

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, JUNE 7, 2010**
Meeting was held at Town Hall, 420 Route 209, Huguenot, New York 12746

Attendance

Supervisor: Karl Brabenec

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

Attorney: Glen Plotsky

Invocation by Arthur Trovei

Call to Order at 7:34 p.m.

Pledge of Allegiance by David Dean

Motion to Remove & Add Items From Agenda

Motion by Karl Brabenec, 2nd by David Hoovler to remove Deerest Deerpark Presentation and Letters from the Agenda and add Dragon Springs and Liberty Mutual to the Agenda.

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

MOTION CARRIED

Motion to Change Local Law Under New Business

Motion by Karl Brabenec, 2nd by Gary Spears to change Introduction of Local Law under New Business, to Discussion of Proposed Local Law No. 4 of 2010.

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

MOTION CARRIED

Opening Board Comments

Supervisor Brabenec announced the summer open house constituent day with Legislators Bonacic and Simmons on Saturday, June 12th from 10:00 a.m. to 12:00 p.m. and wanted to invite everyone to come by. It will provide an open forum for anyone with questions or concerns. Permission to use the Town Hall is on the Agenda for later in the meeting.

Presentations/Communications

Ms. Risa L. Himaras, Sales Representative from Liberty Mutual Group was introduced for a presentation on insurance. Ms. Himaras explained the insurance provided by their company that provides insurance benefits to participants at no cost to Government entities. The program is vast and there is no obligation for employees to participate, but it is offered as a discounted option. They participate with credit unions around the county and offer a defensive drive safety course. They would make themselves available for employees during their lunch breaks, or around their work schedule. The County of Orange supports their program, along with other nearby towns. Councilman Dean asked if the Defensive Driving Class is open to the public and Ms. Himaras answered that it would first be offered to employee family and friends, then it would be offered to a broader audience.

Supervisor Brabenec added that they would look at policies for ways to lower the rates. Consideration of Liberty Mutual Employer Group Agreement is on the agenda under New Business and this would involve the Town of Deer Park as an employer group with Liberty Mutual. The attorneys have looked over the contract and see no problems with it. He would like to have a motion approving him to sign the contract for Liberty Mutual to become an employer group if no one had any objections. Councilman Trovei asked that these meetings with town employees be held around the work schedule so as not to cost the town money. Councilman Dean recommended they begin with the Highway staff since their day ends earlier, then come over to the town building. Ms. Himaras assured the Board she would not interfere with their workday schedule.

Motion to Approve the Supervisor Signing Contract with Liberty Mutual as Employer Group Agreement

Motion by Gary Spears, 2nd by Arthur Trovei to approve the Supervisor signing contract with Liberty Mutual as Employer Group Agreement.

Discussion: Glen Plotsky asked if the Board received the communication from Bill Bavoso in regards to detailing the obligations of the Town if they go forward with this agreement. He listed the posting and dissemination of the

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information, and that they would provide access on the property to provide insurance counseling to employees and required the town automatically deduct premium payments each month from employee's paychecks. Ms. Himaras clarified that there would be no obligation and would not deduct anything from the payroll. Councilman Spears recommended they table this discussion until it is looked into and the information is verified.

MOTION TABLED

Presentation of Dragon Springs Gift of \$10,000

Sam Han, a Dragon Springs Buddhist, Inc. representative, extended thanks to the people of the Town of Deer Park for their support of their temple project over the years and presented \$10,000, which he explained was a good will contribution to the community. Councilman Hoovler asked if this was an unconditional gift and if it was true Dragon Springs expected nothing in return. Mr. Han reiterated this gift was for gratitude to the town.

Motion to Approve May 17, 2010 Minutes

Motion by Karl Brabenec, 2nd by Arthur Trovei to approve the May 17, 2010 Minutes as presented.

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

ABSTENTION: Gary Spears

MOTION CARRIED

Motion to Approve May 24, 2010 Minutes

Motion by Karl Brabenec, 2nd by Gary Spears to approve the May 24, 2010 Minutes as presented.

