

TOWN OF DEERPARK BOARD MEETING
MONDAY, AUGUST 1, 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 (8:30 p.m.), David Dean

Attorneys: William Bavoso, David Bavoso

Invocation: Arthur Trovei

Call to Order at 7:20 p.m.

Pledge of Allegiance by David Dean

Additions or Changes to Agenda – None

Public Hearing for Local Law No. 3 of 2011 – Adding a Vice Chairperson to the Planning Board and Zoning Board of Appeals at 7:28 p.m.

Florence Santini, Town Clerk read the Public Notice for the Local Law No. 3 of 2011-Adding a Vice Chairperson to the Planning Board and Zoning Board of Appeals.

Supervisor Brabenec explained how this law would add a section to the current law regarding Planning Board and Zoning Board of Appeals allowing the Town Board to have authority to appoint a vice chairman as well as a chairman. Councilman Spears asked the Town Clerk if she included the Zoning Board of Appeals in what she read and the Attorney confirmed it was included.

Public Comments – None

Motion to Close Public Hearing at 7:32 p.m.

Motion by Gary Spears, 2nd by Arthur Trovei to close the Public Hearing at 7:32 p.m.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Dean, Karl Brabenec

1 ABSENT: David Hoovler

MOTION CARRIED

Opening Board Comments – None

Presentations/Communications

Supervisor Brabenec read a letter from the Orange County Partnership on July 14th in regards to their work in conjunction with the Orange County Real Property Tax Office to update the tax studies. They enclosed the updated version for use and the data was based on the 2010 tax year. The information was also made available at their tax site: www.ocpartnership.org under the demographics tab and additional copies can be printed from the website.

Approval of Minutes of Previous Minutes – None

Public Comment Period – None

Old Business

Motion to Adopt Local Law No. 3 of 2011 – A Local Law Amending Section 230-59 of Article IX 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

Motion by Gary Spears, 2nd by Arthur Trovei to adopt Local Law No. 3 of 2011 – A Local Law Amending Section 230-59 of Article IX 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.

**TOWN OF DEERPARK BOARD MEETING
MONDAY, AUGUST 1, 2011**

Discussion: Councilman Spears thought this would be a good idea in case of absences—the business would still be able to be accomplished.

VOTE: 4 AYES (Roll Call): Gary Spears, Arthur Trovei, David Dean, Karl Brabenec
1 ABSENT: David Hoover

MOTION CARRIED

Supervisor Brabenec reported on the Findings on Retiree Medical Audit. Certain town retirees are involved with different contracts and the Town Clerk and he put together a data base and audit of all the retirees receiving medical benefits. They discovered there were certain contracts that did not include verbiage concerning retirement benefits, only medical coverage while full time employees. He thanked Flo Santini, the Town Clerk for going through a lot of the records and minutes to gather this information, as well as the intern Vicky Fiedel. When a person retires, they retire under their current contract at that time. They discovered that in certain occasions, under some highway contracts, there were no provisions whatsoever for retiring medial insurance. Some retired employees had no contract at all or no wording to that effect. One person stated on their personal letterhead what they would like to elect as far as coverage, but no motion or minutes reflect that provision. A few are right on target. Councilman Spears thought it was clear and concise on what everyone should be getting and mentioned that in the past they had talked of changing insurance carriers to AARP for medical coverage. They spoke of setting up a meeting between those retirees receiving coverage with representatives and asked if a meeting was set up. Supervisor Brabenec stated he set up a meeting for August 10th at the Town Hall for all Town retirees and the one living out of state would be contacted by phone. The savings would be substantial. (A copy of the audit is attached to the official minutes.) One retiree does not qualify for the AARP plan yet, so they would be under the MVP plan. The total under NYSHIP is \$77,760.00 for the year. The total under the AARP plan combined with one MVP plan, the total is \$35,859. Councilman Spears said that as they discuss the audit, they would wait until after the August 10th meeting before they take any action and the Supervisor agreed. More discussion continued. Councilman Dean asked about those listed who were supposed to be only paid \$7,000 annual premium and asked how long that has been exceeded. Supervisor Brabenec said quite a number of years. Councilman Spears asked if the bookkeeper could research that amount for their next meeting and the Supervisor stated that she could and asked if they could take action on the audit at the next meeting. All retirees have been notified. The Audit is available at the Town Clerk's Office. They will also mail out the Audit to all the retirees.

