

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, SEPTEMBER 13, 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: Arthur Trovei

Pledge of Allegiance: David Dean

Call to Order at 7:10 p.m.

Moment of Silence for Howard Harap.

Additions or changes to Agenda

Motion to Add Discussion of Tax Certiorari Litigation in Executive Session to the Agenda

Motion by Karl Brabenec, 2nd by Gary Spears to add the discussion of Tax Certiorari in Executive Session to the agenda.

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

MOTION CARRIED

Motion to Add Discussion of PBA Negotiations with the Attorney in Executive Session to the Agenda

Motion by Gary Spears, 2nd by Arthur Trovei to add the discussion of PBA Negotiations with the Attorney in Executive Session to the Agenda.

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

MOTION CARRIED

Public Hearing Proposed Local Law 5 of 2010 "A Local Law Amending Certain Sections of Articles II, III and VII of the Zoning Law of the Town of Deerpark, Orange County, New York and Repealing Section 230-49 of the Deerpark Town Code (Zoning Law)

Town Clerk, Florence T. Santini read the Public Notice of the proposed Local Law 5-2010 and a copy is attached to the official minutes.

Supervisor Brabenec said the purpose for these changes to certain sections of the zoning law include the definition of a hotel. Also they spoke of permitted uses opposed to special uses, as many of the special uses in that zone would be moved to permitted uses with Planning Board approval. Also the repeal section 230-49 of the Deerpark Town Code and the existing zoning law, had to be referred to both the town's planning board and the Orange County Department of Planning for review and a final action report. The report was received on Friday from the Department of Planning and they have no problem with this, but their comments were read for the record. (A copy of this report is on file with the official minutes.)

Public Comment: None

Councilman Dean addressed a couple typographical mistakes as in a maximum impervious coverage rather than minimum and it should state IB for Interchange Business as the IBM reference is incorrect.

Motion to Close Public Hearing on Proposed Local Law 5-2010 at 7:24 p.m.

Motion by Gary Spears, 2nd by David Dean to close the Public Hearing on Proposed Local Law 5-2010 at 7:24 p.m.

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

MOTION CARRIED

Motion to Recess Until 7:30 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to recess until 7:30 p.m.

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

MOTION CARRIED

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The meeting was opened at 7:30 p.m.

A Moment of Silence for Kenneth Muller of Sparrowbush, a former councilman for the Town of Deerpark.

Opening Board Comments

Supervisor Brabenec stated there was a great 9/11 ceremony and wanted to thank certain people: Karen Garvey Crown for her work with the flowers; the Highway crew did a fantastic job on the structure; the International Brotherhood of Electrical Workers donated all the lighting and electrical work; Gary Spears donated all the wood for the structure and his trailer to transport the beam; Shaun Parker with the stones; Al Schock of Peenpack Sand & Gravel and the Town Clerk, Flo Santini who made this ceremony happen and did a fantastic job. There was a round of applause.

Councilman Trovei reported that the structure was down in preparation of the construction on the Route 6 corridor, readying the property for the foundation.

Presentations and Communications

Historian Report – Norma Schadt announced the Deerpark Heritage Day Saturday, September 18, 2010 from 10:00 – 4:00 p.m. Macaroni the Clown will be there, Jan Berlin will have animals and the Broome Street Band, Mike Pacer's orchestra and SJP Jazz Band will provide music, etc. The admission would be canned/package food for Food Banks for people or pets. The Historian's Report (attached to the official minutes) included the painting of historic markers. She reported that the latest Deerpark Diary is out and the past Diary's could be found on the 1863 Schoolhouse website. The steps and electricity work has been done and the town's been reimbursed for \$8,125.00. She has done some painting. As a community outreach, she video taped the 9/11 ceremony and would like to make a display for the I-Beam. The Museum Committee meets every Thursday and they could always use more helpers. Orange County has an open house for artists and this year Susan Miller and Joan Kehlenbeck and other local artists are going to be demonstrating at the schoolhouse the weekend of October 16 and 17. The History Book is still available at \$19.95 for the soft cover and \$39.95 for the hard cover.