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

MOTION CARRIED

Reports of Officers, Committees and Department Heads

Daniel Morse, Recreation Committee Chairman, reported canceling concerts in the park due to not having any bands willing to play without pay, and they did not have the manpower to handle the events. He reported beginning the interviewing process for the summer program workers. Once they get the NYMIR report, they will begin looking into bringing the park up to their standards. The summer program begins July 6th. Supervisor Brabenec asked if he could bring a recommendation to the Board for the program counselors at the next meeting. Councilman Spears asked if Mr. Morse could get some costs for playground equipment for Building No. 2. He also offered to ask Mr. Hughson about the cost to blacktop the basketball court there as well. Councilman Dean thought the priority should be addressing the NYMIR issues first.

Councilman Hoovler announced the Soap Box Derby in Port Jervis Sunday, June 13, 2010.

Motion to Add Acceptance of \$10,000 Donation to the Agenda

Motion by Karl Brabenec, 2nd by Gary Spears to add the acceptance of \$10,000 donation to the Agenda.

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

MOTION CARRIED

Norma Schadt, Historian, distributed her report (which is attached to the official minutes). *Historic markers* are a concern, since two were completely gone, and one is salvageable and another may not be salvaged. She inquired about compensation for replacing them in the amount of \$1,000. All historic markers in New York State are accounted for and she needs to report those that are missing. She asked about insurance on these. Councilman Spears asked if there were police reports filed and she didn't know. Ms. Schadt reported that the new *Deerpark Diary* is out and due to a conference she attended, she was able to finish her story. The *Deerpark Heritage Day* on September 18th is being planned. In May, the taxidermy presentation was so successful people stayed for almost three hours. The *Town of Deer Park books* are available (soft cover - \$19.95 and hard cover - \$39.95) and all the proceeds go to support the Town of Deer Park. The *Public Historian Bill* was passed unanimously in the New York State Senate and advances to the Governor for signature. They are hoping to bridge the many differences in the state to make the history more cohesive through the local historic government historians.

George Keller, Cable Commission Chairman reported their next meeting would be June 16th at 7:30 p.m. at the Town Hall.

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David Dean, Community Development Chairman reported on the 2nd Annual Community Development Luncheon with about 90 people in attendance. They had good presenters, food, and discussion on how to bring business to the Town of Deer Park. He expressed appreciation to the donors, and those who attended and asked the Supervisor to send letters of gratitude to the speakers (Maureen Hallahan of the Orange County Partnership and Tom Lane of Orange County Community Development) thanking them for speaking, as well as a letter to the donors thanking them for their support. The Community Development will begin with their regular meetings again the fourth Tuesdays of the month at 7:30 p.m. at the Town Hall.

Gary Spears, Highway Department – reported for Ed Hughson, Superintendent. (The report is attached to the official minutes.) Building Department – reported for Robert Emerson and his financial report was as follows: accessories were in \$449; additions were \$4,215; alterations were \$118; certificate of occupancies was \$1,115; demolition permits \$50; extension fees \$90; new home \$1,191; well-septic electric and miscellaneous permits \$481.00; permit for commercial building \$2,240; title searches of \$375 that made a total of \$10,324 for the month; YTD income is \$23,960.

Public Comment Period (3 Minutes per person/Agenda Items Only) – There were none.

Old Business

Supervisor Brabenec requested approval to sign the electrical contract with Witkowski Electric for the Schoolhouse Museum. The grant was given to the town to fix the steps and install extra security lighting for the flagpole at the Schoolhouse Museum and they had two proposals and the attorneys prepared a contract for the lowest bid.

Motion to Approve the Supervisor to Sign the Witkowski Electric Contract

Motion by Gary Spears, 2nd by David Dean to approve the Supervisor to sign the Witkowski Electric Contract for the Schoolhouse Museum.

Discussion: Councilman Hoovler mentioned reviewing both bids and Witkowski Electric was the lowest responsive bidder for this project.

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

MOTION CARRIED

Supervisor Brabenec mentioned the next request is regarding grants for the Schoolhouse stone steps reconstruction. Mr. Flieger mentioned that two laborers will be hired for the labor and the helper will be paid from the labor charge and the remainder of the amount will be paid to Gary Flieger, who will donate the sum to the Town of Deer Park Museum. (He cannot estimate the cost due to not knowing the amount of time it may take.) Any profit received from this work will be donated back to the museum. The town attorneys are providing a contract. An insurance certificate was received .

