

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, NOVEMBER 5, 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: 34 p.m.

Pledge of Allegiance: David Dean

Additions or Changes to Agenda - None

Opening Board Comments

Councilman Spears thanked the Emergency Management Team that was on the situation before it happened naming Jack Flynn, Joyce Cirulli, Karl and everybody else. The effort they put in for the residents of the community and also Ed Hughson and his Highway Department who have been working diligently since the storm to try to take care of the residents needs and getting power back. He also mentioned all the firemen and first responders that service the area and he was thankful there were no severe injuries or loss of life, but they are still out there working all the time and wanted to thank them. Councilman Dean echoed Councilman Spears comments. Councilman Hoovler thought Councilman Spears comments were very well said, he wanted to add that the Supervisor and Highway Superintendent did a wonderful job under very trying circumstances. Some people due to frustration over lack of power, were critical over the way things happened. But, the Town of Deerpark has one of the very best Emergency Management systems and it is copied by many other towns in the state. Jack Flynn and Joyce Cirulli do a good job with it, but the Supervisor and Mr. Hughson and Dennis Simmons went up to Mamakating to get more dry ice and worked hard to get it delivered to the town.

Presentations/Communications

Susan Miiller spoke on behalf of the *River Valley Artists Guild* to dedicate the Unity Canvas. She thanked the Town Board for all their help with the storm and hoped everyone was okay. She also thanked Flo Santini for all her hard work and the great job she has done over the years with the 9/11 Ceremony and she was thankful to be a part of that. A group of artists in 2006 (300 worldwide) responded to the 9/11 event and did 300 pieces that were brought together as a cloth quilt. It has been shown around the world and they have done something similar. They hope in some way it will be a comfort. Joan Kehlenbeck, President of the River Valley Guild and did a great job mounting it with help from her husband and son. The artists are listed. They were happy to donate it to the Town of Deerpark.

Motion to Approve Board Minutes from October 1, 2012

Motion by Gary Spears, 2nd by Arthur Trovei to approve Board Minutes from October 1, 2012 as written.

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

MOTION CARRIED

Public Comment Period (3 Minutes per person/agenda items only)

Warren Cuddeback - He asked if the agenda item regarding changes to the town's Zoning Law would be available to the public and when. Supervisor Brabenec said that they were going to be introducing the Local Law tonight and then would schedule a public hearing on the Local Law. As they officially introduce it, it becomes an official document so then it would be available at the Town Clerk's Office.

Board Business

Supervisor Brabenec read the Introduction of Local Law No. 2 of 2012 – Various Amendments and Changes to the Town of Deerpark Zoning Law then said they had been working with the Town Engineer and Town Attorney. It was an extensive process and is now the official Local Law No. 2 entitled, “A local law repealing Chapter 230 of the Town of Deerpark Code and replacing it with the revised Chapter 230. “ He said this would be available at the Town Clerk's Office on Wednesday, November 7th since the office would be closed Tuesday, November 6th for elections. He made the copy he had from the

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Attorney the official document and then presented it to the town board. They needed to set a public hearing for the proposed local law. He then said the document would need to be submitted to Orange County.

Town Engineer, Alfred Fusco stated he had already done that and they requested the town board be lead agent in this matter in regards to the SEQR as well as a negative declaration, which would be appropriate. Councilman Dean asked how long it would take for them to comment. Mr. Fusco said he believed it was 30 days. Town Attorney, Glen Plotsky pointed out that the document they provided to the Supervisor, which is the official local law, is slightly different than what Mr. Fusco prepared in the context that Mr. Fusco used certain sections to identify the zoning laws. The document they prepared uses the same sections as the code Albany uses. That is the only distinction—everything else is identical. They had to renumber it so it is consistent with what code would produce after or when and if the Board adopts the local law. Mr. Fusco passed out a copy of the negative declaration if they choose to use it.

Motion to Set Public Hearing on Introduction of Local Law No. 2 of 2012 on Monday, December 3, 2012

Motion by Gary Spears, 2nd by David Dean to set public hearing on Introduction of Local Law No. 2 of 2012 on Monday, December 3, 2012 at 7:00 p.m. at the Town Hall.

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

MOTION CARRIED

Councilman Spears asked Mr. Fusco if the Zoning Law changes were in a format that could be posted on the Town's website and he said the Supervisor said he would provide the address and Mr. Fusco said he would provide the information in a pdf format.

