

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, FEBRUARY 28, 2011**
Meeting was held at Town Hall, 420 Route 209, Huguenot, NY 12746

Attendance

Supervisor: Karl Brabenec

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

Absent: Arthur Trovei

Attorneys: Bill Bavoso, David Bavoso

Invocation: Gary Spears

Call to Order at 7:32 p.m.

Pledge of Allegiance by Gary Spears

There was a moment of silence for Charles Beiersdorfer.

Motion to Add to the Agenda

Motion by Karl Brabenec, 2nd by Gary Spears to add to the agenda, Procedures for Paper Roads under Old Business and Designation of a Town Clean-Up Day under New Business.

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

ABSENT: Arthur Trovei

MOTION CARRIED

Presentations/Communications

Supervisor Brabenec received one letter since the last meeting from Rev. Wildeman with a report on his people fund. The fund was designed to help people living in the Town of Deerpark and the year-end report showed gifts in the amount of \$2,250 helping 8 individuals, leaving a balance as of January 1, 2011 of \$133.65. Supervisor Brabenec thanked Rev. Wildeman for his hard work.

Motion to Approve Minutes from January 24, 2011

Motion by Karl Brabenec, 2nd by Gary Spears to approve the Minutes from January 24, 2011 with the amendment to clarify the Executive Session.

Discussion: Supervisor Brabenec clarified that the Executive Session motion at the end of the meeting needed to be amended to show that the purpose was to meet with Mr. Vicaretti who did not show up and the meeting was then closed. He wanted that reflected in the minutes.

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

ABSENT: Arthur Trovei

MOTION CARRIED

Public Comment – None

Old Business

Supervisor Brabenec gave an update on Resolution 6 of 2011-Election Districts 3 and 5. These changes will be in Resolution 11 of 2011, necessary to make the changes to Resolution 6, which amended the boundaries of Districts 3 and 5. Upon further review, they found out that the New York State Legislature changed the law and gave sole authority to change election districts to the County Board of Elections. He went on to state they consulted with Orange County and were given slight modifications to what they wanted. Now, they need to pass an amended resolution to show those recommended amendments. He showed the boundary lines on a map.

Motion to Adopt Resolution 11 of 2011 – Resolution Slightly Modifying Resolution 6 of 2011 – Regarding the Boundaries of Deerpark Election Districts Three and Five

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Motion by Karl Brabenec, 2nd by Hoovler to accept Resolution 11 of 2011- Resolution Slightly Modifying Resolution 6 of 2011 – Regarding the Boundaries of Deerpark Election Districts Three and Five and forward it to the Orange County Board of Elections for final approval.

Discussion: Councilman Hoovler inquired where the map came from and the supervisor answered it was from the Orange County GIS. Councilman Spears asked if this would alleviate the problem of people voting near where they live and the supervisor answered that it would. Supervisor Brabenec explained that this change allows for one district to be on opposite sides of the road, rather than splitting the districts by the road.

VOTE: 4 AYES (Roll Call): Gary Spears, David Hoovler, David Dean, Karl Brabenec

ABSENT: Arthur Trovei

MOTION CARRIED

Supervisor Brabenec mentioned that a bid was received for a particular piece of Coleman Drive, which is a paper road in Oakridge Park. Town Attorney Mr. Bavoso reported back on this topic, that came up at the February 7th Board Meeting with a list of 13 procedures attached to the official minutes. Mr. Bavoso suggested that if the Board wanted to incorporate this set of procedures, they should adopt a resolution of these procedures and then seek bids to sell this property. The Supervisor then asked the Board is they wanted to designate this set of procedures as a resolution, and if so, they would then ask the attorney to work on the proposed guidelines. Councilman Spears stated Mr. Bavoso answered all his concerns on this issue.

Motion to Adopt Resolution 12 of 2011 – Procedures for Selling Paper Roads

Motion by Gary Spears, 2nd by David Hoovler to adopt Resolution 12 of 2011 - Procedures for Selling Paper Roads as per recommendations of the Town Attorney.