Motion to Approve the Supervisor to Sign the Flieger Construction Contract

Motion by David Hoovler, 2nd by David Dean to approve the Supervisor to sign the Flieger Construction Contract for the Schoolhouse Museum stone work based on the condition both liability and workmen's compensation be provided.

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

MOTION CARRIED

Councilman Dean explained the proposal of JNS Cell Tower and summarized the past presentation. They have verified some information and have a contract. He stated they are at a point of finalizing the proposal. There is a tentative agreement with Verizon and AT&T would be a second carrier, JNS would receive half the rent from the carriers, which typically is \$2,000 a month per carrier. The tower would belong to the Town of Deer Park. There would be space for the Fire Company, Police Department and expenses would involve about \$1,200 in insurance costs annually. Over 30 years with two carriers, the town would receive just shy of \$900,000 and as much as \$1.3 million for three carriers. He suggested this income would benefit residents with better cell phone reception and it could stabilize the tax base.

Motion to Approve the JNS Cell Phone Tower Contract

Motion by David Dean, 2nd by Gary Spears to approve the JNS Cell Phone Tower Contract.

Discussion: Councilman Hoovler asked if this was also to approve the Supervisor signing the JNS contract and it was agreed it was.

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

MOTION CARRIED

Councilman Dean added that they would need to also do a SEQRA and a short form EAF and declare the town as lead agency.

Motion to Declare the Town of Deerpark as Lead Agency in Regards the JNS Cell Tower

Motion by David Hoovler, 2nd by Gary Spears to declare the Town of Deerpark as lead agency in regards to the JNS Cell Tower.

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

MOTION CARRIED

Supervisor Brabene reported that they had received approval from the Orange County Civil Service Department to create the Deputy Town Clerk II Position so that both these positions could be part time.

Motion to Permanently Appoint Kathleen Basile as Part-Time Deputy Town Clerk 1

Motion by Karl Brabene, 2nd by Gary Spears to permanently appoint Kathleen Basile as Part Time Deputy Town Clerk I at a rate of \$12.50 an hour.

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

MOTION CARRIED

Councilman Hoovler presented four reserve account resolutions recommended by the Town Accountant. He had already presented the need of creating two reserve funds as a method of tax stabilization and avoiding tax spikes, allowing the town to put aside money for projects. In regards to Resolution 26 – Capital Reserve Fund to finance a type fund for highway equipment that is essentially putting aside money for the purchase of highway equipment incrementally. Resolution 27 – Capital Reserve Fund to finance capital improvements primarily for construction of town buildings. Resolution 28 regards removal of snow and ice and road repair and Resolution 29 regards employee benefits and accrued liability reserve fund. Essentially, all these funds would be funded from budgetary appropriations from the town. Money needs to be put aside in these funds so a budget line could be created. Spending this money would be subject to a referendum, which means that the public could get required signatures to force it to a mandatory event.

Motion to Approve Resolution 26 of 2010 – Capital Reserve Fund to Finance a Type Fund for Highway Equipment

Motion by David Hoovler, 2nd by Gary Spears to approve Resolution 26 establishing Capital Reserve Fund to Finance a Type Fund for Highway Equipment as presented:

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the “Highway Equipment Reserve Fund” (hereinafter “Reserve Fund”). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of a type of highway equipment. The type of highway equipment to be financed from the Reserve Fund is the acquisition of general highway equipment.

The chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. Deer Park Town Board may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Deer Park. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law, including a permissive referendum if required by subdivision 4 of Section 6-c of the General Municipal Law.

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Additionally, any moneys in the Reserve Fund will consist of town highway moneys, would also be subject to the consent of the town superintendent of highways and the approval of the county superintendent of highways.

THEREFORE, now be it resolved the Deerpark Town Board now creates a type Highway Equipment Reserve Fund.

