

**TOWN OF DEERPARK  
TOWN BOARD MEETING  
MONDAY, NOVEMBER 1, 2010**

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

**Attendance**

**Supervisor:** Karl Brabenec

**Councilmember's:** Gary Spears, Arthur Trovei, David Dean, David Hoovler (7:30 p.m.)

**Attorney:** Glen Plotsky

**Invocation:** Arthur Trovei

**Pledge of Allegiance:** Gary Spears

Call to Order at 6:35 p.m.

**Public Hearing – 2011 Town of Deerpark Preliminary Budget at 6:37 p.m.**

Town Clerk, Florence T. Santini read the Public Notice and a copy is attached to the official minutes.

Supervisor Brabenec explained how the Board had worked hard to not raise taxes, and complimented each of the board members and their work in reviewing the vendors throughout the year in attempts to save money. There were many efforts to find cost savings in health care, phone service and finances long term.

Public comments – None

Councilman Trovei mentioned that everyone is in a tough time and a stand has to be made to protect the town and they hope it will have a ripple effect. Necessary cuts need to be made.

Councilman Spears added that not only have they been very diligent in their search for cost saving measures, they also have found income for the town in hopes of offsetting the taxes. Negotiations for the gas line are also ongoing with Councilman Dean. They had to make tough decisions and have not made it personal, but fair. They are possibly looking at workforce reductions and though they are hard to do, they can't borrow money to make their budget. They can't mortgage their kids and grandkids future in order to pay the bills coming due now.

Councilman Dean thanked the other board members and the supervisor for his many hours of hard work and the good job on the budget preparation. The income of \$30 million over the next 30 years with the cell phone tower income, with the hope of additional towers on town property. More than cuts, they are trying to reform the way the town does business. They are trying to create a better system of government for the people who are paying the bills in the Town of Deerpark.

Supervisor Brabenec thanked the State Comptroller's Office for their suggestions in regards to the budget.

Supervisor Brabenec asked one more time if anyone from the public had any comments and no one spoke.

Councilman Spears and Councilman Trovei both expressed their gratitude to the supervisor for his hard work on the budget. Councilman Dean encouraged everyone to go out to vote the next day to get the country back to where it needs to be.

**Motion to Close the Public Hearing**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to close the public hearing on the 2011 Town of Deerpark Preliminary Budget at 6:48 p.m.

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

**1 ABSENT: David Hoovler**

**MOTION CARRIED**

Supervisor Brabenec announced there would be a recess until 7:30 p.m.

Call to order at 7:31 p.m.

**Pledge of Allegiance:** David Hoovler

Moment of Silence for Donald Hull and Roberta Ginton.

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There were no changes to the Agenda.

Opening Board Comments

Councilman Spears reiterated his comments during the public hearing regarding the 2011 Budget, that they worked hard to keep the budget at no increase. They had to make cuts and wanted to keep it fair. They want to make it easier for the taxpayers in the Town of Deerpark. They appreciate the hard work the supervisor put into it. They also appreciate the State Comptroller's comments. The State Comptroller's comments were very good and he hoped everyone had an opportunity to look at the Preliminary Budget and they welcome comments.

Councilman Trovei also thanked the Supervisor for his good work and they worked hard to give the public some relief. The work on the budget involved making a plan for the future.

Councilman Hoovler added to the comments stating that more steps were taken recently in making plans for the future. He mentioned calculating costs of future benefits for employees retiring. The Town of Deerpark is one of the few communities who were ahead of the game in this area. Some preliminary calculations of Deerpark look like \$934,000 per employee. Every dime of that amount is unbudgeted for the future.

Councilman Dean spoke of reform, not just cuts and the way they do business and run local government and return the investment. They need to be responsible for paying bills and planning. He commented on how much time Karl Brabenec spent on the budget and that it was especially difficult due to debts of financing.

Supervisor Brabenec reported on the board's hard work. Councilman Trovei is looking into health insurance costs; Councilman Spears put together an effort for the phone system saving \$600-\$700 a month; Councilman Hoovler put together the reserve funds and long term financial planning; and Councilman Dean has been in the office daily since he was appointed and looked for cost savings in every area. The entire team effort has provided this fiscally conservative budget. They want to run the town like a business. He invited input from the town residents.

