

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, JULY 12, 2010**

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

Attendance

Supervisor: Karl Brabenec

Councilmember's: Arthur Trovei, David Dean, David Hoovler, Gary Spears (7:49 p.m.)

Attorney: William Bavoso

Call to Order at 7:31 p.m.

Pledge of Allegiance led by David Hoovler

Additions or Changes to Agenda

Motion to Set Public Hearing on Certain Building Demolitions

Motion by Karl Brabenec, 2nd by David Hoovler to set a public hearing on certain building demolitions.

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

MOTION CARRIED

Opening Board Comments

Councilman Trovei appealed to the town residents in regards to the illegal dumping in town stating they should consider raising the amount of the fines. He mentioned how people use the No. 2 Bridge beach, which is private property and stated the garbage they leave is wrong. Councilman Hoovler asked the supervisor to do something about the amount of paper they get and to consider the cost involved. He said that with email and scanners there doesn't need to be so much paper. The Supervisor will research this and present some recommendations at the first August meeting.

Presentations and Communications

The Supervisor said there were no presentations. He had received about 146 communications since the last meeting. In summary, he received a letter of resignation from Cassandra Ruppert from the Summer Program.

Motion to Accept Letter of Resignation from Cassandra Ruppert

Motion by Arthur Trovei, 2nd by David Dean to accept the letter of resignation from Cassandra Ruppert as a Summer Program counselor.

VOTE: 3 AYES: Arthur Trovei, David Hoovler, David Dean

1 ABSTENTION: Karl Brabenec

MOTION CARRIED

The Supervisor continued saying they received a letter of interest for the opening of the summer program counselor position by Renee M. Lane.

Motion to Appoint Renee M. Lane as Summer Program Counselor

Motion by Karl Brabenec, 2nd by Arthur Trovei to appoint Renee M. Lane as Summer Program Counselor at Sparrowbush Park through August 13th at \$8.50 an hour.

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

MOTION CARRIED

The Supervisor receive a letter from the New York State Department of Transportation with update information regarding the *Route 97 parapet wall repair*; the *MTA North Railroad* sent a letter regarding their study and an open house on Tuesday, July 20th, 4-8 p.m. at Hilton Garden Inn, 15 Crossroads Court, Newburgh to talk about new routes and other information; a letter was received from Fusco Engineering informing the New York State Department of Transportation that the *Peenpack Trail Project* has now been completed and the paperwork will be forwarded to them; an updated schedule from *JNS Towers* in regards to the cell phone tower was received; the Town Clerk attended an awards ceremony by Senator John Bonacic and accepted a *Senate Certificate for the Highway Department* thanking them for their outstanding service during the February 10th storm. The Supervisor congratulated all the men in the Highway Department for their fantastic job. The Assembly and Senate passed a bill for a new dog law, that takes the licensing from the

**TOWN OF DEERPARK BOARD MEETING
MONDAY, JULY 12, 2010**

Agriculture and Markets and puts it on the municipalities beginning January 2011. This is an unfunded mandate from the State. They will meet with the Town Clerk in this regard.

Approval of Previous Minutes

Motion to Approve June 21, 2010 and June 28, 2010 Minutes as Submitted

Motion by Karl Brabenec, 2nd by David Hoovler to approve both June 21, 2010 and June 28, 2010 Minutes as submitted.

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

MOTION CARRIED

Public Comment Period (3 minutes – Agenda items only)

Reverend Wildeman reported on the Citizens Fund-Good Neighbors Ministry, for the purpose of helping those with back taxes and other needs. The fund has operated for 18 months. Gifts for the fund amounted to \$1,550.00. Disbursements went to five individuals and the disbursements amounted to \$1,350.00, leaving a balance of \$200.00. He commented on his efforts with those behind in paying their taxes and heard from a couple. He did not get any replies from letters sent requesting help from organizations. (A copy of this report is filed with the official minutes.)

The Supervisor sees Reverend Wildeman weekly and thanked him for his presentation and assured him the board is examining the budget very closely, trying to find cost savings where possible and keep the taxes as steady as possible for the next year's budget.

Old Business

Supervisor Brabenec discussed the creation of a town prosecutor position to prosecute traffic tickets and that advertising for the position has been discussed since January. Directives from the New York State Police note that their own police cannot prosecute the traffic tickets they write. Many towns have remedied this by hiring town prosecutors to handle the State Trooper tickets and regular officer tickets as well. The Supervisor mentioned they had met with the judges and discussed this and agree it would be good for the town and if they have a majority vote, would go ahead on a trial basis.

