

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, MARCH 25, 2013**

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

Invocation by David Hoovler

Attendance

Supervisor: Karl Brabenec

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

Attorney: Glen Plotsky

Engineer: Alfred Fusco, Jr.

Call to Order at 7:34 p.m.

Pledge of Allegiance led by Arthur Trovei

There was a moment of silence for the Honorable Angelo Ingrassia, a judge who recently passed away.

Additions or Changes to Agenda

Motion to Make Changes to the Agenda Re: Eagle Scout, Michael Conklin and Local Law No. 1 of 2013

Motion by Karl Brabenec, 2nd by Gary Spears to remove the Eagle Scout presentation until the next meeting; add Michael Conklin, President of Port Jervis Middle School Student Council under Presentations/Communications; and move Consideration of Local Law No. 1 of 2013 to the bottom of the agenda under New Business.

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

MOTION CARRIED

Opening Board Comments

Supervisor Brabenec thanked his brother, Thomas Brabenec for setting up their audio and video equipment. They were doing their first test of a live feed to YouTube channel. If that is successful, they will start advertising that the meetings will be available on line 24 hours a day, seven days a week on a regular basis.

Supervisor Brabenec announced that should anyone wish to speak on any of the Agenda items, they should sign up, stating the Town Clerk would be there momentarily.

Presentations/Communications

Michael Conklin, President of the Port Jervis Middle School Student Council addressed the Board and expressed his desire to assist the Town with any of their events coming up. He thought the youth of the Tri-State area could help out. He wants to bridge the gap between Port Jervis and Deerpark. He introduced his grant, "What Would You Bring to the Table?" The purpose is to end childhood hunger with providing breakfast food. The food will be contributed to the local food pantries. He asked if the town would be willing to collect food in a drop off box. He also said he and his brother are working on collecting blankets for Veterans. *Matthew Conklin, 5th grader at HBE* stated that on April 20th many WWII Veterans are making a trip to Washington DC aboard the Honor Flight. He is making fleece blankets to give to them on their journey. He has made 10 blankets and has 90 more to make. He invited anyone interested to donate or make blankets to donate to this cause. He can be reached at 845-856-0876. Councilman Hoovler asked Matthew how he got involved and he answered through a friend, Dennis Simmons. Mr. Hoovler then urged him to be around Veterans. Mr. Hoovler then asked Michael if he would like an honorary appointment to the recreation committee to which he agreed.

Motion To Appoint Michael Andrew Conklin to Recreation Committee as Honorary Member

Motion by David Hoovler, 2nd by Gary Spears to appoint Michael Andrew Conklin to the Recreation Committee as an honorary member.

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

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Historian Office and Deerpark Museum Report by Norma Schadt – Attached to the Official Minutes. Her report highlighted the Deerpark Diary March Issue was distributed earlier that day; she would have a display about the Sawmill Industry at the September Open House; she gave an update on the Historic Markers Project with Eagle Scout Michael Murphy. The Museum's schedule was July 20 and August 24 – Joseph Brant Bus Tours; September 22, 11 a.m. – 4 p.m. – Open House; October 20 at 3 p.m. – History of the Cuddebackville Neversink River Bridges and Roebling Wire Cable by Frank Ketcham, Engineer; November 20 at 2 p.m. – Michael Worden on his book, "1877 Murder of William Springstead on Big Pond". Two new members were Lynn and Bob Burns. Anyone interested in joining was invited to their meetings the first Thursday of each month at 7 p.m. (1863 Huguenot Schoolhouse, 25 Grange Road, Huguenot). On Wednesday, April 17th Ms. Schadt will talk about her project restoring local historic markers at the 2013 New York Annual State Conference for the Association of Public Historians in Syracuse.

She added a personal note regarding an article in the paper about snow melting and the trash under it, she would like to see the residents take care of their properties and property near them. If there is no one living across the street, she encouraged people to pick up that property trash as well. She also invited people to join the Adopt a Highway group.

Supervisor Brabenec thanked her for doing such a wonderful job and claimed she was the best Historian in the state.

Councilman Trovei also thanked her for representing them upstate.

