

**TOWN OF DEERPARK**  
**TOWN BOARD REGULAR MEETING**  
**THURSDAY, NOVEMBER 6, 2014**  
Meeting was held at Town Hall, 420 Route 209, Huguenot, NY 12746

**Invocation** by Councilman Trovei

**Attendance**

**Supervisor:** Karl Brabenec

**Councilmembers:** Arthur Trovei, Gary Spears, David Dean, Ken Smith

**Attorney:** Glen Plotsky

**Call to Order** at 7:40 p.m.

Pledge of Allegiance by Councilman Trovei

Additions or Changes to Agenda – None

Public Hearing Opened for 2015 Preliminary Budget at 7:45 p.m.

Florence T. Santini, Town Clerk read the Notice of Public Hearing (Attached to the Official Minutes).

Public Comment – None

Supervisor Brabenec mentioned for the record they received a letter from the New York State Comptroller's Office and they are satisfied with the numbers and the budget and he thanked the Comptroller's Office for their review. Also, they received recommendations from the Town's Accountant, Robert W. Schultz, which the Supervisor read. (A copy is attached to the Official Minutes.)

**Motion to Close Public Hearing at 7:49 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to close the Public Hearing at 7:49 p.m.

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

**MOTION CARRIED**

New Business

**Motion to Amend Line Item DA5130.2 from \$150,000 to \$120,000 in the Preliminary Budget**

Motion by Gary Spears, 2<sup>nd</sup> by Ken Smith to amend Line Item DA5130.2 from \$150,000 to \$120,000 in the Preliminary Budget.

Discussion: Councilman Spears said they were told they needed to update their fuel system, pumps and computer systems. He would like to take the money from that line to Building and Grounds, which the proper category for that money, not the Highway Fund.

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

**MOTION CARRIED**

**Motion to Reallocate \$30,000 from DA5130.2 to Line Item A1620.2 in the Preliminary Budget**

Motion by Gary Spears, 2<sup>nd</sup> by Ken Smith to reallocate \$30,000 from DA5130.2 to Line Item A1520.2 in the Preliminary Budget, for the purpose of fuel pumps and computer systems under Building & Grounds, where this money should be.

Discussion: Councilman Spears said the Highway and Police Departments will all have their own cards to access the pumps and it will also record when they are taking the fuel.

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

**MOTION CARRIED**

**Motion to Reduce the Current A1440.4 from \$70,000 to \$50,000 in the Preliminary Budget**

Motion by David Dean, 2<sup>nd</sup> by Ken Smith to reduce the current Line Item A1440.4 from \$70,000 to \$50,000 in the Preliminary Budget.

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

**MOTION CARRIED**

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**Motion to Reallocate \$20,000 from A1440.4 to Line Item A9950.2 in the Preliminary Budget**

Motion by David Dean, 2<sup>nd</sup> by Ken Smith to reallocate \$20,000 from A1440.4 to Line Item A9950.2 Police for the Building Reserve Fund and Engineering Fees.

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

**MOTION CARRIED**

**Motion to Amend Line Item A3620.41 from \$114,000 to \$104,040 and Amend Line Item A3620.42 from \$0 to \$960 in the Preliminary Budget**

Motion by David Dean, 2<sup>nd</sup> by Ken Smith to Amend Line Item A3620.41 from \$114,000 to \$104,040 and to amend Line Item 3620.42 from \$0 to \$960.00 in the Preliminary Budget. The total of A3620.4 Contractual Expense will be \$105,000.

Discussion: Councilman Spears questioned the wording of A3620.41 saying Office Staff, and said they don't have office staff. They have a contract with a private vendor. He said as long as they all understand that, he's fine with it. They have a hard and fast contract for 2015 for \$104,040. Supervisor Brabenec said that where it says Contractual Expense, that's where they would have contracts and it adds up. What he tried to do was to show how much of that would go to the office staff from that contract and how much for the supplies.

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

**MOTION CARRIED**

Councilman Dean asked to take the \$9,000 difference out of that and add it to the A7140.41 Playgrounds. The Supervisor advised a separate motion.

**Motion to Increase Line Item A7140.4 for Youth Programs with \$9,000 in the Preliminary Budget**

Motion by David Dean, 2<sup>nd</sup> by Gary Spears to increase Line Item A7140.41 (Park Improvements) from \$9,500 to \$18,500 in the Preliminary Budget.

Discussion: Councilman Spears commented that they have improved the parks for three years.

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

**MOTION CARRIED**

**Motion to Decrease Line Item A1355.1 from \$19,240 to \$0 in the Preliminary Budget**

Motion by Ken Smith, 2<sup>nd</sup> by Gary Spears to decrease Line Item A1355.1 (Data Collectors) from \$19,240 to \$0 in the Preliminary Budget.

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

**MOTION CARRIED**

**Motion to Increase Line Item A1110.2B from \$0 to \$500 in the Preliminary Budget**

Motion by Ken Smith, 2<sup>nd</sup> by Gary Spears to increase Line Item A1110.2B (Judge Wulff Equipment) from \$0 to \$500 in the Preliminary Budget.