VOTE: 4 AYES (Roll Call): Gary Spears, David Hoovler, David Dean, Karl Brabenec

ABSENT: Arthur Trovei

MOTION CARRIED

New Business

Supervisor Brabenec introduced the resolution for Health Insurance stating that there are currently three classifications of employees receiving health benefits: 1) town hall employees, 2) police department and 3) highway department employees, all having different rules and procedures. According to the Personnel Policy of the Town, the Town Board selects the health insurance provider for town hall employees if they are full time employees, or what they would be eligible for. This resolution takes away the designation of NYSHIP (New York State Health Insurance Program), Empire Plan and puts it to MVP High Deductible EPL, effective March 1, 2011.

Motion to Adopt Resolution 9 of 2011 – Declaring Official Health Insurance Providers for Town of Deerpark Employees

Motion by Karl Brabenec, 2nd by David Hoovler to adopt Resolution 9 of 2011 – Declaring Official Health Insurance Providers for Town of Deerpark Employees.

Discussion: Supervisor Brabenec mentioned there were three employees eligible under this: the Town Supervisor, the Town Clerk and Highway Superintendent. They have all agreed to join the MVP Plan. The potential cost savings for the taxpayers annually would be \$12,000 per year one. Councilman Spears asked about the coverage and the supervisor answered the coverage is actually better. It is part of the CIGNA network, which is a national network of providers. The Town will cover the first \$3,000 of deductibles. The employee will not have to pay the co-pays or prescription costs. Even with covering the deductibles, they will save \$12,000 a year. They will have a debit card and have been authorized for \$9,000 from the health insurance fund, so they are ready to go with this being effective March 1, 2011. Councilman Dean inquired about penalties due to withdrawing from NYSHIP and the supervisor answered that there were no penalties.

VOTE: 4 AYES (Roll Call): Gary Spears, David Hoovler, David Dean, Karl Brabenec

ABSENT: Arthur Trovei

MOTION CARRIED

Supervisor Brabenec added that during the year they will try to find ways for the other two groups (PBA and Highway) to join the MVP plan as well. Councilman Dean noted that the MVP needs to be voted on every two years, and it will be important to keep track of these things and be diligent to find the best deals for people paying the and Supervisor Brabenec mentioned the importance of reviewing the health plans at a minimum of every two years, and this was stated in the resolution.

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Supervisor Brabenec introduced the change to the current Personnel Policy, Section 3.1.12 in regards to the phone, fax and nothing on the computer usage, because of its light wording. At the recent Associations of Town meeting the Town Board attended, they addressed the issue of preventing abuse of town equipment, computers, cell phones, the new technologies coming out like Facebook, texting, and sending pictures over the internet. They don't want any liability to the town for potential abuse. This resolution amends the Personnel Policy and specifies policy in regards to telephone, fax, cell phone usage, computer systems, internet, electronic mail requirements, and just a very comprehensive computer use policy.

Motion to Adopt Resolution 10 of 2011 – Resolution Amending Deerpark Personnel Policy with New Phone & Computer Policy

Motion by Karl Brabenc, 2nd by David Hoovler to adopt Resolution 10 of 2011 – Resolution Amending Deerpark Personnel Policy with New Phone & Computer Policy.

Discussion: Councilman Spears spoke of the class he took and that this policy came very highly recommended. He has read through this resolution and this is not only very valuable to the town, but very valuable to the employees so they know what their parameters are. So, when this resolution is passed, the Supervisor should make sure that all the employees know what these guidelines are. Supervisor Brabenec said he would email this policy to all the employees as well as a hard copy. He will also send out a complete Personnel Policy to each employee and then he will have them sign for receiving and reading them. Councilman Dean reminded everyone that anything being downloaded never disappears.

VOTE: 4 AYES (Roll Call): Gary Spears, David Hoovler, David Dean, Karl Brabenec

ABSENT: Arthur Trovei

MOTION CARRIED

Supervisor Brabenec brought the request from the Chief of Police to purchase a Chevy Impala to replace the 2004 Dodge Intrepid, 7F224, which has Odometer reading of 161,593 miles as of February 16, 2011. The purchase price is \$23,023.40 on the New York State Bid. The information breakdown includes options and the board reviewed it.

