

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, APRIL 12, 2010**

Meeting was held at Town Hall, 420 Route 209, Huguenot, New York 12746

Attendance

Supervisor: Karl Brabenec

Councilmember's: Gary Spears, David Hoovler, David Dean

Absent: Arthur Trovei

Attorney: Glen Plotsky

Invocation by Gary Spears

Call to Order at 5:06 p.m.

Pledge of Allegiance by David Dean

Motion to enter Executive Session at 5:07 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to enter Executive Session for the purpose of Highway Department negotiations and invite Cort Cunningham and Glen Plotsky.

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

MOTION CARRIED

Motion to re-enter Regular Session at 5:57 p.m.

Motion by Gary Spears, 2nd by David Dean to re-enter Regular Session at 5:57 p.m.

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

MOTION CARRIED

Old Business

Councilman Hoovler reported that Local Law No. 3 of 2010 - The Emergency Preparedness Act, has been reviewed by Attorney William Bavoso. He included Jack Flynn as Director of Emergency Management into the program. After any incident in 15 days, the town has to submit a report to the county as well as the town, regarding what happened and how much money was spent, etc. There would be a public hearing upon five days notice on how to handle any recovery or redevelopment plans. Supervisor Brabenec asked if they should set up a public hearing on May 3rd at 7:00 p.m. The summary of the Local Law will be read at the April 19th Town Board Meeting.

Councilman Dean reported on the contract for "Steel in the Air" Review of Cell Tower Agreements. There is a contract proposed by J & S for a cell tower in the Town of Deerpark and it would be a \$1,500 - \$2,000 fee. His email said that once the agreement is signed, it would take a week for him to do an investigation and recommendation. They want to move this along. The Telecommunications Section of the Zoning Law has been read by the board and there is a statement where the Town Board may site a cell phone tower on any parcel that belongs to the Town. He asked Councilman Hoovler if that negates the rest of the code.

Motion to Approve the Supervisor's Signature on Steel in the Air Contract

Motion by David Dean, 2nd by Gary Spears to approve the supervisor signing the Steel in the Air contract, for cell tower agreements upon review and approval of the town attorney.

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

MOTION CARRIED

Discussion continued as Councilman Dean pointed out the Zoning Code Section 5.7 – Telecommunication Facilities, page 46 and asked the attorney about the code. Since he hadn't read it, he asked for the time frame they required his opinion. In addition, Councilman Dean explained that Steel in the Air is a cell phone tower consultant reviewing contracts between cell phone companies and power companies for municipalities.

Motion to Approve Oakland Valley Racetrack Application

Supervisor Brabenec explained that the Building Inspector approved the application, but the attorney had some questions and the paperwork was supplied complying with their questions, and the attorney said it was okay to approve.

**TOWN OF DEERPARK BOARD MEETING
MONDAY, APRIL 12, 2010**

Motion by Gary Spears, 2nd by David Dean to approve Oakland Valley Racetrack Application pursuant to both the Building Inspector and Town Attorneys approval.

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

MOTION CARRIED

New Business

Motion to Approve the signing of the Peenpack Trail Supplemental Agreement 1 (Stimulus Project)

Supervisor Brabenec reported this request concerns the \$500,000 they applied for last year. The original contract said they would be given \$500,000, and the bids came in for \$310,000. This contract is amended to show the new amount and both the supervisor and the town attorney need to sign the agreement. There was actually a difference of \$140.00, and Mr. Fusco of Fusco Engineering promised to contact the company so they will revise the contract to reflect the difference.

Motion by Gary Spears, 2nd by to approve the signing of the Peenpack Trail Supplemental Agreement 1 by the Supervisor and Town Attorney, which will be in the amount of \$310,000 or \$310,140.

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

MOTION CARRIED

Motion to Recess the Meeting at 6:08 p.m.

Motion by Gary Spears, 2nd by David Hoovler to recess the meeting at 6:08 p.m. to reconvene at 7:00 p.m.

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

MOTION CARRIED

Motion to Reconvene the Meeting and enter Executive Session at 7:04 p.m.

Motion by Karl Brabenec, 2nd by Gray Spears to reconvene the meeting and enter Executive Session at 7:04 p.m. for the purpose of interviewing Willard Schadt, Mike Hunter and Mark House for the Planning Board.

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

MOTION CARRIED

Motion to Re-enter Regular Session at 7:43 p.m

Motion by Karl Brabenec, 2nd by David Hoovler to re-enter regular session at 7:43 p.m.

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

MOTION CARRIED

Motion to Adjourn at 7:44 p.m.

Motion by Karl Brabenec, 2nd by David Dean to adjourn at 7:44 p.m.

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

MOTION CARRIED

Respectfully submitted by,

Florence T. Santini
Town Clerk