked Al Fusco and felt he has probably driven FEMA crazy. He has worked hard on the FEMA requests and they appreciate his hard work. He thanked Norma Schadt for her incredible work on the Museum and appreciates her being a fiscal conservative. He thanked Mr. Spears and Mr. Hoover for attending finance school. He appreciated they took the time to go there as that will pay off in the future. He expressed to Alice Bigger how much he appreciated Frank and for all he did for everyone in the county and it was an honor to name the park for her husband. He urged people to keep their garbage cans in their garages. He thanked everyone for coming out.

Councilman Hoover also expressed to Alice Bigger how sorry he was and said Frank was a good guy and did a lot for many people and that he promoted a lot of good things. He promoted a lot of safety things for police officers. The naming of the park is fitting for him. He added, "don't feed the bears."

Florence Santini reported on the YMCA Summer Camp sign-up as going well. They still have some openings and there weren't as many signing up as last year, but they had a good turnout.

Motion to Enter Executive Session at 9:32 p.m. for the Purpose of Discussion of Potential Litigation re: John and Maureen Decker Suit

Motion by Karl Brabenec, 2nd by Gary Spears to enter Executive Session at 9:32 p.m. for the purpose of discussion of potential litigation regarding the John and Maureen Decker suit and to invite Town Attorney, Glen Plotsky with them.

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

MOTION CARRIED

Motion to Re-enter Regular Session at 10:02 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to re-enter regular session at 10:02 p.m.

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

MOTION CARRIED

Motion to Adjourn at 10:03 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to adjourn the meeting at 10:03 p.m.

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

MOTION CARRIED

Respectfully submitted,

Florence T. Santini
Town Clerk