

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, JULY 2, 2012**

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

Invocation: Arthur Trovei

Call to order at 7:33 p.m.

Pledge of Allegiance: David Dean

Additions or Changes to Agenda

Opening Board Comments - None

Presentations/Communications

John McCarey, Director of Real Property Tax Service Agency announced the resignation of the Assessor, Robert Wilcox. He went on to say it would be a real loss for the county and this town to lose a person of this quality. He was a people person, he got along with all the people and was very conscientious. He didn't submit his resignation until after he signed the final roll on July 1st. His work is done and this is a good time for a change in the season. He is moving on to some private industry. He then stated they hired an Assistant to the Assessor, Deborah Natalizio who lives in Greenville, New York. She is a New York State General Licensed Appraiser. She comes as equally qualified as Rob did and Mr. McCarey was putting her on as a county employee, Assistant Assessor to start with and perhaps moving her forward in the next couple months if things work out alright. The Town Board welcomed her. Ms. Natalizio thanked the board for allowing her to come and to spend a couple days with Rob Wilcox and promised to do a good job and would ask for help. Mr. McCarey mentioned that the contract between the town and county expired December 31st. He has a new contract with the same terms but the finances changed, and the Supervisor said he would have the council review it and they should have a decision by their August meeting. Mr. McCarey offered to come back if they wanted him to. He offered to answer any questions. Supervisor Brabenec thanked John McCarey for doing all the county has done the past year and a half, making many positive changes that haven't been done in many years. The town board thanked Robert Wilcox for doing an excellent job and wished him the best.

Ginny Dudko, UDSB Representative reported on a sign for the Upper Delaware Scenic Byway, that was received but not use due to the holes being in the wrong place. Her husband was willing to put them up, and after checking with the Supervisor, she was advised to consult with the Highway Superintendent. They may need permission from the State to put up signs on Route 97, so she was going to leave the signs with the Superintendent. She mentioned the Pond Eddy Bridge and that a fund raiser rally was set for August 4th to save the bridge. They are constantly talking about saving that bridge. She thinks it should be safe, but doesn't really agree with spending a lot of money to preserve it. The other business was the Narrowsburg Esplanade and technically, it is just out of the Byway. They are thinking of a park with walkways and fountains behind the shops. This will affect the Byway. They are also trying to pursue conversations with the Whitewater Park business. She offered to field questions. Councilman Trovei asked if she has heard of anything that alarms her. She has not. Councilman Dean added that they have finished the work on the Hawks Nest. He thought they as a board should encourage their police to patrol those areas. Councilman Trovei inquired about trimming trees along the Hawks Nest and Ms. Dudko said they did trim and the Highway did request trimming. She asked that a letter go to the Highway to pave and patch where the road is in terrible shape. Councilman Dean agreed about the road conditions and stated that without Congress, there is no tax money. Councilman Spears asked if the Byway had said anything to the DOT and Ms. Dudko said they drafted a letter. Councilman Dean recommended they as a town board also write a letter since the town is in the Byway asking for improvements.

Motion to Approve Board Minutes for June 4, 2012

Motion Gary Spears, 2nd by David Hoovler to approve the Board Minutes for June 4, 2012 as written.

VOTE: 4 AYES: Gary Spears, David Hoovler, David Dean, Karl Brabenec

1 ABSTENTION: Arthur Trovei

MOTION CARRIED

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Public Comment – None

Board Business

Supervisor Brabenec explained the resolution presented was regarding the Community Development Block Grant Application submitted for \$375,000 for a new Senior Center to be built. One of the things the Community Development Committee has been asking for is a match, so they put in a \$125,000 match in the application. The problem was that the resolution only indicated that they were applying for \$375,000 and that they were not supplying the \$125,000 match. This resolution would amend the previous resolution adding verbiage that the Town of Deerpark would match the \$375,000 with the \$125,000.

Motion to Adopt Resolution 23 of 2012 – Amending 2013 CDBG Application Resolution

Motion by Karl Brabenec, 2nd by Gary Spears, to adopt Resolution 23 of 2012 – Amending 2013 CDBG Application Resolution.

Discussion: Councilman Spears asked if the \$125,000 was a percentage and the Supervisor said it was, so the amount allocated for that grant would be \$500,000 with that grant with the town's share at \$125,000. Councilman Dean asked what would be done with that money. Supervisor Brabenec explained that the grant application was for the proposed new senior center. The building as it will be proposed will be part senior center, part police department and part state police. There will be a separate building for the Highway Garage built on the same land next door. This proposal needs to be released, they need to apply for a bond for this. It is not set in stone yet, however, if they get this grant the town will not have to borrow that amount. It will also put the town up higher on the list for Community Development to actually receive these funds. The \$375,000 would be a three-year application. If awarded, they would not be able to apply again for three years.

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

MOTION CARRIED

Motion to Accept Bid on Chevy Blazer Surplus

Motion by Gary Spears, 2nd by David Dean to accept the bid on Chevy Blazer in the amount of \$1,992.00.

