

TOWN OF DEERPARK BOARD MEETING
MONDAY, SEPTEMBER 12, 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 (7:55 p.m.), David Dean

Attorneys: William Bavoso

Alfred Fusco, Town Engineer

Ed Hughson, Highway Superintendent

Invocation: Arthur Trovei

Call to Order at 7:33 p.m.

Pledge of Allegiance by David Dean

Additions or Changes to Agenda – None

Motion to Add Budget Modification for the Highway Department to Agenda

Motion by Gary Spears, 2nd by Arthur Trovei to add a budget modification for the Highway Department to the Agenda.

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

1 ABSENT: David Hoovler

MOTION CARRIED

Motion to Add Police Department Personnel Issue To Agenda Under Executive Session

Motion by Karl Brabenec, 2nd by Gary Spears to add Police Department Personnel Issue to the Agenda under Executive Session.

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

1 ABSENT: David Hoovler

MOTION CARRIED

Opening Board Comments

Councilman Spears thanked Flo Santini and the committee that helped her organize and successfully execute the September 11th ceremony on Sunday. It was well attended and an honor for Deerpark that they have such a nice one as this one was exceptional.

Councilman Trovei expressed condolences to David Dean on the loss of his mother the past week.

Councilman Dean recognized the EOC members who worked tirelessly at the Emergency Management Call-In Center the past ten days. They did an excellent job and they volunteer their time. He stated they were truly a credit to the community and all the Board joined in thanking them for a good job.

Supervisor Brabenec announced the coming weekend Annual Deerpark Heritage Fair and Community Yard Sale, September 17 and 18, from 8:00 to 5:00 at Harriet Space Park, Route 209, Huguenot, New York. There were to be all sorts of bands, and activities for children. (The yard sale starts at 8:00 and the Fair at 10:00 a.m.) He also thanked all the emergency responders who helped out with the two storms the past two weeks. The volunteers of the EOC did a fantastic job. The Fire Department officials, Police Department, Highway Department worked to mitigate the situation and many people were helped. He thanked them all for their long hours. He thanked the Red Cross and Salvation Army and their contribution towards the community needs.

Presentations/Communications – None

Motion to Approve Board Minutes for August 15, 2011

Motion by Gary Spears, 2nd by David Dean to approve Board Minutes for August 15, 2011 as presented.

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

1 ABSENT: David Hoovler

MOTION CARRIED

**TOWN OF DEERPARK BOARD MEETING
MONDAY, SEPTEMBER 12, 2011**

Public Comment Period (3 Minutes Per Person/Agenda Items Only)

Rev. Bill Wildeman – He thanked Flo Santini and others for the 9/11 Memorial Day. He addressed the problem in Myers Grove and along the Neversink similar to that of Pine Kill and thought something should be started saying that they would fix both problems. He read in the paper how the DEC and others addressed the Pine Kill situation. He thought something permanent should be done to help those being flooded. He mentioned collective bargaining and thought the Town Board should meet and decide to give the same increases across the board to all town employees since it is the town's money.

Terri Blancatoherthen – Lives in Misty Meadows and had a lot of questions about the flooding. She had the same article about the Pine Kill problem being solved. She would like to see the DEC come down to the creek that needs dredging to stop the water from coming down and destroying their homes. She thought water was being let out somewhere and causing flash flooding. She wondered if the creek needing to be dredged or needed new pipes. They are losing their house value. She asked if the Town had a FEMA Flood Mitigation Plan. Supervisor Brabenec answered that they have a Hazard Mitigation Plan in front of FEMA now waiting for approval. She then asked what they could do once that was approved to get money from FEMA for repairs or sell their houses to FEMA. The Supervisor added they identify areas of town roads needing repair and request money to fix them. Discussion followed. Supervisor Brabenec additionally clarified that Orange County was declared a public and individual assistance disaster area that would go for public infrastructure and individual assistance. There is a web site (www.fema.gov/assistance) and 800-621-FEMA number for applying for individual assistance. Councilman Dean recommended she call her congresswoman or her senator as they would have better direct pipeline to FEMA than any of the councilmen.

Dan Hastings – Asked for someone from the Highway Department needs to see this culvert and inspect it as soon as possible.