Motion to Add Resolution No. 39 of 2012 – Declaring the Town Board Lead Agency and Resolution No. 40 of 2012 – Declaring a Negative Declaration to the Zoning Ordinance to the Agenda

Motion by Gary Spears, 2nd by David Hoovler to Add Resolution No. 39 of 2012 – Declaring the Town Board Lead Agency and Resolution No. 40 of 2012 – Declaring a Negative Declaration to the Zoning Ordinance to the Agenda.

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

MOTION CARRIED

Public Comment (3 Minutes only on Agenda Items) – None

Supervisor Brabenec introduced Resolution 36 by explaining that the equipment purchased for the program was reimbursable by the County, however they want a separate resolution from the Town Board basically accepting the reimbursement. That is what this Resolution 36 is about.

Motion to Adopt Resolution 36 of 2012 – Equipment Purchase Reimbursement for the STOP DWI Program

Motion by Karl Brabenec, 2nd by Gary Spears to adopt Resolution 36 of 2012 – Equipment Purchase Reimbursement for the STOP DWI Program.

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

MOTION CARRIED

Supervisor Brabenec introduced Resolution 37 - UDSB donation for 2013. Councilman Dean explained that the donation is for the Scenic Byway committee for the UDC. In past years we contributed \$1,000 and it was pretty much a wash because they got that back in tag grants. They send a representative and she is reimbursed for her mileage, so between the two it is a wash. He recommended they continue that funding at the current level of \$1,000.

Motion to Adopt Resolution 37 of 2012 – Upper Delaware Scenic Byway (UDSB) Donation of \$1,000 for 2013

Motion by David Dean, 2nd by Arthur Trovei to adopt Resolution 37 of 2012 – Upper Delaware Scenic Byway (UDSB) Donation of \$1,000 for 2013.

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

MOTION CARRIED

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Supervisor Brabenec introduced Resolution 38 stating they received a letter from the Orange County Youth Bureau and said they receive grant funding annually for various programs that the town provides and some of it goes to the YMCA contribution every year for the summer camp program. The county is requiring a resolution from the Town Board accepting the funding.

Motion to Adopt Resolution 38 of 2012 – Approval of Youth Bureau Funding for 2013

Motion by Karl Brabene

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

MOTION CARRIED

Motion to Adopt Resolution 39 of 2012 - Establishing Lead Agency Status for the SEORA of Revisions to the Town of Deerpark Zoning Ordinance

Motion by Karl Brabene

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

MOTION CARRIED

Motion to Adopt Resolution 40 of 2012 – Establishing Negative Declaration for SEQR for the Town of Deerpark Zoning Ordinance

Motion by Karl Brabene

Discussion: Councilman Hoovler read the county's comments based on their careful review of the application of the plans and revisions hereto submitted by the applicant and the applicants engineer Environmental Assessments with supporting information subject to public comment has identified there are no areas of environmental concern with this project.

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

MOTION CARRIED

Hurricane Sandy Relief Effort Update

Supervisor Brabenec reported there were ongoing problems in the town from the Hurricane, even though they were spared additional problems because the forecasted rain did not come about. They estimated that 80 – 85% of the Town of Deerpark was without electricity, with downed power lines and trees all over the place. The Highway Department did an unbelievable and fantastic job cleaning up a lot of trees during and after the storm. They worked very hard to get all the roads cleared for Orange & Rockland, then worked with them to identify where the lines were down and where the electricity was out. They activated the Emergency Operations Center the day before the storm hit. Both Jack Flynn and Joyce Cirulli manned the center all day throughout the storm, the Chief of Police and Lieutenant and various police officers did a fantastic job. The Fire Departments were really on the ball and did a fantastic job – Cuddebackville, Huguenot and Sparrowbush all worked together. Along with all the other municipalities who are fighting with Orange & Rockland to restore the power, it seems that though they said they were prepared for the storm, it seems they really weren't prepared. This is no dis to the Orange & Rockland workers. They had workers from all over the United States, but the communication problems pretty much came from the management. They had to fight for dry ice. Congresswoman Hayworth, Senator Larkin, Assemblywoman Rabbitt all called the President of Orange & Rockland. They got approval and went to the Town of Mamakating and got dry ice. Both Councilman Hoovler and Highway Superintendent Ed Hughson picked up the dry ice. Port Jervis, Lumberland, Forestburgh, Mamakating and the Town of Deerpark all worked together getting and sharing emergency supplies. He also thanked the Orange County Emergency Management who were on the phone with them constantly trying to assess the situation. They did a very good job. They finally listened to their concerns and opened a shelter at Hamilton Bicentennial Elementary School for about three days. The gas shortage was a problem now. They had a lot of cooperation from Orange County Social Services. If any resident, or you know of any resident still out of power and needs to go to a shelter because of the cold weather, they should dial 211 – hotline to Social Services. They will place the family in a hotel or a shelter in Middletown and if they have kids, they will shuttle them to and from school. Dave Jolly, Commissioner of Social Services has been excellent. He has been fantastic. Dennis Simmons went to bat for the town on numerous occasions and was present here at the Town Hall on all the days of the storm and also did a fantastic job. The Red Cross delivered water and MRE's (Meals Ready to Eat). They have gone by the book with their Emergency Operations Manual and declared a State of Emergency that went into Halloween. Congresswoman Hayworth came out to assess the damage and will help them with any FEMA reimbursements and Flo Santini, Town Clerk manned the phones with her husband Tar the whole time and did a great job. They estimate all power should be

