

**TOWN OF DEERPARK  
TOWN BOARD MEETING  
MONDAY, AUGUST 6, 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:** Glen Plotsky

**Engineer:** Alfred Fusco

**Invocation:** Arthur Trovei

**Call to order** at 7:36 p.m.

**Pledge of Allegiance:** David Hoovler

**Additions or Changes to Agenda - None**

Presentations/Communications

Supervisor Brabenec commented their fantastic Congresswoman Nan Hayworth who was there to give an update on what was happening in Washington, D.C.

*Congresswoman Nan Hayworth* commented on how beautiful the drive was to the Town of Deerpark. She stated the House Majority has endeavored in the past year and a half to bring Democrats and Republicans together. They passed dozens of pieces of legislation in the House of Representatives with Democratic votes almost always, then pass them to the Senate and 90% of them unfortunately have not received further action. They passed important bills to ensure the Federal Government continues working and though there was much debate, they raised the debt ceiling for them that will probably need to be done again. The fact that the Federal Government continues to accumulate such enormous debt and that deficit spending proceeds tell them they have not learned the lessons of Deerpark. It is a source of opportunity for advocacy. They are emphasizing in the House Majority they want the economy to grow to accommodate the enormous needs they have. The Senate has not passed a budget in well over three years. They don't represent the citizens like is being done here in Deerpark. The biggest part of the Federal budget is the great social programs: Social Security and Medicare impartially, as well as Medicaid. The budget passed in the House does honor those obligations and also seeks to allow the spending restraint they need to see. They also need to figure out the right way to increase revenues by putting more Americans back to work. The election will be very, very important this year. She stated she was there to serve and do so with honor and integrity. She added that it was a great privilege to work with all the Board and was eager to hear their thoughts. More comments followed by the Board in regards to the massive overspending by the current government leaving an obligation to everyone's children and grandchildren; the Dodd Frank Bill and how it has hurt the affordable housing industry tremendously; the 'bend towards socialism' asking Ms. Hayworth to fight for freedom that is being lost on a daily basis; the need to fight for the unborn; the threat to the 2<sup>nd</sup> Amendment and yet the need to secure better guidelines for bearing arms. Additionally, Councilman Hoovler asked for her help due to the geographic problems for the Town business-wise, citing that it is 18% to 25% cheaper to run or start a business five miles down the road, across the river. He went on to say it is impossible to relieve the tax strain on residents. Ms. Hayworth spoke of all these concerns and what she was doing in her congressional role to address them. The Supervisor closed the presentation with his gratitude for her personal involvement with citizens needs and Ms. Hayworth introduced Mr. Francesco, her District Director and that he deserved enormous credit for their constituent service.

*Board of Assessment Review* submitted a letter to Councilman Trovei as the BAR liaison. The BAR Chairwoman Susan Miiler asked for a new secretary on behalf of the board and the Supervisor offered that the secretary had no interest in continuing as their secretary, so they would look for someone to replace her by the Reorganization Meeting.

**Motion to Approve Board Minutes from July 2, 2012**

Motion by Gary Spears, 2<sup>nd</sup> by David Hoovler to approve Board Minutes from July 2, 2012 as written.

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

**MOTION CARRIED**

Public Comment Period – None

Board Business

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Supervisor Brabenec explained that this was a contract with Orange County Regarding Assessment Services for 2013 in the amount of \$70,141.50 and 2014 for \$74,392.50 paid in quarterly payments to the county and a Part Time Clerk is needed at a minimum of 19 hours per week to help with operations. The county director and Assistant Director of the Office of Real Property in the county up to 8 hours a week; a designated Part Time Assessor of up to 19 hours per week; a county computer technical support person up to 8 hours a week; a lead Field Data Collector up to 19 hours a week; a Field Data Collector part time as needed and a county Tax Map Technician part time with limited hours.