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

MOTION CARRIED

Supervisor Brabenec noted they had already heard of the resignation from Robert Wilcox and thanked him for his service to the town. He did a fine job as the Assessor and wished him good luck in his future endeavors. Councilman Spears asked Supervisor Brabenec to write a letter to him thanking him for his service and wishing him well in his future endeavors acknowledging we have accepted his resignation and the supervisor agreed to do it. Councilman Hoovler added that should he need anything, to offer to give him a recommendation.

Supervisor Brabenec stated that he had also received a letter of resignation from Bert Eagle due to part-time mechanic for the Highway Department.

Motion to Accept Letter of Resignation from Bert Eagle

Motion by David Dean, 2nd by Gary Spears to accept the letter of resignation from Bert Eagle as part-time mechanic in the Highway Department and send him a letter of recommendation.

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

MOTION CARRIED

Supervisor Brabenec noted that Deborah Natalizio, the new Assistant Assessor, will begin next Monday and finishing the job Robert is leaving behind. There will need to be a decision in the next month as to what direction they will want the Assessor's Office to go in. As of August 1st, he will begin working on the budget. Councilman Dean asked if she was here on a trial basis. Supervisor Brabenec said her certification was submitted to the State. The county is in control of deciding who our Assessor is. Councilman Spears stated that she is a county employee and the town contracts with them. Supervisor Brabenec clarified that everyone in the Assessor's Office is a county employee not a town employee.

Supervisor Brabenec reported receiving a funding request by the Board of Directors of the Humane Society to add an additional \$400.00 to their budget for this year for their operations.

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Motion to Approve Contract with Humane Society

Motion by Gary Spears, 2nd by David Dean to approve contract with the Humane Society for an increase of \$400.00

Discussion: Councilman Spears explained that the Humane Society came to them for an increase and they tried to limit everything to 2% because they were operating under the 2% tax cap, but they made promises in the past to honor their request this year and they would look into the future about limiting it to 2%. They went that high based on the services they provide to them. He thought they should approve the increase now and look at it at budget time. Councilman Dean met with the board a few weeks ago and said basically the same thing to them. He was very pointed with them about the future, saying the 2% would be the maximum, not that it would be automatic. They are aware of that. He also asked for some facts about how many animals they shelter and how many are adopted out, what the budget is, etc. He has not received it yet, but believes it will be forthcoming. Supervisor Brabenec explained it would be a 10% increase in their budget from 2011 to 2012, which is approximately \$400.00.

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

MOTION CARRIED

Motion to Appoint Mary Lou Maher to the Zoning Board of Appeals

Motion by Gary Spears, 2nd by David Dean to appoint Mary Lou Maher to the Zoning Board of Appeals as a member of the Zoning Board of Appeals for the unexpired term of H. Frank Bigger.

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 for June 25, 2012 and July 2, 2012:

Motion by Karl Brabenec, 2nd by Gary Spears to pay bills for June 25, 2012 and July 2, 2012 that have been signed by three council members, and may be viewed in the Town Clerk's Office.

General Fund Abstract #11 of 2012 for a total of \$121,606.03
Highway Fund Abstract #11 of 2012 for a total of \$58,930.60
Deerpark Street Lighting District #7 for a total of \$320.15

General Fund Abstract #12 of 2012 for a total of \$40,831.75
Highway Fund Abstract #12 of 2012 for a total of \$11,027.51

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

MOTION CARRIED

Motion to Accept June 2012 Budget Officer's Report

Motion by David Hoovler, 2nd by Gary Spears to accept the June 2012 Budget Officer's Report.

Discussion: Councilman Spears asked for an up-to-date report on the Highway Department. Councilman Hoovler commented that the Safety Inspection fees were lower than anticipated and the sales tax is one of the lowest he has seen in three years. He said the town clean-up came in \$4,000 under budget and that could be put somewhere else. Another thing, they were at 86% of their workman's compensation budget and it was just July. Councilman Spears mentioned they were slightly over in their Mortgage tax. Supervisor Brabenec said all the municipalities are seeing a lower mortgage tax. The county gave the town an estimate of a million dollars for 2012 and they underestimated that at \$787,000. They hope they will be over budget at the end of the year. They need to find some creative ways to make more revenue for the town, without taxing the residents. They are at 70% of budget, which is not too bad. He will get a detailed report on the Safety Inspection fees, which is 3620.4. Also, they were over on the Judgment and Claims, Assessment and Review and something needs to be switched with the Assessor's Office. He would get a report on any item over budget right now as far as expenditures and the Highway Report.

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

MOTION CARRIED

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Closing Board Comments

Councilman Spears wished Rob Wilcox well in his future endeavors. He did an excellent job for the town while he was here. He'll be sorely missed, but felt the county would see that they are aptly staffed and continue to do a good job.