Supervisor Brabenec mentioned that about 15 years ago, they had a volunteer road cleanup crew and they adopted roads and highways throughout the town. He thought it was a program that was run through the town. He said they would be happy to help anyone wanting to start up a program like this to keep the roadways clean.

Motion to Approve March 11, 2013 Board Minutes

Motion by David Dean, 2nd by Arthur Trovei to approve March 11, 2013 Board Minutes.

Discussion: Councilman Spears was not in attendance and said he would abstain.

VOTE: 4 AYES: Arthur Trovei, David Dean, David Hoover, Karl Brabenec

1 ABSTENTION: Gary Spears

MOTION CARRIED

Public Comment – None

New Business

Supervisor Brabenec read Resolution 7 of 2013 regarding the Humane Society contract that when signed, it would take effect immediately. This is signed every year to provide services in conjunction with the Dog Control Officer for housing stray pets and they also provide a whole host of items. This year they are asking for a 2% increase.

Motion to Approve Resolution 7 of 2013 – Authorization for Supervisor to Sign the Humane Society Contract

Motion by Gary Spears, 2nd by David Hoover, to approve Resolution 7 of 2013 – Authorization for Supervisor to Sign the Humane Society Contract with the 2% increase.

Discussion: Councilman Spears said he was thankful they were working within the town's budget means as to what they offered them last year. They provide a needed service and think they do a good job. Supervisor Brabenec agreed they do a good job and from all accounts, they are probably one of the better shelters in the Orange County area.

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

MOTION CARRIED

Motion to Appoint Daniel Witt to the Zoning Board of Appeals

Motion by Karl Brabenec, 2nd by David Hoover to appoint Daniel Witt to fill the vacant term on the Zoning Board of Appeals until December 31, 2014.

Discussion: Supervisor Brabenec stated that Mr. Witt had been an alternate and had prior experience in Middletown. It was the only letter he had received after advertising the vacancy.

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

MOTION CARRIED

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Supervisor Brabenec congratulated Mr. Witt and stated the Town Clerk would inform him by letter and ask him to take his Oath of Office. He also stated they now need another alternate to serve. Anyone interested must submit a letter to the Town Clerk if they are over 18 and are a resident of the Town of Deerpark.

Motion to Approve the Use of the Baseball Fields at Space Park for Little League

Motion by David Hoover, 2nd by Gary Spears to Approve the Use of the Baseball Fields at Space Park for Little League.

Discussion: Councilman Spears said he spoke with Ed Hughson and they placed an order for yellow protective piping that goes around the top of the fences and made a deal with the company to provide two sets of bases.

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

MOTION CARRIED

Consideration of Local Law No. 1 of 2013 – Proposed Zoning Changes was introduced by Supervisor Brabenec who shared about the background saying they considered zoning changes to some of the provisions of the zoning law and also to some of the mapping sections of the town. Most of it has to do with expansions to the HMU (Hamlet Mixes Use) districts in the Route 6 corridor. Currently, the HMU sections of the northeastern part of town and down towards Huguenot on 209. They connected it and added portions of Route 211, which is in the northeastern part of town as HMU. The HMU is on most of the major highways. Months back they discussed increasing HMU in Sparrowbush on Route 42 and after residents responded, they changed it back to the current zoning, which is RS (Residential Settlement) in a RR (Rural Residential) area. The board felt it was necessary to change it back to RS and RR area, up the 42 corridor. There is a section in the western part of town in Sparrowbush off of Wilson Road, which is a PRRD (Planned Retirement Residential District) and they couldn't do much with that because that has to do with a court order going back to the early 1990's. Some of the goals of the town board are to increase opportunities for businesses to come in as ratables such as new restaurants, a bank, light industry, light commercial to try to bring jobs into the area and stabilize the tax base. He thought 94% or 95% of the tax burden is actually on the residents and there is very little commercial or industry left in the town. He went on to say these are the very first of many steps to be able to compete with states like Pennsylvania and New Jersey to get some of these businesses. They have had some success on Route 84 due to some zoning changes in the past couple years. They have a Planet Fitness with retail facility off of Exit 1; also next door to that is a RV and Boat warehouse which will employ about 20 people. They are hoping for other businesses in that area as well. They are also looking at existing businesses and the restrictions on them—they don't want to lose those businesses. They want to accommodate them as best as possible. They want to also keep the town in the same character as it is and yet look towards the future by stabilizing their tax basis. The zoning effort is part of the first wave. The Town Engineer has been working on this and he was invited up to report.