Presentations and Communications

Supervisor Brabenec received a letter (along with Mayor Potter of Port Jervis) from Legislator Dennis Simmons on October 22<sup>nd</sup> regarding a phone call from Florence T. Santini, Deerpark Town Clerk questioning the County 15 light at the exit off Route 84, and whether it had been restored following the re-opening of the Matamoras Bridge. These efforts resulted in correcting the light, enabling better traffic flow in and out of Shoprite. Gratitude was expressed to both Ms. Santini and Mr. Lee in the Orange County DPW. A letter was received from the Hudson River Valley Greenway and they spoke of technical assistance and small grants to communities for projects consistent with the criteria of natural cultural resource protection heritage and education, etc. Supervisor Brabenec would work with the town engineer, Al Fusco to see if the town would benefit by submitting for grant funding.

**Approval of October 4, 2010 Minutes**

Motion by Gary Spears, 2<sup>nd</sup> by David Hoovler to approve the October 4, 2010 minutes as presented.

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

**MOTION CARRIED**

**Approval of October 18, 2010 Minutes**

Motion by Gary Spears, 2<sup>nd</sup> by David Hoovler to approve the October 18, 2010 minutes as presented.

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

**1 ABSTENTION: Arthur Trovei**

**MOTION CARRIED**

Public Comment – None

Old Business

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Supervisor Brabenec stated there is approval of the supervisor signing the AT&T contract. Councilman Dean gave an update on the AT&T contract. AT&T will be the anchor on the cell tower near the town barn. Minor adjustments were made to the proposed agreement that is now ready for signature. They have the Short Environmental Assessment for the tower project.

**Motion to Accept the Short Environmental Assessment Form Regarding Cell Tower and AT&T**

Motion by David Dean, 2<sup>nd</sup> by David Hoovler to accept the Short Environmental Assessment Form regarding the cell tower and AT&T from the Town Engineer.

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

**MOTION CARRIED**

**Motion to Authorize the Supervisor to Sign the AT&T Contract**

Motion by David Dean, 2<sup>nd</sup> by Gary Spears to authorize the Supervisor to sign the AT&T contract so they can become the anchor provider on the new cell tower near the town barn.

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

**MOTION CARRIED**

Supervisor Brabenec mentioned there had been an opening of the bids for demolition on Friday, October 22<sup>nd</sup> and after reading the summation of each bid, and the Town Clerk copied the Town Board and the Highway Superintendent. The lowest bid was from Somarelli Trucking at \$6,800.00.

**Motion to Accept Bid for Demolition of 311 Route 209, Huguenot, NY 12746 (50-1-1)**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to accept the bid from Frank Somarelli Trucking for \$6,800 for the demolition, as long as they provide liability and workmen's compensation.

Discussion: Councilman Hoovler stated that he is the lowest responsible bidder and understood what the job entailed and they should accept it.

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

**MOTION CARRIED**

New Business

Tax Collector's Annual Bonding Approval was explained by Florence T. Santini, Town Clerk. She explained the Orange County Clerk sends a letter annually, and the copy of last year's bond was provided and she asked for individual board signatures. This paperwork needs to be in place for the Tax Collector, which is then placed on file at the Orange County Clerk's Office. Ms. Santini contacted the insurance provider for the Certificate of Insurance.

**Motion to Forward Certificate of Insurance for the Tax Collector to the Orange County Clerk's Office**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Hoovler to forward the Certificate of Insurance from July 19, 2010 to July 19, 2011 for the Tax Collector of the Town of Deerpark to the Orange County Clerk's Office.

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

**MOTION CARRIED**

Supervisor Brabenec reported on having two 17" black colored Dell monitors coming out of the Tax Collector's office due to her purchasing the flat screen monitors. They want to put these on e-bay.

**Motion to Declare Two Black 17" Dell Monitors as Surplus Equipment**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Dean to turn in two black 17" Dell monitors and declare them as surplus computer equipment, no longer being used by the Town. (Serial Number: MX-05C544-47801-1C6-HOFO/Model Number: M991 and Serial Number: CN-OPO-151-64180-45K-05FX/Model Number: E773C).

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

**MOTION CARRIED**

Applications for the BAR and Veterans Board

Supervisor Brabenec announced that October 29<sup>th</sup> was the deadline for these boards and one vacancy is open on the Board of Assessment Review. The Town Clerk reported that nothing was received to date for the BAR. In regards to the Veteran's Board, she had four applications and they are looking to fill 7 vacancies. The names were Floyd Babcock,

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Robert Thorburn, George Keller, and Wilbur Wesselius. Supervisor Brabeneć asked to set up interviews for these before appointed. He asked if they could handle at the next meeting, November 15th. Councilman Hoovler mentioned that Richard Lee Cornell contacted him by the deadline and asked that his name be added. Mr. Hoovler would give the information to the Town Clerk.

**Motion to Interview for the Veteran's Board on November 15, 2010 at 7:15 p.m.**

Motion by Karl Brabeneć, 2<sup>nd</sup> by Gary Spears to interview applicants for the Veteran's Board on Monday, November 15<sup>th</sup> at 7:15 p.m.