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

**MOTION CARRIED**

**Motion to Increase Line Item A1620.2 from \$30,000 to \$45,135 in the Preliminary Budget**

Motion by Ken Smith, 2<sup>nd</sup> by Arthur Trovei to increase Line Item A1620.2 (Building & Grounds Equipment) by \$15,135 from \$30,000 to \$45,135 for a security system of cameras for the town buildings in the Preliminary Budget.

Discussion: Councilman Dean said it was time. Councilman Spears asked if it would cover difference offices and it will cover the entire campus. He then asked if they could be added to the playground. Councilman Smith said it could be added and the Police Department would be 24/7.

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

**MOTION CARRIED**

Councilman Spears asked if the Court Officer was already in the budget and the Supervisor said it was under the Town Court – Combined Services and that typically it has never gone above \$4,000. Councilman Dean asked if there was also a Police Officer in the court and the Supervisor said they do now. Councilman Spears said they were waiting to get the clearance from the Civil Service so he can carry a pistol. If there is a call, sometimes the part/time Police Officer may have to leave.

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Supervisor Brabenec said they will need home rule legislation to allow him to carry a firearm because it is not in the job description, other towns have done that. Discussion continued. The Supervisor was asked to look into training for use of a taser gun.

Deborah Natalizio, Assessor reported on the new charge backs the county is doing and it may affect the budget for 2015. Ms. Natalizio reported that in the past, certiorari's paid for by the county was tacked on to the property. The town was able to accommodate that. However, the 2% we're held to, the county found that if it was done previously, the town was able to hold their 2% down, but they are allowed to increase the rate afterwards. So, the county has decided to not do that anymore, rather charge the town back. The charge backs come when property owners have paid their taxes, they're entitled to a reimbursement on the taxes they weren't paid, and then the reduction comes after they've already paid their taxes. That's where the charge backs come from. Councilman Spears said they will need to budget for it on both ends. Ms. Natalizio said there will be properties in the future they will need to deal with. She further clarified that only the properties the county takes a lien on and doesn't sell or get back taxes for, will they get charge backs on. The county can recoup costs on residential properties, it is just those properties that are not possible to recoup taxes that the town will get charge backs. Councilman Dean said that some properties cost too much to clean up and they walk away from them. More discussion followed.

Councilman Spears suggested they take the \$50,000 in Contingency Funds right now, that they don't do anything. And that way, if they do have a charge back, they take it out of contingency to pay the county what they're due. If they get those refunds back from the attorney's negotiations, they put it back in contingency.

Ms. Natalizio reported on the options available being 1) to pay if they have enough funds left over, 2) take it out of receipts collected from the Tax Collector/Supervisor's Receipts, and 3) budget for it so you can account for it.

Councilman Spears said it was good information and asked for a projection from the Assessor in August for 2016 budget when they do their budget in August. He asked the Assessor for a projection of what may happen in the coming year, so they could prepare for that.

**Motion to Decrease Line Item 962B from \$300,000 to \$0**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to decrease Line Item 962B (Building Reserve Fund) from \$300,000 to \$0.

Discussion: Supervisor Brabenec stated this motion was based upon their communications with their accountant Robert Schultz.

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

**MOTION CARRIED**

**Motion to Allocate an Additional \$300,000 to Line Item A9950.2 for a total of \$320,000**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to allocate an additional \$300,000 to Line Item A9950.2 for a total of \$320,000.

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

**MOTION CARRIED**

Councilman Spears said he went to a meeting and the County Executive Steve Neuhaus spoke about sales tax and he was cautiously optimistic that we would be where we are now. He has no idea about the Mortgage Tax. Supervisor Brabenec said they have \$50,000 budgeted for mortgage tax. Looking at the revenues this year, they'll be close to \$60,000.

**Motion to Adopt the Preliminary Budget of 2015 With Approved Changes**

Motion by Karl Brabenec, 2<sup>nd</sup> by Ken Smith to adopt the Preliminary Budget of 2015 with the approved changes as the 2015 Town of Deerpark Adopted Budget.

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

**MOTION CARRIED**

Supervisor Brabenec said he would make all the changes and submit it to the Town Clerk. There were no changes to tax levy (.78%).

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**Motion to Enter Executive Session For the Purpose of Discussing Local Law; Litigation regarding Dangerous Buildings; and Deerpark Corcoran and Deerpark Star Realty at 8:50 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by Ken Smith to enter Executive Session for the purpose of discussing a Local Law, Litigation Regarding Dangerous Buildings and Deerpark Corcoran and Deerpark Star Realty and invite in attorney Glen Plotsky at 8:50 p.m.

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

**MOTION CARRIED**

**Motion to Recess Until 8:50 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to recess until 8:50 p.m.

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

**MOTION CARRIED**

**Motion to Re-Enter Regular Session at 10:02 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by Ken Smith to re-enter Regular Session at 10:02 p.m.

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

**MOTION CARRIED**

**Motion to Adjourn at 10:03 p.m.**

Motion by Arthur Trovei, 2<sup>nd</sup> by Ken Smith to adjourn at 10:03 p.m.

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

**MOTION CARRIED**

Respectfully submitted by,

Florence T. Santini  
Town Clerk