

**TOWN OF DEERPARK  
TOWN BOARD MEETING  
MONDAY, MAY 14, 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:** David Bavoso

**Engineer:** Alfred Fusco

**Invocation:** Arthur Trovei

**Call to order** at 7:46 p.m.

**Pledge of Allegiance:** David Hoovler

**Additions or Changes to Agenda**

Supervisor Brabenec asked to add to the agenda the New York State DOT Meeting and approval of bills.

**Motion to Add to the Agenda: New York State DOT Meeting and Approval of Bills**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to add to the agenda the New York State DOT Meeting and Approval of Bills.

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

**MOTION CARRIED**

Public Comment Period (3 Minutes per person/Agenda items only)

Burt Thelander – had some zoning change questions. He asked for a reason why the zoning law couldn't be posted to the website. Supervisor Brabenec explained that the document he was referring to was not distributed yet because it was a work in draft form. The Workshop meeting was to discuss changes and when they present the official proposal, that's when there would be a Public Hearing. Mr. Thelander asked if it would be released before the Public Hearing. The Supervisor assured him it would. Mr. Thelander was concerned about the Junkyard section 5.15 saying it was too generic. He asked the Board to consider setting up criteria guidelines as it was too vague. He also questioned 13.F.3 on page 90—he thought they were too generic. He then questioned who the design officer for the Town of Deerpark was and the Supervisor answered they did not have one, and that would be a new position.

Warren Cuddeback – commented on allowing the Junkyard to expand with no stipulation, referring to page 91 and asked if he was correct in assuming that. Al Fusco, Town Engineer responded by stating this was an existing licensed permit. He said Junkyards can only be in certain zones. Mr. Cuddeback was concerned it could be permitted in residential zones. Mr. Fusco said that if there is a licensed junkyard now in whatever zone, there is a permit. Regarding the expansion for special use permit, the zoning doesn't change for them. If the property ceases to be a junkyard for a year or more, then that use is no longer grandfathered and they would have to go to the Zoning Board to get the wording removed. More discussion followed.

Councilman Dean explained that the document he is referring to is not the final product and that is why there isn't one out there.

Supervisor Brabenec assured Mr. Cuddeback they would welcome public comment when they have published this proposal.

Councilman Hoovler added that when they have a final draft for the public, it would have been through the editing process and passed by the Attorney, etc. He said they would have plenty of time to speak to this document and then they will finalize it after the public has input.

Supervisor Brabenec commented on the process and that the Public Hearing is an option, but that may not necessarily happen and they can go 60 days without passing it.

Board Business

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TOWN BOARD MEETING  
MONDAY, MAY 14, 2012**

Supervisor Brabenec read the proposed resolution regarding the National Emergency Grant for Disaster Impacted Areas.

**Motion to Adopt Resolution 14 of 2012 – Authorizing the Supervisor to Execute Contract with the National Emergency Grant for Disaster Impacted Areas**

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei to approve Resolution 14 of 2012 authorizing the Supervisor to execute the contract with the National Emergency Grant for Disaster Impacted Areas.

Discussion: Supervisor Brabenec explained this was about an Orange County Employment Training Administration needing certain documents in order to initiate. The County contract would be processed for our municipality. This would be about \$10,000 to be awarded to us to temporarily employ individuals to clean up storm related events from last year. This was requested by the Highway Superintendent Ed Hughson.

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

**MOTION CARRIED**

Supervisor Brabenec read the proposed resolution regarding the 2013 Community Development Block Grant Application (CDBG) for \$375,000 for three years for rehabilitation/replacement of the Deerpark Senior Citizens Center; #2 application \$125,000 to be used for paving and improvements for Sleepy Hollow Road; and #3 application for the following neighborhoods: Deerpark Manor, Oak Ridge Park, Myers Grove, Painted Aprons Development, and Skinners Lane Development.

**Motion to Adopt Resolution 15 of 2012 – CDBG Grant Application for 2013**

Motion by David Hoovler, 2<sup>nd</sup> by Gary Spears to adopt Resolution 15 of 2013 authorizing the Supervisor and Town Engineer to apply for the CDBG Grant Application for 2013 as presented.