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

**MOTION CARRIED**

Supervisor Brabeneć stated there was a vacancy on the Board of Assessment Review. Typically, they meet around May and subsequently meet to decide on grievances of assessments on property value. There is a lot of hard work between May and July and they work with the Assessor's Office. There would be mandatory training once appointed.

Supervisor Brabeneć received from the New York State Municipal Worker's Compensation Alliance about a worker's compensation survey and thanked the staff for allowing them to conduct a control survey of the district. They requested a written response to their report within 60 days indicating the town's thoughts about their recommendations. The supervisor would assign Councilman Hoovler to look over the recommendations and report back within 45 days.

Cable Commission Chairman George Keller reported they continue working on the old franchise agreement with Time Warner. A meeting was held with Time Warner and they had a franchise agreement to approve. In turn, they are working on an agreement with the Town's attorney that they would submit to Time Warner. It would contain systemized management flexibility as well as bring extra revenue to Deerpark. It would also allow Deerpark to inspect Time Warner's books and records. There would be a public meeting on this before submitting it to Time Warner and the website would announce the time. Any input should be communicated through the website as well. Supervisor Brabeneć gave the website address as [cable@townofdeerpark.org](mailto:cable@townofdeerpark.org) and also encouraged people to contact them about service problems or anything else. He then thanked the Cable Commission for doing such a good job.

Appropriations, Budget and Payment of Bills

**Motion to pay bills:**

Motion by Karl Brabeneć, 2<sup>nd</sup> by Gary Spears, to pay bills that have been signed by three council members, and may be viewed in the Town Clerk's office.

General Fund Abstract #20 of 2010 for a total of \$111,836.50

Highway Fund Abstract #20 of 2010 for a total of \$55,223.03

Deerpark Manor Lighting District Abstract #8 of 2010 for a total of \$262.67

WTC Memorial Fund Abstract #4 of 2010 for a total of \$131.30

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

**MOTION CARRIED**

Budget Officer's Monthly Report

Supervisor Brabeneć had provided the Profit/Loss Report up to November 1<sup>st</sup> and Actual vs. Budget (available at the Town Clerk's Office for review). If there were any questions, they should contact the Supervisor.

**Motion to Accept the Budget Officer's Monthly Report for October 2010**

Motion by David Hoovler, 2<sup>nd</sup> by David Dean to accept the Budget Officer's monthly report for October 2010.

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

**MOTION CARRIED**

Supervisor Brabeneć reviewed past discussion about hiring the town prosecutor, but they did not create the sub line item for the Town Prosecutor in the current budget. Money needed to be allocated. A line item needs to be created apart from the justices line.

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**Motion to Approve Budget Modification for Town Prosecutor and Transfer \$6,000 from Unreserved Fund Balance**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Hoover to approve the budget modification creating a subsection named Town Prosecutor and transfer \$6,000 from the unreserved fund balance for 2010, ending December 31, 2010.

Discussion: Councilman Hoover inquired about the .4 line and two judges, would there be an A and B and the supervisor replied he would put them in one. He added that in the 2011 budget there is a separate category for each judge as well as a combined services section C designated for the Town Prosecutor and Constable. Councilman Spears asked if they could take money out of unreserved or contingency and the Supervisor answered it would have to be unreserved due to the contingency fund being at a zero.

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

**MOTION CARRIED**

Supervisor Brabenec summed up the State Comptroller's recommendations of the 2011 budget and they were reasonable. She had wanted to make the changes before the November 1<sup>st</sup> Board meeting. Since there was no meeting previously, they did an email vote. When an email vote happens, it must be ratified at the very next Board Meeting. The Supervisor read the comments voted on via email. Her recommendations included: Revenues A1081 Payments in Lieu of Taxes – increase from \$23,360 to \$30,000; A3001 State Revenue Sharing – decrease from \$30,000 to \$28,360; Revenues A3005 – State Aid and Mortgage tax – decrease from \$65,000 to \$60,000; Expenditures A1910.4 - Unallocated Insurance – decrease from \$250,000 to \$222,000; A 9060.8 General Fund Health Insurance – increase from \$188,500 to \$190,000; and for DA9060.8 Highway Fund Health Insurance – increase from \$244,500 to \$271,000; the net gain or decrease is zero dollars. The email vote was unanimous and seconded by David Hoover, but needed to be ratified.

**Motion to Ratify Approval of Changes to Town of Deerpark 2010 Preliminary Budget**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to ratify approval of changes to the Town of Deerpark 2010 Preliminary Budget based on the New York State Comptroller Recommendations.