Councilman Spears asked about a flag flown over the USS New York when it was in New York City and brought the flag back and wondered if she had received it and would want to display it in the Museum or Town Hall. Supervisor Brabenec reminded her that he had one in the Supervisor's Office and gave it to her. Norma Schadt didn't know what it was about. Councilman Hoovler thought it should have been in a plastic bag with a date and time written on it. He presented it to the Town Board in December of 2009 and Mr. Flieger took it. Ms. Schadt said she would look for it.

Highway Report – Ed Hughson reported on work completed and scheduled. A copy of which is attached to the official minutes. They had help from the Orange County inmates on cutting back brush and sealing the Town Hall parking lot. Mr. Hughson said they did a very good job. He then mentioned what a good job John Storms, John Decker, Robert Ostrom did on the structure over the I-Beam setting out front. Councilman Hoovler commented on a recent conversation with the citizen who had complained about garbage on Greenville Turnpike last spring and was thankful it had been cleaned up. Mr. Hoovler was asked to express their gratitude to the employees who cleaned that road up.

Motion to Place Commendation of these Highway Department Employees Into Personnel Files

Motion by David Hoovler, 2nd by Arthur Trovei to place letters of commendation of both John Storms and Warren Gunderman in the Highway Department into their personnel files.

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

MOTION CARRIED

Councilman Hoovler asked the Highway Superintendent to give a copy of these minutes to both Mr. Decker and Mr. Gunderman and he agreed to.

Reverend Wildeman reported on the *Good Neighbor Ministry* (a copy is attached to the official minutes). He repeated his previous requests in regards to the upcoming budget for 2011: 1) a goal for the budget balance of a zero balance; 2) a plan by the Town Board to establish a reasonable and equal pay increase for all who are employed by the township; 3) the 2010 budget surplus be applied to the 2011 budget to help reduce the town's amount owed to TD Bank. He suggested that holding a town hall meeting once monthly encouraging people to speak on ways to benefit the life of the town.

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Presentations and Communications continued

Supervisor Brabenec reported receiving about 121 items since the last meeting. A summary included the County communication regarding the *countywide tax collection* software requesting towns to give a decision by November 1, 2010 regarding the BAS (Business Automation Services). Currently, the Town Clerk's Office uses this and the Tax Collector does not. The County is paying for the townships in Orange County to go onto the system and they need to have a discussion with their tax collector in this regard. The *New York State Office of Emergency Management* has processed a payment in the amount of \$11,410.00 for the March 2010 storms and flooding. The supervisor explained that they have been applying for FEMA grants to recoup some of the damages in March. The Highway Superintendent would be available for answering questions about these projects. The Supervisor said that when they receive a check, they would work up a budget modification to that end. They received something from *Columbia Gas Transmission* and it would be forwarded to the Pipeline Representative for research. Tuesday, September 14th is the *Primary Election* for Republican, Democrat and Conservative and the polling places for Districts 1, 2 and 6 is Huguenot Fire House; Districts 3 and 7 is Building No. 2; Districts 4 and 5 is Sparrowbush Fire House. The *Deerpark Heritage Day* is September 18th. An *anonymous letter* was received regarding a complaint about a specific Town Department and it was forwarded to the Ethics Committee and their attorney to investigate and give the council proper guidance. They would like the person(s) who wrote the letter to come forward so they could present more information. The Town's Ethics Committee and/or the Town Board would look into this complaint further, but would need to know more specific information. The Supervisor met with representatives from the various Fire Departments, Cuddebackville, Sparrowbush and Huguenot. Liberty Mutual and the Town partner together providing home and auto insurance, and they offer a fire smart grant program where they offer small, medium and large sized departments a \$10,000 grant. Deerpark will compete for this grant and provide a link on the town website for a 10 question quiz on fire safety. Every person who takes the quiz and identifies one of these fire departments, would increase the number of hits that might result in winning the grant.

Approval of minutes of previous meetings

Motion to Approve August 2, August 16 and August 23, 2010 Minutes

Motion by Karl Brabenec, 2nd by Gary Spears to approve August 2, August 16 and August 23, 2010 Minutes.

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

MOTION CARRIED

Public Comment – None

Old Business

Motion to Approve Resolution 40 of 2010 – Declaring Lead Agency Status for Interchange Business Zone Changes

Motion by Karl Brabenec, 2nd by David Hoovler to approve Resolution 40 of 2010 declaring the Town of Deerpark as lead agency for the Interchange Business (IB) zone change.

