

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, APRIL 11, 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

Also In Attendance: Dennis Simmons, Orange County Legislature

Richard Rose, Department of Parks and Recreation

Kelly Dobbins, Orange County Department of Planning

Cliff Robinson, President, D & H Conservancy

Attorney: David Bavoso

Call to Order at 7:00 p.m.

Pledge of Allegiance by Gary Spears

Motion to Hire Part-Time Assessor - Robert Wilcox

Motion by Karl Brabenec, 2nd by Gary Spears to hire Robert Wilcox as Part-Time Assessor at \$19.00 per hour for 20 hours a week.

Discussion: Councilman Hoovler verified he had proper certification and the Orange County Real Property double checked it.

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

1 ABSENT: Arthur Trovei

MOTION CARRIED

Motion to Hire Three Part-Time Police Officers – Timothy Hoffman, James Gayler, Brian Bonilla

Motion by Karl Brabenec, 2nd by Gary Spears to hire Timothy Hoffman, James Gayler and Brian Bonilla as part-time Police Officers at the rate, terms and conditions of the current Police Benevolent Association Contract.

Discussion: Councilman Dean verified these officers would not receive any benefits and it was confirmed. Councilman Spears verified they all had their certifications up to date and that was confirmed. Councilman Hoovler verified that all background checks were done and it was confirmed.

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

1 ABSENT: Arthur Trovei

MOTION CARRIED

Presentations and Communications

Supervisor Brabenec said the presentation would be from Orange County concerning the D & H Canal Trail with questions and answers from the audience and introduced Richard Rose, Commissioner of Parks; Kelly Dobbins from the Orange County Planning Department; Cliff Robinson, President of D & H Conservancy and Orange County Legislator Dennis Simmons.

Richard Rose gave a brief history of the D & H Canal, owned by Orange County since 1988. He described the D & H Heritage Corridor which stretches from Honesdale, Pennsylvania to Kingston, New York and provides a continuous trail much like the historical canal. He mentioned the D & H Conservancy received funding from the Orange County Legislature and Executive and they are moving forward with grant money from the federal government to begin work on the trail.

Cliff Robinson made his presentation to the Board and the public and the tape is on file at the Town Clerk's Office.

Kelly Dobbins is involved with the non-motorized transportation plan, meaning pedestrian sidewalks, bicycle lane infrastructure and recreational trails for hikers, bird watchers, roller blades, horseback riding, etc. Kate Smith in the Planning Department works more with the Trail.

Richard Robinson mentioned a great brochure called Greenways and Trails Bringing Economic Benefits to New York addressing many concerns people have and what the data tells them happens to property values and safety, etc. It is on the Orange County Department of Planning Website.

**TOWN OF DEERPARK BOARD MEETING
MONDAY, APRIL 11, 2011**

Supervisor Brabenec read two letters from residents unable to attend the meeting.

Questions/Comments/Answers followed:

Enis Colleto, 9 Peenpack Trail: There are two people who each own a parcel on the canal. Asked about liability and easements on his property called Ford Lane. Mr. Robinson couldn't answer specifically without seeing the easement, and stated there was no liability under the General Obligations Law of New York State when opening up property for hiking, biking, cross-country skiing, etc. The only liability would be if they create a dangerous situation. Mr. Colleto continued to state he owns that section of the canal the past time they met, they wanted to cut through the Fire Department and the Grange Road. He asked if that was ever discussed. Mr. Robinson said they discussed using Grange Road but preferred using the trail on the berm side where the County owns the land and area discussing that with the land owner for an easement.

Ronnie Van, 8 Peenpack Trail: Curious about the berm side because there were berms on each side. Mr. Robinson clarified the canal has three parts: the towpath where the horses walked, the prism that held the water and the berm was the far side. He was concerned about a driveway and Mr. Robinson said their intention was to bypass that driveway and use the existing trail.

Burt Thelander, Godeffroy: Felt the towpath would bring economic value, health value and the plan would help promote the beauty and pride in this community. He is a member of the D & H Conservancy and Pathways Committee.