Councilman Trovei mentioned the compensation costs they were getting slammed with and referred to some others he talked to that want to join together to fight an 11% increase with Worker's Compensation. He thought they as a Board should draft a resolution or some kind of letter to send to Governor Cuomo and their senators. He'll try to get more information on what has been drafted so far, because they will chase business right out of town.

Councilman Dean hoped people would come out to vote in November. This will be a crucial election. He reported that Time Warner Cable agreed to increase the fee they pay to the Town of Deerpark and the New York State Cable Commission has approved it. This has been in the works for two and a half years now. Supervisor Brabenec mentioned that the last time a cable contract was signed was 27 years ago. The increase that will come to the town goes from a 3% franchise fee to a 5%, which is the maximum it can be. All municipalities around have been getting 5% for years and the town has been lagging behind. Councilman Dean said it has cost the town millions of dollars quite frankly. He added that it has been a very frustrating experience and has required a huge amount of patience, but they are finally there. They should start seeing checks reflecting that sum. He was grateful to everybody who worked on this and he added it had been a hair tearing experience. He also appreciated George Keller and everyone involved.

Councilman Hoovler mentioned the historic markers that have been freshened up and Norma Schadt has done a great job with them. He didn't know there were so many in Deerpark until they started getting them out again. He congratulated the graduation class of 2012 at the Port Jervis High School for their good work. He offered a special thank you to Rob Wilcox for doing a good job. He documented a lot of data that hadn't been done in a long time. He then talked about an article he was directed to and how the State would not allow spreading out debt payments. Now the workmen's compensation is looking for an increase and insurance for this coming year is going to go up 13.5% regardless of the program. He said they were looking at a total of insurance increases of about 20% across the board in their budgeting process. The 2% tax cap is going to catch them. It is just a matter of where it is going to catch them. Other than that, financially the cash flow is very livable. The hypothetical bond rating is there.

Councilman Dean added his appreciation to Ginny Dudko for the work she is doing on the scenic byway.

Supervisor Brabenec thanked Robert Wilcox, adding that he has known him for quite a long time. He was a very good asset to the town and worked very hard and was good to the residents and was good for the town. The cable franchise was lagging for 27 years and he gave a special thanks to George Keller and Louise Vandermark. Louise especially worked on this for at least 10 years. They were trying to get a replacement camera from Time Warner, which the Town Clerk has been working on. They hope to get their meetings back on Public Access and also have them available on CD for residents to request any meetings. Eventually, they hope to get them on the website. He also stated the town has very probably lost one million dollars and it is sickening, but it has been corrected and going forward they will be getting \$85,000 instead of \$62,000 annually. They also discussed with Time Warner an expansion of service to other areas in the town. The town office's will be closed Wednesday for July 4th. He wished everyone a good time and suggested celebrating safe. He said Comp Alliance would be holding a meeting concerning the Worker's Compensation for 2012-2013 this next week. He will let the Board know when it has been set if they want to attend. NYMIR has visited a couple times and were sincerely impressed with the improvements and the issues that were corrected. They hope that the insurance premiums will be reduced because of it. He thanked Councilman Hoovler for his work with them. They are very impressed. There is a Safety Committee now that will be reviewing town facilities quarterly and making improvements; providing training on line through NYMIR for the Planning and Zoning Board that is free; they have defensive driving that any town employee can take advantage of with their spouses and relatives for \$19.00 reducing insurance costs and removing points. They are improving the parks—a concession stand is almost completed at the Harriet Space Park. They should be ready in the fall for the Youth Football League to take advantage of Space Park and bring some youth activities back to the town. The YMCA camp started last week and partnering with them has been very successful. He especially thanked Theresa Creegan, Chair for the Recreation Committee for working with that program. The Murphy family has worked very hard on the historic markers as well as Norma Schadt and he thanked them all.

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Motion to Enter Executive Session at 8:23 p.m. – Decker vs. Town of Deerpark

Motion by Karl Brabenec, 2nd by Gary Spears to enter Executive Session at 8:23 p.m. for the purpose of potential litigation with Decker vs. the Town of Deerpark and invite in the Town Attorney.

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

MOTION CARRIED

Motion to Re-enter Regular Session at 8:38 p.m.

Motion by Karl Brabenec, 2nd by David Hoovler to re-enter regular session at 8:38 p.m.

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

MOTION CARRIED

Motion to Adopt Resolution 24 of 2012 – Authorizing Supervisor to Execute Agreement with John E. and Maureen Decker

Motion by Karl Brabenec, 2nd by David Hoovler to adopt Resolution 24 of 2012 – Authorizing the Supervisor to Execute an Agreement with John E. and Maureen Decker.

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

MOTION CARRIED

Motion to Adjourn at 8:40 p.m.

Motion by David Hoovler, 2nd by Karl Brabenec to adjourn the meeting at 8:40 p.m.

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

MOTION CARRIED

Respectfully submitted by,

Florence T. Santini
Town Clerk