**Motion to Approve Resolution 25 of 2012 to Contract with Orange County Regarding Assessment Services**

Motion by David Hoover, 2<sup>nd</sup> by Gary Spears to approve Resolution 25 of 2012 to Contract with Orange County Regarding Assessment Services, to provide various services in the town's Assessors Office in 2013 and 2014 and authorize the Supervisor to execute the contract with Orange County.

Discussion: Councilman Spears thought they were all very happy with the service they are providing and it came with the added benefit of cost reduction to the Taxpayers. Councilman Dean asked about the town being responsible for any legal fees or any type of expenses incurred. Councilman Spears stated this is no different than it always has been. Councilman Hoover clarified that as a town they cannot put that on anyone else, and they would need to pay the town attorney an additional fee to go to court. They can't delegate that to anyone else.

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

**MOTION CARRIED**

**Motion to Adopt Resolution 26 of 2012 - Notice of Intent to Establish Lead Agency**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Hoover to adopt Resolution 26 of 2012 – Notice of Intent to Establish Lead Agency regarding the Town of Deerpark Municipal Buildings as read.

Discussion: Councilman Spears said this is just a beginning step as they pursue future plans for the town's tax payers well into the future by upgrading some their infrastructure. Supervisor Brabenec added that even before they can consider looking at future bonding for this type of a project they need to do this. All this documentation needs to go to their bond council to put together a bond resolution, which hopefully they'll present next month.

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

**MOTION CARRIED**

**Motion to Adopt Resolution 27 of 2012 – SEQR Negative Declaration**

Motion by Karl Brabenec, 2<sup>nd</sup> by Dave Dean to adopt Resolution 27 of 2012 – SEQR Negative Declaration regarding the Town of Deerpark Municipal Buildings as read.

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

**MOTION CARRIED**

**Motion to Accept Donations for World Trade Center Ceremony**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to accept donations for World Trade Center Ceremony.

Discussion: Councilman Spears inquired if a motion was needed to accept these funds and it was confirmed by Supervisor Brabenec that this was an annual motion.

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

**MOTION CARRIED**

Supervisor Brabenec stated the Budget Process was begun a few weeks early. They are putting together preliminary estimates for the next year. Every department received forms to showing what their maximum amount should be, or what the current budget is for 2012. He decreased the .4 lines by 10% for 2013. He asked the departments to come in at the 10% cut. If that is not possible, they will need to provide an explanation to the Town Board as to why they need more money. Department Heads have until August 17, 2012 to submit their department proposals in writing to the Supervisor's Office. That will give him as the Budget Officer to put together the Supervisor's Budget Officer's Tentative Budget, which he plans to submit to the Town Clerk on or about September 1, 2012. The budget process will begin again one month early as per New York State Comptroller guidelines. The State Comptroller has been very, very happy with Deerpark's budget process. They just released a report urging all municipalities in the state to adopt long-term financial planning as a regular process. The Town of Deerpark

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is already two years ahead of that, so kudos to all the board members and to Councilman Hoovler for putting that together and Rob Schultz, the town's Accountant for all his work. In mid-September they will go over the tentative budget, and then give it to the State for their review by the end of the month. The Tentative Budget becomes the Preliminary Budget, which can still be changed. They'll get recommendations from the Comptroller's Office that will come back to them. They will have a Public Hearing, likely the Thursday after Election Day. They will have until November 20<sup>th</sup> to adopt a budget for 2013.

Florence T. Santini, Town Clerk reported on her *Joseph Brant Bus Tour* sponsored by the Museum Committee on July 21, 2012. She said it was so enlightening and rehearsed the history discovered on that tour. She thought Norma Schadt provided a wonderful adventure for the citizens. The *September 11<sup>th</sup> World Trade Center Ceremony* was being planned, beginning at 8:30 a.m. There will be a *Primary Election* that week and instead of Tuesday, it will be on Thursday, September 13<sup>th</sup>. One of the town's photo's was selected for the *9/11 Beam Book* ... showing where the various Trade Center Beams went. The Town Clerk's Office will be closed on Wednesday, August 15<sup>th</sup> from 11:00 – 3:00 p.m. for a *Town Clerk Meeting/Picnic*. *Hunting Licenses* were going on sale Monday, August 13<sup>th</sup>. The Town Clerk's Office now accepts *credit cards* and is open Monday through Friday from 8:00 to 4:00.