Jim Capuano, 18 Hoag Road: His concern was about a lot of speeders on Hoag Road. He thought Hoag Road had too much traffic and he was concerned about the parking lots and parking usage.

Jack Carter, Galley Hill Road: He claimed to be a fisherman and had had no problem with others using the nature around him.

Judy Hornsby, Coleman Drive, Cuddebackville: She has lived there since 1951 and the problem lies between Route 209 and the Canal, south of the trailer park where there was an area that needs attention. She was afraid that people would dump in that area. Graffiti is bad. She thinks people and wildlife don't mix. Mr. Robinson said there was no intent to pave the towpath. This is a footpath that will stay this way for bicycling and walking. There was a problem with ATV's and wanted to know who was policing that as well as the hunters feeding deer before hunting season.

Mark, Current President of Orange County Trail – State Horse Council, along with Shannon and Deborah to support the town and counties plan for this project and they would continue to allow equine trails on this property. They used the D & H trail before to help raise funds for the Headstart program. He lives on a rail trail and allows people on his property, and has not had any problems in 20 years except for ATV's. He suggested that in regards to ATV's, the town should contact the Town of Blooming Grove to see what ordinance went into effect there about two years ago. He gave the Supervisor a brochure explaining how the State Horse Council is involved with various activities, including the creation of trails. The past 7 years they worked with a town to support construction of trails with financial assistance, if the funds would become available through the Department of Environmental Conservation to ask for something to be set aside. Shannon, president of Mid-Hudson Trails Association and has worked with trail designers. They have extensive experience with the fear of the unknown and put up fences. Overtime, people realize it is not so bad. They want to enjoy it on horseback. Eventually people take down the fences and their property value goes up approximately 20% on the trail. The closer to the trail the higher the property value. They are there for your assistance and advice. They are a not-For-Profit and would help to apply for funds.

Councilman Hoovler - The grant application improvement says "construction of a paved trail"- but it was answered that there are two separate trails and the paved trail was O & W, not the D & H.

Councilman Spears – Asked if they would expand on the O & W Trail as part of the grant application. He said that concern caused many people to call him. Specifically, he asked if there was a plan to develop the O & W Trail.

Cliff Robinson: The O & W would be further down the road like 2015 and 2016 because of the way funding got pushed out. There was actually money dedicated a decade back that was not being used and became decommissioned. Some confusion was that the O & W and the D & H trails come very close to each other in Cuddebackville. He was only discussing the D & H Trail, a separate trail from the O & W Trail. There would be no paving on the D & H Trail.

**TOWN OF DEERPARK BOARD MEETING
MONDAY, APRIL 11, 2011**

Brad Bernett – Westbrookville: This railroad system for 28 years; the road has been there for 110 years; and the tracks have been gone 75 years, and it has been paved and the county came in in 2005 and says you need to go up and this is his business. He is very concerned about that. He wanted to know how they were going to pay for all this. The county sent him a nasty letter.

Cliff Robinson: The meeting is specific to D & H, the county has concerns with pendulant encroachments that should be talked about in a different venue than here and he would be happy to do that. The county already owns the D & H property. They have a Recreational Trails program grant that the Conservancy is working to partner with the County to create this walking path. They are not coming to the Town of Deerpark looking for any funds to do this. They will use grant monies existing to do non-motorized alternative transportation. They have a Federal Grant in 2009, not a state grant and \$125,000 is already awarded for this project. There is no property to purchase and they don't have to pay for labor.

Steve Stey – 118 ? President of the Museum ... Regarding the speeding on Hoag Road, he would be sending an email out to his museum members to slow up. He and the museum support the projects of both the O & W and the D & H. Loose stones were a problem. Questions included Prospect Hill? If SHIPPO isn't involved, they should be. Would building the bridge be historically compatible? Community inclusion is important and suggested the county have hearings throughout the county. The map of proposed trails is the first he has seen. He thinks the Planning Department should get out and get their input. He supports the D & H trail, but there are better things that bring in more tourist dollars to Orange County for less funds and that's where the county money and federal money should be going. He strongly suggested a county comprehensive plan. More comments followed. He supported the trail but didn't want any more money charged to him.

Steve ? - Lower Prospect Hill Road – Asked if there were plans to build a bridge across the Neversink?