Motion to Create the Position of Town Prosecutor

Motion by Karl Brabenec, 2nd by Arthur Trovei to create the position of Town Prosecutor.

Discussion: Councilman Hoovler found that this position reduced liability for their officers because their officer doesn't have as much contact with the violator particularly females interacting with males, vice versa. Penalties from troopers and officers may differ since the officers can negotiate. Having a prosecutor will make the penalties given more fair. They also found that having a prosecutor lowers the overtime with the officers and promoted better court decorum. He supports the pilot program for the town prosecutor, with the judges input.

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

MOTION CARRIED

Motion to Advertise for the Position of Town Prosecutor

Motion by Karl Brabenec, 2nd by to advertise for the position of Town Prosecutor and the letters of interest go to the Town Clerk by the end of the business day on July 16th.

Amended motion by Karl Brabenec, 2nd by David Dean to advertise for the position of Town Prosecutor asking that the letters of interest go to the Town Clerk, by the end of the business day on July 22nd.

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

MOTION CARRIED

Note: Councilman Hoovler stated for the record that Councilman Spears was in favor the Town Prosecutor position and that all the council was aware of that.

Councilman Spears arrived at 7:49 p.m.

**TOWN OF DEERPARK BOARD MEETING
MONDAY, JULY 12, 2010**

Supervisor Brabenec mentioned the Humane Society contract had not been updated for several years, and they asked the town attorney, Bill Bavoso to draw up a legal document and the Humane Society has signed the contract.

Motion to Authorize the Signing of the Humane Society Contract by the Supervisor

Motion by David Hoover, 2nd by David Dean to authorize the signing of the Humane Society Contract by the Supervisor.

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

MOTION CARRIED

Results of bids for the surplus 1960 paver. A new paver was purchased by the town. The Town Clerk opened the bids with Judith Carr, Building Department Clerk and Theresa Creegan, Deputy Town Clerk. The bids were opened and read aloud on July 9th at 11:15 a.m. The bid received was \$500 from Jerry Fallat, Lakewood Drive, Port Jervis, NY 12771. Bids closed at 11:16 a.m. and the Clerk will copy the bid to the Town Board. This was the only bid.

Motion to Accept Bid for Surplus Paver

Motion by Arthur Trovei, 2nd by David Dean to accept bid in the amount of \$500.00 by Jerry Fallat for the surplus paver.

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

MOTION CARRIED

Orange County Partnership Membership

The supervisor mentioned there was a presentation by the Orange County Partnership a few months ago and many municipalities interested in economic development have joined the partnership and they usually help them attract businesses. They invited the Town of Deerpark to become members for an investment of \$1,000.00.

Motion to Become Members of Orange County Partnership

Motion by David Dean, 2nd by David Hoover to become members of Orange County Partnership and pay \$1,000.00 for membership.

Discussion: Councilman Spears thought they had done a good job for the town at the Community Development luncheon and thinks they will be a big plus for the town. Councilman Dean added they are a great resource and that he was sure the investment would come back to the town in a greater way.

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

MOTION CARRIED

Supervisor Brabenec asked about the budget line and where the \$1,000.00 should come from. Councilman Hoover suggested the Supervisor ask the town accountant if it was publicity related or where he would recommend taking it from. Councilman Dean asked about the Community Development fund because there was money in that account. Supervisor Brabenec likened the investment of \$1,000.00 to the Upper Delaware Council, which came out of publicity and if the money didn't come out of that, he would take it out of the Community Development.

New Business

Motion to Accept Resolution 33 of 2010 – Designation of Funds for the World Trade Center Memorial

Motion by Karl Brabene, 2nd by Gary Spears to accept Resolution 33 of 2010 – Designation of Funds for the World Trade Center Memorial

Discussion: The Supervisor mentioned that this was an account dedicated for the purpose of establishing 9-11 Memorial using the I-Beam from the World Trade Center. Any money received would only be used for this fund.

