

**TOWN OF DEERPARK  
TOWN BOARD REGULAR MEETING  
MONDAY, SEPTEMBER 22, 2014**

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

**Invocation** by Councilman Trovei

**Attendance**

**Supervisor:** Karl Brabenec

**Councilmembers:** Arthur Trovei, Gary Spears, David Dean, Ken Smith

**Attorney:** Glen Plotsky

**Engineer:** Al Fusco, Jr.

**Call to Order** at 7:40 p.m.

Pledge of Allegiance by Councilman Dean

Additions or Changes to Agenda - None

There was a moment of silence for the Pennsylvania Trooper murdered last week.

**Public Hearing Proposed Local Law No. 3 of 2014 – A Local Law Changes in Zoning Definitions Re: Public Utilities**

Town Clerk, Florence T. Santini read the Public Notice of the proposed Local Law No. 3 of 2014 – “A Local Law Amending Section 230-4 of the Zoning Law by Adding Definitions Regarding “Public Utility” and “Public Utility Structures” and Amending Section 230-15 of the Zoning Law to include HM-U, IB and I-1 Industrial Zones by Adding “Public Utility Structures” to the schedule of district regulations.” A copy is attached to the official minutes.

Glen Plotsky, Attorney said this was a generic ability for utilities in similar entities of the HMU zone. It was determined that it would be better to specify not only the HMU zones, but the IB zones.

Public Comment – None

**Motion to Close Public Hearing on Proposed Local Law No. 3 of 2014 at 7:44 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Dean to close the public hearing on Proposed Local Law No. 3 of 2014 at 7:44 p.m.

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

**MOTION CARRIED**

Presentations/Communications

Supervisor Brabenec read a communication from Senator John Bonacic about a program grant for \$50,000 for the Police Department Expansion project. The governor will review for the *State Municipal Facilities Capital Program*. DES will notify the town when it has been activated. This would be an extra \$50,000 grant for 2014 with the \$50,000 from 2013. He thanked the senator for his helping the residents of the town. Councilman Spears commented that this should get them started on providing some better infrastructures for the town going into the future.

*Port Jervis Ambulance Corps* – Lincoln VanHorn, Captain distributed a handout, attached to the official minutes. He gave a brief overview, and stated he is working on a business plan to increase revenue, and conduct a fund drive. They will meet with the Hospital to discuss purchasing supplies at a discount. They hope to contract with the Town of Deerpark and the City of Port Jervis to use mechanics to provide service and maintenance for their ambulances. He also will work with the Community Foundation of Orange and Sullivan to get donations. Supervisor Brabenec added that he had met with Lincoln last week and who had come up with some great ideas to save some money. They thought of some ideas together and contacted the Foundation and that meeting went very well. He said they were more than willing to help to raise funds. Discussion continued.

Public Comment

New Business

Glen Plotsky, Attorney recommended waiting on Local Law No. 3 of 2014 for the county to have time to respond appropriately.

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**Motion to Table Consideration of Local Law No. 3 of 2014 Until October 6, 2014**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to table the consideration of Local Law No. 3 of 2014 until October 6, 2014.

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

**MOTION CARRIED**

*Al Fusco, Engineer* gave an update on dangerous buildings status:

**SBL 46-1-51 – 29 Upper Brook Road** – They gave the owner until September 9<sup>th</sup> to tear down a section of the building and they did come in, in a fairly timely fashion, but didn't pick it up until September 19<sup>th</sup>. They do have the demolition permit. He has indicated he is willing to do it, but money is tight. They still need to get an engineer to present a plan for the building. Being that they took out a demolition permit, though late, they showed some progress and so they are recommending to the board that they be given very strict time restraints and they be monitored and give them 30 days, then call it quits with these guys. He recommended they stay the order 30 days, pending their actions to have the main part demolished that was asked to be demolished, and to have the engineer on the job talking to them in that 30 days.

**Motion to Give a Stay of 30 Days for Demolition on 29 Upper Brook Road (SBL 46-1-51)**

Motion by David Dean, 2<sup>nd</sup> by Ken Smith to give a stay on the property at 29 Upper Brook Road (SBL 46-1-51) for 30 days from September 23, 2014 to comply with the recommendations in the letter dated September 22, 2014. (A copy is attached to the official minutes.)

