

**TOWN OF DEERPARK BOARD MEETING**  
**MONDAY, JULY 18, 2011**  
Meeting was held at Town Hall, 420 Route 209, Huguenot, NY 12746

**Attendance**

**Supervisor:** Karl Brabenec

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

**Attorneys:** William Bavoso, David Bavoso

**Invocation:** Arthur Trovei

**Call to Order** at 7:30 p.m.

**Pledge of Allegiance** by David Dean

Additions or Changes to Agenda – None

Opening Board Comments – None

**Motion to Approve June 6, 2011 and June 20, 2011 Board Minutes**

Motion by Gary Spears, 2<sup>nd</sup> by David Hoovler to approve the Board Minutes of June 6, 2011 and June 20, 2011.

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

**MOTION CARRIED**

Public Comment Period – 3 Minutes – Agenda Item Only

James Bruyn spoke about the newspaper article in regards to the Town of Deerpark Marriage Officers on the agenda to resign their positions. He thought the Marriage Officer should be replaced or substituted with those who would officiate over all marriages, now that same sex marriages are legal.

Henry Holley spoke about the notes in his file from 20 years ago, when he used to represent the town. The Resolution on the Agenda entitling those like he and his wife to supplemental health insurance providers for eligible retirees. He thought the savings for better or equal coverage mentioned in the resolution should be given more thought and shared with more transparency. He hadn't heard before that the Board was doing this. He thought it needed more study. He asked for materials available to compare the health plans. He is anticipating that at 85 years old, the health plan for he and his wife will drastically change. He then asked if they searched the Civil Service law and the CSEA agreements and the changing of medical plans of those already retired.

Councilman Spears asked Mr. Holley for the Contract or Local Law regarding what he was speaking about. Mr. Holley indicated that Mr. Bavoso indicated he had seen it and it should be in the Board Minutes.

Presentations/Communications

*Mr. John McCarey, Real Property Director for Orange County* arrived to give an update on the transitions in the Town's Assessor's Office and also an update on the tax rolls. They have been in the town's office for 4 months and have taken pictures of approximately 40% of all property in Deerpark and verified the data on property data cards. To date, there were 84 deeds transferred—compared to 145 last year. The real estate market is down. All the small claim actions from last year are settled and 67 grievances were added this year. The Board of Assessment Review granted 29 of them, said no to 24 and there were 11 stipulations. The full value of the town is currently \$324,790,300, with a net change of a decrease of about \$2,495,884. They suspect that by the end of December 2011, most inspections and new photos of property in Deerpark will be done. Rob Wilcox is doing an excellent job along with his three assistants: Pam, Assistant Assessor and Clerk; Dominick Tufano and Patrick Breslin the data collectors. He hopes the Board would consider by October to do an application for state aid to do a re-eval next year. There are dollars available from the state and also from the County of Orange. Most of the work would be done in house. To get a software to assist would probably run around \$20,000. He also asked the board to consider joining the county wide tax collection software program, BAS. Most of the towns joined last year. It has been a very successful program, with no additional cost to the town. Councilman Trovei asked about the town's value and Mr. McCarey explained it was based on certioraris, small claim actions and adjustments. Councilman Spears reported hearing positive comments about the updating. George Lombardi asked about Rob Wilcox and whether he had power to change the valuation of the property. Mr. McCarey thought Mr. Wilcox did well working with the local attorney to solve the grievances brought. If anyone has any questions about the valuation they should talk to the Assessor—they do not need to hire an outside evaluation.

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He would visit the site to consider grievances. The market is soft right now. The equalization rate this year was at 50%. Councilman Trovei restated that a reevaluation would make assessments more fair to everyone in town. These should be done every six years.

Old Business

Supervisor Brabenc explained BAS as an independent software company that has contracted with Orange County to give a uniform program to all the tax collectors in the county. They recently met with the BAS representatives and the Tax Collector and many questions were answered. Overall the Tax Collector was satisfied with the program. It would require getting internet access for a portion of her office. Mr. McCarey confirmed that about 90% of the county including Tax Collectors, Villages, School Districts have gone to the BAS program. There would be no cost to convert to the BAS software program as the county provides it, and they would have six months to prepare to use it.

