

TOWN OF DEERPARK BOARD MEETING
MONDAY, DECEMBER 19, 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: Bill Bavoso

Engineer: Al Fusco

Invocation: Reverend Wildeman

Call to Order at 7:35 p.m.

Pledge of Allegiance by Gary Spears

Additions or Changes to Agenda – None

Opening Board Comments – None

Presentations/Communications

Supervisor Brabenec reported on an email from David Bavoso regarding the concerns of *litigation involving Tri-23 and Mr. Daniel Cea and Mr. Ray Bowley* in response to questions asked by various residents wanting answers, as well as the Town Board. According to Mr. Walsh, attorney for the town responded that the Town had made a motion to dismiss for failure to state a cause of action based upon the fact that the town does not oversee or control the day to day operations of the station. The court ruled in favor of the town on the motion, however, the court then gave counsel for the other side a month to amend the complaint. The attorney for the plaintiff made the amendments. The case is still open and in the discovery stage. Depositions are set to take place in April if any are scheduled. This discovery period is scheduled to end in July 2012. Councilman Spears responded that they had hoped to recover tax payer's money being spent on this case without merit. Councilman Dean asked what the town's share of this was so far and Councilman Hoovler responded it could be up to \$37,500. He explained there was a \$25,000 general deductible and an additional \$12,000 that could be put on under certain circumstances. That would be the cap. It is unfortunate considering the fact that it is not even located in their jurisdiction. **Councilman Dean added that this was money the town really needs for projects in the town, not to satisfy someone's ego with a frivolous lawsuit. Supervisor Brabenec then reported on the memo from Norma Schadt, Historian regarding the *Eagle Scout project for historical markers*. This is a New York State Pilate Program and the Town of Deerpark is part of the program and she would like to present this work, when completed, as a pilate for other communities in New York to use as a model. Michael Murphy of Troop 68 in Cuddebackville, will be earning his Eagle Scout by completing the following project, which is the town having over 30 historical markers in need of repair or restoration. He will paint and repair all the markers, re-set those not completely upright, etc. They will follow the guidelines of the program. The supervisor received another email on December 19th addressed to him and the Town Board from *Charles Carlson resigning* as the Police Commission Chairman and as a member of the Police Commission.

**Later in the meeting, Councilman Hoovler corrected his comment regarding the litigation amount, saying he should have stated the Cea/Bowley vs. the Town of Deerpark litigation was \$37,000 cap with an additional \$12,500, so the total would be \$49,500. Supervisor Brabenec said that if this lawsuit lingers, it has the potential of costing the town close to \$50,000, which would be 2% of the tax levy.

Motion to Accept Resignation of Charles Carlson from Police Commission

Motion by Karl Brabenec, 2nd by Gary Spears to regretfully accept the resignation of Mr. Charles Carlson as Chairman of the Police Commission and as a member of the Police Commission effective immediately.

Discussion: Councilman Spears stated he has done a fine job for a long time and they were certainly going to miss him. Supervisor Brabenec added that Mr. Carlson joined the Police Commission in 2008 and has been an asset to the commission and the community, bringing a lot of law enforcement experience and expertise. He will be missed on that committee and wished him the best and hoped he would remain active in the town in some capacity, because he is a wealth of information and a good, good person. Councilman Hoovler also said he did a fine job.

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

MOTION CARRIED

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Supervisor Brabenec read a letter dated December 12th that he sent out to the riders of the *Senior Shuttle*. Another letter will be sent after the Board decides on the two days the shuttle will operate, when they get the recommendations back from Quality Bus. The letter explained the financial decision to limit the shuttle operation. He asked about additional information from the Attorney in regards to the Deerpark tax dollars funding Port Jervis services. Mr. Bavoso replied that the State Constitution does not permit municipalities to make a gift of public funds. As long as there is a contract to provide services to Deerpark residents, that is a contract they can spend money on. They cannot spend money on a donation or gift to pay for services provided to residents of other municipalities. It would be in violation of state constitution to do otherwise. The supervisor mentioned the bus was eligible to pick up people 60 and older, and in 2011 the age went down to 55 and older. In the Town of Deerpark, there are 1,500 residents 55 and older. There are only 4 to 6 people using the bus right now from Deerpark. The board doesn't want to cancel this service, but they need to run it more cost effectively.

