

**TOWN OF DEERPARK  
TOWN BOARD MEETING  
MONDAY, FEBRUARY 25, 2013**  
Meeting was held at Town Hall, 420 Route 209, Huguenot, NY 12746

**Invocation** by Gary Spears

**Attendance**

**Supervisor:** Karl Brabenec

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

**Absent:** Arthur Trovei

**Attorney:** Glen Plotsky

**Call to Order** at 7:38 p.m.

**Pledge of Allegiance** led by Gary Spears

Additions or Changes to Agenda

**Motion to Add to Agenda – Appointment of Vice Chairman to Zoning Board of Appeals and Discussion on Myers Grove Beach Property**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to add to the agenda the Appointment of Vice Chairman to the Zoning Board of Appeals and Discussion on Myers Grove Beach Property.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

Opening Board Comments

Councilman Dean congratulated Councilman Trovei on becoming a grandfather that afternoon to Tyler Arthur Trovei.

Presentations/Communications

Supervisor Brabenec received communication from Town Justice Laurie Osowick asking to advise everyone that effective on March 12, 2013, she will no longer be holding Court at 9:00 a.m. Court will now be held at 6:00 p.m. on Tuesdays. They will update the website and put it on Facebook.

**Motion to Approve Town Board Minutes of January 22, 2013**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to approve Town Board Minutes of January 22, 2013.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

Public Comment Period – (3 Minutes per person/Agenda Item only)

Eileen Schuman – Lives in Myers Grove. She said she spoke to Karl about the Myers Grove beach and she saw in June that the Board tabled the abandonment of Myers Grove beach. The Supervisor explained to her then that nothing was happening with it and if it was, it would be publicized. But, in the December 17<sup>th</sup> minutes they authorized the Supervisor to sign the contract for sale of the Myers Grove beach. As soon as she saw that, she came in again and spoke to Karl and asked to be put on the Agenda. She was concerned that all of their deeds state they have access and rights to the beach. Her bigger concern was when all these discussions and decisions were being made, stating nobody knows until after the fact. From June to December she read every set of minutes and it wasn't mentioned anywhere. Then, December 17<sup>th</sup> has the signing a contract of sale. She wanted to know when and how did that happen. Supervisor Brabenec responded to her on the Myers Grove property saying they tabled it in June because there wasn't enough information concerning the deed rights by the private property owners. Also, the attorneys needed to get information about the rights given to the town. Around December 17<sup>th</sup>, there was no further discussion about it at any meeting or anything in private until December 17<sup>th</sup> when their attorney had stated they got in touch with the people who were next of kin of the original property owners who deeded it to the town. When that person deeded it to the town in 1974, there were certain conditions placed upon the property that the town had to abide by. It was their understanding that they needed permission from the next of kin to get rid of those conditions in order to even put the property up for bid. So, what that contract was, and it was an error in the minutes, which they will need to correct that night because they already passed those minutes. The error was that it wasn't sale of the property—it was actually to give the board

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permission to sell the property in order to get rid of those conditions. As far as the private property owners, there was nothing they could do to change that as far as those conditions put in those private deeds. So, whoever purchases the property, is going to have to abide by those deed restrictions as well. Even though it will become a private beach, the residents of Myers Grove that have that in their deeds, will still have access to that property. Ms. Schuman spoke up asking about December 17<sup>th</sup>, as to whether the attorney didn't bring up Myers Grove beach in the meeting? In the minutes, all it says is that the Supervisor has approval to sign. There was no discussion at all. She was sure there was a lot that goes on and they need to talk, but when they decide on something it should be brought out in a meeting and let the public know. When reading through the minutes, nobody would know anything about this. Supervisor Brabenec offered to add that to the Minutes. Because their attorney did have a discussion with them at the meeting and then it was voted upon at that particular meeting to give him the authorization to sign the contract. They were still waiting for the next of kin to actually sign the contract, send it back so they can move forward with the process of abandoning the beach, then putting it out for public bid. They can add that to the Minutes at any time.

Supervisor Brabenec made a motion to amend the Minutes for December 17, 2012 to state that this was not a Sale that the Supervisor would have a signature authorization, rather permission to ... he then deferred to the Attorney Glen Plotsky for proper wording. Mr. Plotsky said he was not clear that it was in the minutes, that belong to the Town Clerk. He went on to say if there was an indication in the Minutes where the name of the Sale is indicated, he discussed with the Clerk that she could change the Sale to Modification Agreement or something to that affect, which more accurately portrays what the document was. The Town Clerk offered to research and replay the tape. Supervisor Brabenec said they would have it at the next meeting to amend those particular minutes to state what it should correctly state. Once there are more developments, they will definitely put it on the agenda for public comments. Councilman Spears further explained that this has not gone to sale, but they are preparing to present it for sale and had background work and contracts to straighten out. The Supervisor agreed with his statement.