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

MOTION CARRIED

Motion to Approve Resolution 27 of 2010 – Capital Reserve Fund to Finance a Type Fund for Capital Improvements to Town Buildings

Motion by David Hoovler, 2nd by Arthur Trovei to approve Resolution 27 establishing Capital Reserve Fund to Finance a Type Fund for Capital Improvements to Town Buildings as presented:

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the “Building Reserve Fund” (hereinafter “Reserve Fund”). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of a type of capital improvement. The type of capital improvement to be financed from the Reserve Fund is the construction of town buildings.

The chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Deerpark Town Board may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Deerpark. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law, including a permissive referendum if required by subdivision 4 of Section 6-c

THEREFORE, now be it resolved the Deerpark Town Board now creates a Type Capital Reserve Fund for Capital Improvements to Town Buildings.

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

MOTION CARRIED

Motion to Approve Resolution 28 of 2010 – Reserve Fund for Snow and Ice Removal and Road Repair Reserve

Motion by David Hoovler, 2nd by David Dean to approve Resolution 28 establishing Reserve Fund for Snow and Ice Removal and Road Repair Reserve as presented:

RESOLVED, that pursuant to Section 6-f of the General Municipal Law, there is hereby established a Snow and Ice Removal and Road Repair Reserve Fund (hereinafter “Reserve Fund”). The purpose of this Reserve Fund is to pay for the cost of removal of snow and ice from public thoroughfares and public places of a municipal corporation, and the cost of repairing and maintaining roadways to the extent that such damage was caused by the removal of snow and ice, provided that such snow and ice removal or repairs and maintenance are of a type not likely to recur annually or at shorter intervals.

A referendum is not required to establish this reserve. However, except with respect to emergencies as indicated below, a resolution appropriating moneys from this reserve fund is subject to a public hearing after prior public notice has been published. At least five days must elapse between the publication of the notice and the date specified for the hearing.

In an emergency, moneys in this reserve may be expended without a public hearing, by resolution approved by at least a two-thirds vote of the governing board. At least one-half of the moneys expended must be repaid in the next fiscal year and the balance repaid by the end of the fiscal year after that.

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Budgetary appropriation, revenues that are not required by law to be paid into any other fund or account.

Discussion: Councilman Trovei asked if the repayment of that comes out of the General Fund the following year and it was confirmed that half of that amount would be reimbursed.

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

MOTION CARRIED

Motion to Approve Resolution 29 of 2010 – Employee Benefit Accrued Liability Reserve Fund

Motion by David Hoovler, 2nd by Arthur Trovei to establish Employee Benefit Accrued Liability Reserve Fund as presented:

RESOLVED, that pursuant to Section 6-p of the General Municipal Law, there is hereby established an Employee Benefit Accrued Liability Reserve Fund (hereinafter “Reserve Fund”). The purpose of this Reserve Fund is to pay for any accrued “employee benefit” due an employee on termination of the employee’s service. Employee benefits is defined for this purpose means, the authorized cash payment of the monetary value of an accumulated but unused and unpaid sick leave, personal leave, holiday leave, vacation leave, time allowance is granted in lieu of overtime compensation and any other forms of payment accrued or unliquidated time earned by the municipal employee and payable to the municipal employees upon termination of service by retirement or otherwise, under General Municipal Law Section 6-p, subdivision 1b.

Expenditures may be made from the employee benefit accrued liability reserve fund for the payment of all or part of the cost, including interest of:

- a) The cash payment of the monetary value of accumulated or accrued and unused sick leave, holiday leave, vacation leave, time allowance granted in lieu of overtime and other forms of payment for accrued leave, time and benefits due the municipal employee upon termination of municipal employment and separation from service, as required by ordinance, local law, collective bargaining agreement or Section 6 of the Civil Service Law. That covers every employee that works in this town.
- b) The reasonable costs of the administration of the reserve fund.
- c) Expert or professional services rendered in connection with the investment, adjustment or settlement of claims, actions or judgments relating to claims for accrued employee benefits.

Budgetary appropriations, amounts from other reserve funds subject to permissive referendum, other funds that may be legally appropriated.

Discussion: Councilman Trovei thanked Councilman Hoovler for his work on this and Councilman Hoovler commented that the town has paid out enormously and this is where to start.

