

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, JULY 22, 2013**

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

Invocation by Arthur Trovei

Attendance

Supervisor: Karl Brabenec

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

Attorney: Glen Plotsky

Engineer: Alfred Fusco, Jr.

Call to Order at 7:58 p.m.

Pledge of Allegiance led by Gary Spears

Additions or Changes to Agenda – None

Public Hearing #1 Proposed Dangerous Building, 1 Trails End, SBL 29-1-4.1 at 7:59 p.m.

Town Clerk, Florence T. Santini read the Public Notice of the proposed Dangerous Building, 1 Trails End, SBL 29-1-4.1. A copy is attached to the official minutes.

Public Comment:

Chester LeBaron, 65 Spring Street, Goshen, NY (845-325-6595) answered the complaint for Daniel Fox, owner of property. He had plenty of references if they needed them. He will need to apply for a building permit for the demolition and he said that was no problem. He asked what the cost was and they thought it would be \$50 - \$100.

Apply for a Building Permit to replace it on the 1.7 acres

Supervisor Brabenec asked Mr. Fox if he would state on the record that this is an unsafe and dangerous structure and he agreed and would take down the structure.

Motion to Extend the 30-Day Period to Get the Demolition Permit (1 Trails End, SBL 29-1-4.1)

Motion by Gary Spears, 2nd by Arthur Trovei to extend the 30-day period to get the demolition permit and a 60-day window to complete the demolition.

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

MOTION CARRIED

Motion to Close Public Hearing #1 Proposed Dangerous Building, 1 Trails End, SBL 29-1-4.1 at 8:11 p.m.

Motion by Karl Brabenec, 2nd by David Dean to close the public hearing #1 on proposed dangerous building at 1 Trails End, SBL 29-1-4.1 at 8:11 p.m.

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

MOTION CARRIED

Public Hearing #2 Proposed Dangerous Building, 15 Old Road, SBL 21-12-6 at 8:11 p.m.

Town Clerk, Florence T. Santini read the Public Notice of the proposed Dangerous Building, 15 Old Road, SBL 21-12-6 at 8:11 p.m. A copy is attached to the official minutes.

Public Comment – None

Motion to Close Public Hearing #2 Proposed Dangerous Building, 15 Old Road, SBL 21-12-6 at 8:15 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to close the public hearing #2 on proposed dangerous building at 15 Old Road, SBL 21-12-6 at 8:15 p.m.

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

MOTION CARRIED

Al Fusco, Jr., Building Inspector reported they determined this was a dangerous building according to the criteria in the zoning of the Town Code. He went on to say the structure was damaged by fire.

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Public Hearing #3 Proposed Dangerous Building, 115 US Route 209, SBL 20-1-34.13 at 8:17 p.m.

Town Clerk, Florence T. Santini read the Public Notice of the proposed Dangerous Building, 115 US Route 209, SBL 20-1-34.13 at 8:17 p.m. A copy is attached to the official minutes.

Public Comment:

Pat Longobucco, Attorney from the law office of Shapiro, DiCaro & Barak located at 250 Mile Crossing Blvd, Suite 1, Rochester, NY 14624. Mr. Longobucco said this property was the subject of a foreclosure action of their firm by the attorneys representing Merchant Bank. They were notified by Mr. Fusco that this property was subject to a fire. He asked for 30 days so the bank could have the structure inspected so that the banks attorneys could come back on August 12th to either explain why it is not a dangerous building, explain how they're going to deal with the fact that it is a dangerous building. Supervisor Brabenec stated that the Building Department had attempted to contact this bank on numerous occasions because there is rotten infestation there going on to neighbors properties, there is the stench of garbage, it is a disgusting sight over there and the neighbors are suffering. He didn't think to wait 30 days was acceptable. Mr. Longobucco said they were just assigned this file with the post-foreclosure sale. Conversation continued on how they could address these problems.

Motion to Extend the Dangerous Building Proposal for 115 US Route 209, SBL 20-1-34.13

Motion by Gary Spears, 2nd by Arthur Trovei to extend the Dangerous Building proposal for 115 US Route 209, SBL 20-1-34.13 until their next meeting, August 12, 2013 at 7:30 p.m.

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

MOTION CARRIED

Opening Board Comments

Motion to Accelerate to Police Leave of Absence

Motion by David Hoover, 2nd by Gary Spears to accelerate to Police Leave of Absence.

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

MOTION CARRIED

New Business

Supervisor Brabenec reported receiving a letter from Officer Jessie Cramer requesting a leave of absence to serve the country by joining the New York Army National Guard.

Motion to Approve Military Leave of Absence from January 8, 2014 through May 29, 2014

Motion by Karl Brabene, 2nd by Gary Spears to approve Military Leave for Office Cramer to go January 8, 2014 through May 29, 2014.