New Business

Motion to Appoint Alan Schock as Vice Chairman of the Planning Board

Motion by Karl Brabenec, 2nd by Gary Spears to appoint Alan Schock as Vice Chairman of the Planning Board effective immediately.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Dean, Karl Brabenec
1 ABSENT: David Hoover

MOTION CARRIED

Motion to Appoint Gerald Cedrone as Vice Chairman of the Zoning Board of Appeals

Motion by Karl Brabenec, 2nd by David Dean as Vice Chairman of the Zoning Board of Appeals effective immediately.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Dean, Karl Brabenec
1 ABSENT: David Hoover

MOTION CARRIED

Supervisor Brabenec read the resolution being proposed regarding Saw Timber Refund of up to \$3,500 due to an incorrect estimate from Columbia Gas Company. Councilman Dean explained the situation. Columbia Gas purchased the use of the right of way and they paid for the timber. That number was based on a saw timber count done by Columbia Gas, who hired two independent surveyors, then paid the town for the timber and firewood approximately \$12,000. They advertised for bids and the successful bidder paid \$9,400. However, he came up short on saw timber. The workers were over zealous and chipped a good share of the saw timber. The Town was already paid and the bidder got shorted. He has copies of everything and the bidder has requested a refund based on the fact he didn't get the additional 15,000 feet amounting in \$3,500. In a sense of fairness and being up front with everybody, they need to refund this money. He appreciated the resolution to this effect.

Motion to Adopt Resolution 30 of 2011 – Saw Timber Refund

Motion by David Dean, 2nd by Gary Spears to adopt Resolution 30 of 2011 – Authorizing Partial Refund for lumber bid up to \$3,500.00 at Boehlmer Park due to an incorrect estimate of Saw Timber provided by Columbia Gas Company.

**TOWN OF DEERPARK BOARD MEETING
MONDAY, AUGUST 1, 2011**

Discussion: Councilman Trovei acknowledged Councilman Dean's care for the town's money and in all fairness knew he looked at the numbers and knows he validated that this man was shorted. Councilman Dean stated he paid \$5,000 more than the next closest bidder, with the refund. Councilman Spears thanked Councilman Dean for his work and diligence on that project and agreed it was the fair thing to do. They offered the estimate in good faith and it was not quite accurate.

VOTE: 4 AYES (Roll Call): Gary Spears, Arthur Trovei, David Dean, Karl Brabenec

1 ABSENT: David Hoover

MOTION CARRIED

Supervisor Brabenec read the resolution regarding the Dog Control Officer shared services agreement with the Town of Mount Hope. He then read the letter he received from the Town of Mount Hope detailing the plan. The costs would be shared 50% according to the IRS rates. They would save a small amount of money and be advantageous to both towns.

Motion to Adopt Resolution – Shared Services Proposal With Mount Hope – Dog Control Officer

Motion by Gary Spears, 2nd by Arthur Trovei to adopt the Resolution for Shared Services Proposal with Mount Hope for the Dog Control Officer.

Discussion: Councilman Spears asked about sharing the cost of insurance for the van, which is registered by the Town of Deerpark, and wondered about the liability should there be a problem with it in the Town of Mount Hope. Mr. Bavoso replied they would be covered wherever the vehicle had a problem. He will obtain a copy of the letter read by the supervisor and would put something together but didn't see there would be any problems that couldn't be worked out. Councilman Trovei asked about the reimbursement comments in the letter and the Supervisor stated the DCO would be paid an hourly rate by Mount Hope, separate from Deerpark. Any use of the van for Mount Hope would be paid to Deerpark. Councilman Trovei then asked about liability to Deerpark based on the initial \$25,000 to defend any lawsuit involving the town. Mr. Bavoso offered to look into that and run the proposal by the insurance carrier. Discussion continued. Councilman Trovei asked about the 50% payment offered by Mount Hope for the vehicle and about the deductible coverage. The Supervisor agreed that should be included in the agreement as well. Supervisor Brabenec thought they should also include maintenance costs. Councilman Dean asked if Mount Hope has a containment place and the Supervisor stated they bring animals to the Human Society. Councilman Trovei then asked for itemized savings.

Motion to Table Resolution – Shared Services Proposal With Mount Hope – Dog Control Officer

Motion by Gary Spears, 2nd by Arthur Trovei to table this Resolution Until the August 15, 2011 Meeting.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Dean, Karl Brabenec

ABSENT: David Hoover

MOTION TABLED

Supervisor Brabenec would notify the Town of Mt. Hope.

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 #15 of 2011 for a total of \$130,049.16

Highway Fund Abstract #15 of 2011 for a total of \$125,373.07

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Dean, Karl Brabenec

1 ABSENT: David Hoover

MOTION CARRIED

Budget 2012 Update – Supervisor Brabenec mentioned that due to being in deficit financing and under review by the Comptroller's Office, they need to start about a month early in budget preparation. All the departments have been notified by email for their budget requests, to be returned by August 15th. He should have everything by the beginning of September. After the Board adopts a Preliminary Budget, it would then be forwarded to the Comptroller's Office for review. They could make further recommendations and then there would be a public hearing on the budget, which is typically the Thursday after Election Day in November. Additional changes or adoption of the 2012 budget would happen after that. He asked for questions. There were none.