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

MOTION CARRIED

Councilman Dean added his appreciation for Councilman Hoovler’s work on this resolution and that it is a huge step for the town. It is like have a savings account for expenses that will come. If it had been done years ago, the town would be in much better condition today. It will be difficult to fund, but the importance of it is vital. Councilman Spears also stated that this will alleviate some pressure from the Department Heads to have to plan for the worst case scenarios and put extra money in the budget year after year. A reserve fund will take care of emergency needs and money will be saved over time.

Discussion of Ethics Board Attorney

Councilman Hoovler mentioned that they recently reinstated the Town’s Ethics Board and they had received an email from the Comptroller’s recommending the Town Ethics attorney giving advice, should not be the same attorney for the Town. They had received a letter from Victoria Campbell, sitting Judge in Port Jervis, and had been on an Attorney Grievance Committee over the years and he thought she would be a good fit for this board. This Board should only meet twice a year for training purposes. She submitted a proposal that was more than reasonable. Councilman Spears inquired about who would do the training and Councilman Hoovler explained that Ms. Campbell could do that.

Motion to Hire Victoria Campbell as Ethics Board Attorney Not To Exceed \$175 an Hour

Motion by David Hoovler, 2nd by Gary Spears to hire Victoria Campbell as Ethics Board Attorney.

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Discussion: Councilman Trovei pointed out that these rates for the few hours that are mandated, should be watched and Councilman Hoovler was assured by Ms. Campbell in the interview that she would work with them should the hours involve more than they expected. Supervisor Brabenec asked if they should set a rate to hire her at and Councilman Hoovler recommended they not exceed \$175 an hour.

Councilman Spears amended his motion to hire Victoria Campbell for the rate of pay not to exceed \$175 an hour.

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

MOTION CARRIED

Motion to Recess for Approximately Five Minutes at 8:39 p.m.

Motion by David Hoovler, 2nd by Arthur Trovei to recess for approximately five minutes.

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

MOTION CARRIED

Return from Recess at 8:45 p.m.

New Business

Supervisor Brabenec offered a brief synopsis of the Introduction of Local Law #4 of 2010 – IB Zoning Changes. A discussion at the Community Development Luncheon about the interchange business district on Route 6 and the zoning laws are very prohibitive to businesses coming into the town. They are looking at changing some of those regulations. The town attorney is looking at the draft and the engineer is involved as well. It is a work in progress and when they are ready to present it, they will give a full introduction of it. Councilman Trovei mentioned that Deerpark is open for business and they would appreciate anyone looking to build, to come to the Town of Deerpark.

Councilman Dean introduced Resolution 25 of 2010, which is support for the Expansion of Cross Bow Hunting bills in the New York State Legislature. The Assembly Bill 924 and Senate Bill 6793 would legalize Cross Bow Hunting in the state of New York. Briefly, he read that the aggressive expansion of hunter choice and opportunity by DEC is needed at a time when hunter retention and recruitment rates are declining at unsustainable rates and whereas, for every 100 hunters who permanently quit hunting in New York, only 55 replace them. These bills support allowing cross bow during bow season which would afford more opportunity to more people, in order to replace the hunters lost each year. He asked for the Town Board's support.

Motion to Approve Resolution 25 of 2010 – Support Expansion Cross Bow Hunting Bills

Motion by David Dean, 2nd by David Hoovler to approve Resolution 25 of 2010 to Support Expansion of Cross Bow Hunting Bills in the New York State Legislature by the Town of Deerpark promulgating rules for the use of cross bows for hunting in the Empire State and that a copy be sent to the Governor, Senators Bonacic and Thompson, Assemblypersons Gunther and Sweeney, the Chairmen of the Assembly and Senate Environmental Conservation Committees.

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

MOTION CARRIED

Motion to Approve Use of Town Hall June 12, 2010 – Constituent Day

Motion by Karl Brabene, 2nd by David Hoovler to approve the use of Town Hall on June 12, 2010 for Constituent Day.

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

MOTION CARRIED

Motion to Appoint Theresa Creegan as Part-Time Deputy Town Clerk II

Motion by Karl Brabene, 2nd by Arthur Trovei to appoint Theresa Creegan as Part-Time Deputy Town Clerk II at \$12.00 per hour.

Discussion: Supervisor Brabenec clarified that this position is an appointment by the Town Clerk and the Town Board sets the salary.