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

**MOTION CARRIED**

*Al Fusco, Engineer* gave an update on dangerous buildings status:

**SBL 22-1-43 – 1045 Route 209** – They gave the owner a stay of 30 days and she indicated that she had a willingness to move forward with it, however, there has been no action whatsoever. Attorney Glen Plotsky mentioned that the owner was present with the supervisor and himself and has a letter to discuss in executive session that could involve litigation at the end of the day. The owner has actually provided a quit claim deed and he would recommend not doing anything at this juncture. He wants to look a little further to make sure of whom the current owner is.

**Motion to Table Discussion for Demolition on 1045 Route 209 (SBL 22-1-43)**

Motion by Gary Spears, 2<sup>nd</sup> by Ken Smith to table discussion for demolition on 1045 Route 209 (SBL 22-1-43) until October 20, 2014.

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

**MOTION CARRIED**

Supervisor Brabenec said they would discuss this further in Executive Session under Special Litigation.

*Al Fusco, Engineer* gave an update on dangerous buildings status:

**SBL 22-1-44 – 1049 Route 209** – The owners made minimal efforts to cut vegetation and did obtain a demolition permit for the garage. They've shown an interest in bringing the structure in compliance. They had recommended continuing with the board's previous schedule of December 1<sup>st</sup> for the owner to secure a building permit to rehabilitate the property. They are moving forward at a snail's pace, but the inspector's view is at least it is moving forward. If they stop completely, they will come back, but they will give them until December 1, 2014. There is no action needed.

*Al Fusco, Engineer* introduced a new safety issue:

**SBL 57-1-32.1 – 12 US Route 6** – Tri-State Gas Station Mr. Fusco said it has had a property maintenance issue there for a long time. There have been numerous attempts to correct things, their attempts have gone unanswered and they have not had much contact with anyone in authority. They have just hit stone walls. They recommend that they set up a public hearing to have this structure demolished as well as getting an estimate for removing the underground tanks. They need to correct the situation and they can be made whole through the county, but it would be prudent to guesstimate the cost of this before they move forward. He could be authorized to do a report saying they think things are in certain places, this is the approach to it and move forward in that regard. Supervisor Brabenec said that also he was notified that this property was part of a county tax sale, or one of the tax parcels in an upcoming county tax sale. Councilman Spears asked when the sale was and the supervisor didn't know but thought the end of September. Deborah Natalizio was asked and she said it was taken off the tax sale. He then asked Glen Plotsky who to contact as the owner, if he knew the owner or mortgage company, etc. Glen Plotsky said they need to check the most current owner and notify them and find out who the last mortgage company was because they might have an interest as well. It might be that the removal of underground tanks might not be worth the cost to them. Glen will

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research who the owner is and who is holding the mortgage. Any responsible parties. Mr. Plotsky added that since this is potentially going into litigation, perhaps they could discuss it in Executive Session. Supervisor Brabenec said they could call off the vote on this until after the Executive Session.

*Al Fusco, Engineer* introduced a new safety issue:

SBL 22-1-47 - 2 Piatt Drive - If it is not something that is imminent, it needs to be addressed in the near future. Councilman Spears asked if the building was occupied and Mr. Fusco replied that it was not. Councilman Dean inquired where it was and Mr. Fusco said it was right next to other buildings on Oakland Valley Road set back from the road. He thought the owners lived adjacent to it. One is vacant and one is resided in by the owner. Supervisor Brabenec recommended a Public Hearing on this property about a month from now, October 20, 2014.

**Motion to Set Public Hearing on Dangerous Building – 2 Piatt Drive (SBL 22-1-47)**

Motion by Karl Brabenec, 2<sup>nd</sup> by Ken Smith to set a public hearing on Dangerous Building located at 2 Piatt Drive (SBL 22-1-47) on October 20, 2014 at 7:30 p.m. at Deerpark Town Hall.