Motion to Approve Board Minutes from December 5, 2011

Motion by Gary Spears, 2nd by Arthur Trovei to approve Board Minutes from December 5, 2011.

Discussion: Councilman Spears thanked Florence Santini and the girls who do the minutes. He thanked her and her staff for their work.

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

MOTION CARRIED

Public Comment Period – None

Old Business – None

New Business

Supervisor Brabenec introduced the contract with *Fusco Engineering and Land Surveying* and explained that Al Fusco has been the Town Engineer since 2008 and they retained him again in 2010. Typically these are two year contracts, so on December 31, 2011 the contract will come to an end for Mr. Fusco. This contract renews him again for 2012 and 2013 as the town engineer. He has done a fantastic job the past two year in helping the Supervisor's office in securing the grants, working with the Highway Superintendent for the FEMA grants and the various projects for upgrades for the parks and for their fuel system out back. He has done a tremendous job in the town. Also, in the contract, they have an interesting proposal involving the Building Department with the help of Board liaisons, Councilmen Spears and Hoovler. This essentially privatizes the Building Department. They outsourced the Assessor's Office, which saved a substantial amount of money for tax payers in 2011. Now, they are proposing Fusco Engineering take over the town's Building Department. The benefits were described by Councilman Hoovler, who credited Councilman Spears with heading up this project. Mr. Fusco would be in charge of the Building Department. The positive benefits for the town include oversight of a professional engineer all the time, with his staff and his office staff with four certified building inspectors, plus he would absorb our building inspector for a small amount of hours each week, and the clerical staff. There is an immediate long-term liability reduction in regards to workmen's compensation claims, unemployment claims, etc. Councilman Spears added that he also believes Al Fusco has done a great job for the town with FEMA work and regular duties. When he saw the benefit of having him around all the time, and if they can proceed without an extra cost, it would be a win-win situation for everyone. Councilman Trovei also said he has found Al Fusco and his company to be quick to respond and their service is a big thing they appreciate. Councilman Dean also said their responsiveness was immediate, as evidenced by the response to the storms they suffered. He also said Bob Emerson, Building Inspector, would stay on and has done a great job for a lot of years. This was one more move by this board to make government more accountable and more efficient to continue to keep the taxes stable in the Town of Deerpark. The number one goal of their conservative financial group sitting on the board was to keep the taxes stable. He welcomed Al. Supervisor Brabenec commented he had worked with Al Fusco started working with him in 2008. He thanked him for all he has done. He wanted anyone listening to know that Mr. Fusco had over 3 decades of experience with engineering, local government, knowledge and expertise. He will definitely be a big asset to the Town of Deerpark the next couple years.

Motion to Authorize Supervisor to Sign Contract with Fusco Engineering for 2012/2013

Motion by Gary Spears, 2nd by David Hoovler to authorize the Supervisor to sign the contract with Fusco Engineering for the years 2012 and 2013.

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

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Supervisor Brabenec stated the contract with Fusco Engineering would be effective January 1, 2012.

Supervisor Brabenec introduced the contract with attorney, Bavoso, Plotsky and Onofry, stating they work with the various boards in the town. Mr. Bavoso has been in the town for over 35 years and has a tremendous wealth of knowledge in the town. The firm has been with the town since 1979 and they would like to see them continue to serve in this capacity.

Motion to Authorize Supervisor to Sign Contract with Bavoso, Plotsky and Onofry for 2012/2013

Motion by Gary Spears, 2nd David Dean to authorize the Supervisor to sign the contract with Bavoso, Plotsky and Onofry for 2012/2013.

Discussion: Councilman Dean thanked Mr. Bavoso and his firm for the excellent work he's done all the years in the town. Councilman Hoovler said that when the town had dier financial strains a few years ago, Mr. Bavoso offered to take a cut and the firm has always worked with them. They are working for the same rate now, as when they signed two years ago. That is admirable given the legal profession in his understanding of what other towns pay and they provide excellent service for it. They have not grown complacent over the years; the level of service is still very good. Councilman Trovei appreciated how quickly they respond to sudden requests from the board. He thanked them for their many services and being kind to the community with the cost of their service. Supervisor Brabenec thanked Mr. Bavoso for all he has done for his office and for him, saying he has great answers and keeps him on track.