Discussion: Councilman Spears asked about unallocated insurance being over \$200,000 at the end of September and asked if the recommended \$222,000 would be enough. Supervisor Brabenec answered they were at \$224,000 this year and the NYMIR premium projection for 2011 was \$192,000. The decrease was due to the work done earlier in the year with Workplace Violence precautions. It was at \$222,000 to be safe. The Payment in Lieu of Taxes are pilot programs like the C & D property that gives the town about \$8,000 a year, then the Millenium Pipeline that gives the town \$23,000 a year. The state was talking about a 3% to 5% decrease in that revenue, so it was recommended they reflect that. State Aid and Mortgage Tax was much less than expected. General Fund Health/Highway Fund Health insurance rates were increased to 9% and that needed to be reflected. The State Comptroller asked that the budget be approved at the November 15<sup>th</sup> Board Meeting.

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

**MOTION CARRIED**

Supervisor Brabenec spoke about receiving the copy of the Cuddebackville Fire Department Budget for 2011, approved by the Board of Fire Commissioners on October 26, 2010. The Board had estimated \$199,000 for 2011, and they came in with \$206,950. These are independent Fire Districts and the town has to go by their numbers.

**Motion to Change the Cuddebackville Fire Department Budget Amount in the Town of Deerpark 2010 Preliminary Budget**

Motion by Gary Spears, 2<sup>nd</sup> by Karl Brabenec to change the Cuddebackville Fire Department Budget from \$199,000 to \$206,950 in the Town of Deerpark 2010 Preliminary Budget.

Discussion: Councilman Hoover agreed there was nothing the Board can do to change it, and unfortunately the taxpayers would have to pay for the increase. Supervisor Brabenec stated there was no control of the town board over their budget. The people in Cuddebackville would need to go to one of their budget hearings if they disagreed or wanted to give input.

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

**MOTION CARRIED**

Supervisor Brabenec reported on the Highway Contract being up the end of 2010 and the town offered various options and were far away from an agreement. He doesn't see an agreement in sight at this point, but there is a 3% increase in salary at this point and without an agreement, the town would need to put money in contingency so when the contract is

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settled, there would be a retroactive payment of approved raises. Councilman Spears inquired about summer workers receiving unemployment. There was investigation going on about this.

**Motion to Change the Town of Deerpark 2010 Preliminary Budget Contingency Account**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to decrease 5110.1-General Repairs Personal Services from \$487,204 to \$476,062, moving \$11,142 into the General Fund Contingency Account.

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

**MOTION CARRIED**

Councilman Spears inquired about the unfunded liabilities for employee benefit accrued liability, consisting of retirement and medical, etc. The reserved fund was never funded in the past and a fund was begun this year with about \$2,000 in the account. When the state Comptroller looked at the liability it was estimated at \$5million and at some point in time, the board would need to look for ways to fund this, or do a workforce reduction to put money in the fund. The Town of Deerpark created an unfunded mandate that falls on the future generations to pay for. This needs to be faced and looked at before the November 15<sup>th</sup> meeting. Mr. Spears advised them to look at funding this account with \$100,000 - \$200,000 a year to take care of these retirement medical benefits, adding this massive problem needed to be met by raising taxes or cutting the workforce to save for retiring individuals to meet the cost. Discussion continued.

Supervisor Brabenec summed up that on November 15<sup>th</sup> they would adopt a budget. He encouraged everyone to go vote the next day. Councilman Dean reminded residents of the new voting machine, not the mechanical machines. Councilman Trovei encouraged everyone to vote for those who would be accountable. Councilman Hoovler reminded people to be planners and to vote. Councilman Dean thanked Councilman Hoovler for his work with NYMIR, the town's insurance carrier and the employees. The costs have been reduced due to these efforts.

**Motion to Enter Executive Session for Discussion of PBA Negotiations, Highway Negotiations and the Huguenot Fire Company Contract at 8:53 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to enter executive session for discussion of PBA negotiations, Highway negotiations and the Huguenot Fire Company contract at 8:52 p.m.

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

**MOTION CARRIED**

**Motion to Re-enter Regular Session at 9:30 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Hoovler to re-enter regular session at 9:30 p.m.

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

**MOTION CARRIED**

**Motion to Ratify January 2009-2011 PBA Contract**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to ratify the January 2009-2011 PBA Contract.

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

**MOTION CARRIED**

**Motion to Adjourn at 9:31 p.m.**

Motion by David Hoovler, 2<sup>nd</sup> by Arthur Trovei to adjourn at 9:31 p.m.

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

**MOTION CARRIED**

Respectfully submitted by,

Florence T. Santini  
Town Clerk