Jay Brachets – He wanted to know what since 2006, had been aggressively pushed to try to get that taken care of. He knew plans were submitted, they looked for funds, it got kicked back because the paperwork wasn't filled out right and why was it taking so long and putting their families at risk. Councilman Dean stated that no one on the board had been there since 2006, and they were talking about the federal government and their rules and regulations. He was upset that he saw no one from the town come check on them.

Natale Costa – 250 Peenpack Trail – He lived there for 41 years and had talked with the Town Supervisors and the Police Department many, many times about two trailers destroyed and trespassers constantly on his property and nothing is being done and something needs to happen or something not nice will happen. He will be losing \$15,000 and is not happy about it. The Police have not stopped them in 41 years. He is tired and wants to know what they were going to do about it.

Steven Horton – 41 Cora Rose Lane (part of Misty Meadows). They have lived there six years and have had 4 major floods that ruined their first floor living. His sentiments are like his neighbors. He understands that working with FEMA takes time. He was more curious about getting action like they got with the Pine Kill and wondered if it could be dredged and if they could work on the culvert in the meantime. Supervisor Brabenec mentioned that both the Highway Superintendent and the Town's Engineer would be giving a report on all this soon. He mentioned that 90% of the year, that riverbed is bone dry and fills up with the storms, then they have the funnel effect going under 209 to the Neversink. The river starts where the canal used to be. He counted 19 homes affected by this water – about 2 feet. He would like their neighborhood to hear more of what is being done and how they can be included more.

Old Business

Flo Santini – Town Clerk, briefly addressed the town board members and the audience and reported on the moving ceremony the day before in regards to the 9/11 Memorial. The monument is complete with the plaque from the Engineer and the flag is enclosed. Al Schock's family donated benches and she knows people will take advantage of sitting there. They had people from all over-Blooming Grove, Pennsylvania, Mahwah New Jersey and other places. They should be proud of the display and she is looking forward to seeing the memorial in the city. She thanked the board for letting this happen and for the comfort and peace it gives people.

New Business

Report on Hurricane Irene and Tropical Storm Lee by Al Fusco, Town Engineer – Al Fusco began with the Hurricane Irene. They identified areas of concern and prioritized them based on impact and availability of what they can work at. They received over 10 inches of rain in a 24-hour period, at time 2 inches an hour with wind gusts 60-80 miles an hour. They rode through the town during the storm and immediately thereafter and tried to see as much of the town as they could in two days. Many

**TOWN OF DEERPARK BOARD MEETING
MONDAY, SEPTEMBER 12, 2011**

bridges, culverts and roads were damaged. (Peenpack/Big Pond/Black Rock Trail/Old Cahoonzie/Upper Brook/Sleepy Hollow/private road off 42/Cemetery Road & Cahoonzie Road/Pinekill/Guymard Turnpike/Port Orange were discussed.) The Report is attached to the Official Minutes. Following, the Tropical Storm Lee was assessed in addition to Irene. Councilman Hoovler inquired about the total amount of assessed damage being \$5.6 million. Councilman Trovei asked if the grant process is reimbursable with the town needing to pay up front. Mr. Fusco replied that it was hard to say, but that was how it happened in the past. He would proceed by submitting the material and have it approved before being enacted, that way they would be guaranteed those percentages and a Revenue Anticipation Note. There are options to repairs that could fix the problem for a longer time or shorter time that would affect the cost. His preference and what this is based on is a hundred year life and a pre-cast and reinforced concrete structures. If the funding is limited, they could go with aluminum culverts lasting 50 years. The paperwork was submitted for the Tropical Storm Lee called the Preliminary Disaster Assessment Form asking for \$50,000 for clean-up and a million dollars in repair. The Highway Department has spent close to \$18,000 with the clean up so far. They aren't done yet. They are proceeding and working diligently to get to every street and road. The Emergency Management Tools proved effective. The Highway Superintendent and staff have done a great job working with what they have. Councilman Dean suggested he and the highway department take a good look at Misty Meadows as soon as possible. Mr. Fusco assured him they would. Supervisor Brabenec stated his appreciation for Mr. Fusco's immediate response to the disaster effects and submitting to Orange County for FEMA aid. The Report is attached to the Official Minutes.