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restored by next week. Councilman Dean concurred with what he said and thought a shout out should be given to the citizens who were looking out for one another. Al Fusco, Town Engineer as per the Supervisor's request, filed a request for aid for over \$120,000 through the Office of Emergency Management in Orange County. Hopefully they will get reimbursed for the volunteers and Highway Department crew.

BRIM Recycling Update

Al Fusco, Town Engineer reported he gave a copy of the letter written in conjunction with the Engineering Department and the Building Department. They inspected the facilities on Thursday and again on Friday the past week. They cleaned up all the "junk debris" that was outside the area that had been designated on the 1995 Site Plan. They did a pretty good job considering the climate they had to work in. Everything got done except the planting of some trees to shield the property from the neighbors. Towards that end, he got a letter from BRIM indicating they would start that in two weeks and they would have it completed by the Spring when they do their inspection on March 31st. They did show good will finally, after the Town Board authorized the Attorney to proceed against them. At this point, they are in compliance except for the screening and he recommended they be given a license until the end of this period, until March 31st. They will continue to keep inspecting. Councilman Spears asked where they were in the Planning Board procedure. Mr. Fusco stated they had been through the Public Hearing, which is now closed. Their attorney, John Fuller needed to dress up the maps a bit and answer some of the Public Hearing questions and bring it back to the Planning Board for another meeting. He doesn't think they are on the agenda for November 14th, but he is sure they will be on the agenda the beginning of December. Councilman Dean asked about their issues with the DEC. Mr. Fusco said one was flying papers that has been taken care of. They had an issue with the stacking and that was taken care of and he thinks they are now in compliance with the DEC. Councilman Spears asked what the time frame was they were extending this to, and Supervisor Brabenec answered until March 31st when they apply for the 2013 license. Mr. Fusco feels they have their attention and are only waiting on the trees at this point. Supervisor Brabenec mentioned two letters of concern dated October 31 from Fusco Engineering regarding their recommendation for licensing BRIM and November 2 from BRIM Recyclers, which he read.

Motion to Approve BRIM Recycling Permit for 2012

Motion by Gary Spears, 2nd by David Dean to approve BRIM Recycling Permit for the remaining 2012 year.

Discussion: Councilman Dean asked Mr. Fusco to keep a close eye on the situation even if they get the extension on their license and to not let them slide back. Mr. Fusco assured him they would continue to make inspections through the Building Department and under the ordinance; there is a 10 day compliance period.

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

MOTION CARRIED

Supervisor Brabenec announced that the Town Hall would be closed November 6 for Election Day and November 12 for Veteran's Day and November 22 for Thanksgiving.

Supervisor Brabenec announced that Thursday, November 8, 2012 at 7:30 p.m. will be the annual Public Hearing for the town's 2013 Preliminary Annual Budget. The Comptroller's Office has not yet completed their final recommendations and should be to us this week, but the State Law allows for the Town to be allowed 10 days to review their report. They will not be able to adopt it on November 8th. Another State Law states that all municipalities have to adopt a budget by November 20, so that would be the absolute last day. They should schedule a Special Meeting on November 20th at 7:00 p.m. for the purpose of adopting a budget for 2013.

Motion to Set Special Meeting on Tuesday, November 20 at 7:00 p.m. for the Purpose of Adopting 2013 Budget

Motion by Gary Spears, 2nd by David Hoovler to set the Special Meeting on Tuesday, November 20 at 7:00 p.m. for the purpose of Adopting the 2013 Budget.

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

MOTION CARRIED

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Motion to Pay Bills for October 15, 2012 and November 5, 2012:

Motion by Karl Brabenec, 2nd by Gary Spears to pay bills for October 15, 2012 and November 5, 2012 that have been signed by three council members, and may be viewed in the Town Clerk's Office.