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

MOTION CARRIED

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Set Special Meeting for Richardson Labor Consultation

Supervisor Brabenec reported that the Town Board hired Michael Richardson as a labor consultant to review the personnel policy, PBA contract and Highway contract, to give them recommendations and he is now ready to meet with the Town Board on June 14th at 6:30 p.m. He would also like to meet with the Justices that night at 5:30 p.m. in regards to a proposal for a Town Prosecutor.

Motion to Set a Special Meeting for Richardson Labor Consultation (in Executive Session) and Prosecutor Proposal With Justices

Motion by Karl Brabenec, 2nd by David Dean to set a special meeting at 6:30 p.m. on Monday, June 14, 2010 for Richardson Labor Consultation (in Executive Session) and prior to that at 5:30 p.m., a meeting with the Justices in regards to the Prosecutor Proposal, which will not be in Executive Session.

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

MOTION CARRIED

Set Special Meeting for PBA Negotiations

Supervisor Brabenec mentioned that the attorney, Mr. Plotsky has had correspondence with Mr. Solfaro. Mr. Plotsky and the Board discussed different options for a date to meet and it was suggested they look at July 26th, 8th, or 22nd (in that order), at 6:30 p.m.

Approval to sign contract with Interstate Waste for Town Hall

Councilman Dean reported on the six yard dumpster, and that they pay \$217 a month to add garbage service at the dumpster. After conversations with the purveyor, they are down to \$135 a month net/net. Over a year it will be a savings of approximately \$1,000 a year. They wanted a long-term contract, but they will renegotiate in another year.

Motion to Approve the Supervisor to Sign Inter-State Waste Contract

Motion by Gary Spears, 2nd by David Hoovler to approve the Supervisor to sign the Inter-State Waste Contract for a one year contract.

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

MOTION CARRIED

Supervisor Brabenec read a letter from Ed Sewell, President of the Huguenot Fire Company requesting approval of Jarryd Spears as a member.

Motion to Approve Jarryd Spears as Member of Huguenot Fire Company

Motion by Karl Brabenec, 2nd by Gary Spears to approve Jarryd Spears as a member of the Huguenot Fire Company per their recommendation.

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

MOTION CARRIED

Supervisor Brabenec mentioned that they found out that morning of Dragon Springs' intention to present a donation of \$10,000 at the Town Board meeting, and the Attorney's drafted a resolution for consideration. The Supervisor read the resolution draft.

Motion to Accept the Resolution 30 of 2010 – Donation of \$10,000 by Dragon Springs

Motion by Karl Brabenec, 2nd by David Hoovler to accept the Resolution 30 of 2010 – Donation of \$10,000 by Dragon Springs Buddhist, Inc. as presented.

Discussion: Councilman Spears expressed that the gift was very gracious and the Town could put it to great use, especially in regards to the NYMIR standards for playgrounds and that Mr. Han stated there were no strings attached, just that they are happy to be in the Town of Deer Park and their project is moving along nicely. He thought they should send a letter thanking them for their generous donation. Councilman Hoovler added that he was satisfied there was no other motivation for the gift. He recommended this donation go towards playground equipment at Building 2, and/or other playground equipment.

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

MOTION CARRIED

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Motion to Apply \$10,000 Donation to Upgrading Playground Equipment

Motion by David Hoovler, 2nd by Karl Brabenec to accept Check No. 1508 from Dragon Springs Buddhist, Inc. as a gift and put this amount of \$10,000 immediately into the Recreation Fund for the specific purpose of redoing the park behind Building No. 2 as well as any other park repairs needing to be brought up to NYMIR standards.

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

MOTION CARRIED

Motion to Pay Bills

Motion by Karl Brabenec, 2nd by Arthur Trovei to pay the bills that contain the signature or initials of at least three councilmember's in the approval for payment section of the voucher or purchase order.

General Fund Abstract #9, Voucher #322-379 = \$181,840.81

Highway Fund Abstract #9, Voucher #136-150 = \$64,342.99

Community Development Fund Abstract #1, Voucher #1-2 = \$1,445.00

Discussion: Supervisor Brabenec mentioned the Abstracts could be viewed at the Town Clerk's Office. Councilman Dean asked how much money was left in the Community Development Fund and the Supervisor estimated about \$500 or \$600 was left in that account, and offered to get an exact amount the next day.