**Motion to Convert to the BAS Program for the Tax Collector's Office in 2012**

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei to convert to the BAS program for the Tax Collector's Office in 2012.

Discussion: Councilman Spears asked Ms. Garvey (Tax Collector) if she was agreeable to this conversation and she agreed she was and preferred having time to adjust to it before January 1, 2012. Councilman Dean asked if the hardware was sufficient to handle the software. Supervisor Brabenc replied that her computer would need to be updated to make it compatible. Councilman Spears asked her if she had the money in her budget. They will look into the costs.

**Amended Motion to Convert to the BAS Program for the Tax Collector in 2012 and Allocate Funds for Hardware**

Amended Motion to Convert to the BAS Program for the Tax Collector in 2012 and Allocate Funds for additional hardware costs.

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

**MOTION CARRIED**

New Business

Supervisor Brabenc introduced the Highway Department Employees Health Benefits change to MVP. He then read the resolution stating that it would potentially save a minimum of \$56,000 a year.

**Motion to Adopt Resolution 28 of 2011 – Declaring Official Health Insurance Providers for Deerpark Highway Department**

Motion by Gary Spears, 2<sup>nd</sup> by David Hoovler to adopt Resolution 28 of 2011 – Declaring Official Health Insurance Providers for Deerpark Highway Department.

Discussion: Councilman Hoovler asked if there was a breakdown of how the Supervisor reached his savings amount. Supervisor Brabenc answered there were 10 employees taking advantage of the NYSHIP Empire Plan and it had two tiers – individual (\$693.92) and family (\$1,513.92). Eight employees have family plan and two have the individual plan. Stating further that monthly the breakdown for individuals is \$1,387.84 and for families \$10,597.44 and \$1,513.92. The MVP provided a third tier. The difference with MVP individual would be a cost of 397.36 and the total family would be \$1,033.13; a couple would be charged \$794.72. The total savings per month would be \$4,677.85 and for the year, \$56,134.20. Councilman Spears inquired about the Highway Department Employees and certain retirees. It was clarified that those retirees who have not reached 65 years old, would be included in this plan until they are eligible for Medicare Part B. Councilman Trovei asked about the deductible and part of the deductible was in the savings. That \$397 included the town's contribution of that deduction also. The Supervisor said that essentially, the high deductible plan is what most towns are moving to. Discussion continued. The conclusion that this was an equal—even better medical plan for the Town and the employees than NYSHIP Empire was. Meetings will be set up for employees to meet with the MVP representatives.

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

**MOTION CARRIED**

Supervisor Brabenc explained they currently spend each month approximately \$405.64 for individuals under the NYSHIP Empire Plan; the Family Plan is \$1,014.51. With Plan N through MVP High Deductible Plan, over 65 or on SSI for an Individual Plan - \$129.50; Family Plan is \$259.00. Medicare Part D has to do with prescriptions and is a separate plan that AARP offers at \$38.60 per person or a family is \$77.20. All inclusive, the total premium would be \$168.10 (rather than \$405.64), or a Family Plan would be \$336.20. As a Town savings per month, an Individual would be \$237.54 and a family \$678.31 and on an annual individual for those signed up would be \$8,551.44; the annual savings for family plan would be

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\$32,558.88 for a total per year - \$41,110.32. Deductibles would be about \$2,000 per year. They would have a meeting with the retirees and the MVP representative to answer all questions. The retirees would need to be enrolled in AARP and the town would pay their annual fee.

**Motion to Adopt a Resolution - Declaring Official Supplemental Health Insurance Providers for Eligible Retirees**

Motion by Gary Spears, 2<sup>nd</sup> by David Hoovler to adopt Resolution 29 of 2011 – Declaring Official Supplemental Health Insurance Providers for Eligible Retirees.