\*\*\*\*On March 1, 2013 Town Clerk met with Attorney Glen Plotsky. The proper wording for the motion on December 17, 2012 should be changed to "Authorize Supervisor Brabenec to Sign Document Related to Conditions Restricting Myers Grove Beach." The change was noted on the December 17, 2012 Town Board Minutes per Florence Santini, Town Clerk.

New Business

**Motion to Adopt Resolution 3 of 2013 – Authorization for Supervisor to Sign Huguenot Fire Department Mutual Aid Agreement**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to adopt Resolution 3 of 2013 – Authorization for Supervisor to Sign Huguenot Fire Department Mutual Aid Agreement.

Discussion: Councilman Spears asked if this was a Mutual Aid agreement with the surrounding fire companies or with the county and Supervisor Brabenec replied there was various Mutual Aid agreements throughout Orange County by fire departments, between fire departments, E-911, between one fire department and another fire department. This is an agreement through Orange County Mutual Aid Plan, devised by the Orange County Department of Emergency Services. Since the town board was technically the fire commissioners of the Huguenot Fire Protection District, they need to approve it. Councilman Spears asked if this was the same agreement they have signed in the past when it comes up. Supervisor Brabenec said he was correct.

**VOTE: 3 AYES (Roll Call): Gary Spears, David Dean, Karl Brabenec**  
**2 ABSENT: Arthur Trovei, David Hoovler**

**MOTION CARRIED**

**Motion to Adopt Resolution 4 of 2013 – Authorization for Supervisor to Sign Historian Grant**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to adopt Resolution 4 of 2013 – Supervisor to Sign Historian Grant from Orange County.

Discussion: Councilman Spears congratulated Norma Schadt for the great job she does and thought they should support her any way they could.

**VOTE: 4 AYES (Roll Call): Gary Spears, David Dean, David Hoovler, Karl Brabenec**  
**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

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Supervisor Brabenec stated they received an application from Michael Hockenberry of Port Jervis, New York who was interested in becoming a part time Police Officer. He went on to say Mr. Hockenberry retired the previous day from the position of Police Sergeant from the City of Port Jervis for 10 years and also served 10 years as a police officer with the City of Port Jervis.

**Motion to Hire P/T Police Officer Michael Hockenberry**

Motion by Gary Spears, 2<sup>nd</sup> by David Hoovler to hire P/T Police Officer Michael Hockenberry for the Town of Deerpark Police Department.

Discussion: Councilman Dean clarified this position was without benefits as it was part time and assumed he was well qualified seeing how he was a police officer for 20 years and they looked forward to having him on the job.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

Supervisor Brabenec had a request from Summit Industries, who are applying for various things through the DEC with certain permits and they need to hold a Public Hearing. They would like permission to use the Town's meeting room for that purpose on Wednesday, March 6<sup>th</sup> with the snow date being Wednesday, March 20<sup>th</sup>. Florence Santini, Town Clerk mentioned they need to hold a meeting off their premises and the DEC has to hold the meeting for public hearing.

**Motion to Permit DEC to Use Meeting Room for Summit Meeting on March 6, 2013 (March 20, 2013 Snow Date)**

Motion by Karl Brabene, 2<sup>nd</sup> by David Dean to permit the New York State DEC to use the meeting room for Summit Meeting on Wednesday, March 6, 2013 with Wednesday, March 20, 2013 as a snow date, at 7:15 p.m.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

Supervisor Brabenec said they put out seven items as surplus equipment at the last meeting and received bids through the Auctions Internationals, Inc. They were as follows:

**Motion to Accept the High Bid for the 2004 Dodge Intrepid at \$630.00**

Motion by Gary Spears, 2<sup>nd</sup> by David Hoovler to accept the high bid for the 2004 Dodge Intrepid at \$630.00.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

**Motion to Accept the High Bid for the Twelve (12) Goodyear Tires at \$1,200.00**

Motion by Gary Spears, 2<sup>nd</sup> by David Hoovler to accept the high bid for the twelve (12) Goodyear Tires at \$1,200.00.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

**Motion to Deny the High Bid for the 1.5 Yard Monroe Gas Sander for \$210.00**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to deny the high bid for the 1.5 Yard Monroe Gas Sander for \$210.00 because of it being a stainless steel sander, and they would get more from a Scrap Company who may offer more.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

**Motion to Deny the High Bid for the 1.5 Yard Monroe Gas Sander for \$260.00**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to deny the High Bid for the 1.5 Yard Monroe Gas Sander for \$260.00 because of it being a stainless steel sander, and they would get more from a Scrap Company who may offer more.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

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**Motion to Deny the High Bid for the 1.5 Yard Smith Gas Sander for \$510.00**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to deny the high bid for the 1.5 Yard Smith Gas Sander for \$510.00.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

**Motion to Deny the High Bid for the 2.0 Yard Nor'easter Electric Sander for \$530.00**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to deny the high bid for the 2.0 Yard Nor'easter Electric Sander for \$530.00.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

**Motion to Accept the High Bid for Three (3) Blackberry's with Batteries for \$42.50**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to accept the high bid for the three (3) Blackberry's with batteries for \$42.50.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

Supervisor Brabenec stated that the denials would remain surplus equipment. He asked what the Board would like to do with that. Councilman Spears said he spoke with the Highway Superintendent and he thought perhaps the end of summer or beginning of the fall, they would put these sanders back out since they are in working order. Going into the winter, they may receive a better bid. Councilman Dean asked if they would be kept under cover and Councilman Spears replied they would remain in storage out of the way, until they re-bid them.