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

MOTION CARRIED

Supervisor Brabenec reported receiving a letter from Officer Thomas J. Collins requesting a Leave of Absence effective July 17, 2013 through September 1, 2013 for medical reasons and if able to return to work

Motion to Approve a Leave of Absence Effective July 17, 2013 for Officer Thomas J. Collins

Motion by Karl Brabene, 2nd by Gary Spears to approve a Leave of Absence Effective July 17, 2013 for Officer Thomas J. Collins, ceasing upon receipt of a full clearing from his doctor in the form of a Doctor's Note, arriving in Supervisor's Office.

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

MOTION CARRIED

Opening Board Comments – None

Presentations/Communications – None

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Motion to Approve June 24, 2013 Board Minutes

Motion by David Hoover, 2nd by Gary Spears to approve June 24, 2013 Board Minutes.

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

1 ABSTENTION: Arthur Trovei

MOTION CARRIED

Motion to Approve July 8, 2013 Board Minutes

Motion by Arthur Trovei, 2nd by David Dean to approve July 8, 2013 Board Minutes.

VOTE: 3 AYES: Arthur Trovei, David Dean, Karl Brabenec

2 ABSTENTIONS: Gary Spears, David Hoover

MOTION CARRIED

Public Comment – None

New Business

Supervisor Brabenec reported having tabled the Local Law #3, which is the Road Protection Law at the July 8th meeting when they had the Public Hearing. This is for major projects in the town, where they would have to put up a performance bond in order to proceed. This is for the purpose of protecting our roads. Councilman Spears hadn't read the public comment or actually participate in any discussion, so he wanted to ask for an extension to the next meeting so he could get up to speed. Councilman Dean asked if this was passed on a Tuesday, would it start on Wednesday. He said that any project that is in the works and the follow the procedure and it becomes law; does it apply to the project in the works at that time? Al Fusco, Engineer explained how the law would impact the road. Councilman Dean asked how they could ascertain what part of the project has to comply with it. Councilman Dean thought this did not have to be decided on that night, but could be postponed to the next meeting. Discussion followed.

Motion to Table Local Law #3 of 2013 – Road Protection Law

Motion by David Dean, 2nd by Gary Spears to table Local Law #3 of 2013 – Road Protection Law until August 12, 2013.

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

MOTION CARRIED

A report on the proposed *Highway Garage and Senior Building* was presented by Al Fusco, Jr., the town's engineer. Al explained particular information as follows: the garage will be built directly across from the existing Highway garage and includes a 7,680 square foot building; 5,000 of which will be highway garage and the balance of 2,680 will be the senior center. The bids were opened June 13, 2013 for General Contractor, Plumbing, HVAC and Electric for a total of \$862,857.00. (A copy is attached to the official minutes.) Councilman Spears asked about the terms for the bond and if they need to be set that night. Supervisor Brabenec mentioned that the length of term determines how much is paid per term, however there would be less paid in interest. He went on to state 3.75% is the 15 year interest rate and 4.25% is the 20 year interest rate. Councilman Spears recommended the 15 year term. Councilman Dean clarified that the payback on the amount borrowed would be \$760,570, when the debt service is included it is a million dollar building. He also inquired about the \$1,012,000.00 doesn't include the \$225,000, so it really is close to \$1.3 million dollars. He thought if they authorized the bond situation, would there be permissive referendum possible. Supervisor Brabenec said there was an option for a permissive referendum after the resolution is adopted and there would be a 30 day waiting period. It could be requested with a petition with a certain amount of signatures. Councilman Trovei asked if he knew what that amount was and the Supervisor thought it was about 5%. Discussion continued.

Motion to Recess at 9:26 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to recess at 9:26 p.m. for 10 minutes.

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

MOTION CARRIED

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Supervisor Brabenec stated they were back from recess at 9:40 p.m. and that conversation with Dan Birmingham, he estimated his cost to be about \$5,000.00. There is also potential for a Moody's fee that could be around 3 or 4 so they are looking at between 8 and 9.

Motion to Adopt Resolution 19 of 2013 – Bond Resolution for Highway Garage/Senior Building

Motion by Karl Brabenec, 2nd by Gary Spears to adopt Resolution 19 of 2013 – Bond Resolution for Highway Garage/Senior Building (attached to the official minutes).

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

MOTION CARRIED

Supervisor Brabenec read the next Resolution entitled, Designation of Hearing Officer under Civil Service Law Section 75 regarding the Notice of Removal from employment was issued against William R. Werner, an employee in the Town of Deerpark on July 12, 2013. The Hearing Officer, Joseph E. Rulie was appointed by the Town Board and should make written recommendations referred to the Board.

Motion to Adopt Resolution 20 of 2013 – Designation of Hearing Officer Under Civil Service

Motion by Karl Brabenec, 2nd by David Dean to adopt Resolution 20 of 2013 – Designation of Hearing Officer Under Civil Service.

Discussion: Councilman Dean asked what it would cost an hour and it was \$175 an hour. He then asked how many hours they were talking about a few days.

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

MOTION CARRIED

Supervisor Brabenec reported on the dangerous building on 15 Old Road, SBL 21-12-6. He asked the Town Engineer and Town Attorney to advise. Al Fusco, Jr. gave his report.