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

**MOTION CARRIED**

*Al Fusco, Engineer* gave an update on the new building. They are satisfied with the water, though they are running another sample. It is potable. It is a little high on the iron and will need to do an iron treatment. It will be hooked up this week and once they get the water hooked up, they will be able to clean it because that is all that is necessary. The electricity is on. They'll get it cleaned up. The drive way issue is almost resolved. The DOT needs one thing about getting a letter from Mr. Space due to the closeness to the property. They also wanted him to take the telephone pole down. He drafted a letter and he and the supervisor were going to go visit Mr. Space to ask for permission. That is the last hurdle. Everything else is good. Discussion continued. Supervisor Brabenec asked about a date for the opening and Mr. Fusco mentioned any time after the 15<sup>th</sup> should be good. Mr. Fusco also mentioned he had given the Board a copy of the approved change orders. (A copy is attached to the official minutes.)

Appropriations, Budget, and Payment of Bills

Supervisor Brabenec asked the Town Clerk to distribute the Tentative 2015 Budget to the Board, which she did.

Presentation of *2015 Tentative Budget* and Message by Supervisor Brabenec and announced that he is keeping the budget at \$2.7 million dollars and within the 2% tax cap. (Message is written in the budget, on file in the Town Clerk's Office.) He then asked the Board to look over the tentative budget. He would like the Town Board to be prepared with any changes at the next town board meeting so they can adopt a Preliminary Budget on October the 6<sup>th</sup>. That will give them a month to look over the budget. He thanked Rob Schultz, Town Accountant for his help in putting this budget together. The Town Clerk clarified that this budget was a work in progress, subject to change. The supervisor agreed, but if anyone wanted to look at it they could ask him. This copy is not available for copying yet.

**Motion to Pay Bills**

Motion by Karl Brabenec, 2<sup>nd</sup> 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 #17 of 2014 in the amount of \$85,032.55

Highway Fund Abstract #17 of 2014 in the amount of \$76,654.04

Engineering Fund Abstract #14 of 2014 in the amount of \$4,964.00

Street Lighting Fund Abstract #9 of 2014 in the amount of \$484.89

Capital Projects Fund Abstract #13 of 2014 in the amount of \$5,673.00 (Running Total \$853,688.78)

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

**MOTION CARRIED**

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Closing Board Comments

Councilman Spears thanked Senator Bonacic and his office for securing that extra \$50,000 grant to help them prepare for the future in Deerpark. He also congratulated Lincoln VanHorn on his effort to communicate with them the problems the Ambulance Corps is having and hopefully they can come to some solution in helping them and all the area residents.

Councilman Trovei agreed with what Gary had to say and also appreciated Senator Bonacic and hoped Lincoln VanHorn well with all the homework he had to do.

Councilman Dean thanked Karl for his work on the budget, and thought he would have a lot of joy reading that. He very much appreciated that Lincoln VanHorn came to their meeting prepared to supply numbers to them with the full understanding that work needs to be done to compile a complete set of numbers so they have something to look at. It is a necessary service, but it requires diligence to get right down to the meat and bones of the situation. He looked forward to seeing additional information.

Councilman Smith thanked Karl for putting the budget together, saying he knew how hard it was to put a budget together. He said it was very nice of the money Senator Bonacic put together. He appreciated the Ambulance Corps coming in and giving them information and will look forward to getting a little bit more.

Supervisor Brabenec – None

**Motion to Enter Executive Session to Discuss Potential Litigation Matters Re: Demolition of Buildings/Tax Certiorari Updates**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to enter Executive Session to discuss potential litigation matters regarding demolition of buildings and tax certiorari updates and invite in Attorney Glen Plotsky, Engineer Al Fusco and for the tax certiorari the Assessor Deborah Natalizio at 8:50 p.m.

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

**MOTION CARRIED**

**Motion to Recess Until 8:50 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by Ken Smith to recess until 8:50 p.m.

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

**MOTION CARRIED**

**Motion to Re-Enter Regular Session at 10:24 p.m.**

Motion by Ken Smith, 2<sup>nd</sup> by Arthur Trovei to re-enter Regular Session at 10:24 p.m.

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

**MOTION CARRIED**

**Motion to Adjourn at 10:25 p.m.**

Motion by David Dean, 2<sup>nd</sup> by Gary Spears to adjourn at 10:25 p.m.

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

**MOTION CARRIED**

Respectfully submitted by,

Florence T. Santini  
Town Clerk