Discussion: Councilman Spears stated he was more familiar with the Highway Employees contract, but not with the older contracts or laws passed by previous boards and asked for more time to research some of them. He would like to know which contract each retiree falls under. Supervisor Brabenec and the Town Clerk have searched out past Highway Collective Bargaining Agreements and Agreements for the two individuals who worked for Town Hall. Some agreements have been found and some were clear; some not found; and some had caps on how much the town would pay. Councilman Spears thought that amendments should be searched too. Councilman Hoovler was also shocked by some of the numbers stated in the past agreements. He asked Mr. Holley what his understanding of his retirement plan would be after he retired. Supervisor Brabenec offered to provide a packet of information, and a representative's name for those retirees. He thought they could change the effective date as well.

Councilman Dean thought they should have a representative come to a meeting with the retirees. Supervisor Brabenec thought he could investigate mixing the AARP and MVP plan and/or Empire Plan and pay the difference. Councilman Dean clarified the purpose was not to disrupt people's lives, but make financial sound decisions for the people in the town. Councilman Hoovler asked if they could postpone the discussion of this topic a little longer than the 15<sup>th</sup>, so they planned to move the date to September 12, 2011.

**Motion to Table Declaring Official Supplemental Health Insurance Providers for Eligible Retirees Until September 12, 2011**

Motion by David Hoovler, 2<sup>nd</sup> by Gary Spears to Table Resolution Declaring Official Supplemental Health Insurance Provides for Eligible Retirees Until September 12, 2011.

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

**MOTION TABLED**

Councilman Dean asked whether the Highway Employees should be considered for also having a choice on whether to choose and pay the difference with insurance providers. Councilman Spears said that the contract would determine that, as renegotiation of their contract would need to include the town asking for a contribution if they offered that. Councilman Trovei mentioned that bookkeeping can get difficult and it was disturbing to him to hear of previous caps set that have not been followed and they are just now learning of it. The Supervisor offered to work with the Town Clerk and compile information on retirement dates, archived contract information, etc. Mr. Holley was encouraged to contribute any information he remembers. Councilman Trovei asked that any cap information be given to the attorney to research and the supervisor promised to forward those things to the attorney for his response.

Supervisor Brabenec explained this resolution would allow the board to receive grant money and not have to sign new contracts each six months.

**Motion to Adopt Resolution 29 of 2011 – Authorizing Signing STOP DWI Program Contracts**

Motion by David Hoovler, 2<sup>nd</sup> by David Dean to adopt Resolution 29 of 2011 authorizing signing of STOP DWI Program contracts.

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

**MOTION CARRIED**

Supervisor Brabenec read the Introduction of Local Law No. 3 of 2011 – Amending Section 230-59 of Article 9 of the Deerpark Town Code allowing the Town Board to appoint a Vice Chairperson to the Town's Zoning Board of Appeals and creating Section 64-3 of Chapter 64 of the Town Code allowing the Town Board to appoint a Vice Chairperson to the Town's Planning Board. He explained that they recently appointed Al Schock, but the Attorney informed them they didn't have the authority to do that. This action provides authority to the Town Board. A Public Hearing would be set for August 1, 2011.

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**Motion to Set a Public Hearing on Monday, August 1, 2011 at 7:20 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Dean to approve a public hearing regarding the Introduction of Local Law 3 of 2011 at 7:20 p.m. on Monday, August 1, 2011.

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

**MOTION CARRIED**

Supervisor Brabenec read the letter from the Building Inspector's letter of recommendation for approving the annual campground permit.

**Motion to Approve Oakland Valley Campground Annual Permit**

Motion by Arthur Trovei, 2<sup>nd</sup> by Gary Spears to grant Oakland Valley Campground their annual permit.

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

**MOTION CARRIED**

Supervisor Brabenec read a letter from Minisink Lanes, 107 Route 209, Port Jervis, New York in regards to their intention to renew their liquor license for the next two years.

**Motion to Approve Minisink Lanes Liquor License for Two Years**

Motion by Gary Spears, 2<sup>nd</sup> by David Hoovler to approve the Minisink Lanes Liquor License for the next two years.