Alfred Fusco, Jr., Town Engineer addressed the need to make changes that came up at past meetings. He coordinated the town code rather than mimic the previous zoning code due to the suggestion from a local resident. They clarified the wording to better match the charts according to comments offered in the Public Hearing. Towards that end, one issue came up regarding Big Pond Mine and they got a request at the Public Hearing from the Attorney for the YMCA and other local residents to mandate a buffer. So, they changed the word from *may* to *shall* and that shouldn't impact the town's ability to move forward in any way, but it did ease some of the residents' burden. One of the other items brought up was in relationship to the non-conforming use aspect because the language was *an existing structure could be used for the same or less intensive use upon approval by the Building Department*. Then it set a period of 30 days. Mr. Fusco thought it should be less restrictive, *existing structure can be used for the same or less intensive use upon approval by the Building Department. Building Department can send it to the Planning Board for a determination if there are questionable aspects of it*. So if the Building Inspector needs guidance, he can get it through the Planning Board. He put it underneath the area of non-conforming use because state law indicates that a non-conforming use, once a 12 month period has expired after the use is no longer a workable use under the zoning. With this clause, it gives the Building Department and the Planning Board some flexibility. An example could be the restaurant up at Hawks Nest or things of that nature. It needs a determination by someone and that determination could be the Building Department or the Planning Board. It gives the town the flexibility to move forward on many of those same areas. They have no area that specifically states that a school or college can be in any one particular zone or not. They have language that a public building can be in pretty much any zone and that includes a public school. It didn't include private school and he would take the boards direction if that should be added as a special use in any or all districts. He thought they should consider it and give him some direction. One other area was about billboards and digital billboards. Councilman Trovei commented that the public hearing was held, comments were responded to in some of these changes and the document was codified and Mr. Fusco confirmed that the document stands well written at this time. However, he forgot to mention the scrap processor in relationship to a police officer coming by and wanting to look at the code and that was added into the code. That is an annual

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event, whereas the rest of it is kept as a five-year event for renewals. They are at that time of year now, since they haven't passed this, for another one year renewal of the junkyard license. The Building Department informed him they reviewed all the junkyards this year and he has been given the comments and would provide them for the next board meeting. There is a \$75.00 charge, which is written into that and when they do the annual budget again, they would determine if that would be an addition, or if they would lower the junkyard fee appropriately to have it be the same. Supervisor Brabenec asked about the five year licensing for junkyards, but for the scrap metal license, would they have to do that annually and Mr. Fusco replied they would. He then asked if that would be done through the Town Board or the Building Department. Mr. Fusco stated it would be done through the Building Department and the Town Clerk. Glen Plotsky, Town Attorney asked about the change stating it sounded like using Home Rule to circumvent NYS Law. That would not be a minor change. That would require another public hearing. Mr. Fusco recommended that the draft be softened a little bit to take out that 30 days and also take out the total discretion of the Building Department so if they have doubts, they can also put it through the Planning Board. Councilman Hoovler asked if they could take that section at a later time and make a Local Law. Supervisor Brabenec said they could add in the minor sections, and the major section would be a Local Law as an amendment. Councilman Dean interjected saying that if these kinds of changes are being made, another public hearing is necessary. He agonizes over going through that again because there is so much misinformation being bantered about regarding these changes, but in this circumstance it would be better to err on the side of caution and follow the counsel's recommendation. Supervisor Brabenec asked if there was a suggestion regarding the RS zones. Councilman Dean said that Derek Wilson brought up some valid observations and comments about the rural settlement zone that was changed from 2 acres to 1 and there are some set back issues that also change with it. After consideration of that and Derek's comments, he thought it should go back to the 2 acres and previous set back requirements. He knows that sounds like they are spinning their wheels and going backwards, but he thought they have waited this long and didn't think a few more weeks would matter. He was willing to listen to everyone's opinion on that. Supervisor Brabenec said there was one other thing they should discuss. He mentioned the private schools and special uses in various districts. He asked how the Board felt about that. Councilman Spears said it was new to him that night and thought it would require a little bit of thought and some more information. His original feeling is that they need to have some kind of control over a private school and the zone that it goes in, whether it be a special use or whether they designate it in a special zone so they have some control over that and the size. Most likely it will need to be a special use. Supervisor Brabenec summed that need up by indicating to the Engineer they would need a definition of a private school in the zoning. Councilman Trovei said they have worked on this for a long time and he finds it very draining at this point. He liked the document written and thought they should pass it and if they need to tweak it, then they tweak it. Then, they are dealing with areas of the document, not the giant of the document. He referred to the biggest progress they were trying to do was to make zones with allowed uses instead of everything being a special use in this town. That is one of the most important things they can bring forward if they are hoping for development at this point. Councilman Hoovler agreed with Councilman Trovei. Councilman Spears said if they tackle it that night, they should take into consideration a small change like acreage changing from 2 acres to 1 could be changed without a public hearing. He didn't know about the school item or going to Building Department for use, and change the RS from 1 back to 2, but didn't think they could go with the other two items without a public hearing. Mr. Fusco said that before it is actually printed, they could have another public hearing for those two or three items. He agreed that if they take the acres from 1 acre back to 2, that would be what it was before and he didn't see the need for a public hearing on that and would defer to counsel of course. They could have a public hearing on the other ones and do another local law just for those before they actually publish the document. Supervisor Brabenec said what they could do in this meeting, would be to vote on whether or not to incorporate those specific changes discussed. Discussion continued.