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

MOTION CARRIED

Supervisor Brabenec distributed a copy of Profit and Loss from January to May 2009 and January to May 2010 on all departments; also Revenue and Expenditures, Budget vs. Actual for everything from January 1st to date; and also a Profit and Loss Detail from January 1st through May 27th with the line items and check numbers. He asked the council members to review them and ask questions. Due to unexpected expenditures with consultants, they will need to do a couple reviews in the near future to make sure there are enough moneys in a couple accounts. He then asked for an approval of his report.

Motion to Accept the Budget Officer's Report

Motion by David Hoovler, 2nd by Gary Spears to accept the Budget Officer's Report as presented.

Discussion: Councilman Dean thanked the Supervisor for doing such a good job on keeping track of the finances, and reminded the public to visit the Town Clerk's Office to see in black and white where money has gone. Councilman Hoovler added that people can get the profit and loss statement showing every line and expense and as a board, they are open to input on how they can do things better.

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

MOTION CARRIED

Closing Board Comments

Supervisor Brabenec invited everyone to attend the Constituent Day on Saturday, 10-12 at the Town Hall and they will also be going to a ribbon cutting ceremony for a grand re-opening of the Port Jervis Auto Mall at 12:15 p.m. on Saturday. Councilman Spears thanked those in attendance for sticking it out to the end of the meeting and expressed his gratitude to Dave Dean and his efforts on the cell tower and the waste project, and to David Hoovler for all his work for months on the reserve accounts. He knows it was long overdue and will bring the town up to speed in 2010-2011. Councilman Trovei echoed the same appreciation to both Councilmen Hoovler and Dan regarding the money being saved for the town. Councilman Hoovler pointed out that last month the New York State Comptroller's Office recommended that towns go to multi-year financial planning in the next 24 months and the Town of Deer Park did it in January. Councilman Dean thanked David Hoovler for the multi-year plan. He then addressed a constituent's question regarding the locked doors at the Town Hall, explaining the front doors were open, however the back door was locked pursuant to the request of the Town of Deer Park Insurance Company (NYMIR). They hope to realize a lower premium by making these changes. Also, he stated there is no guard. The Town Hall is open for business and they would be happy to see people there. Councilman Trovei wanted to thank Wilbur and Carol Eckes and the other businesses in Deer Park for all they've invested in the town.

Supervisor Brabenec mentioned that the Upper Delaware Council (UDC) were given a \$8,125 grant for 2009 to *improve the entrance way at the Town of Deer Park Museum* in the Town of Deer Park in Huguenot. Another grant program was out this year for \$3,125 and the Town Clerk suggested looking into using it for updating the website (estimated at \$3,000), and on May 6th the update was approved and they will be reimbursed now for that amount spent. They council all thanked Florence Santini for her suggestion that provided this reimbursement. Additionally, they received a letter from the New York State Department

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of Transportation, Project 8389.10 (*Route 97 Parapets Wall Repair at the Hawk's Nest*) stating the construction will begin in the Spring of 2011. Councilman Dean asked the Supervisor to find out what the time frame for construction will be due to the difficulty of shutting down the Hawk's Nest, and he confirmed he would check into it. The Supervisor and Emergency Management Secretary Joyce Cirulli attended an Emergency Preparedness Seminar by Orange & Rockland (O & R), and received very helpful information. They also have a new Economic Development Coordinator who will come to the Community Development meetings to see how O & R can contribute to the efforts.

Motion to Enter Executive Session for the Purpose of Tax Certiorari Update at 9:18 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to enter Executive Session for the purpose of discussing Tax Certiorari Update, and invite Glen Plotsky, Town Attorney to join them at 9:18 p.m.

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

MOTION CARRIED

Motion to Re-enter Regular Session at 10:21 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to re-enter Regular Session at 10:21 p.m.

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

MOTION CARRIED

Motion to Adjourn at 10:22 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to adjourn the meeting at 10:22 p.m.

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

MOTION CARRIED

Respectfully,

Florence T. Santini
Town Clerk