*Emergency Operation Center Update* – The Emergency Operation Center in the Town Hall for storms or catastrophes and the Emergency Management Director is fantastic and is always on top of things, sending alerts and updates regarding potential concerns. They recently opened the center due to predicted 75 mph winds and possible downed power lines a week or so ago. They wanted to thank Jack Flynn, Director and Joyce Cirulli, Deputy Director and though nothing bad happened that day, they remain proactive.

Supervisor Brabenec mentioned they recently had surplus items that were bid on at *Auction International* needing approval. He added that the Auction International has been a blessing because they are able to sell items that are bringing in revenue, rather than sitting unused and rusting.

**Motion to Approve Bids for Surplus Items on Auction International**

Motion by Karl Brabenec, 2<sup>nd</sup> by Arthur Trovei to approve bids for Surplus Items on Auction International as stated:

- 2005 Suzuki Boulevard S40 Motorcycle - \$560
- 1992 Ford E350 Ambulance - \$2551.00 rejected/counter offer - \$3,500
- 1997 Ford E450 SD RV Cutaway Bus - \$1,136.11
- 1991 Ford New Holland 555C Backhoe - \$6,450
- 1976 Clark-Michigan 75A Loader - \$4,494.44

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

**MOTION CARRIED**

Alfred Fusco, Town Engineer reported on the FEMA Reimbursement Approvals. He announced receiving a commitment for over \$800,000 in projects that have been completed or are in the process of being completed. When the Highway Superintendent declares a project is completed, it is sent to FEMA and they return a check. They have been approved for more than they have spent at this point, but they have a lot more to do. He's been working on it with his paving program with his small crew, plus his additional crew he got with additional funding. They've been doing a fantastic job in his opinion. Two projects requested were denied, but they are trying to request them again and if denied they will file formal appeals for Pinekill and Cora Rose. They were here last Friday and Ed Hughson met with them. Peenpack was denied because it is on a Federal Aid Highway, so towards that end there was a Federal Highway Administration fund through the NYSDOT, which they applied for. They sent that in and they have been very slow and the Supervisor signed it on Friday and hopefully that will work its way through. Sleepy Hollow is also a Federal Aid road and they were denied funding for that and he is appealing that. Big Pond received a \$90,000 allotment, but based on a hydraulic study, they will re-evaluate that. They are getting the money they are putting out and they are getting a little upgrade here and there. The Board all thanked him and commented on how he is doing a fantastic job. Mr. Fusco added that the residents are being helped in the process and provided an update on some of them. He said the deadline for the residents is passed, but added that the State is bending over backwards to help people and feels these state advocates are really first class.

Supervisor Brabenec said they sent out a News Release on the award, a host of Department Heads have been working on this with AI for quite a number of months and they've all done a fantastic job. He also thanked the Times Herald Record for writing a positive article about it.

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**Motion to Add to the Agenda the Executive Session Re: Tax Certiorari Cases**

Motion by David Hoovler, 2<sup>nd</sup> by Gary Spears to add to the Agenda the Executive Session to discuss tax certiorari cases with their Attorney.

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

**MOTION CARRIED**

**Motion to Change Town Board Meeting Date from September 10, 2012 to September 5, 2012**

Motion by David Hoovler, 2<sup>nd</sup> by David Dean to change the next Town Board Meeting from September 10, 2012 to September 5, 2012.

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

**MOTION CARRIED**

The Town Clerk will advertise the change about the Town Board Meeting.

Appropriations, Budget and Payment of Bills

**Motion to Pay Bills for July 16, 2012 and August 6, 2012:**

Motion by Gary Spears, 2<sup>nd</sup> by David Hoovler to pay bills for July 16, 2012 and August 6, 2012 that have been signed by three council members, and may be viewed in the Town Clerk's Office.