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

**MOTION CARRIED**

Supervisor Brabenec read an email from Craig Wagner, a Sparrowbush resident, stating interest in serving as an alternate Planning Board member.

**Motion to Appoint Craig Wagner as Alternate Planning Board Member No. 1**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Dean to appoint Craig Wagner as Alternate Planning Board Member No. 1.

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

**MOTION CARRIED**

The Town Clerk will notify Mr. Wagner of his appointment.

Supervisor Brabenec read the letter from the Town Clerk resigning from the Marriage Officer position.

**Motion to Accept Resignation of Marriage Officer from Florence Santini, Town Clerk**

Motion by Arthur Trovei, 2<sup>nd</sup> by David Hoovler to accept the letter of resignation of Marriage Officer from Florence Santini, Town Clerk.

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

**MOTION CARRIED**

Supervisor Brabenec read the letter from himself as Supervisor resigning from the Marriage Officer position.

**Motion to Accept Resignation of Marriage Officer from Karl Brabenec, Supervisor**

Motion by Gary Spears, 2<sup>nd</sup> by David Hoovler to accept the letter of resignation of Marriage Officer from Karl Brabenec, Supervisor.

Discussion: Karl Brabenec recused himself from voting.

**VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Hoovler, David Dean**

**1 ABSTENTION: Karl Brabenec**

**MOTION CARRIED**

Supervisor Brabenec explained that the Marriage Officer position, a volunteer position within the town, had always been an added service the Supervisor and Town Clerk have provided. For any couple wanting to get married, the Town Clerk and Supervisor will have a list available for those parties interested. The Marriage License would still be issued at the Town Clerk's office. The two judges in the town also have authority to marry people and they could call either Judge Osowick or

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Judge Wulff. The Attorney wrote an email July 18, 2011 stating that the general public may not know that the municipalities are not obligated to appoint marriage officers.

Supervisor Brabenec received a letter of resignation from Donald A. Dodds from the Deerpark Board of Assessment Review.

**Motion to Accept Resignation of Donald A. Dodds from BAR**

Motion by Gary Spears, 2<sup>nd</sup> by David Hoovler to accept with regret the resignation of Donald A. Dodds from the Town of Deerpark Board of Assessment Review (BAR) and thanked him for his service provided to the town.

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

**MOTION CARRIED**

Supervisor Brabenec reported receiving a bill from Barton and Loguidice for approximately \$40,000 for a Hazard Mitigation Plan that a previous board had adopted to do for obtaining future FEMA grants. Some of the funds had to do with in-kind services, which the Emergency Management Team Clerk has been working on. However, the contract stipulated quarterly payments that were not paid. In speaking with their representative, he mentioned an informal verbal agreement with the Supervisor at the time. Due to no written information, Mr. Brabenec made an attempt in negotiating a payment plan which has to be approved by FEMA.

**Motion to Approve Budget Modification for Hazard Mitigation Plan**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean for the Budget Modification of A911 \$36,467.25 to A3989.4 Emergency Management Contractual \$36,467.25.

Discussion: Councilman Spears recollected that this plan was funded by a grant and asked what avenues would need to be pursued to be reimbursed. Supervisor Brabenec stated that FEMA must approve the plan, then they can submit for reimbursement. Councilman Spears asked what that amount was and the Supervisor remembered it was around 85% or 90% and then they would need to kick in the in-kind services. Councilman Spears then asked for a time table. Supervisor Brabenec replied that the plan is still being worked on and would then be resubmitted to FEMA. They would push for reimbursement this year. Councilmen Spears and Trovei thought perhaps paying half the amount might be better. Councilman Hoovler explained that this group deals with large scale catastrophes and mitigate problems beforehand. He thought realistically, they would not receive reimbursement for at least a year and would agree to paying 50% to 75%. Councilman Dean stated that the Supervisor negotiated a payment to the provider of the plan (Barton & Loguidice, P.C.) and had done his best to get as much as possible. Until they recently received this bill, the Board did not know Braton & Laguidice had never been paid. They should have been paid by the previous administration. Supervisor Brabenec added that the provider wanted full payment, but they were willing to work with them.

