

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, JANUARY 24, 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 (6:56), David Dean

Call to Order at 6:35 p.m.

Pledge of Allegiance by Arthur Trovei

Motion to Enter Executive Session at 6:36 p.m.

Motion by Karl Brabenec, 2nd by David Dean to enter Executive Session at 6:36 p.m. for the purpose of interviews of applicants for various board positions and invite the applicants in.

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

ABSENT: David Hoovler

MOTION CARRIED

David Hoovler arrived at 6:56 p.m.

Supervisor Brabenec stated they were returning from Executive Session.

Call to Order at 7:34 p.m.

Pledge of Allegiance by Arthur Trovei

Invocation by Arthur Trovei (Participation Optional)

Opening Board Comments

Councilman Hoovler asked to add the Presentation of the Three-Year Fiscal Plan to the Agenda under Old Business.

Motion to Add Three-Year Fiscal Plan to Agenda

Motion by David Hoovler, 2nd by Arthur Trovei to add Three-Year Fiscal Plan to Agenda under Old Business.

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

MOTION CARRIED

Presentations/Communications

Supervisor Brabenec announced receiving two letters of resignation from the Recreation Committee.

Motion to Accept Letters of Resignation with Regret from Amy Hoverstock and Brian Dewey

Motion by Karl Brabenec, 2nd by Gary Spears to accept letters of resignation with regret from Amy Hoverstock and Brian Dewey from the Recreation Committee.

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

MOTION CARRIED

Supervisor Brabenec received a letter from Lazaroff & Fetzko, Attorneys at Law, concerning a land purchase at Coleman Drive for Mr. Larry Spangenberg. He is wanting to buy a portion of a paper road right near Oakridge Park and he would refer that letter to the Town Attorney to let them know what there would be going forward.

Motion to Table Approval of January 10, 2011 Minutes

Motion by Karl Brabenec, 2nd by Gary Spears to table the approval of January 10, 2011 Board Minutes.

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

MOTION CARRIED

Public Comment – None

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Councilman Hoovler presented the 2011 Three-Year Fiscal Improvement Plan, as he did at the last meeting. Every year in January the Town Board would adopt a multi-year financial plan covering the next three years. Essentially, the goal would be to project the revenues and expenditures for several years in the future. It is not a budget, rather an illustration of what happens to the ability to pay for services given policies and economic assumptions. This allows the Town to assess what the expenditure commitments are and what the revenue needs are, and what the fiscal risks are and the affordability of new services. Most importantly, maintaining the capital structures (buildings) around town. The document, if adopted, would be available from the Town Clerk. Further information was provided. He then introduced GASB 45, an acronym for Government Accounting Standard, requiring the town to report all the liabilities with post-employment benefits not associated with the pension plans. This instrument will make it possible to provide the Town Board and taxpayers a realistic expectation of unfunded liabilities and then the three ways to deal with them would be 1) establish a revocable trust to pay for it; 2) pay as we go or 3) set aside dedicated monies in reserve funds. The board is faced with growing liability far extending the town's ability to raise money to pay for it. They are looking at an increase of 38% in health benefits in the next three years. The health care providers state that the increases cover the cost of development of the drugs; the cost of health care itself and they need to make money for their share holders. This plan gives a glimpse at the past six years and the next three. When residents of the town actually look at the numbers of how things increase, they will find it shocking. Councilman Spears commented that he had looked over the plan and found it very telling as to where they have been and where they were headed in the next three years and thought it should be adopted. He thanked Councilman Hoovler and Rob Schultz, Town Accountant for their hard work and providing something to help them tackle these tough issues.

Motion to Adopt the Amendments to the Three-Year Fiscal Improvement Plan

Motion by Gary Spears, 2nd by Arthur Trovei to adopt the Amendments to the Three-Year Fiscal Improvement Plan as presented.

Discussion: Councilman Trovei echoed Councilman Spears words of thanks on the work done and provide this plan to help them and the residents plan ahead for all of them. Councilman Dean also wanted to thank the men for their efforts to put this together and beyond discussion, he is grateful to have information to look at and thought it was an eye-opener. He then encouraged everyone to pick up a copy and read it. The numbers don't lie he emphasized. Councilman Hoovler added that a 1.5 % increase in something this year, grows to 2.25% increase the following year , which is worth 4.25% the following year, and 5.1% the year after that. This plan on inflation and compounding factors it is shocking and this plan shows what costs are. Councilman Trovei advised residents to pick up a copy, because the black and white numbers will tell people there is no magic wand, the taxes will need to be raised to pay for what has been given away in the past. This would be good information for the residents to plan ahead. The board will do all they can to cut unnecessary spending and increase revenues, but some things won't go away if they keep services. Supervisor Brabenec commended the councilmen and accountant on their hard work on this document. He went on to say that today is totally different than 10 years ago and they need to adapt with the times.

