

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, JUNE 24, 2013**

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

Invocation by Gary Spears

Attendance

Supervisor: Karl Brabenec

Councilmember's: Gary Spears, David Dean

Absent: Arthur Trovei, David Hoovler

Attorney: Glen Plotsky

Engineer: Alfred Fusco, Jr.

Call to Order at 7:45 p.m.

Pledge of Allegiance led by David Dean

Additions or Changes to Agenda – None

Opening Board Comments – None

Presentations/Communications – None

Motion to Accept Board Minutes for May 13, 2013 and June 10, 2013

Motion by David Dean, 2nd by Gary Spears to accept Board Minutes for May 13, 2013 and June 10, 2013.

VOTE: 3 AYES: Gary Spears, David Dean, Karl Brabenec

2 ABSENT: Arthur Trovei, David Hoovler

MOTION CARRIED

Public Comment Period – None

New Business

Supervisor Brabenec explained the Introduction of Local Law No. 3 of 2013 – Entitled “The Town of Deerpark Road Preservation Law” and because it is a long document, so he won’t read it. However, he asked the Town Clerk to print it in the record and have it published on the website for people to read. (A copy is attached to the official minutes.) The synopsis of where this comes from is that when there are large projects in the town involving large trucks over time, especially every truck does more and more deterioration and the town is responsible. Many municipalities across the state are passing these types of laws and if there was a specific project in the town, this would require a performance bond for the road to ensure that if there is damage to the road, they would have a legal right to deduct that damage from this bond. There will be a public hearing and he recommends it for the next meeting, July 8, 2013.

Motion to Set Public Hearing for Local Law No. 3 of 2013 - “Town of Deerpark Road Preservation Law” on July 8, 2013 at 7:30 p.m.

Motion by Gary Spears, 2nd by David Dean to Set a Public Hearing of Local Law No. 3 of 2013 Entitled “Town of Deerpark Road Preservation Law” for Monday, July 8, 2013 at 7:30 p.m., at the Town Hall, 420 Route 209, Huguenot, NY 12746.

Discussion: Councilman Dean thought that obviously this should be available to everyone to read as there will be local purveyors, gas companies, oil trucks and that type of thing. He said there were provisions and there will be questions. He thought there should be extra copies in the Town Clerk’s Office. This is a big deal Supervisor Brabenec agreed there would be copies available at the Town Clerk’s Office. There will be questions that local businesses have, so they’ll take those questions to their attorney and get answers. If there is a problem with the draft, they’ll have to change it and tweak it. This was a law referred to them by the Association of Towns of New York State and the Highway Superintendent Association. The Town Clerk will advertise it.

VOTE: 3 AYES: Gary Spears, David Dean, Karl Brabenec

2 ABSENT: Arthur Trovei, David Hoovler

MOTION CARRIED

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Motion to Set Special Meeting for Thursday, July 11, 2013 at 6:00 p.m. at Town Hall for the Purpose of PBA Executive Session

Motion by Karl Brabenec, 2nd by David Dean to set a special meeting for Thursday, July 11, 2013 at 6:00 p.m. at the Town Hall for the purpose of contract issues with the Police Department and the PBA in Executive Session.

Discussion: Councilman Spears said he would not be able to be available. Supervisor Brabenec said the Labor Consultant, Michael Richardson is scheduled to be there and their attorney Glen Plotsky.

VOTE: 3 AYES: Gary Spears, David Dean, Karl Brabenec
2 ABSENT: Arthur Trovei, David Hoovler

MOTION CARRIED

Supervisor Brabenec stated that in the past they have had abandoned properties, they have not been able to locate the owners and for safety purposes, they need to tear the house down. They received two letters from the Building Department's Code Enforcement Officer (copies are attached to official minutes). One letter read aloud addressed 1 Trails End, SBL 29-1-4.1 regarding an unsafe structure due to a fire on November 8, 2011; the second letter read aloud stated the structure on the property was deemed unsafe was on Old Road, SBL 21-12-6, in the middle of Oak Ridge Park having been destroyed by fire August 20, 2011. The process for the town to demolish unsafe structures was reviewed. They will send a letter to properly notify the home owner of their unsafe buildings needing to be removed.