Highway Superintendent – Ed Hughson He gave a report on the road work they have done. Big Pond Road would be impassable for a while. He did go to Cora Rose Lane a couple times and could only go so far. Explanations were given for the work they did and could not do. They are working on roads to accommodate the school busses. Some projects are waiting on pipes to arrive. He recounted an encounter with Dragon Springs regarding the closed road and that he would be going to the Planning Board about their use of the road. The D & H Canal is another big issue and the size of the pipes put under the road are unknown without digging up. The County owns the canal. He hopes FEMA might attack that problem at some point. Mr. Hughson mentioned that back in 2007 and 2008, if you had big projects like Big Pond, you paid FEMA up front, then they would reimburse you. Smaller projects were funded if they were under a certain amount of money. He mentioned that the entire creek near Misty Meadows needs to be cleaned out, as the one near Martins Road, but he doesn't have the money, time or man power to tackle them yet. That material coming out of these creeks could be used elsewhere.

Mr. Hughson then requested a budget modification transferring \$20,000 from 5130.4 into 5130.2 for truck repair out of equipment. There is \$50,000 currently in that line item.

Motion to Approve Highway Budget Modification for \$20,000

Motion by Gary Spears, 2nd by David Hoovler to approve budget modification to move \$20,000 from 5130.2 to 5130.4 – Equipment to Contractual.

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

MOTION CARRIED

Mr. Hughson reported that the 2 Mason Dumps were ordered and should be here by the end of the year. Councilman Spears suggested they add enough money to purchase the sanders. Supervisor Brabenec stated that they would need to move from the General Fund, revenues increase sale of real property A2660 \$120,000 to Expenditures increase interfund transfer A5031 \$120,000 for revenues in the Highway Fund increase of interfund transfer D5031 \$120,000 increase to machinery expenditures D5130.2 \$120,000.

Motion to Approve Highway Budget Modification for \$120,000

Motion by Karl Brabenec, 2nd by Gary Spears to approve Highway Budget Modification for \$120,000 from General Fund into the Highway Fund for machinery expenditures.

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

MOTION CARRIED

Supervisor Brabenec stated that two States of Emergency were declared for Irene and Lee. The State of Emergency for Irene was a longer storm with more rain than Lee, but mandatory evacuations for the morning were ordered for all low lying parts of the town. The town was split in half with the creek coming across Route 209 and both HBE and ASK were opened as shelters. Due to no power, it was very difficult to get information out to the residents. The Town had the generator and printed out fliers with information and put them in the open businesses to pass on information. The same thing happened with Tropical Storm

**TOWN OF DEERPARK BOARD MEETING
MONDAY, SEPTEMBER 12, 2011**

Lee. They need to set a Public Hearing now on the response effort. He recommended September 26, 2011 at 7:00 p.m. at the Town Hall, 420 Route 209, Huguenot, New York.

Motion to Set Public Hearing on Monday, September 26, 2011 at 7:30 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to set Public Hearing on Monday, September 26, 2011 at 7:30 p.m. on the Recovery and Redevelopment Plan prepared by the Town after Hurricane Irene and Tropical Storm Lee in the Town Hall, Route 209, Huguenot, at 7:30 p.m.

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

MOTION CARRIED

Councilman Hoovler recommended hiring a court stenographer to take accurate record of every comment being said at the Public Hearing.

Motion to Hire Stenographer for Public Hearing on Monday, September 26, 2011

Motion by David Hoovler, 2nd by Gary Spears to hire a court reporter to be at the Public Hearing on Monday, September 26, 2011.

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

MOTION CARRIED

Supervisor Brabenec reported receiving a letter of resignation from Dan Loeb, a member of the Planning Board.

Motion to Accept Resignation of Daniel Loeb from Planning Board

Motion by Karl Brabenec, 2nd by David Hoovler to accept the resignation of Daniel Loeb from the Planning Board.

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

MOTION CARRIED

Supervisor Brabenec reported receiving a letter from Craig Wagner, currently an Alternate Planning Board member, expressing his interest in becoming a Planning Board Member.

Motion to Appoint Craig J. Wagner as Planning Board Member

Motion by Karl Brabenec, 2nd by David Dean to appoint Craig J. Wagner as Planning Board Member to complete the term vacated by Daniel Loeb, December 31, 2014.