Amended Motion to Adopt Resolution 5 of 2011 – Amendment to the Three-Year Fiscal Improvement Plan

Amended motion by Gary Spears, 2nd by Arthur Trovei to adopt Resolution 5 of 2011 – Amendment to the Three-Year Fiscal Improvement Plan as presented.

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

MOTION CARRIED

Supervisor Brabenec mentioned they would be going back to New Business.

Public Comment

Jerry Vandermark asked about the employees in town getting free benefits and wondered why they don't pay a percentage of their health benefits. He thought that would be negotiable in their contracts. Supervisor Brabenec answered that they are in negotiations with the Highway contract now and next year they would work with the PBA. The majority of Highway employees had a 100% coverage from the town in their contract, which is flexible while at the bargaining table. They are at that table now. Mr. Vandermark stated it is seldom these days that a percentage is not paid by the employee for health insurance. He realizes it is not popular with employees, but he had to do it when he worked. Councilman Hoovler stressed the importance of paying a percentage is most critical with post-employment benefits. Mr. Vandermark offered that the State required 1600 sick time hours be left on the books at retirement and thought that was not such a bad idea. Supervisor Brabenec agreed and Councilman Trovei joined by inviting town employees to be realistic about this too. Correcting past mistakes is what is difficult now. He thought employees could pay a percentage towards benefits and appreciated the Board looking forward with the plan.

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New Business

Supervisor Brabenec mentioned the next Resolution to consider authorizing the Supervisor to sign the National Parks Service contract for fiscal year 2011 as read.

Motion to Adopt Resolution 2 of 2011 – Authorizing the Supervisor to Sign 2011 Grant Application for National Park Service

Motion by Karl Brabenec, 2nd by David Dean to adopt the Resolution 2 of 2011 – Authorizing the Supervisor to sign the 2011 Grant Application for the National Park Service.

Discussion: Councilman Dean asked what the value was of this contract and the supervisor answered the estimate was \$11,401.20, adding this was the annual application given through Upper Delaware Scenic Byway Recreational River Mission Statement. They contract with the town to do certain patrols for the National Park Service. The Chief of Police goes through the current rates of pay, salary, benefits, mileage, holiday rates, etc. for patrols and they become special details that are reimbursed to the town up to a certain amount. Councilman Trovei asked whether they contribute anything to the post-employment benefits and basically it was concluded they include NYS Retirement, FICA and MTA tax.

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

MOTION CARRIED

Motion to Adopt Resolution 3 of 2011 – Accepting Gift from Camp Deerpark

Motion by Karl Brabenec, 2nd by Gary Spears to accept gift from Camp Deerpark of five (5) Town of Deerpark registrations for the 2011 Summer Camp .

Discussion: Supervisor Brabenec shared that the Camp Director wanted to provide opportunities to Deerpark residents to use their camp. He recommended transferring these to the Recreation Committee to establish some guidelines for awarding these scholarships. Councilman Spears thought it was good they were giving back to the community and hoped five individuals would benefit from going to summer camp, who perhaps wouldn't be able to go otherwise. Councilman Hoover also thought it was good and thought the committee could consider the person's economic circumstances. Councilman Dean thought this should be part of the criteria to look at children who would not have this opportunity without help.

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

MOTION CARRIED

Supervisor Brabenec stated he would share these thoughts with the chair of the Recreation Committee in establishing criteria for being awarded these scholarships.

Motion to Adopt Resolution 4 of 2011 – Asking the State Legislature to Expand Eligibility Requirements Pertaining to the Publication of Legal Notices and the Naming of Official Newspapers

Motion by Karl Brabenec, 2nd by to adopt Resolution 4 of 2011 – Asking the State Legislature to Expand Eligibility Requiements Pertaining to the Publication of Legal Notices and the Naming of Official Newspapers and a copy being sent to Governor Cuomo; State Senators Bonacic, Larkin, Carlucci; and Assemblywomen Calhoun, Rabbitt and Gunther.