Mr. Robinson said they did put in a grant to do that, it was refused. The Bridge is a major undertaking. Eventually, they could go to the abutment the bridge needs to be replaced. They plan on putting a parking area on that side of the bridge. The bridge shown in the picture is temporary to give them access to clean up that last portion. Behind that bridge was the actual towpath. The water never reaches the towpath. These are low maintenance bridges used on trails throughout the country, and this is what was approved by the state in the grant package. However, they are costly and they are reimbursement grants, they don't give the money until it is spent. All the work they do is reviewed by Orange County DPW and SHIPPO and DEC. Pedestrian access across the bridge that will be replaced on Route 209, in the plans he saw. They would be creating a small area existing informally to fish the Neversink. They would formalize that area and maintain it as part of the D & H Trail.

Councilman Spears – Mentioned the grant package awarded to the Orange County Transportation Council is item number 817741, which is a Route 209 Bridge Replacement over the Neversink River to include approval in the amount of \$10,039,000 before 2015.

Supervisor Brabenec – His major concern is there is that there is not a way to walk across that bridge.

Tina Taska – Godeffroy – Her concern is going half way and running out of money. Who would pay for the rest. Who pays for clean up? Who would pay to maintain it? What if someone gets hurt? If they fall on your property, who is responsible? There is no money. Tax payers are going to have to pay for it. Who would be responsible for the upkeep because the homeowners would end up with the littering on their property.

Cliff Robinson: Many trails (1,800 miles) are maintained by the New Jersey and New York Trail Conference with volunteers. The trail is not being used nearly enough, but as people use the trails and that will draw others. The garbage is not from the hikers, but from others. All the labor is with volunteers and the maintenance would not cost the residents. In time, they hope to remove all the garbage currently there. If volunteers did not maintain the trails, the county would be responsible.

Councilman Dean commented that everyone is already paying for the grant. Grant money is paid by all the people in the United States. The people in the town are already paying for this.

Councilman Hoovler stated that everyone at the meeting lived in Deerpark and stated that the Town of Deerpark is sued more than most communities in Orange County and most people don't know why. The reason is because the School sits within the town and if someone gets hurt in the school, the town gets sued. Every time the town gets sued, the deductible costs \$25,000.00. His only issue is ownership regrets. Anytime the town is named as a party for something that happens on that

**TOWN OF DEERPARK BOARD MEETING
MONDAY, APRIL 11, 2011**

trail, it will cost the town \$25,000.00. There is nothing the County Attorney or county can do. This year's budget cycle for residents of Deerpark had a 1% tax increase, which is \$25,000.00. He would ask the County if this trail is a go, would there be any way the county would name the town as the additional insured, which would take that potential burden off of the people. Where would the county stand on that issue? He knows the homeowner would not actually be sued, but what happens to the town?

Richard Rose: He does not know the answer to that and thought the Town Attorney should contact the County Attorney's Office for that answer. There are certificates of insurance that provide for situations where the town manages county owned property. These precedences exist, but how they fit with these situations he doesn't know.

Question: He asked that they also ask the attorney what the cost to the homeowners would be, as they will incur costs to defend themselves, even if they win in the end.

Bob Byrnes – 75 Lybolt Drive: Stated his concerns are that anything that belongs to the government, belongs to him. His main concern is about his home and family and that if there was a problem, he would need to call 911. He wondered if there would be police to respond to problems on the trail. He was not against the project, but he doesn't think they are thinking about him and he pointed out that he pays a lot of taxes (four times more than his brother in Georgia). He asked what would be in place to police this trail. There will be people walking the trail that won't be from the local area. More comments followed.

Phil Ramsey - 9 Galley Hill Lane, Greenville and Port Jervis: He loves the beauty of the area and has been involved with the Neversink Valley Museum. He thought it was worth saving the trail. He has volunteered cleaning up the area. He went to England and brought a book back on canals. He talked to people on the canals and they said they don't have any problems. They've made an industry out of the canals/trails and keep it clean with volunteers.

Mike Zemsey – Lakeview Drive: He fully supports the project and lives right on the Canal. He is looking forward to its development.