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

MOTION CARRIED

Supervisor Brabenec stated that at the end of the year, their books need to balance and make sure the line items are not in deficit. This end of the year financial close out meeting that needs to be set, is to make these lines balanced.

Motion to Schedule Financial Close Out Meeting for Friday, December 30, 2011 at 8:00 a.m.

Motion by Karl Brabenec, 2nd by Gary Spears to schedule the Financial Close Out Meeting for Friday, December 30, 2011 at 8:00 a.m. at the Town Hall.

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

MOTION CARRIED

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 #24 of 2011 for a total of \$94,953.34

Highway Fund Abstract #24 of 2011 for a total of \$68,475.59

Lighting District Deerpark Manor Abstract #12 of 2011 for a total of \$383.96

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

MOTION CARRIED

Closing Board Comments

Councilman Spears welcomed Al Fusco and his firm to the town for the Building Department. He wanted to welcome Bill Bavoso and his firm back as they work together the next two years. He reiterated to Florence Santini and her staff for the excellent job they do in the minutes. He mentioned that while he has worked on the council, he thought Chuck Carlson had done an excellent job and would be sorely missed. He can appreciate he wants to do other things and hopefully they could send him a nice letter for all he has provided for the town.

Councilman Trovei welcomed both the engineer and attorney firms and thanked them for making their jobs easier and more efficient and more competent. He hoped people in the town would thank those who work voluntarily on behalf of the town. A lot of people do volunteer jobs and work for years and do a tremendous effort for all the people of this town. He encouraged people to seek out some of the names on the website and take an opportunity to thank them. On behalf of the town, he wanted to thank everyone who works on committees and do so much work and are a part of making the community the best it can be. He wished everyone a very Merry Christmas and that they may they be blessed by the Lord.

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Councilman Dean said it was a sad time of the year—only one day left of the hunting season. He reminded people to be safe and stated that fortunately for the Town of Deerpark, to his knowledge there were no accidents locally, but there were some deaths from people using tree stands without harnesses. He wished everyone a Merry Christmas, Happy Hanukkah and a very safe New Year. He encouraged people to not drink and drive, but continue to be safe. He also welcomed Al Fusco and his taking over the Building Department along with all the other services he does. He thanked Bill Bavoso and was thankful for the good relationship. He has four years ahead of him, as he and David Hoovler were both successful in the election. He would continue to do his best. It is difficult at times—when he hears of expenses of lawsuits and such things that truly do impact the taxes for people. When someone claims to love the town, then causes taxpayers to spend the money being spent on something that is absolutely going nowhere, it is obvious. This is disingenuous. He recommended that they should think twice about this if they ever do it again.

Councilman Hoovler also wished everyone a Merry Christmas, Happy Holiday, Happy Hanukkah and Happy New Year. He welcomed Al Fusco and thought that it would be good for the town. Regarding the Multi-Year Plan (three to five years), he guides his decisions from what is best for the Town of Deerpark in the short term, the long term and then long after he's gone. He thinks moving in the direction they are moving is good because of the liability reduction. That is what it is about. If anyone has any suggestions or comments about their Multi-year plan to be released in January regarding what the projected revenues and expenses are for the future, they should send an email to any of the council as they would be happy to answer questions. They could get previous multi-year plans from the Town Clerk. He expressed a special thanks to Chuck Carlson as he had the opportunity to work with him on the Police Commission and thought he had a ton of knowledge when it comes to corrections and law enforcement. He was a total asset to the town and was sorry to see him go. Finally, he noted the Chairman of their Ethics Committee was in attendance and the state was sent the current ethics law. The Attorney General was pressing all 932 towns to have updates and revisions. Their Ethics Committee Chairman was well on top of that and they should be covered.