Motion to Change Lot Size from One Acre to Two Acres in the Proposed Zoning Changes

Motion by Karl Brabenec, 2nd by David Dean to change the minimum lot sizes in RS zones from one acre to two acres in the proposed zoning changes.

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

MOTION CARRIED

Motion to Add One Year Scrap Metal Licensing Provision to the Proposed Zoning Changes

Motion by Karl Brabenec, 2nd by Gary Spears that with the addition of the five year licensing rule to add the one year scrap metal licensing provision as per New York State Law, in the proposed zoning changes.

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

1 ABSTENTION: Arthur Trovei

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Motion to Adopt Local Law No. 1 of 2013 – Proposed Zoning Changes

Motion by Karl Brabenec, 2nd by Arthur Trovei to adopt Local Law No. 1 of 2013 - Proposed Zoning Changes, without the new provisions and with inclusion of the map.

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

MOTION CARRIED

Appropriations, Budget and Payment of Bills

Motion to Pay Bills

Motion by Karl Brabenec, 2nd 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.

General Fund Abstract #6 of 2013 in the amount of \$62,654.56
Highway Fund Abstract #6 of 2013 in the amount of \$101,691.63
Deerpark Manor Street Lighting Abstract #4 of 2013 in the amount of \$349.33

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

MOTION CARRIED

Closing Comments

Councilman Spears thanked Michael and Matthew Conklin for coming and for their dedication and hard work for the community. He welcomed him to the Recreation Committee as an honorary member. He hoped they would keep it up. He also thanked Norma Schadt for the work she does. She was away and put this together in a short time and it was very impressive and he wished her well when she made her presentation. He was proud of them.

Councilman Trovei also thanked Norma Schadt for putting Deerpark on the map and said she made them proud. He added, if she could inspire others around the state to take on a similar thing that would be wonderful. He thought it was wonderful that both Mike and Matt were a blessing. He thanked them for being a part of their town and community and for leading in the Middle School. He also thanked everybody for taking part in the long, arduous journey to get the Local Law through and that it was his prayer that it would benefit everybody in the community and for the long term try to stabilize taxes, and create jobs—keeping the youth around. He wished everyone a good week, and those who understand the Passover and understand the blessings God gave by passing over a whole nation and freeing a whole nation from slavery. He prayed our nation would remain free and the leaders work in a way to keep it that way. He thought of the wonderful love and great sacrifice that was made on Good Friday and hoped everybody would understand what that's about and what a great price that was paid that day. He hoped everyone would look back to Him as a nation.