Discussion: Supervisor Brabenec mentioned they have been very limited where the legal notices are posted and the town is restricted to one local newspaper right now. They charge a certain amount per legal notice published and there are better deals, free newspapers, and other options to publish legal notices at less rates. He believes this is an antiquated law put in place last century and needs to be reconsidered for change. The internet is another resource for consideration. This resolution is meant to urge the state representatives to change that law.

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

MOTION CARRIED

Supervisor Brabenec presented the Introduction of Local Law No. 1 of 2011 – Amending Structure of Police Commission. This would amend Chapter 67 of the Town of Deerpark Code and reestablishing the Town Police Commission. The explanation is they currently have a police commission of five appointed officers with terms of office for five years each. The current local law touches upon the Police Commission overseeing the Dog Control Officer, they don't have any clearly defined duties or a mission statement, etc. Changes to the Local Law include having three commissioners instead of five and one board member would be mandated to serve on that commission as a police commissioner. Then there would always be communication between the Police Commission; and the Town Board and allow for three alternate members who would take

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the place of a regular commissioner in case of absence. It would remain as a non-paid board. It gives another section detailing the powers of the police commissioners and allows the Town Board to select the chairman of the Police Commission. It also talks about finger printing, background checks and the authority delegated to Police Commissioners and authority retained by the Town Board. They need to set a Public Hearing for the Local Law change.

Motion to Set Public Hearing Monday, February 7, 2011 at 7:15 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to set Public Hearing on Monday, February 7, 2011 at 7:15 p.m. at the Town of Deerpark Town Hall.

Discussion: Supervisor Brabenec stated that the right of hiring, firing, discipline issues would continue to be the Town Board responsibility and any other kind of monthly procedural items would continue to go through the Police Commission, plus they would have a member of the Town Board on the commission.

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

MOTION CARRIED

Supervisor Brabenec reported receiving a letter from Police Officer Anthony Vicaretti on January 20, 2011 regarding his letter of resignation as a full-time police officer and requested being assigned as a part-time police officer. He also asked for a meeting with the Town Board .

Motion to Accept Letter of Resignation from Police Officer Anthony Vicaretti as Full Time, Remaining as Part-Time Police Officer

Motion by Gary Spears, 2nd by Arthur Trovei to accept the letter of Resignation from Anthony Vicaretti as a full-time police officer, remaining as a part-time police officer effective February 2, 2011.

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

MOTION CARRIED

Councilman Spears asked that Mr. Vicaretti gets this notification and a thank you for his full time service given to the Town because he has been an excellent officer and they would be very happy to retain him as a part-time officer and their fire arms training instructor. Supervisor Brabenec assured him that would happen.

Supervisor Brabenec announced the need to advertise for two new P/T Police Officers due to the loss of officers due to injury, resignations, etc. in recent months.

Motion to Advertise the Need for Two Part-Time Police Officers

Motion by Karl Brabenec, 2nd by David Hoovler to advertise the need for two part-time Police Officers.

Discussion: Councilman Spears suggested Mr. Vicaretti could fill the part-time position left by Mr. Rich when he resigned. Two part-time officers would fill the spot of Mr. Vicaretti's full-time hours. Councilman Hoovler agreed and Councilman Dean recognized that it can be difficult finding people to cover the shifts and that a larger pool of police officers to draw from would help, plus the part-time officers get paid a flat rate without benefits. Councilman Spears replied they get a uniform allowance, but no medical or pension benefits. The supervisor said he thought they were eligible for the New York State Retirement Benefits. An advertisement could be sent out through NYSPIN, other county departments in county.

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

MOTION CARRIED

Motion to Approve Declaration of Surplus Equipment

Motion by Karl Brabenec, 2nd by David Dean approving the declaration of surplus equipment no longer needed by the town and that they accept the highest offer to purchase the following equipment:

Linksys Model BEFSR41 Cable DSL Router with a four-port switch
Serial Number C2130D651279

Linksys Model BEFSR81 Router with an eight-port switch
Serial Number C222B006238

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Cont'd.

Linksys Model BEFSR81 Router with an eight-port switch
Serial Number C2241J704465

Gateway Desktop PC	Model Number GP6-333C
Serial Number 0011886119	Manufactured date December 8, 1998

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

MOTION CARRIED

Motion to Accept Resignation as Deputy Tax Collector

Motion by Karl Brabene, 2nd by Gary Spears to accept with regrets the temporary resignation of Joan Cunningham as Deputy Tax Collector.