**TOWN OF DEERPARK BOARD MEETING
MONDAY, AUGUST 1, 2011**

Motion to Approve the Budget Officers Report for July 2011

Motion by Gary Spears, 2nd by Arthur Trovei to approve the Budget Officer's Report for July 2011 as presented.

Discussion: Supervisor Brabenec stated that in Revenue a couple line items were above the 100% point and under Expenditures in the General Fund some numbers were over 100%, so at the next meeting they would need to make a couple of budget modifications. Discussion continued about possible modifications needing to be made.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Dean, Karl Brabenec

1 ABSENT: David Hoover

MOTION CARRIED

Closing Board Comments

Councilman Spears wanted to make sure all the Retirees are notified of the August 10th meeting and provided a copy of the Audit so they know exactly where they stand. That way, they can address any of their concerns at the next meeting and hopefully take action to save money by switching health care providers. He thanked the Supervisor, Town Clerk and Intern for all their hard work in research for the audit.

Councilman Trovei congratulated everyone working hard on finding out this insurance information and if any past employees involved have paperwork or contracts that would shed more light on this, he encouraged them to share it. They want to treat everyone fair and just. They want to correct these situations.

Councilman Dean updated on the *Pipeline* progress by reporting they have begun blasting rock and moving the old pipe in Boehmler Park and opened up Nottingham Road to restore pipe there. They would be pouring beneath Peenpack Trail. They are looking at a completion date of total restoration and total finish in October this year. He wished Rob Schultz, Town Accountant a get well due to an emergency surgery, and Glen Plotsky, who had an appendectomy. He thanked Karl and Flo for their work on the audit even though it was disappointing and revealing. If anyone had supporting documentation to the contrary they should bring it in so they can look at it. They just don't want to pay for what they shouldn't pay for. It involves everybody's money.

Councilman Spears asked for an update on whether the cell tower was operating and whether they would have another carrier on there.

Supervisor Brabenec stated the *cell tower* was completely built, AT&T is on the top and he doesn't know if it is up and running. He will get an update by the next meeting on that. Verizon Wireless would be the next carrier and would be below the AT&T tower. Some members in the *Painted Aprons Development* off Neversink Drive are facing some problems with their Water Company. The current status of the system is that it is e-coli positive, resulting from July 12, 2011. A leak on Black Rock Trail is getting worse and residents are reporting water pressure to be falling over the past few days and cars are getting stuck in the subsiding roadway. The town is responsible for the town road—not the pipe, which lies underneath. The water company is responsible for the pipe. The Town's attorney sent a letter to the Water Company and advised them that they need to correct that situation and as of this date, it is still leaking and they cannot fix the road until the pipe is fixed. The town may have to fix the pipe in order to fix the road, and in return, bill the President of the Water Company. Additional problems exist—they would hold a meeting on August 22 at 7 p.m. at the Town Hall and letters were going out to the residents in that development. The Department of Health would be brought in, the Public Service Commission would be invited as well. This is big, big, big money. Councilman Dean asked who had jurisdiction over the Water Company and the Supervisor said it was the Orange County Department of Health. They were trying to find some viable options. They could form a Homeowner's Association or close down the well and each homeowner would need their own well. A new operator for the water company is another option. There were back taxes however, as well as massive overhead costs. There were issues with any of the options. The town could help the residents in forming a Homeowner's Association to pay for the upgrades, etc. The town could not take it over but they need to help the residents. Councilman Spears stated this problem has been going on for quite some time. Since Orange County Department of Health caused the problem, then they should be able to get some relief and variances on those setbacks from them. It was their regulations at the time that somewhat created this problem. Supervisor Brabenec mentioned that when these communities were going in, Orange County was pushing these water companies, rather than individual wells. It would work if the owners put aside money for repairs. Councilman Spears asked how many homes were in that development and how much they pay for their water bills. The Public Service Commission has communicated to Orange & Rockland that they cannot shut off the water. More discussion followed.

**TOWN OF DEERPARK BOARD MEETING
MONDAY, AUGUST 1, 2011**

David Hoovler arrived at 8:30 p.m.

Motion to Adjourn at 8:35 p.m.

Motion by Gary Spears, 2nd by Arthur Trovei to adjourn the meeting at 8:35 p.m.

VOTE: 4 AYES: Gary Spears, Arthur Trovei, David Dean, Karl Brabenec

1 ABSENT: David Hoovler

MOTION CARRIED

Respectfully submitted,

Florence T. Santini
Town Clerk