Motion to Authorize the Supervisor to Sign the Purchase Order for Chevy Impala for the Police Department

Motion by Gary Spears, 2nd by David Dean to authorize the Supervisor to sign the purchase order for the Chevy Impala for the Police Department

Discussion: Councilman Dean said he understood there was money was in the budget and that this was an ongoing attempt to upgrade Police cars and keep them out of the shop and on the road. Councilman Hoovler added they would buy the car under the New York State bid.

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

ABSENT: Arthur Trovei

MOTION CARRIED

Supervisor Brabenec was approached by Congresswoman Nan Hayworth and one of her staff with the request for a Town Hall meeting in her districts to inform people what legislation is going on in Washington and to see if there is anything she is doing right or wrong. They are interested in holding a meeting at the Town of Deerpark Town Hall on Tuesday, March 22, 2011 at 7:00 p.m. Mr. Brabenec would be the moderator.

Motion to Allow Congresswoman Nan Hayworth to use the Town Hall on March 22, 2011

Motion by Karl Brabenec, 2nd by Gary Spears to allow Congresswoman Nan Hayworth to use the Town Hall on March 22, 2011 at 7:00 p.m. to host a meeting for the public.

Discussion: Councilman Spears inquired as to what would be expected for advertising and Supervisor Brabenec answered that both her office and his would handle getting the word out.

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

ABSENT: Arthur Trovei

MOTION CARRIED

Supervisor Brabenec spoke about a public hearing needed for the D & H Trail Project for an informational session requested by Orange County Planning Department for comments regarding the D & H Trail they are proposing along the old D & H Towpath.

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Motion to Set Public Hearing on April 11, 2011 at 7:00 p.m. – D & H Trail Project Informational Session

Motion by Karl Brabenec, 2nd by David Hoovler to set a Public Hearing on Monday, April 11, 2011 at 7:00 p.m. for an informational session on the D & H Trail Project by the Orange County Department Planning Department.

Discussion: Councilman Hoovler asked why they wanted to come to Deerpark. Supervisor Brabenec explained that originally they requested to come and make a presentation, and he said that it would be fine, and he wanted to put them under Presentations for a regular meeting. However, they wanted to have a longer time for answering questions. Councilman Spears asked if this meeting was for the D & H only or was it also for the railroad trail and the Supervisor said he understood it was only regarding the D & H Trail Project. They will advertise it in the Deerpark Digest and in the Supervisor's Report and town website. Councilman Spears noted that this D & H Trail runs adjacent to property owners and wondered if they could be notified, so they could be part of the meeting. Supervisor Brabenec thought they definitely could be notified. Councilman Dean said they should communicate to the County that they are notifying residents with adjoining property to the project property and that the county should pay for any expenses in regards to this meeting they are requesting. Councilman Spears said they should agree to pay for the mailing so people are notified, whether the county agrees to pay or not.

Amended motion by Karl Brabenec, 2nd by David Hoovler to include notifying adjoining landowners within 500 feet of the proposed D & H Trail Project of the meeting on April 11, 2011, and that he would notify Orange County they would need to pay for any expenses.

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

ABSENT: Arthur Trovei

MOTION CARRIED

Motion to Accept Resignation of Timothy W. Crown as the Deputy Tax Collector

Motion by Karl Brabenec, 2nd by Gary Spears to regretfully accept the resignation of Timothy W. Crown as the Deputy Tax Collector and send him a thank you letter for his service.

Discussion: Councilman Spears noted how hard Timothy was working each time he saw him in the office. Supervisor Brabenec added that he filled in for a month and he did a very good job and should be commended for his good work.

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

ABSENT: Arthur Trovei

MOTION CARRIED

Motion to Approve Tax Collector's Reappointment Joan Cunningham as Deputy Tax Collector

Motion by Karl Brabenec, 2nd by Gary Spears to approve Tax Collector's reappointment of Joan Cunningham as Deputy Tax Collector.