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

MOTION CARRIED

Motion to Approve Appointment of Deputy Tax Collector

Motion by Karl Brabene, 2nd by Gary Spears to approve Tax Collector's appointment of Timothy W. Crown as temporary Deputy Tax Collector at \$9.89 an hour as of February 2, 2011.

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

MOTION CARRIED

Motion to pay bills:

Motion by Karl Brabene, 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 #2 of 2011 for a total of \$177,242.17
Highway Fund Abstract #2 of 2011 for a total of \$114,826.83
Street Lighting Abstract #1 of 2011 for a total of \$373.89

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

MOTION CARRIED

Closing Board Comments

Councilman Spears gave more information to benefits topic during public comment. He stated they are looking at many things and the long-term medical costs benefits with contribution back from employees. They are also doing a medical insurance review. They think they have found someone who would give employees a better plan for less money. Currently, three employees are using it and the board will monitor it to see if the plan is better. They will also review the Town's Personnel Policy in the future. They have three groups of employees: Highway, Police, Town Hall. Negotiations with the Highway Department are going on, so they cannot talk too much about that. In 2011, the Police negotiations will be happening. Some statewide changes have happened in the police retirement and medical benefits that won't harm the employees too much, but extend their limits as to when they can retire. He said Mr. Vandermark's question was appreciated and that the State, County, Town and employees all need to work together. Councilman Trovei said they don't want to hurt anyone and added they want to develop a plan that is sustainable for employees and town residents. Councilman Dean thanked again Councilman Hoovler and Rob Schultz, Town Accountant for the efforts of the Three Year Financial Plan and how helpful it is with presenting the facts and invited residents to see the Town Clerk for a copy. Councilman Hoovler also invited the residents to look at the document and mentioned the GATSB 45 would show every liability the town is facing in the future. Supervisor Brabene added to benefits information they can change now, regarding employees on the EMPIRE Plan and by switching over to this new plan they will save \$12,000 a year, or \$120,000 over the next ten years. On Monday, March 7, 2011 at 7:00 p.m., a special presentation with the Labor Consultant, Mr. Michael Richardson will be specific to the Town of Deerpark. He will show how these numbers are all computed. His presentation will be to the Board and the meeting will be publicized on TV. Some rumors being circulated are damaging and he wanted to clarify any misconceptions by stating the following: 1). **They are NOT disbanding the Senior Shuttle.** They have funded it with \$36,000 in 2011 and are working with the Senior Shuttle committee to improve operations and will continue to work with them to make that operation more self-sustaining. Residents tax-payer money is going to fund that. 2). **They are NOT getting rid of the Highway Department.** He asked Councilman Trovei to look at costs of outsourcing the Highway Department and the Assessor's Office and Tax Collector Office. 3). **They**

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are NOT laying off people. There has been no layoff, but they reduced hours and all the employees affected continue to work as part-time employees. With seven positions between 2010 and 2011 going from full-time to part-time, they are looking at a \$200,000 savings a year, or \$2 million over 10 years. If everything was going to stay the same as last year the average tax increase would have been \$65 to about \$110 depending on where you live in the town. They prevented that from happening and they still want everything to function the best it can, if not better for the residents. These recommendations were given to them by their labor consultant and also by other towns, the Association of Towns, the NYS Comptroller's office, etc. They did this in 2010 with the Bookkeepers position and the Deputy Town Clerk's position. He hoped those rumors are cleared up. The Deerpark Digest is a new communiqué and he will mention these again in that publication. Councilman Hoovler reported the auditor went through the books and pointed out that an employee was being paid approximately \$22,000 in salary, and their benefit package was equal to it. The auditor then said if nothing is done with this position, then the Town would have to justify why they have that position because it is unsustainable and ridiculous in accordance with the town's financial position. That was one of the positions reduced to part-time. If they don't take action, they need to explain in writing to the State Comptroller's Office why they didn't take action and justify financially.

Motion to Enter Executive Session at 8:40 for the Purpose of Exit Interview with Anthony Vicaretti

Motion by Karl Brabenec, 2nd by David Hoovler to enter Executive Session for the purpose of exit interview with Anthony Vicaretti at 8:40 p.m.

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

MOTION CARRIED

***Supervisor made phone call to Anthony Vicaretti, who was not able to make the meeting. The Board closed the meeting. There was no Executive Session.

Motion to Adjourn at 8:53 p.m.

Motion by Gary Spears, 2nd by David Hoovler to adjourn meeting at 9:31 p.m.

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

MOTION CARRIED

Submitted by,

Florence T. Santini
Town Clerk