

TOWN OF DEERPARK BOARD MEETING
MONDAY, JUNE 20, 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

Attorneys: William Bavoso, David Bavoso

Invocation: Arthur Trovei

Call to Order at 7:31 p.m.

Pledge of Allegiance by Florence Santini, Town Clerk

Additions or Changes to Agenda

Motion to Add Planning Board Appointments Under New Business

Motion by Karl Brabenec, 2nd by David Hoovler, to add Planning Board Appointments under New Business on the Agenda.

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

MOTION CARRIED

Opening Board Comments

Supervisor Brabenec extended best wishes to *Betty Ehre* recovering from surgery. He announced that the 5th annual *Deerpark Heritage Fair and Community Yard Sale* was scheduled for September 17 and 18 at the Harriet Space Park on Route 209, sponsored by the Deerpark Lions Club and the Town of Deerpark Recreation and Museum Committees. They are looking for sponsors for the event and vendors to participate. More information will be forthcoming. A new *prescription drug discount program* was introduced by the Orange County Executive. Every Orange County resident was mailed the membership card at no charge and if they have no health insurance, they would be eligible nationwide to fill prescriptions at a discount. They also have additional cards available at the Town Clerk's Office. That information will be posted on the website.

Presentations and Communications

Burt Thelander, *UDSB Representative* – gave a brief update and a copy is attached to the official minutes. They thanked the Board and the Town for the \$1,000 contribution. They are working with Orange County and Legislator Dennis Simmons trying to obtain a \$1,800 contribution for 2011 and details would be provided. There are brochures available about the invasive plant species educational campaign regarding the Japanese Knotweed. He mentioned Byway Highway Signage also being considered.

Approval of Minutes of Previous Meetings – Tabled

Old Business

Supervisor Brabenec read the Opening of Bids on 6 Samyn Lane.

Motion to Approve Lowest Bidder for 6 Samyn Lane, Sparrowbush, NY 12780 Demolition

Motion by Gary Spears, 2nd by David Dean to approve lowest bidder, Frank Somarelli Trucking at \$11,800.00, and to authorize the Supervisor to sign the contract with Somarelli Trucking subject to receipt of green registered mail card.

Discussion: Councilman Spears asked if there was an answer yet on the mortgagee and the Town Attorney answered that the title search they did revealed that the Bank of America has a mortgage on the property. They received a copy from the County Clerk of the mortgage and have notified the individual and have not yet received confirmation of receipt; they also filed a Notice of Pendency with the County Clerk; and a notice was sent to the property owner as well as posting that notice on the property. They could award the bid subject to receipt of the Certified Mail response. Councilman Trovei asked what would happen if they receive information that a concession was made and Mr. Bavoso responded he would then advise the board for future discussion. Councilman Trovei also verified that proper insurance would be supplied as required.

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

MOTION CARRIED

Supervisor Brabenec read the Opening of Bids on 6 Grove Street.

Motion to Approve Lowest Bidder for 6 Grove Street, Cuddebackville, NY 12729 Demolition

Motion by Gary Spears, 2nd by David Hoovler to approve the lowest bidder, Elman Excavating at \$6,580.00 and to authorize the Supervisor to sign the contract with Elman Excavating.

Discussion: Councilman Trovei asked if anyone knew of Elman Excavating. No one had heard of them. Councilman Trovei then stated that many companies don't carry both liability and compensation and if they don't, they would be out and the job would go to the next bidder. It was verified that the liability and compensation were both included with Elman's information.

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

MOTION CARRIED

Supervisor Brabenec read the Opening of Bids for the Windows Replacement, which has to do with the federal stimulus grant from Orange County for \$52,000.00. They put it out for bid and received quite a number of bids back. A letter from the Town Engineer was read also.

Motion to Approve Lowest Bidder for Windows Replacement at the Town of Deerpark Town Hall Building

Motion by Gary Spears, 2nd by David Hoovler to approve lowest bidder for windows replacement at the Town of Deerpark Town Hall Building by M & P Builders of Wesbrookville, NY for \$46,231.00.

Discussion: Councilman Spears asked if the contractor would be reimbursed or would he be paid by the grant. The Supervisor answered that typically with the AARA Funds, the town would front the money and then get repaid. Councilman Spears asked if they could handle that with the budget and the supervisor agreed they could. Councilman Hoovler said the federal government would repay within one year. Councilman Dean asked how many windows and the supervisor answered approximately 17 windows.

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

MOTION CARRIED

Councilman Hoovler stated that the Engineer did recommend the windows which were two to three times more energy efficient than the ones they had. The specifications for this grant were extensive.

New Business

Motion to Accept Letter of Resignation from Willard "Skip" Wilson – Planning Board Chairman

Motion by Gary Spears, 2nd by David Dean to accept with regret the letter of resignation from Willard "Skip" Wilson from the Planning Board and as Chairman of the Planning Board.