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

MOTION CARRIED

Motion to Accept the October 2012 Budget Officer's Report

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

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

MOTION CARRIED

Closing Board Comments

Councilman Spears thanked everyone who chipped in to help during the storm. He thanked Susan Miiller for dedicating the work of art saying it was very impressive. He hoped people would come out and look at it. He thanked all those who contributed to it.

Councilman Trovei thanked Susan Miiller and all the artists also, stating it was beautiful. He thanked Karl for doing a great job adding that his communication with all of them and keeping it all together was a barn burner. He thanked Jack and Joyce too. He said everyone needs to continue to pray for all those affected by the storm and especially for the country. He urged people to vote the next day and that it was probably the most crucial votes in the history of the country.

Councilman Dean thanked all the first responders and volunteers who worked so diligently in the dangerous situation. He thanked the citizens in the Town of Deerpark who showed what they are made of. Looking at the Jersey Shore and Staten Island, etc. should make everyone realize how fortunate they were. He sympathized with those without power still, but encouraged them to let their needs be known. Tomorrow is crucial as Councilman Trovei said, and recommended people vote thinking about the children's generation and their children's generation. It is a pivotal time in America and there will be consequences to their actions.

Councilman Hoovler also thanked Susan Miiller for coming out and the artwork is beautiful. He thought everyone covered everything pretty well. He mentioned the school district is holding a meeting on Wednesday night at 7:00 p.m. regarding the building of a school. There have been very minimal increases to the town's budget since he had been in the town. The School will discuss their options and it would be \$17 million to renovate and double that to build new. Regardless of where people stand, 76% of the tax bill is school taxes. Over the last 8 years, Port Jervis and Deerpark, 91% of tax increases have come from the School District, not from the town. He recommended people educate themselves on what is going to transpire with the Middle School.

Supervisor Brabenec reported the Association of Towns annual training will be on President's Day weekend in February for elected officials and the will plan on attending. Councilman Hoovler has been asked to teach two classes at the seminar. One will be on FEMA and one will be on Park and Recreation Risk Management. He congratulated Mr. Hoovler and mentioned that once again the Town of Deerpark is leading the state in training and education. The Port Jervis School District meeting will be Wednesday at 7:30 p.m. in the High School Cafeteria. He also urged everyone to attend. Tomorrow is Election Day, the polls will be open from 6 a.m. to 9 p.m. for election for President, US Congressional race and Senate and State Assembly. The polling places are Huguenot Fire House, Building No. 2 and Sparrowbush Fire House. If you are unsure where you vote, call 291-2444 for the Orange County Board of Elections or go to the website: New York State Board of Elections Voter Look Up. He thanked everyone for the storm relief efforts and their wonderful job. They will continue to be working for FEMA reimbursements in the next few months and will work with Orange & Rockland until all the electricity is up. They will express their concerns with Orange & Rockland to be better prepared for future storms. He wished everyone a happy Veteran's Day and Thanksgiving coming up. He also thanked Susan Miiller and other artists for the beautiful mural.

Florence T. Santini, Town Clerk stated that the Governor, by executive order, announced that if anyone was displaced due to the Storm they could go to any polling place to cast their vote. Election Inspectors will advise voters from other districts how they could vote for those from their districts. They are holding a Senior Citizen Thanksgiving dinner on November 17 asked for names to be called in this week. They have almost 50 people signed up and shut-in's they are going to deliver to. She and Gina delivered all paper goods to the Senior groups and they gave them a standing ovation. They delivered a Bingo machine

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to them from the Matamoras/Fire Department. Jim Burpo of Orange County will meet Flo and will give her tables and chairs for the Building No. 2. Everything has been donated.

Motion to Enter Executive Session at 8:45 p.m. for Tax Certiorari Litigation

Motion by Karl Brabenec, 2nd by Gary Spears to enter Executive Session at 8:45 p.m. for the purpose of Tax Certiorari Litigation and invite in Attorney Glen Plotsky.

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

MOTION CARRIED

Motion to Re-enter Regular Session at 9:31 p.m.

Motion by Gary Spears, 2nd by David Hoovler to re-enter Regular Session at 9:31 p.m.

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

MOTION CARRIED

Motion to Adjourn at 9:32 p.m.

Motion by David Dean, 2nd by Arthur Trovei to adjourn at 9:32 p.m.

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

MOTION CARRIED

Respectfully submitted by,

Florence T. Santini
Town Clerk