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

MOTION CARRIED

Supervisor Brabenec reported on the current Surplus Items Bid regarding: pick up trucks, dump truck, copier, fax machine, printers and cartridges. Lot one was a 2001 Dodge Ram 2500 Pick Up the highest bid was \$670; Lot two was a 1995 Dodge Ram 2500 Pick Up the highest bid was \$520; Lot three was a 1998 Chevy CK3 1003 Dump Truck was \$1,137; Lot four was copiers and fax machines the highest bid was \$360; Lot six was printers and cartridges the highest bid was \$10. Councilman Spears asked how long they were out to bid and the supervisor thought they had been out for 30 days.

Motion to Approve All Highest Bids for Surplus Items Advertised on Auctions International

Moved by Gary Spears, 2nd by David Dean to approve all highest bids for surplus bids advertised on Auctions International.

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

MOTION CARRIED

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.

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

MOTION CARRIED

Supervisor Brabenec suggested presenting the Monthly Budget Report for August 2011, however he didn't print the Highway Fund and would like to postpone the approval of this report until the next meeting. The Town Accountant submitted the

**TOWN OF DEERPARK BOARD MEETING
MONDAY, SEPTEMBER 12, 2011**

second quarter financials ending June 30, 2011 for the General and Highway Funds and it was sent to the Comptroller's Office in Albany. He also noted that the storms and emergency response efforts have delayed the 2012 budget. He thought he would have it done and present it to the Council. He asked for a week's extension on that and would present it at the next meeting, September 19, 2011. They would then have two weeks to look it over. There will be a Public Hearing on the 26th and he will ask the Department Heads to come in that night for any questions you may have. Councilman Spears asked if they could come in on the 19th in case the Public Hearing takes a long time. They will be prepared the 19th to discuss budgetary items. The Supervisor will provide copies of the Department Head estimates, that will be in the budget turned into the Town Clerk.

Closing Board Comments

Councilman Spears expressed gratitude to those who came out to express their concerns and hoped Ed Hughson and Al Fusco could address them and report back to the board. He thanked Ed and the Highway crew for their work on the roads. He also thanked those who worked with the Emergency Management – especially Karl, Jack, Joyce. He hoped in the future the internet capabilities would work better with the generator. The Supervisor agreed to look at that.

Councilman Trovei dealt with flooding in the past and his he said his heart went out to those dealing with it now. He also said they get mired by government and would do all they could.

Councilman Dean thanked people for coming and wished they had fast, solid answers for them, but they don't. He stated they would do everything they could for everyone in town that was affected. It was a pretty tough situation in the town, there was no money, the county had no money-the state has no money and the feds have no money. They would do the best they could.

Councilman Hoovler seconded what Councilman Trovei said. Adding to Councilman Dean's comments, both he and Mr. Fusco lectured the Association of Towns on Emergency Preparedness and handling this type of situation. They undertook a major project a year ago revamping the way they do business in emergencies and no matter what you put on paper and no matter how much you plan, when 10 or 12 inches of rain falls, it makes no difference. He sat there in the Emergency Center and heard Orange & Rockland state there was nothing they could do for anybody. He invited everyone to come out on the 26th for the Public Hearing and they will present their plan and the cost and repairs in details. Any resident who speaks will be recorded and the problem brought up will be put in the plan and they'll try to take care of their problems as soon as possible.

Supervisor Brabenec received a news release from the County Executive's Office that day and they extended the free reception of bulk items affected by the storms until the 17th. The 9/11 Ceremony was fantastic. The Heritage Day Fair is that weekend, September 17 and 18. He thanked everyone who was a critical part of the storm relief effort, including the Fire Departments, Police Departments, Highway Department. The County could not help as there were too many other emergencies. They were lucky to have these procedures in place or they would have had a real mess. They were waiting for FEMA to approve the Emergency Preparedness Plan.

Motion to Enter Executive Session at 9:26 p.m.

Motion by Karl Brabenec, 2nd by David Hoovler to enter Executive Session at 9:26 p.m. for PBA contract and invite in Police Officer Christopher Stock, Litigation Cea vs. Town of Deerpark, Highway Department Collective Bargaining Update and a personnel issue regarding the Police Department and they will invite in Town Attorney Bill Bavoso for that.

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

MOTION CARRIED

Motion to Re-enter Regular Session at 10:59 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to re-enter Regular Session at 10:59 p.m.

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

MOTION CARRIED

Motion to Adjourn at 11:00 p.m.

Motion by Karl Brabenec, 2nd by David Dean to adjourn the meeting at 11:00 p.m.

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

MOTION CARRIED

Respectfully Submitted,
Florence T. Santini, Town Clerk