Discussion: Councilman Spears wanted to thank Skip Wilson for his years of service he gave to the residents of the Town of Deerpark. He was an exceptional Planning Board member and chairman. He served with him for nine years and he had helped him greatly when first on the board. He wished him well in his new marriage and new home. Councilman Dean agreed and added that he would be hard to replace. The other councilmen added their appreciation for his contributions and congratulations.

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

MOTION CARRIED

Motion to Appoint Alan Schock as Vice Chairman of the Planning Board

Motion by Karl Brabenec, 2nd by David Dean to appoint Alan Schock as Vice Chairman of the Planning Board.

Discussion: Supervisor Brabenec mentioned that since they do not have a chairman, and they are not appointing a temporary chairman (due to not receiving confirmation to date from interested member), Alan Schock would run the upcoming Planning Board meeting that week.

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

MOTION CARRIED

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Supervisor Brabenec reported they had advertised the need for one vacancy on the Planning Board for about two weeks and they received two letters of interest.

Motion to Appoint Robert J. Vicaretti, Sr. to the Planning Board

Motion by Karl Brabene

c, 2nd by Gary Spears to appoint Robert J. Vicaretti, Sr. to the Planning Board for the term to end December 31, 2015.

Discussion: Supervisor Brabenec read Mr. Vicaretti, Sr.'s letter and highlighted that he was the president of the Deerpark Lions Club, very community oriented and has the best interest of the community at heart. Councilman Trovei agreed on the value of having Mr. Vicaretti on the Planning Board and emphasized these positions are very important and when they don't already know the person, they should take time to interview them. He knew Robert Vicaretti and would vote for him, but thought they should interview people before appointing them especially because the terms of office are for seven years. Supervisor Brabenec explained that Robert Vicaretti would be finishing out Skip Wilson's term of office.

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

MOTION CARRIED

Supervisor Brabenec asked the Town Clerk to notify Robert Vicaretti of his appointment.

Supervisor Brabenec discussed the other Planning Board opening due to the resignation of Michael Breitenfeld. Michael Hunter was an alternate and indicated in the form of a letter that he would like to become a member of the Planning Board for the vacant seat. This would be for six months to fill the term, then it would be open for re-appointment.

Motion to Appoint Michael J. Hunter to the Planning Board

Motion by Karl Brabene

c, 2nd by David Hoovler to appoint Michael J. Hunter to the Planning Board for the term to expire December 31, 2011.

Discussion: Councilman Hoovler mentioned that they interviewed him twice. Supervisor Brabenec stated the Mr. Hunter was also a member on the Police Commission and the attorney clarified there was no conflict with the State of New York for him to serve on these two boards. As an alternate Planning Board member, he has attended almost every meeting in that position.

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

MOTION CARRIED

Supervisor Brabenec asked the Town Clerk to notify Michael Hunter of his appointment.

Motion to Appoint Robin Fournier as Police Commission Clerk

Motion by Karl Brabene

c, 2nd by Gary Spears to appoint Robin Fournier as Police Commission Clerk to be at will appointment, for \$9.00 per hour.

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

MOTION CARRIED

Councilman Spears spoke of the retirement of Warren Gunderman from the Highway Department and that they would like to drop that position from the rolls of the Highway Department.

Motion to Eliminate the Motor Equipment Operator Position Through Attrition

Motion by Gary Spears, 2nd by Arthur Trovei to eliminate the Motor Equipment Operator position through attrition for the Highway Department.

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

MOTION CARRIED

Supervisor Brabenec explained that due to new technology and trying to find cheaper and better deals--especially on the internet--they cannot process a check to send; more and more vendors require credit cards. He inquired of TD Bank what to do and they advised a Visa Application for Town Operations with a credit line of \$10,000. The Supervisor specified to the representative at the Bank they needed strict controls on that card and he recommended a dual control (authorization) card

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under the Budget Officer or Supervisor and the Town Clerk. It would need to be kept in a locked and secured location and that is available in both offices. They need a certificate of Resolution.

Motion to Approve Resolution 27 of 2011 – Credit Card Application

Motion by David Hoovler, 2nd by Gary Spears to approve Resolution 27 of 2011 allowing the Supervisor to apply for and use the credit card along with the Town Clerk.

Discussion: Councilman Spears asked if there was an annual fee and the Supervisor stated it was provided through the banking services and has no fee. Councilman Dean clarified it was understood this bill should be paid at the end of each month and there would be no balance on the card.

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

MOTION CARRIED

Councilman Dean reported on the Pipeline cutting and they should be in Boehlmer Park by the end of the week. He has had phone calls from perspective bidders and have provided the bidders with the contract and tally sheets as a means to figure how much timber would be available. That was provided by two independent certified loggers hired by the Pipeline company. The bids are due on Wednesday. He asked if they could modify the language to some degree, due to the logs not being there yet adding that the Supervisor could reject all bids if they don't meet the anticipated amount. If the amount doesn't come close, they should wait until the logs are all cut and then advertise again and see where they go from there.