Motion to Approve Demolition of Unsafe Structure at 15 Old Road, Cuddebackville, NY SBL 21-12-6

Motion by Karl Brabenec, 2nd by Gary Spears, that structures SBL 21-12-6, 15 Old Road in Cuddebackville, New York, based on recommendation of the Building Inspector, be deemed as a nuisance and a hazard to the community and deemed unsafe by the Building Department of the Town of Deerpark. Furthermore, the Town Board recommends that the town demolish the structure and place the amount due for the demolition on the property owner's taxes.

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

MOTION CARRIED

Supervisor Brabenec added that the Building Department will work with the Town Clerk in regards to the bids.

Motion to Solicit Bids for Demolition of 15 Old Road, Cuddebackville, NY SBL 21-12-6

Motion by Gary Spears, 2nd by David Dean to solicit bids for demolition of 15 Old Road, SBL 21-12-6 and have the bids returned to the Town by August 12th at 4:00 p.m.

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

MOTION CARRIED

Supervisor Brabenec consideration of final draft of subdivision law amendments. Councilman Hoover asked the Board to table that and Supervisor Brabenec answered that unfortunately they could not because they would lose their grant. Town Engineer, Al Fusco stated they need to submit to the UDC by the 26th as they did with the zoning. They took some time after that to finalize the local law. It still got the grant so to speak, but it was enough to submit a final draft to secure the grant. Discussion clarified that this would be a revision to their subdivision local law. Supervisor Brabenec clarified that when they went through the zoning changes, there were recommendations the board wanted to see that had to do with the subdivision law amendments. Mr. Fusco stated that when they submitted the grant in August, they told them the project would be \$18,500.00 and they requested \$5,000.00 of grant money. They gave the town \$3,600 in grant money. At this point, he could not give an exact cost but thought it would be substantially less than \$10,000.00 that they actually spent. The supervisor added that when they applied for the UDC grant, they had to come up with a final draft to submit to the UDC before July 26, 2013. In authorizing the grant, they were authorizing the work to be done to put a final draft together for this. Discussion continued. Councilman Hoover said he would withdraw his request for tabling the amendment.

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Motion to Authorize Sending Final Draft of Subdivision Regulations to the Upper Delaware Council (UDC)

Motion by Karl Brabenec, 2nd by David Hoovler to authorize to send final draft of the Subdivision Regulations to the Upper Delaware Council (UDC) in anticipation of the award of the grant.

Motion to Amend Authorization to Send Final Draft of Subdivision Regulations to the Upper Delaware Council With Condition

Motion was amended by Karl Brabenec, 2nd by David Hoovler to authorize sending final draft of the Subdivision Regulations to the Upper Delaware Council (UDC) in anticipation of the award of the grant and on condition the document is approved by the UDC, there would be further review by the town board.

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

MOTION CARRIED

Appropriations, Budget and Payment of Bills

Motion to Pay Bills

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

General Fund Abstract #13 of 2013 in the amount of \$71,117.88

Highway Fund Abstract #13 of 2013 in the amount of \$110,622.45

Deerpark Manor Street Lighting Fund Abstract #9 of 2013 in the amount of \$424.24

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

MOTION CARRIED

Supervisor Brabenec mentioned he started the process for the 2014 Budget documentation and the Department Wish lists will be going out to the Department Heads. He said by August 16, he will have everyone's information and the completed project should be to the Board by the beginning of September and they will have about a month to debate that. By the end of September, they would look at adopting a Preliminary Budget for 2014 and that is then reviewed by the NYS Comptroller's Office during October. The Public Hearing on the Preliminary Budget would be the first Thursday in November, November 7th. An adopted budget must be in place by November 20, 2014. Same process as always. Councilman Spears recommended using words like 'need list' or 'fiscally responsible list'.

Closing Board Comments

Councilman Spears thought they all deliberated long in their minds and hearts over the building and he was happy to see they made an affirmative decision to move forward. Over time, it would prove itself out to be a good investment for the people in Deerpark. They do have an opportunity to speak to petition to referendum if they so choose, but asked that they look at all the numbers they have had a chance to look at before they make a decision. He thought it was a sound decision and good for the community in the long run.

Councilman Hoovler asked everyone to be safe on the river.

Motion to Enter Executive Session for Potential Litigation Update at 10:05 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to enter Executive Session for the purpose of potential litigation update at 10:05 p.m. and invite in attorney Glen Plotsky.

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

MOTION CARRIED

Motion to Recess Until 10:05 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to recess until 10:05 p.m.

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

MOTION CARRIED

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Motion to Re-Enter Regular Session at 11:02 p.m.

Motion by Gary Spears, 2nd by Arthur Trovei to Re-Enter Regular Session at 11:02 p.m.

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

MOTION CARRIED

Motion to Adjourn at 11:03 p.m.

Motion by Karl Brabene, 2nd by David Dean to Adjourn at 11:03 p.m.

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

MOTION CARRIED

Respectfully submitted by,

Florence T. Santini
Town Clerk