Motion for Town Board to Instruct the Building Department to Send a 10-Day Notice to Property Owners

Motion by Karl Brabenec, 2nd by Gary Spears for Town Board to instruct the Building Department to send a letter to the property owners of record (SBL 29-1-4.1 and SBL 21-12-6) giving the 10-day notice stating these unsafe buildings need to be removed by Friday, July 5, 2013 and a report from the Building Inspector should be sent to the Town Board by Monday July 8, 2013.

VOTE: 3 AYES: Gary Spears, David Dean, Karl Brabenec
2 ABSENT: Arthur Trovei, David Hoovler

MOTION CARRIED

Supervisor Brabenec stated the fee for zoning books have been \$30.00, but now cost the town \$50.00 to reproduce. They need to change the fee.

Motion to Increase Fee for Purchase of Zoning Manual to \$50.00

Motion by Karl Brabenec, 2nd by David Dean to increase the fee for purchase of the Zoning Manual to \$50.00.

VOTE: 3 AYES: Gary Spears, David Dean, Karl Brabenec
2 ABSENT: Arthur Trovei, David Hoovler

MOTION CARRIED

Motion to Regretfully Accept Resignation of Dean Sinsabaugh

Motion by Karl Brabenec, 2nd by Gary Spear s to regretfully accept the resignation of Dean Sinsabaugh.

Discussion: Councilman Spears said he hated to see him go; he did a great job while he was here. Supervisor Brabenec and Councilman Dean echoed his comments adding they wish him a fast recovery and the very best.

VOTE: 3 AYES: Gary Spears, David Dean, Karl Brabenec
2 ABSENT: Arthur Trovei, David Hoovler

MOTION CARRIED

Highway Superintendent Ed Hughson, reported on the repaving of Boehmler Road, saying it took a turn for the worse through the winter months. They don't know why this has happened, and he has heard from other Highway Superintendents from other townships that it has happened with company but they warrantied the road for a year and they will come back July 1st weather permitting to reseal the road. They are guaranteeing this will work this time. He is trying to get something in writing from them. Councilman Spears asked how long it takes to do that job and Mr. Hughson replied half a day.

Supervisor Brabenec explained that a Zoning Officer was created in the new Zoning Book, designating either the chief operating officer of the town or Building Inspector or Town Engineer to act as such. The reasoning is that if there are any new projects for the town and people don't know where to start, the Supervisor has typically taken them to the Assessor's Office and shows them what to do. He would be willing to accept that if the Town Board would like.

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Motion to Appoint Zoning Officer

Motion by Gary Spears, 2nd by David Dean to appoint Karl Brabenec as the Zoning Officer.

Discussion: Councilman Dean was curious about the pay and the position is completely volunteer. No pay.

VOTE: 3 AYES: Gary Spears, David Dean, Karl Brabenec

2 ABSENT: Arthur Trovei, David Hoovler

MOTION CARRIED

Supervisor Brabenec announced the Veteran's Committee Fund Raiser on Saturday, June 29th at the Sparrowbush Fire House at 2:00 p.m. They will serve pulled pork dinner. The tickets are for sale at the VFW and also at the Town Clerk's Office for \$12.00. This will raise money for their proposed Veteran's Memorial at the park.

Holiday Closing Updates: The Town Hall Offices will be closed on Independence Day, July 4th.

Appropriations, Budget and Payment of Bills

Motion to Pay Bills

Motion by Karl Brabenec, 2nd by Gary Spears to pay all current bills that have been signed by three council members and may be viewed in the Town Clerk's Office.