Ron Zacaro – Owns property on the edge of the property- rebuttals all the time. Much comment followed.

Wayne Decker – Prospect Hill: He was very much in favor of the project. He has been a involved in the Rails to Trails and there are thousands of these have been done. He has never heard of one that was not positive in the community where it went. The concerns are valid. The people's concerns have been adequately addressed by those developing the trails and the trails have been successful. This is a great first step to get concerns out in the open. Garbage is mainly off the sides of the road, not the trails. He hopes they can move forward.

Councilman Dean – Mentioned the \$17 trillion deficit that pays for these things.

Judith – Commented on O & W earlier. Spoke about Lakeview Drive used to be the towpath. The traffic is one lane with many turns and fishermen use turnouts for parking. She can't imagine people walking with traffic. What about bathrooms?

Sue Goddard – Somarelli Road: Lived there 34 years. Their neighbors and them use a private right away and wonder how they would be affected by this. It is maintained privately. The response was that those on it would be using the towpath, no vehicles. Canal Drive and the other end in Westbrookville and another area, and they don't know yet what the use will be.

John Lewis - Martin Road: Property value – studies of how data trails affect property value. The data is generated by trails that exist. Usually is it positive. Can the resident get into insurance retainer of \$25,000? Any wild life study input study being done of the impact on the trail? The answer was no.

Jessica Lewis - Martin Road: She questioned about a cross over on Route 209 and the safety measure? The answer was that the DPW and the DOT would work what is needed as well as signage needed with a line of site. She also asked about the speed limit and the answer was that it is a state road and they would need to address that.

Andy Garrison – Mamakating: He mentioned having miles of these trails and people are building homes on this trail now to be close to it. People are building homes next to these trails all over the county. It is a positive.

**TOWN OF DEERPARK BOARD MEETING
MONDAY, APRIL 11, 2011**

Jerry Vandermark – Prospect Hill: Think maybe it can bring some businesses in and as far as debt perhaps every politician could take a 10-20% decrease in pay.

Bill Wildeman – 20 Grange Road: Lived there 26 years and 350 feet of land via living will in my life seen some good and bad things in this town. Especially the school house. Extremely conservative.

Gary Keaton Town of Mt. Hope: Does a lot of walks. Walks a lot in the country trails.

Norma Schadt – understands people concerns—history goes way back.

Bonnie Lass, lives on the canal. Thinks it is the best thing that can happen. Will help anyone.

Councilman Spears: He knew that these concerns would be addressed, and would like to see this down on paper like any other site plans requested for the town. He asked that the Trail Project be written into a site plan so the residents, business people and anyone would be able to see on paper how these concerns would be met.

Councilman Hoovler: Asked again to make sure that that tax payers had the assurance that the liability was addressed.

Councilman Dean: Hoped no one misconstrued his comments as being against this, he has not decided yet. His concern was about fiscal matters and the future financing to maintain this trail. He was concerned about policing, that would be paid for by the taxpayers, the planning and maintaining. He hopes the funding in the future will be secured and shared the concern for liability also.

Supervisor Brabenec: He walked on the trail with his kids and they enjoyed it, but he shares the other councilmembers concerns about the issues of liability and maintenance and thought the County could offer some kind of funding to do properly. They need to look at the long-term maintenance of this trail. The safety issue is still a huge problem in regards to ATV's riding up and down these trails. The bridge crossing on Route 209 also has to be addressed.

Legislator Dennis Simmons: Thanked the board for holding these hearings and he thanked Richard Rose and Cliff Robinson for coming to the meeting. These men answered the questions to the best of their abilities and he has great confidence in the fact that the Board is going to keep everyone's thoughts in mind. He shared the concerns about liability. He thanked everyone there.

Richard Rose thanked everyone and would like to speak to anyone about their own property about their specific questions.

Motion to Adjourn at 9:38 p.m.

Motion by Karl Brabenec, 2nd by David Hoovler to adjourn the meeting at 9:38 p.m.

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

1 ABSENT: Arthur Trovei

MOTION CARRIED

Respectfully submitted,

Florence T. Santini
Town Clerk