Discussion: Councilman Spears clarified that they would first apply for the \$375,000 and Supervisor Brabenec agreed they would apply for that first and if approved, they would be out of the picture for three years. However, if they get \$250,000 they are out for two years, and if they get \$125,000 they could still apply next year. Typically the awards are less than \$125,000. Councilman Trovei asked if they can choose the areas and the supervisor said they choose the sites on the application and on the site visits that are conducted by the pre-qualifying grant committee that has a ranking system, the committee votes on approving it and it goes to the County Executive and depending on whether he approves it, it is determined.

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

**MOTION CARRIED**

Supervisor Brabenec read the proposed resolution regarding authorization for Fusco Engineering to perform a FEMA-mandated hydraulic analysis of Big Pond Road in support and coordination with FEMA Reimbursement applications.

**Motion to Adopt Resolution 16 of 2012 – Authorization for Hydraulic Analysis on Big Pond Road**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Dean authorizing Fusco Engineering for Hydraulic Analysis on Big Pond Road in support and coordination with FEMA Reimbursement Applications.

Discussion: Councilman Dean asked the Town Engineer to explain the analysis regarding the funding. Mr. Fusco said it was mandated if they wanted to pilot a Project Worksheet on Big Pond, which they absolutely need to do. The hydraulic analysis determines dredging area. They would do stream cross sections to determine how much the culvert can handle. They will probably submit for \$300,000 to \$500,000. He and the Highway Superintendent are looking at a concrete structure that is precast.

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

**MOTION CARRIED**

Supervisor Brabenec introduced the Oakland Valley Racetrack Application that had been tabled at the past meeting. One of the questions, was about the hours of operation. There is a Local Law limiting the hours of operation to 10:00 to 11:00 o'clock at night, as well as Sunday begins after 12:00 noon. There was concern about wording on their website about closing when they were tired. Tim Hannen, owner of the racetrack spoke to these concerns and explained they always close before 7:00 p.m. except for Saturday night and they usually close by 10:00 p.m. Burt Thelander inquired as to the decibels of noise decibels

**TOWN OF DEERPARK  
TOWN BOARD MEETING  
MONDAY, MAY 14, 2012**

and Mr. Hannen answered those questions and knew they were not beyond the limit. Councilman Trovei encouraged Mr. Hannen by repeating good comments heard by people who have been there and spoke of good family times. Supervisor Brabenec read the local law information on the noise ordinance. Councilman Hoovler inquired as to the dust mitigation and was satisfied with Mr. Hannen's response in complying with the water based solution to keep the dust down.

**Motion to Approve the Oakland Valley Racetrack Application**

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei to approve the Oakland Valley Racetrack Application.

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

**MOTION CARRIED**

Supervisor Brabenec said that the Fuel Bids had been tabled at the last meeting due to questions of the pricing and the Highway Superintendent recommended they not go with the two bids, rather they would save money by going through the state bidding process.

**Motion to Deny Fuel Bids and Approve Going with the State Bids**

Motion by Gary Spears, 2<sup>nd</sup> by David Hoovler to deny both fuel bids and approve going with the state bids.

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

**MOTION CARRIED**

Supervisor Brabenec said they had a request from the New York State Department of Transportation to use the Town Hall for a place to hold a public meeting about the Bridge work over the Neversink on Route 209 near the HBE Elementary School. They are requesting Tuesday, Wednesday or Thursday evening at 7:30 p.m. the first week of June.

**Motion to Permit the NYS Department of Transportation to Use Town Hall Building**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to permit the NYS Department of Transportation to hold an informational meeting in the Town Hall on Thursday, June 7 (first choice), or Tuesday, June 5 (second choice), or Wednesday, June 6 at 7:30 p.m. and invite the public to attend.

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

**MOTION CARRIED**

**Motion to Pay Bills for May 14, 2012:**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to pay bills for May 14, 2012 that have been signed by three council members, and may be viewed in the Town Clerks Office.

General Fund Abstract #9 of 2012 for a total of \$85,688.49

Highway Fund Abstract #9 of 2012 for a total of \$32,900.16

Deerpark Lighting Abstract #5 of 2012 for a total of \$285.63

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

**MOTION CARRIED**

**Proposed Zoning Changes** discussion followed. Tape is on file for 6 months.

**Motion to Adjourn at 9:18 p.m.**

Motion by Gary, 2<sup>nd</sup> by David Hoovler to adjourn at 9:18 p.m.

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

**MOTION CARRIED**

Respectfully submitted,

Florence T. Santini  
Town Clerk