General Fund Abstract #11 of 2013 in the amount of \$84,622.66
Highway Fund Abstract #11 of 2013 in the amount of \$35,886.30
Deerpark Street Lighting Abstract #8 of 2013 in the amount of \$389.29
Special Revenue Reserve Abstract #1 of 2013 in the amount of \$1,378.00

The Supervisor explained Special Revenue Reserve as a new abstract encompassing TD Bank informed them they would have to begin charging them more fees with the amount of bank accounts the town has, so they had to consolidate a number of their bank accounts. They took those that weren't legally necessary, such as the WTC, Veteran's, Community Development accounts and combined them into one account. They will separate them with Quick Books.

VOTE: 3 AYES: Gary Spears, David Dean, Karl Brabenec

2 ABSENT: Arthur Trovei, David Hoovler

MOTION CARRIED

Closing Board Comments

Councilman Spears thanked Dean Sinsabaugh again for his years of service to the town and did an excellent job. They hate to see him go, but they wish him the best health. He thanked Ed, Al and Glen for the new road maintenance agreement highway law because it is sorely needed as they look into the future. They're going to be happy they have it.

Councilman Dean thanked Dean Sinsabaugh for his many years of dedicated service at the town and he was a good guy—always smiling, happy guy. He hopes he gets well and lives a long productive life. He got news that one of the reps at the UDC had passed away, Mr. John Niflot. He was a good guy, 78 years old. He died of a heart attack. It is sad, but he led a long productive life. He was glad Ed arranged for the guys to come back to Boehmler Road and he appreciated what he's done. It is important—they spend a considerable amount of money on the roads. It's good for the residents to see that when they hire somebody to do a job, they do the job. He gave the Highway Department a big thumb up for the paving job done in Sparrowbush. He congratulated the new Zoning Officer.

Supervisor Brabenec echoed the other councilmen, thanking Dean Sinsabaugh and wished him well in getting better. He thanked Al Fusco for his efforts to get the well-deserved FEMA money they need for the Big Pond Road Bridge. That has been delayed for two years. Mr. Fusco is not only looking to get them what is needed for the road, but looking to get extra money so they can fully upgrade that road. He also thanked Ed Hughson and the highway guys working on Academy Avenue. They are working very, very hard. For years there were drainage issues on Academy Ave. and they are working diligently to fix that problem and they are trying to make it a safe and passable road for everybody. He has heard a lot of good things about Main Street. He hears nothings but good things.

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Motion to Enter Executive Session for the Purpose of Potential Litigation Update at 8:30 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to enter Executive Session for the purpose of potential litigation update at 8:30 p.m. and inviting in Attorney, Glen Plotsky and Highway Superintendent, Edward Hughson and Town Engineer, Al Fusco.

VOTE: 3 AYES: Gary Spears, David Dean, Karl Brabenec

2 ABSENT: Arthur Trovei, David Hoovler

MOTION CARRIED

Motion to Recess Until 8:30 p.m.

Motion by Karl Brabenec, 2nd by David Dean to recess until 8:30 p.m.

VOTE: 3 AYES: Gary Spears, David Dean, Karl Brabenec

2 ABSENT: Arthur Trovei, David Hoovler

MOTION CARRIED

Motion to Re-enter Regular Session at 9:43 p.m.

Motion by Gary Spears, 2nd by David Dean to re-enter Regular Session at 9:43 p.m.

VOTE: 3 AYES: Gary Spears, David Dean, Karl Brabenec

2 ABSENT: Arthur Trovei, David Hoovler

MOTION CARRIED

Motion to Adjourn at 9:44 p.m.

Motion by Karl Brabenec, 2nd by David Dean to adjourn at 9:44 p.m.

VOTE: 3 AYES: Gary Spears, David Dean, Karl Brabenec

2 ABSENT: Arthur Trovei, David Hoovler

MOTION CARRIED

Respectfully submitted by,

Florence T. Santini
Town Clerk