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

MOTION CARRIED

Supervisor Brabenec reported on the budget modifications and said that there were times when changes needed to be made for unexpected revenues and expenditures. The current modifications were as follows: Proposed increase in revenue, 2705 Gifts and Donations \$4,500; 3389b State Aid J-Cap, which is a justice grant \$21,550 with a total proposed increase in revenue is \$21,550.00. Proposed increase in expenditures if 1110.4a – Justice Osowick \$5,500 for a J-Cap Grant; 1110.4b – Justice Wulff \$5,500 J-Cap Grant; 3120.4 Police - \$18,550 (Plate Reader Reimbursement); 5010.4

**TOWN OF DEERPARK BOARD MEETING
MONDAY, JULY 12, 2010**

Highway Superintendent \$500; 6410.4 Publicity \$3,000; 7450.4 Museum \$3,000; 6989.4 Community Development Task Force \$1,500; 9050.8 Unemployment \$15,000. Total proposed increase in expenditures is \$52,550. Proposed decreases in expenditures 1990.0 Contingency \$31,000 and that increase/decrease of budget would be zero dollars. These are the Supervisors recommendations, along with the town accountant. (A copy is attached to the official minutes.)

Councilman Hoovler inquired whether the grant money for the justices was received in 2009, but not used until 2010 and the supervisor confirmed that was the case. Councilman Dean asked if that was the same situation for the Plate Reader and the supervisor confirmed that it was. Councilman Trovei questioned the Museum amount and Supervisor Brabenec stated the money for the museum book would be offset by the book sales. Unemployment was budgeted by the prior town board for \$2,500 for unemployment for the year, but there was an expenditure of \$8,000 in the first quarter. This was due to two employees being let go, who do not yet have jobs. Councilman Trovei clarified that up to this point, the town opted to not contribute to unemployment insurance. The Supervisor added that the town is self-insured with unemployment and they were responsible to the state for all unemployment costs. As a point of record, the town felt they shouldn't be going through the unemployment for these two employees, but were denied their request and have to pay.

Motion to Accept Budget Modifications as Read

Motion by David Hoovler, 2nd by Arthur Trovei to accept budget modifications as read.

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

MOTION CARRIED

Cost savings update were reported by Councilman Dean and he mentioned *Cintas*, providing small incidental and with a phone call they were able to save 13%. The *bottled water* was investigated by Samantha Parlman in the Supervisor's office, and she came up with a savings per year of \$523. Councilman Dean extended his thanks to the good work of Samantha and knew the town would appreciate her efforts as well. He mentioned the *JNS Cell Phone Tower* and they are on track and beginning with the environmental and engineering reports. They hope to have a carrier in contract soon.

Motion to schedule a Special Workshop July 19, 2010 – Interchange Business Zone District

Motion by Karl Brabenec, 2nd by Gary Spears to schedule a Special Workshop on July 19, 2010 at 6:30 p.m., and invite Al Fusco of Fusco Engineering to the Town Hall for discussing changes to the Interchange Business Zone District.

Discussion: Councilman Trovei mentioned some long-term residents and business owners requested the council try to move forward in other areas of the town with IB zone changes and others wanting to expand commercial properties along Routes 42 and 209.

Amended motion by Karl Brabenec, 2nd by Gary Spears to include discussion and changes in zoning. Councilman Dean asked that this be posted on the website and Supervisor Brabenec will contact Mr. Fusco.

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

MOTION CARRIED

Paychex Employee Time Record System was presented to the Supervisor, Bookkeeper, Town Clerk and this system would clarify hours worked by using a time clock, not just a paper copy. The Town Hall and Police Department would probably use the internet and the Highway Department would have a time clock. The program would cost an extra \$200 a month, but in the long term it would free up time for the bookkeeper and would alleviate payroll errors. Many municipalities are going to this format. The Supervisor stated it would give a good audit trail and reports. The supervisor recommended they try it for a year.

Motion to Approve Paychex Employee Time Record System for a One-Year Trial Period

Motion by Karl Brabenec, 2nd by Gary Spears, to approve Paychex Employee Time Record System for a one-year trial period.

Discussion: Councilman Spears asked if it would keep track of sick time, vacation time, etc. Supervisor Brabenec said it is currently kept on an Excel timesheet and the bookkeeper needs to set up this information. The Paychex representative would look at the town's current procedures and set up the program accordingly. They recommend one person be designated as the point person. Currently, the supervisor signs all the time sheets but has had to assume the hours submitted, were the hours worked. Discussion continued. Each time clock (at various locations) would be another \$100 per month. The internet check in would not require the time clock. There can be changes made to the system over time.