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

MOTION CARRIED

Supervisor Brabenec stated that the Town Engineer recommended a resolution be drafted should the Town Board concur with the Negative Declaration after consideration at the Public Hearing and written comments that would be available.

Motion to Approve Resolution 41 of 2010 – Negative Declaration, Part II of SCAF for Interchange Business Zone Changes

Motion by Karl Brabenec, 2nd by David Dean to approve Resolution 41 of 2010 – Negative Declaration, Part II of SCAF for Interchange Business (IB) Zone Changes.

Discussion: Councilman Spears added that there was no negative input from the public at the Public Hearing.

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

MOTION CARRIED

Supervisor Brabenec asked that the Local Law No. 5 be considered for passing with the recommended changes by the Orange County Department of Planning with the changes recommended by the Orange County Department of Planning. They would create a key clarifying the sections between the zoning law and the code book; IB from IBM and minimum from maximum typographical errors.

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Motion to Approve Local Law No. 5 of 2010 – Interchange Business Zone Changes Recommended by Orange County Department of Planning

Motion by Karl Brabenec, 2nd by Gary Spears to approve Local Law No. 5 of 2010 – Interchange Business Zone Changes recommended by Orange County Department of Planning with the three changes discussed.

Discussion: Councilman Hoovler mentioned the Negative Declaration SEQR that is ready to go according to the Department of Planning. Supervisor Brabenec commented this is the first positive step for business development that this board has taken as far as zoning. Councilman Trovei asked when they would begin working on the HMU zone.

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

MOTION CARRIED

Supervisor Brabenec explained the need for authorization for him to sign a contract with Orange County for winter season snow and ice removal of county roads. The Town would be paid about \$22,000-\$23,000 a year from Orange County. They requested to also take care of Oakland Valley Road and they would not be able to include it this year, but the following year. This contract is exactly the same as last year. Any money left over could be used for salt also. Councilman Spears inquired about the updated rate and the supervisor answered that it would be based on what the state DOT pays the county. It might be \$100 more this year, otherwise it is exactly the same.

Motion to Authorize the Supervisor to Sign Snow and Ice Removal Contract

Motion by Gary Spears, 2nd by David Dean to authorize the Supervisor to sign the Snow and Ice Removal Contract.

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

MOTION CARRIED

New Business

Introduction of Local Law No. 6 of 2010 – Creating the Deerpark Veteran’s Board

Supervisor Brabenec introduced this as a board he wanted to create since being elected and it would promote the veterans tax exemptions, and organize certain ceremonies and assist veterans and families in obtaining information from the county. The Supervisor asked for a public hearing for this and it was recommended they plan a public hearing for the next month’s meeting, Monday, October 4th.

Motion to Schedule Public Hearing for Local Law No. 6 of 2010 on October 4, 2010 at 7:00 p.m. at Town Hall

Motion by Karl Brabenec, 2nd by David Hoovler to schedule a Public Hearing for Local Law No. 6 of 2010 on Monday, October 4, 2010 at 7:00 p.m. at the Town Hall.

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

MOTION CARRIED

Supervisor Brabenec read the request from Code Enforcement Officer Gary Amerbach in regards to property inspection for 34 Grove Street in Godeffroy, NY also know as 28-1-47.225, owned by Robert Romanoff. The building was damaged in the 2005 flood, but due to the litigation was not taken down. The request is for the Town Board to authorize the expense of an inspection by the Town Engineer and consider the report and by resolution authorize the proper demolition and/or removal of the building. They also have communication from Mr. Fusco, Fusco Engineering asking to be advised when authorization is granted for the inspection. Councilman Spears asked if the vote was specifically for authorizing the Town Engineer to inspect the property and not for demolition. The supervisor agreed that was what the vote would be for. Councilman Dean asked if this inspection leads to a demolition of this structure, would the county reimburse the town and the supervisor answered that the property owner would pay for the demolition and if they don’t, the town would pay and then charge them in their taxes the next year. Councilman Spears said the County does reimburse the town at some point.

Motion to Authorize Property Inspection by Town Engineer for 34 Grove Street, Godeffroy, NY

Motion by Karl Brabenec, 2nd by David Dean to authorize property inspection by the Town Engineer for 34 Grove Street, Godeffroy, NY (28-1-47.225).