Motion to Grant the Supervisor Authority to Accept or Reject the Lumber Bids from Boehlmer Park

Motion by David Dean, 2nd by Gary Spears to grant the Supervisor the authority to accept or reject (for any reason) the lumber bids for firewood and saw logs from the pipeline job in Boehlmer Park and the authority to execute contract.

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

MOTION CARRIED

Motion to Cancel the July 11, 2011 Town Board Meeting

Motion by Gary Spears, 2nd by David Dean to cancel the July 11, 2011 meeting. The only meeting for the month would be on July 18, 2011 at 7:30 p.m..

Discussion: Supervisor Brabenec said that if the bills begin stacking up and need to be sent out in between meetings, he could call a special meeting for approval to pay bills for another abstract. Councilman Spears asked if they could pre-authorize the paying of bills instead.

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

MOTION CARRIED

Motion to Pre-Authorize the Supervisor to Pay the Bills in Interim

Motion by Gary Spears, 2nd by David Hoovler to pre-authorize the Supervisor to pay the bills with authorization of three or more town board signatures until the July 18, 2011 meeting.

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 David Hoovler, to pay bills that have been signed by three council members, and may be viewed in the Town Clerk's office.

General Fund Abstract #12 of 2011 for a total of \$79,505.24

Highway Fund Abstract #12 of 2011 for a total of \$67,964.70

Schoolhouse Abstract #4 of 2011 for a total of \$120.15

Deerpark Manor Lighting District Abstract #6 of 2011 for a total of \$295.87

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

MOTION CARRIED

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Closing Board Comments

Councilman Spears thanked Skip Wilson for his years of service and welcomed Robert Vicaretti and Mike Hunter to the Planning Board and echoed Art's statement that these are very important jobs in this day and age and he wished them well. Councilman Trovei also thanked Skip Wilson for his professionalism and unbiased contribution on the Planning Board and for leading the meetings in an organized manner. He also wished him the best in the future. He welcomed Bob and Mike to the Planning Board positions, reiterating their importance. Councilman Dean had the pleasure of working with Skip Wilson on the Planning Board and thought he was very fair and did a great job for the people in Deerpark. He congratulated the new members and emphasized the importance of their contribution for the quality of life in the Town of Deerpark. He urged anyone interested to apply for the alternate openings. He added that there is heavy construction on the pipeline and people working there are on an easement. He stressed leaving them alone and staying away from the big machinery. Councilman Hoovler congratulated Skip Wilson, mentioning he was a true public servant. He congratulated both Mr. Vicaretti and Mr. Hunter. He commented on Kelly Decker retiring from the Port Jervis Police Department after 20 years of service. He wished him luck with the future. He also congratulated those graduating and warned them to drive safely while attending the many graduation parties. Councilman Trovei added his congratulations to Al Schock for stepping up to become the Vice Chairman of the Planning Board. Supervisor Brabenec stated they need alternates for the Planning Board if anyone is interested, they should send a letter or e-mail to the Town Clerk. He also congratulated Kelly Decker on his retirement and contributions.

Motion to Enter Executive Session at 8:26 p.m. for the Purpose of Ethics Board Decision

Motion by Karl Brabenec, 2nd by David Hoovler to enter Executive Session at 8:26 p.m. for the purpose of Ethics Board Decision in regards to the Deerpark Village and Potential Litigation and invite in Attorneys Bill Bavoso and David Bavoso, and Fred Witt, Chairman of the Ethics Board.

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

MOTION CARRIED

Motion to Re-Enter Regular Session at 8:45 p.m.

Motion by David Hoovler, 2nd by Gary Spears to re-enter Regular Session at 8:45 p.m.

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

MOTION CARRIED

Motion to Direct Planning Board Member Daniel Loeb to Recuse Himself Re: Deerpark Village Associates Application

Motion by David Dean, 2nd by Arthur Trovei to direct Planning Board Member Daniel Loeb to recuse himself from all participation in the deliberations, discussions and votes regarding the Deerpark Village Associates' application currently pending before the town's Planning Board and do so immediately based on the Board of Ethic's Opinion of March 21, 2011.

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

MOTION CARRIED

Motion to Notify Daniel Loeb and Attorney of the Town Board's Decision

Motion by David Dean, 2nd by David Hoovler to notify Daniel Loeb with a copy of the Town Board's motion to immediately recuse himself from participation as a member of the Town Planning Board in any discussion, deliberation or voting on any issue relating to the Deerpark Village Associates' application currently pending before the Town Planning Board; and that a copy also be provided to his attorney; and that in the event that Daniel Loeb has failed to agree, in writing, to abstain from such participation by July 8, 2011 the attorneys for the Town are directed to prepare charges to remove Mr. Loeb from such participations, for cause, and to seek the services of a Hearing Officer to conduct a hearing and make a determination on said charges and the order of the Town Board requiring Mr. Loeb's recusal.

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

MOTION CARRIED

Motion to Adjourn at 8:53 p.m.

Motion by Gary Spears, 2nd by Arthur Trovei to adjourn the meeting at 8:53 p.m.

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

MOTION CARRIED

Respectfully Submitted,
Florence T. Santini
Town Clerk