**TOWN OF DEERPARK BOARD MEETING
MONDAY, JULY 12, 2010**

Councilman Trovei asked if this was the better system to use and if internet was better than the machine to swipe a card. Mr. Trovei also asked the supervisor to inquire about any standard policies. Councilman Dean asked if they could find out along the way how to see where the town is saving money like in the first or second quarter.

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

MOTION CARRIED

Motion to Approve World Trade Center Memorial Meeting at Town Hall

Motion by Karl Brabene, 2nd by Gary Spears to give approval to the World Trade Center Memorial Meeting on July 13, 2010 at 7:00 p.m. at the Town Hall.

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

MOTION CARRIED

Motion for Approval of Krantz Defensive Driving Class

Motion by Karl Brabene, 2nd by David Dean for approval of Krantz Defensive Driving Class for Saturday, August 21, 2010 from 9 a.m. to 3 p.m. at Building No. 2.

Discussion: Supervisor Brabene reminded everyone that Ms. Krantz offered to contribute some of her proceeds from the class to the World Trade Center Memorial Fund. The board was assured that a certificate of insurance would be submitted covering comprehensive and liability.

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

MOTION CARRIED

Supervisor Brabene reported receiving two letters from the Code Enforcement Officer regarding an ongoing problem with the town for several years. The unsafe building at 1046 US Rte. 209, Huguenot, New York is severely structurally damaged and dangerous, needing to be demolished. The structure is in an HMU zone and requires a special use permit to establish an approved use. There was an outdated Building Department permit for demolition and removal of the structure and it is now void. The Town Engineer was requested to examine the building per approval of the board. A resolution for proper demolition and removal was requested and that a notice be served to the owner of property as per Town of Deerpark Code Section 119-6. A public hearing is necessary in order to proceed with further action.

Motion to Set Public Hearing for Building Demolition

Motion by Karl Brabene, 2nd by Gary Spears to set a meeting for the purpose of a public hearing for Section 22, Block 1, Lot 33 for the consideration of demolition on Monday, August 2, 2010 at 7:00 p.m.

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

MOTION CARRIED

Supervisor Brabene read the other letter in regards to another building at 311 US Rte 209, Huguenot, New York. This building also has severe structural damage and needs to be demolished and removed. The expense of having the Town Engineer confirm his assessment of the structure and authorize the proper demolition and removal and a notice be served to the owner of the property.

Motion to Set Public Hearing for Building Demolition

Motion by Karl Brabene, 2nd by Gary Spears to set a meeting for the purpose of a public hearing for Section 50, Block 1, Lot 1 for the purpose of possible demolition on Monday, August 2, 2010 at 7:15 p.m.

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

MOTION CARRIED

Councilman Trovei asked what the procedure was after voting to demolish a building and the town attorney Mr. Bavoso explained that the property owner is given a time line based upon what is found out at the public hearing. If the owner doesn't meet the deadline given, the town would contract to have the demolition done and a resolution is passed, passed on to the County Legislature and then the town is reimbursed by the Court for their expenses. The Town of Deerpark has a statute allowing them to uphold these requests.

**TOWN OF DEERPARK BOARD MEETING
MONDAY, JULY 12, 2010**

Motion to pay bills:

Motion by Karl Brabanec, 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 #12 Total = \$65,756.95

Highway Fund Abstract #12-Total = \$40,885.33

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

MOTION CARRIED

Motion to Accept Supervisor's Monthly officer's Report

Motion by David Hoovler, 2nd by Gary Spears to accept the Supervisor's monthly officer's report

Discussion: Councilman Hoovler asked for an explanation at the next meeting regarding compensation from last year to this year going up approximately 65%. Supervisor Brabanec will look into it and report back to them. Councilman Spears thought there might be a rebate and could have a bearing on the difference.

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

MOTION CARRIED

Closing Board Comments

Councilman Spears apologized for being late, but had a family emergency. Councilman Hoovler commented on how much money is spent on paper at the town and Supervisor Brabanec promised to report on it and have something on the agenda the beginning of August in that regard. He also spoke about the reports and mentioned that the Department Heads submit their reports to the Town Board at the end of every month. However, if any board member feels they want the department head to give a personal explanation on any issue, they would be asked to attend. The Town Clerk needs at least one paper copy on file, but the others could be emailed the information.

Motion to Adjourn at 8:36 p.m.

Motion by Gary Spears, 2nd by David Dean to adjourn the meeting at 8:36 p.m.

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

MOTION CARRIED

Respectfully submitted by,

Florence T. Santini
Town Clerk