Discussion: Councilman Spears asked if this was a town involved in litigation against the town and it was agreed that it was. The litigation is resolved according to the Town Attorney.

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

MOTION CARRIED

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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 #16 of 2010 for a total of \$155,052.64

Highway Fund Abstract #16 of 2010 for a total of \$85,435.58

Driveway Bond Abstract #1 of 2010 for a total of \$2,400.00

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

MOTION CARRIED

Monthly Financial Report From Budget Officer

Supervisor Brabenec submitted his report to the council as of August 30, 2010, showing the revenue and expenditure budget vs. actual and profit and loss detail for each department. This report is available at the Town Clerk's office for review. They had been concerned with meeting the projected income for building inspections fees, but they are on track. The only item lagging is the mortgage tax, but it is not under their control, rather an economy issue. Councilman Hoovler commented that the Town Clerk has one of these reports each month and encouraged the public to avail themselves to look at it. It helps when the Town Budget is presented each year, to understand the monthly cash flow, adding that the Supervisor does a wonderful job with the budget statements. Every expenditure that the town makes in every department is shown in the report.

Closing Board Comments

Supervisor Brabenec has been working diligently on the 2011 budget. They are working a month early due to the deficit financing and the NYS Comptroller needs time to review it. It is almost ready and should be ready by the end of the week. The Town Clerk will receive it, then present it to the Town board by the 20th and hopefully a budget session will be set at the next meeting to make any changes recommended. November 4th, following the election day, they would schedule a public hearing on the 2011 budget where the members of the public would have an opportunity to give input and request changes. With the Comptroller recommendations and the publics, they hope to pass a final budget by November 20th when it is due. He is working hard to make it a 0% tax increase for next year. Councilman Hoovler reported that the pension costs were automatically increased and the town contributes 11.9% and next year it will go to 16.3% and they contribute 18.2% to police and fire, and that will increase to 21.6%. Supervisor Brabenec added that the Board of Elections is charging back to the town extra costs for the need for a translator, interpreter, etc. The unfunded mandates that impact the budget. He will provide a budget message with explanations and reasoning. Councilman Spears congratulated Flo Santini and Chief Werner, Jimmy Rohner and Billy Smith and numerous people for the effort and hard work put into the WTC monument and wanted to commend everyone involved. He said it was good for the Town of Deerpark. Councilman Trovei exhorted everyone to prepare for the elections and deciding who to vote for as only the voters can make changes, like the school budget, the unfunded mandates, etc. Councilman Dean agreed with the encouragement to vote and echoed the comments on Flo Santini's work and added Betty Krantz, who designed the monument setting. He was moved by the ceremony and is glad to live in this community. Supervisor Brabenec reported that pictures and CD's of the event will soon be available. Councilman Hoovler also thanked Flo for the great job, as always.

Town Clerk, Flo Santini spoke about the WTC tragedy and how the event was a compilation of community participation. She reported raising \$10,245.00 from June 26th to September 11th. She commented on all those who donated supplies and hard work, resulting in the provision of a memorial for this community to visit and pay respects. She then asked permission to continue raising funds to provide a security camera, a small fence, a couple benches for people to reflect. The WTC fund is designated only for this site. She will provide all the paperwork for whatever is paid for. Her request is to make this an ongoing fund and asked the board as a courtesy. They had no problem with her using that fund for this project. She thanked everyone for coming and Tracy Baxter has a spot on the website. Special thanks went to Al Fusco for all he did.

Motion to Enter Executive Session for Discussion of Police Department, Tax Certiorari and PBA Negotiations at 8:34 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to enter Executive Session for the purpose of discussing potential litigation involving the Police Department, Tax Certiorari Litigation and PBA Negotiations and invite attorney, Glen Plotsky to join them.

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

MOTION CARRIED

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Motion to Re-enter Regular Session at 9:32 p.m.

Motion by Karl Brabenec, 2nd by David Hoover to re-enter Regular Session at 9:32 p.m.

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

MOTION CARRIED

Motion to Adjourn at 9:33 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to adjourn at 9:33 p.m.

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

MOTION CARRIED

Respectfully submitted by,

Florence T. Santini
Town Clerk