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

ABSENT: Arthur Trovei

MOTION CARRIED

Supervisor Brabenec received a phone call from the Sullivan County Government, about the Riverfront Grant Committee. They were awarded this grant for one year. Part of the grant is to form a committee of communities along the Delaware riverfront from Hancock to Port Jervis. Each community should have two representatives and anyone can volunteer. They will have meetings throughout the year to come up with a study Riverfront Revitalization and Economic Development along the river. Councilman Spears offered to serve as the representative.

Motion to Appoint Gary Spears as Delegate to the Sullivan County Riverfront Grant Committee

Motion by Karl Brabenec, 2nd by David Hoovler to appoint Gary Spears as a delegate to the Sullivan County Riverfront Grant Committee.

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

ABSTENTION: Gary Spears

ABSENT: Arthur Trovei

MOTION CARRIED

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Motion to Appoint David Dean as Alternate Delegate to the Sullivan County Riverfront Grant Committee

Motion by Karl Brabenec, 2nd by David Hoovler to appoint David Dean as the Alternate Delegate to the Sullivan County Riverfront Grant Committee.

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

ABSTENTION: David Dean

ABSENT: Arthur Trovei

MOTION CARRIED

Supervisor Brabenec reported on the Town Bulk Clean-Up Day efforts. He has talked with Mr. Peter Hammond of the Orange County Waste Environmental Facilities and he stated that something should be at the Port Jervis Transfer Station during their hours of operation and should include two days. Their limit is 125 tons and they can handle 20 tons per day. One hundred twenty five tons would equal \$10,000 which is what the town has budgeted. They hope to be well under that amount. He also recommended using the dates of April 29 and 30 or May 13 and 14. There would be an embossed card issued to those using the facility.

Motion to Schedule Town Bulk Clean-Up Day on May 13th and May 14th of 2011 Not to Exceed \$10,000

Motion by Karl Brabenec, 2nd by David Hoovler to schedule a Town Bulk Clean-Up Day on Friday, May 13 and Saturday, May 14 of 2011 at the Transfer Station during normal business hours, with cost of bulk collected not to exceed \$10,000.

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

ABSENT: Arthur Trovei

MOTION CARRIED

Supervisor Brabenec introduced the Hawk's Nest Restaurant discussion, and it was decided with Mr. Babcock to discuss at the end of the meeting.

Motion to pay bills:

Motion by Karl Brabenec, 2nd 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 #4 of 2011 for a total of \$828,651.98

Highway Fund Abstract #4 of 2011 for a total of \$110,183.82

Deerpark Manor Lighting District #2 of 2011 for a total of \$351.00

Discussion: Supervisor Brabenec explained that the General Fund Abstract is so high because they are paying out to the Fire Departments their allocations amounting to about \$600,000.

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

ABSENT: Arthur Trovei

MOTION CARRIED

Note:

More comments on the Clean-up day were made. Supervisor Brabenec would meet with Mr. Hammond and the Port Jervis Police Chief to discuss the details for the days of the clean up and put in writing as soon as possible that the Town of Deerpark would not pay more than \$10,000 for bulk clean up. The Transfer Station closes their doors at the close of their day whether people are in line or not and Saturday's are a shorter day. All these concerns will be addressed in the supervisors meetings.

Closing Board Comments

Councilman Spears commented on the Association of Towns meetings and that they were as good as ever. He gained a lot of valuable information on labor negotiations, cell phone policies, etc. He thanked David Hoovler, assisted by Karl Brabenec, Joyce Cirulli and Al Fusco for the tremendous job presenting the Emergency Preparedness Plan at the Association of Towns meeting. He was proud to be from the Town of Deerpark.

Councilman Dean also expressed appreciation for the hard work and presentation at the meeting and thought there were a lot of people interested in what they shared.

Councilman Hoovler thanked them for their comments and stated they had about 60 people in their session.

Supervisor Brabenec reminded everyone of the presentation with the Cost of Retirement Benefits and the True Cost of Labor, which would be 7:30 p.m. on March 7th.

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Motion to Adjourn at 8:23 p.m.

Motion by Gary Spears, 2nd by David Hoovler to adjourn at 8:23 p.m.

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

ABSENT: Arthur Trovei

MOTION CARRIED

Submitted by,

Florence T. Santini
Town Clerk