Supervisor Brabenec reported that earlier in the week, the State Legislature passed and the Governor signed a partial repeal of the MTA Payroll Tax, which is a start in the right direction. However, he sent a letter to the Governor, the Majority Leader of the Senate and the Speaker of the Assembly expressing his and other Supervisors in the county disappointment that the municipalities were not included in this configuration with the MTA Payroll Tax. This costs the town approximately \$6,000 a year for the MTA Payroll Tax. Nobody who works here is using the train to go to work. It is an absolutely ridiculous tax and the MTA is a bloated institution that needs to be cut. He urged them to pass legislation to repeal the tax on municipalities in Orange County. A copy is available at Town Hall. They have started to advertise for all their boards and committees for appointments for next year. If anyone is interested in serving at the town, they should send a letter or email of interest to the Town Clerk by December 30, 2011 for the reorganization meeting they will be putting together. He thanked Flo Santini for putting together their annual Holiday Light Contest. They held it again and had quite a few entries and picked five winners. He thanked the sponsors: Westbrookville Deli for a \$25 gift certificate; Laurel Grove for a Christmas Candle; Deerpark Groceries for a bottle of wine; Try-R-Deli for two large pizzas; Petri's Family Pizza Place across from the Police Station for a pizza with one topping, and Danielle Glynn, the bookkeeper donated a bottle of wine. The five winners were: First Place – Charlene Canale of 242 Wilson Road was excellent with music, and very impressive. Second Place – Margie Borkenhagen of 825 Peenpack Trail; Third Place – Huguenot Fire House; Fourth Place – Robert & Mary Bylsma of 95 Peenpack Trail; and Fifth Place – Ron & Sandy Williams of 97 Peenpack Trail. Their prizes should be available Wednesday for the winners at the Town Clerk's Office. The Hanukkah celebration is coming up and he wished everyone a Happy Hanukkah. They will be having the Chabad House of the Town of Deerpark and Port Jervis doing a ceremony like last year with the Rabbi and the members of that congregation coming at 4:00 p.m. Tuesday, Wednesday, Thursday and Friday at the Town Hall, then again Monday and Tuesday the following week. All members of the community are welcome to come. He wished everyone a very Merry Christmas and festive holiday season and happy and health new year. The reorganization meeting will be held January 9th at 7:30 p.m. at the Town Hall, when the appointments of all officials and some of the boards will be handled. Town offices will be closed on December 26th in observance of Christmas Day and January 2nd in observance of New Year's Day. The swearing in ceremony for all the elected officials in the November election will be Sunday, January 1st at 10:00 a.m. at the Huguenot Fire Department. That is a very nice event and the also swear in all the fire department members from Huguenot, Cuddebackville and Sparrowbush. Finally, he thanked the voters, residents and audience for giving him the opportunity over the past two years to make a difference and do a lot of good things for the community. They have worked tirelessly to find money, as it is drying up everywhere. He was honored to serve with all the members of the board and they have been fantastic with their advice and guidance. He thanked Flo for keeping him on track daily. He counted it a privilege to serve and looked forward to the next two year also.

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Florence Santini, Town Clerk reported that the Sullivan/Orange County Town Clerks had their swearing in ceremony on December 7th and the Sullivan County and Orange County Clerks were there to swear them in. At the same restaurant where they were, the Sullivan Supervisors and Sullivan County Legislators were having their lunch. This year instead of exchanging gifts, they donated \$500 for the troops. They challenged the Supervisors and Legislators to match their gift and they did. So the total gift given for the troops was \$1,000 for care packages to the troops in Afghanistan. She also reported receiving a very disturbing phone call from the Office for the Aging about an elderly couple in their 90's who had no heat and reminded people to check on their neighbors and make sure they have heat. She called the Lions Club and they were able to look into the situation.

Supervisor Brabenec stated that also at the reorganization meeting on January 9th, they will be presenting some of their priorities for the upcoming term, what they will be looking to work on and improving the town in the next two years. He thanked everyone who came to him, or other councilmen, and thanked them. That is always encouraging. They look forward to serving them the next two years.

Reverend Wildeman thanked everyone on the board and said the council had lived up to their words.

Motion to Adjourn at 8:35 p.m.

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

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

MOTION CARRIED

Respectfully submitted,

Florence T. Santini
Town Clerk