

**TOWN OF DEERPARK BOARD MEETING**  
**MONDAY, OCTOBER 3, 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

**Attorney:** David Bavoso

Engineer: Alfred Fusco, Fusco Engineering

**Invocation:** Arthur Trovei

**Call to Order** at 7:39 p.m.

**Pledge of Allegiance** by Gary Spears

Additions or Changes to Agenda – None

Opening Board Comments

Councilman Spears reported on learning of the Tax Cap presented by the Hudson Valley Pattern for Progress and New York State Controller's Office. They went over the rules and regulations for the new 2% tax cap that has been instituted by the Governor and the Legislature of New York State. It is a 2% tax cap on the levy, so if the budget is \$4 million, they would only be able to go up 2% on the \$4 million. Due to assessments, tax certioraris and deductions by the BAR, the total valuation of the town may change somewhat, so even though this board is going to keep the tax levy at 2%, people may possibly see a 1%, 2%, 3%, 4% increase in people's tax bill due to the valuation of the properties in town. It is a good law for the taxpayers in his opinion because it puts some restraints on spending in government and gives the board some tools when they head into negotiations or buy services from different contractors.

Councilman Trovei thanked both David Dean and Gary Spears for the time they took off to attend the conference. He also thought the tax cap was a good move so everyone could get more responsible.

Councilman Dean reported that the conference was a long day and he wasn't sure he got all of it, but they brought back a lot of information. He stated it is not a panacea by any stretch of the imagination, but it does offer some serious reflection for the municipalities who do not necessarily have the courage to cap taxes. This will help that.

Councilman Hoovler stated that he spent that day with the Supervisor discussing the budget presentation. He also thought the tax cap was a good idea and expounded on a recent article in the newspaper involving Minisink Valley tax increases.

Supervisor Brabenec reported having the Supervisor's Budget out and has been in review for the past two weeks, the councilmen have been able to look at and ask questions and talk with the Department Heads. This meeting, they plan to start in the process of bringing those totals forward to a preliminary budget, which needs to be passed next. Then, it will go to the State Comptroller's Office for review. In November, they will have a public hearing and will adopt a budget before November 20<sup>th</sup>. This is still a work in progress. Their budget at this point still has a 0% increase for the tax levy into next year.

Presentations/Communications – None

**Motion to Approve Board Minutes For September 12, 2011 and September 19, 2011**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to approve Board Minutes for both September 12 and September 19, 2011.

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

**MOTION CARRIED**

Public Comment Period – None

Old Business – None

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New Business

Supervisor Brabenec mentioned that Resolution No. 37 need to be passed in regards to the Snow and Ice Removal Contract with Orange County. This is an agreement between Orange County and the town's Highway Department to service the county roads and Town of Deerpark. The payment from the county is usually anywhere from \$22,000 to \$23,000 and they give a listing of the roads on Schedule A: County Road No. 15-Clove Road southwesterly from Port Jervis to the New Jersey State line a distance of .32 miles, County Road No. 16-Maple Ave southwesterly from Port Jervis to the New Jersey State line a distance of .30 miles and County Road No. 80-Neversink Drive northeasterly from Port Jervis City line to Route 209 near Huguenot for a distance of 4.52 miles.

**Motion to Adopt Resolution 37 – Authorize Supervisor to Sign Snow and Ice Removal Contract**

Motion by Gary Spears, 2<sup>nd</sup> by David Hooverler to authorize the Supervisor to sign the Snow and Ice Removal contract on behalf of the town.

Discussion: Councilman Spears asked if the amount was the same as last year and Highway Superintendent Ed Hughson stated he had not seen it. Supervisor Brabenec said it was about the same, \$4,700 per mile for the following roads set forth in Schedule A amounting to a total of 4.52 miles, .3 miles and .32 miles (7 ¾ miles). Supervisor Brabenec also stated they had also requested Oakland Valley Road and they could check on having that added before signing the contract. However, Mr. Hughson said they should not ask for that now. There was agreement that the amount was much the same as the previous year.

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

**MOTION CARRIED**

Appropriations, Budget and Payment of Bills

**Motion to pay bills:**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Hooverler, to pay bills that have been signed by three council members, and would announce the totals at the September 12 meeting. Bills may be viewed in the Town Clerk's office.