**Motion to Accept the Letter of Resignation from Marylou Maher from the Zoning Board of Appeals**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Hoovler to accept the letter of resignation from Marylou Maher from the Zoning Board of Appeals.

Discussion: Supervisor Brabenec explained that Marylou Maher accepted a position with Fusco Engineering, which is the firm that runs the Building Department. Often the Building Department gives interpretation and advice to the Zoning Board, so she felt that was a conflict and offered her resignation.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

**Motion to Advertise for Applications for the Vacancy on the Zoning Board of Appeals**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to advertise for applications to be given to the Town Clerk for the vacancy on the Zoning Board of Appeals.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

**Motion to Approve Recreation Department to Sponsor the Annual Easter Egg Hunt**

Motion by David Hoovler, 2<sup>nd</sup> by Gary Spears to approve the Recreation Department to sponsor the annual Easter Egg Hunt.

Discussion: Councilman Spears asked that they put the dates as soon as possible on the website for the Easter Egg Hunt.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

**Motion to Appoint James Harrington as the Vice-Chairman of the Zoning Board of Appeals**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to appoint James Harrington as the Vice-Chairman of the Zoning Board of Appeals.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

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Appropriations, Budget and Payment of Bills

**Motion to Pay Bills**

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

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

The February 2013 Budget Officer's Report was given to the Board for their information.

Closing Comments

Councilman Spears reiterated their excitement for fellow councilman Art Trovei on the birth of his first grandchild and wished the parents were doing well. He also thanked Marylou Maher for her service to the town on the Zoning Board of Appeals. He welcomed Jim Harrington as the Vice-Chairman of the Zoning Board of Appeals and thanked him for his service to the town.

Councilman Dean spoke of the country facing the test of sequestration. He said it was a law that reduces the amount of growth in the federal budget. It does not cut the federal budget, it just lessens the growth. He hoped that the Republicans in the House have strong knees and don't buckle to this and let it happen. He said they have to get the money situation under control. They have done it in the town, the county is working on it, the state has to work on it and certainly the country has to work on it. He knows this will give some people pause, but he believes this is the bitter pill that has to be swallowed. Perhaps it will bring people to the table with clear heads so they can sit there and have intelligent, real and honest conversation about where we're headed.

Councilman Hoovler said it was a quick meeting and good. He added that they had a good meeting with the Association of Towns and he put on two classes while there and got a lot of good feedback on the Parks and Recreational Liability as well as FEMA with Mr. Fusco. They had a great time presenting that to a lot of other towns. Unfortunately, he said there was a lot of need for FEMA in the town. He thought the budget lines were all looking good and he was looking forward to another year.

Supervisor Brabenec thanked Marylou for her service to the town for the Zoning Board of Appeals and was glad she was in another capacity now and remaining with the town. He congratulated Mr. Harrington. He looked forward to working with him in his new leadership role with the ZBA. He gave a quick update on February 12 when he had gone to Albany for a Pro-Second Amendment Rally held on the Capital steps. He was very, very pleased to see about 600-700 people in attendance. There were town supervisors from all over the state, city mayors, village mayors who were all very interested in the resolution they passed, since the Town of Deerpark was the first in New York to pass such a resolution. Since then, the Orange County Legislature has passed it, as has Sullivan County, Ulster County, various towns in Orange County and villages. It has spread throughout the state of New York into Erie County, Saratoga County, etc. They are very happy about that. They keep encouraging everyone to keep vocal about it and tell their state legislators that they are unhappy with the bill that was passed within the 45 minute time period without even reading the bill.

**Motion to Enter Executive Session at 8:20 p.m. for the Purpose of Litigation Update Re: Cea vs. the Town of Deerpark**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to enter into Executive Session at 8:20 p.m. for the purpose of Litigation Update Re: Cea vs. the Town of Deerpark and invite Attorney Glen Plotsky in with them.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

Councilman Dean stated that before they leave he wanted to mention there were two young ladies with them from the Port Jervis School System and he received an email about how they have a Government Class project. They needed to attend a board meeting Stephanie and Echo and needed it for their grade, but after attending, they felt they should attend more often.

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**Motion to Recess Until 8:30 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to recess until 8:30 p.m.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

**Motion to Re-enter Regular Session at 9:14 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to re-enter Regular Session at 9:14 p.m.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

**Motion to Adjourn at 9:15 p.m.**

Motion by David Dean, 2<sup>nd</sup> by David Hoovler to adjourn the meeting at 9:15 p.m.

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

**1 ABSENT: Arthur Trovei**

**MOTION CARRIED**

Respectfully submitted,

Florence T. Santini  
Town Clerk