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

**MOTION CARRIED**

**Motion to Pay 75% of the Hazardous Mitigation Bill in the Amount of \$36,467.25 from Line A3989-4 Emergency Contractual**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Hoovler to pay 75% of the Hazardous Mitigation Bill in the amount of \$36,467.25 from Line A3989-4 Emergency Contractual.

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

**MOTION CARRIED**

Councilman Dean urged the Supervisor to stay glued to the situation to keep it moving forward in a timely manner and that anything he can do with those they know to help this repayment of this amount would be appreciated by the tax payers.

Supervisor Brabenec read a letter by the Huguenot Fire Company regarding new members voted on by the company verifying background checks had been done and requested approval.

**Motion to Accept Huguenot Fire Company Members – Shannon Walters and Jonathan Santichi**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears upon the recommendation of the membership committee of the Huguenot Fire Company, to accept Shannon Walters and Jonathan Santichi as members of the Huguenot Fire Company.

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

**MOTION CARRIED**

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Appropriations, Budget and Payment of Bills

**Motion to pay bills:**

Motion by Karl Brabenec, 2nd by Gary Spears, to pay bills that have been signed by three council members, and may be viewed in the Town Clerk's office.

General Fund Abstract #14 of 2011 for a total of \$80,334.33

Highway Fund Abstract #14 of 2011 for a total of \$28,416.81

WTC Memorial Fund Abstract #1 of 2011 for a total of \$114.82

Deerpark Manor Lighting District Abstract #7 of 2011 for a total of \$342.27

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

**MOTION CARRIED**

**Motion to Accept Budget Officer's Report for June 2011**

Motion by David Hoovler, 2<sup>nd</sup> by Gary Spears to accept the Budget Officer's Report for June 2011 with the Budget vs. Actual and Revenue and Expenditures.

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

**MOTION CARRIED**

Closing Board Comments

Councilman Spears thanked the residents who came out and voiced their concerns and hoped they would use wisdom concerning their decision. He thanked the Supervisor for the budget report and for the work he puts into it. He reminded people that the information regarding tax payers money is detailed and available at the Town Clerk's Office for review.

Councilman Trovei also thanked the Supervisor for his good job.

Councilman Hoovler mentioned also that the Budget Report reflects how they are managing the town in their positions on the board and that all residents have access to the information put together by the Budget Officer. He also thanked the Supervisor for his work on the budget information. The tax cap is coming and they will be somewhat restricted how to manage money, and when they are constrained by it, the way schools and local governments do business will change drastically.

Councilman Dean mentioned a couple newspaper articles printed recently and how it related to the town and nation. Money has to be saved in every way possible. They need to generate income for the town. The DEC wetlands is staged to increase State acreage wetlands by 27% and essentially it would change property value and increase taxes. They are even restricting outdoor woodstoves. The DEC made it difficult to live in New York.

Supervisor Brabenec agreed with Councilman Dean's comments on the DEC and added that the DEC is imposing more and more regulations on businesses and individuals devaluing property. It made New York a very hard place to market for economic development and even to keep people here. They are committed to telling those in Albany and Washington D.C. what they see as wrong. He congratulated Florence Santini, Town Clerk on her election to the Region II District Chair for the Town Clerk's Association of New York State. He congratulated her on her hard work for the town and her history of service knowing she would do a great job for the region. The Budget season for 2012 would be starting very soon and on August 1<sup>st</sup> he would submit to the departments for their budget wish list and requests. They have the 2% tax cap in place and their goal would be zero or below.

Florence Santini, Town Clerk reported on the licensing of dogs for the first six months. The costs and total income were presented to the board and they made over \$2,000 for the town. They didn't lose money.

**Motion to Adjourn at 9:15 p.m.**

Motion by Gary Spears, 2<sup>nd</sup> by David Hoovler to adjourn at 9:15 p.m.

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

**MOTION CARRIED**

Respectfully submitted,

Florence T. Santini  
Town Clerk