General Fund Abstract #19 of 2011 for a total of \$120,124.37

Highway Fund Abstract #19 of 2011 for a total of \$185,576.77

World Trade Center Fund Abstract #3 for a total of \$12.00

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

**MOTION CARRIED**

Supervisor Brabenec mentioned that the Budget Officer's Report for September 2011 was current with recent totals to date of revenues and expenditures, budget versus actual. He also included for both General Fund and Highway Fund details by account what bills came out of those line items.

**Motion to Adopt Budget Officer's Budget Report for September 2011**

Motion by David Hooverler, 2<sup>nd</sup> by Gary Spears to adopt the Budget Officer's Report for September 2011.

Discussion: Councilman Hooverler mentioned that this report was the 22<sup>nd</sup> report since he has been in office and the supervisor provided. He then asked the Town Clerk if anyone had been in to her office to request a copy of the report and she answered no one had been in. Supervisor Brabenec stated that this report is available for anyone to view in the Town Clerk's Office. This is an accurate recording of the finances.

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

**MOTION CARRIED**

Supervisor Brabenec apologized for stating at the last meeting he would post the Tentative Budget on the website. He was told by the Town Clerk and the State Comptroller's Office the next day that it was not supposed to be published until the Preliminary Budget was approved. So, if you requested a copy or you tried to look for it online, it wasn't available. If this is adopted as a Preliminary Budget tonight, he would then submit it to the Town Clerk and the Office of the State Comptroller for review. They will physically be in the Town Hall for about two weeks looking over the line items.

Supervisor Brabenec stated that a few budget modifications need to be made to the General Fund and they would take them line by line, as in .1, .2, .3, and 4.

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**Motion to Reduce Councilmembers Rate of Pay**

Motion by David Hoovler, 2<sup>nd</sup> by Gary Spears to reduce the reimbursement to Council members from \$7,500.00 to \$6,000.00 per councilmember for a total of \$24,000.00 for the .1 line in the Preliminary Budget.

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

**MOTION CARRIED**

**Motion to Reduce Supervisor Salary**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to reduce the Supervisor's Salary from \$37,300.00 to \$33,381.00.

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

**MOTION CARRIED**

**Motion to Restore the Department Head Requests**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to restore the Department Head Requests for 2012 at \$99,305.00 for 1355.4

Discussion: Councilman Dean mentioned that as councilmembers, they are in charge of the town's finances. Part of good financial planning is planning for the future so they don't find themselves with a big ball of dust inside the bank account. To have equitable evaluation in the town is going to take away some of the horror stories of increased taxes, but keeping the equity in place. Councilman Spears added that if they don't get a re-evaluation, they have been hammered with tax certiorari's because their evaluations are so far out of whack, that whoever comes here through BAR or a tax certiorari's are winning their case because their homes are two or three times the evaluations for the present market value. That effects everyone in town when one person gets a reduction by a tax certiorari. They should do them all at once and make it their goal. Councilman Hoovler mentioned too, that if you had two homes and one was built in 1970 and another in 2006, the one from 1970 may be only paying a small fraction compared to the one built in 2006 paying a large amount. The idea is to bring one up and the other down to make it is more equitable. This is the only way to make everyone more equitable. He asked if they want to do this in a line or put it in contingency.

**Amended Motion to Restore the Department Head Requests**

Amended motion by Gary Spears, 2<sup>nd</sup> by David Dean to restore the Department Head Requests and place \$30,000.00 in contingency at 1990.4, which would be for a possible start of re-evaluation and that would be to keep the \$69,305.00 for the Preliminary Budget for the 1355.4.

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

**MOTION CARRIED**

**Motion to Amend the Town Clerk's Rate of Pay**

Motion by Karl Brabenec, 2<sup>nd</sup> by Arthur Trovei to amend the Tentative Budget for the Town Clerk, reducing rate of pay from \$43,525.00 to the Preliminary Budget of \$39,403.00.

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

**MOTION CARRIED**

Discussion about requesting the County to assume financial responsibility for elections, instead of charging each cost to the town. Supervisor Brabenec offered to write a letter to the County Executive and Councilman Spears offered to sign it.

**Motion to Move \$25,000.00 in Judgment and Claims and \$25,000.00 in Contingency**

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei to move \$25,000 in Judgment and Claims and \$25,000 in Contingency.

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

**MOTION CARRIED**

**Motion to Reduce the Amount of Unsafe Buildings to \$13,000.00**

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei to reduce the amount to \$13,000.00 in Demolition of Unsafe Buildings (A3650.4).