Councilman Dean asked where do we go from there? He thanked Mike and Matt Conklin, saying their mother must be very proud and that young men like them are the future of America. It did his heart good to see this and seeing them made him feel great. He offered to help in any way and all they need to do is come back and ask, offering that Ms. Schadt had lots of projects. He said they were a credit to their community and family. He addressed Norma Schadt and said welcome home. He thanked her from his family and both he and his sister are grateful for the Sawmill Display. They are proud of the fact that she is going to Syracuse and will make a presentation. He said her comments on picking up the trash along the road were very germane. His wife walks each morning for exercise and they both pick up trash along their road. It just takes a little bit of effort and if everybody did a little, it would make a huge, huge difference in the town. He thanked Al Fusco for his work on the zoning, and how he worked with the five personalities thinking differently and then with the public input...it was a huge undertaking to do this. It was a long time since it was updated and it wasn't perfect. There was a lot of hard work and a lot of thought—he thanked Derek for his comments and input. As the need arises, they can make changes, but they made a key step in the right direction and said they must expand the tax base in the town. The school taxes are going to drive them all right out of there unless they expand the amount of people and businesses that are helping to pay the bills. He wished everyone a happy Easter and Passover. He agreed with Mr. Trovei that it was a special time.

Councilman Hoovler wished everybody a happy Easter and Passover and stated it was a very special time of year. He spoke to Norma Schadt, saying she does a wonderful job and he hoped this year he could join her bus tour. He thought Al Fusco and Glen Plotsky had put up with five personalities and they did a good job. He thought the zoning should start in the beginning and it is a work in progress. They do need to expand the tax base. Orange County lost a real good guy. Judge Ingrassia was a

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judge for a long time and he came out of Middletown. The Ingrassia name is very common over there. He thought he was an absolutely wonderful man and practiced law right up until he died, just before his 90th birthday. On his death bed he was still signing legal documents. He was an incredible man and had an incredible family. The school budget is coming up soon. He hopes everybody pays attention to it. It's a tough balance through the education of the children and the ability to pay. He hoped people watched that and made good decisions when it comes to that because the children are the future. He thought the Conklin boys were great examples. You can't get any better than what you're doing. He asked how he liked being class president and offered a couple words of advice. Politics gets a lot tougher. He told them to always remember that with every decision they make, makes one more group of people that don't like you. But it is rewarding. He then thanked everyone for all they did for him, including Flo Santini, Glen Plotsky and Al Fusco. He wished everyone a happy Easter.

Supervisor Brabenec thanked the Conklin boys and offered any help they may need. He was very, very relieved and happy that they had a vote tonight on the zoning proposal. They've been working on it for months. It is definitely a major accomplishment for their administration and everyone deserved a round of applause. Their engineer, Al Fusco worked extremely hard and the Town Attorney, and the Town Clerk researched information—so it was a group effort and he thanked everybody for that. He hopes this legislation will garner this town in a positive direction in the next 10 to 20 years. There is still a lot more to do and they'll be working on that in the next year and beyond. They are on the way and hopefully the economy will get better and they will hopefully entice some people into this town and get some services and tax ratables here for the town residents. The Easter Egg Hunt was coming up at Space Park this coming Saturday at 12:00 p.m. They hope it will be warm weather. He wished everyone a happy Passover, happy Good Friday and happy Easter to everyone. He thanked his brother, Tommy for controlling their first You Tube broadcast and hopefully it went off without a hitch. They were moving into the 21st Century finally.

Motion to Enter Executive Session Re: Potential Litigation – C & D Battery and Potential Litigation – Chabad House at 9:00 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to enter Executive Session regarding Potential Litigation with C & D Battery and Potential Litigation with the Chabad House and inviting in the town attorney, Glen Plotsky at 9:00 p.m.

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

MOTION CARRIED

Motion to Recess Until 9:00 p.m.

Motion by Karl Brabenec, 2nd by Arthur Trovei to recess until 9:00 p.m.

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

MOTION CARRIED

Motion to Re-enter Regular Session at 9:44 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to re-enter Regular Session at 9:44 p.m.

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

MOTION CARRIED

Motion to Adjourn at 9:45 p.m.

Motion by David Dean, 2nd by David Hoover to adjourn the meeting at 9:45 p.m.

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

MOTION CARRIED

Respectfully submitted by,

Florence T. Santini
Town Clerk