General Fund Abstract #13 of 2012 for a total of \$126,547.96  
Highway Fund Abstract #13 of 2012 for a total of \$81,955.56

General Fund Abstract #14 of 2012 for a total of \$127,869.38  
Highway Fund Abstract #14 of 2012 for a total of \$182,165.59  
Highway Fund Abstract #14A of 2012 for a total of \$16,892.45  
Deerpark Street Lighting District #8 for a total of \$351.81  
Museum Abstract #1 of 2012 for a total of \$860.69  
Parkland Fees #1 of 2012 for a total of \$6,411.80

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

**MOTION CARRIED**

**Motion to Accept July 2012 Budget Officer's Report**

Motion by David Hoovler, 2<sup>nd</sup> by Gary Spears to accept the July 2012 Budget Officer's Report.

Discussion: Councilman Spears thought he knew the answer, but asked about the real property taxes on the Highway Fund about the 50% collected and asked if the other 50% was in an interest bearing account. The Supervisor thought it was a good question and needed to check on that. He will check on it and get back to the board the next day.

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

**MOTION CARRIED**

Closing Board Comments

Councilman Spears said he was happy to see our Congresswoman here. It was very impressive that she goes around and speaks to town boards and town people. He hoped she would continue to work hard for them on the local level. He offered kudos to Al Fusco, Ed Hughson, and all the people in the Highway Department that actually did a lot of this work. He thought they deserved a hand.

Councilman Trovei thanked Al for all he did and how he jumped on the program real quick—stating he had never been through anything like. He thanked Al for leading the way. He also wished good luck to all the athletes in London.

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Councilman Dean said that there was funding from the federal government to Orange County to try to secure the property at No. 2 Beach, which is good and excellent news because it is a gem that should be preserved. It will provide access forever to emergency services to get to the river. The river is a great place but it is also full of people who sometimes mistake its tranquil appearance for the dangers it can impose. They had a meeting with the County almost two years ago and quite frankly, he thought it was a waste of effort. However, somebody was paying attention and now supposedly money has been allocated. He thinks it is imperative that the Town of Deerpark have some input when it comes to managing this piece of ground and that it should be kept forever.

Councilman Hoovler thanked Al Fusco for his work on the FEMA project and Ed Hughson gets over looked a lot with what he does in reference to budget worksheets in the FEMA process and additionally, his clerk that works in his office does a tremendous amount of work. Thank you to those individuals whose names never get mentioned very much in the press releases and such, but they do a very good job. It was good to see Nan Hayworth tonight.

Supervisor Brabenec reported that the Space Park improvements were moving along and thanked Councilmen Hoovler and Spears for this brainchild. He said they were actually going to get their youth programs back into the Town of Deerpark and playing in the town. There will be a fantastic football/soccer field that will be available for use as well as two baseball fields that will be redone with bleachers, a new concession stand. The facility will be what it was meant for in the first place. At a recent Association of Towns meeting, Councilman Hoovler brought a gentleman from the SUNY Sports Institute who spoke and highlighted the Port Jervis and Town of Deerpark Youth programs as a shining example of what others in the state should be doing. They continue with the long term financial plans, now the sports program, the emergency management, the emergency preparedness law; and stated they seem to be the first in the state on a lot of these things. The Department Heads and staff are doing a great job.

**Motion to Enter Executive Session at 8:53 p.m. for Police Department/Painted Aprons/Tax Certiorari**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Hoovler to enter Executive Session at 8:53 p.m. for the purpose of personal matters regarding the Police Department and invite in Police Chief William Werner and Attorney Glen Plotsky; Painted Aprons potential litigation and invite in Attorney Plotsky; and tax certiorari and invite in Attorney Plotsky.

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

**MOTION CARRIED**

**Motion to Re-Enter Regular Session at 11:06 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to re-enter Regular Session at 11:06 p.m.

**Motion to Adjourn at 11:07 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Hoovler to adjourn at 11:07 p.m.

Respectfully submitted by,

Florence T. Santini  
Town Clerk