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

**MOTION CARRIED**

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**Motion to Reduce Highway Superintendent Salary to \$50,867.00**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Hoovler to reduce the salary request from \$54,867.00 to \$50,867.00.

Discussion: Councilman Spears asked if the reduction was the same amount as other elected officials and it was confirmed to be the same. Councilman Hoovler wanted to specify that his salary was the lowest of his counterparts.

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

**MOTION CARRIED**

**Motion for Five Minute Recess at 9:40 p.m.**

Motion by Arthur Trovei, 2<sup>nd</sup> by David Hoovler to take a five minute recess at 9:40 p.m..

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

**MOTION CARRIED**

The Meeting started again at 9:53 p.m.

**Motion to Remove \$2,000.00 from the Recreation Aide**

Motion by David Hoovler, 2<sup>nd</sup> by Arthur Trovei to remove \$2,000.00 from the Recreation Aide in Programs for the Aging.

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

**MOTION CARRIED**

It was agreed to take out the part time clerk to handle escrows for the Planning Board, since that responsibility is now placed on the Confidential Secretary to the Supervisor.

**Motion to Accept Building (Type) Reserve Fund as Written**

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei to accept Building (Type) Reserve Fund as Written.

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

**MOTION CARRIED**

**Motion to Accept Local Sources as Written**

Motion by David Dean, 2<sup>nd</sup> by Hoovler to accept Local Sources as written.

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

**MOTION CARRIED**

**Motion to Reduce Mortgage Tax Revenue to \$50,000.00**

Motion by David Hoovler, 2<sup>nd</sup> by David Dean to reduce the Mortgage Tax revenue to \$50,000.00.

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

**MOTION CARRIED**

**Motion to Accept Department Income as Written**

Motion by David Dean, 2<sup>nd</sup> by David Hoovler to accept Department Income as written.

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

**MOTION CARRIED**

**Motion to Reduce Mortgage Tax to \$50,000.00**

Motion by David Hoovler, 2<sup>nd</sup> by David Dean to reduce the Mortgage Tax to \$50,000.00.

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

**MOTION CARRIED**

Supervisor Brabenec mentioned that according to the figures he has, there would be a 7.75% higher than last year. They discussed the Highway Fund next.

**Motion to Add \$5,000.00 for P/T Summer Assistance – Highway Department**

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei to add \$5,000.00 for the Part Time Summer Assistance in the Highway Department for summer overtime.

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

**MOTION CARRIED**

The council agreed to an increase to \$115,000.00 for the Highway Equipment line.

Supervisor Brabenec stated they did not submit a Resolution to accompany their budget with a 16% tax increase. David Bavoso, Attorney stated it was his understanding that a Resolution needed to be in place by the end of the year. Councilman Spears suggested they be notified to call the State Controller's Office for another meeting and an override vote from them commissioners. Discussion followed.

The total General and Highway Funds were now at 2.92% increase in the tax levy. They broke the tax cap. There was a 7.75% change in the General Fund; a negative 2.8% in the Highway Fund; and Fire District No. 1 (Cuddebackville) is a 17.28% change; the Fire District No. 2 (Sparrowbush) is a 3.25%; Fire District No. 3 (Huguenot) has a 2% change and the Street Lighting District No. 1 is a negative 33% change. Supervisor Brabenec explained that this computes for the tax levy is the total general and total highway.

**Motion to Reduce the Contingency Fund by \$75,000.00**

Motion by Arthur Trovei, 2<sup>nd</sup> by Gary Spears to reduce the Contingency Fund by \$75,000.00 (1.72%).

**VOTE: 4 AYES (Roll Call): Gary Spears, Arthur Trovei, David Hoovler, David Dean**

**1 NO: Karl Brabenec**

**MOTION CARRIED**

**Motion to Pass the 2012 Preliminary Budget as Amended**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to pass the 2012 Preliminary Budget as amended at this meeting and submit to the New York State Comptroller's Office by October 4<sup>th</sup>, 2011.

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

**MOTION CARRIED**

Closing Board Comments

Councilman Dean thanked the Department Heads for submitting their numbers and the Supervisor for his work on the budget.

Councilman Trovei thanked the Supervisor and everyone as well. He would like to see the Cuddebackville Fire Deptment go back and look at this budget again, in all fairness to their constituents and tax payers.

**Motion to Adjourn at 11:03 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by Arthur Trovei to adjourn at 11:03 p.m.

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

**MOTION CARRIED**

Respectfully submitted,

Florence T. Santini  
Town Clerk