

**TOWN OF DEERPARK BOARD MEETING**  
**MONDAY, MAY 2, 2011**  
Meeting was held at Town Hall, 420 Route 209, Huguenot, NY 12746

**Attendance**

**Supervisor:** Karl Brabenec

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

**Attorneys:** William Bavoso and David Bavoso

**Invocation:** Arthur Trovei

**Call to Order** at 7:42 p.m.

**Pledge of Allegiance** by David Dean

There was a moment of silence for Betty Ann Curran.

**Motion to Add to the Agenda Resolution 19 of 2011 Under Old Business**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to add to the agenda Resolution 19 of 2011- Authorization to Sign Agreement for Expenditure of Highway Monies for Paving agenda under Old Business.

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

**MOTION CARRIED**

**Motion to Add to the Agenda Historian Report under Presentations/Communications**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to add to the agenda Historian Report by Norma Schadt under Presentations/Communications.

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

**MOTION CARRIED**

Opening Board Comments – None

**Presentations and Communications**

Supervisor Brabenec recognized many Greenville residents, Minisink Trail Hunting Club with a certificate of appreciations in regards to the cleaning up of big portion of Greenville Turnpike in the Town of Deerpark about from Citgo station to the Town line filled with litter and a very tough time patrolling that area and very grateful for the active members of the community to help clean it up. There were about two to three dump loads of garbage picked up over the weekend. Geoffrey Stafford, Councilman of Greenville Town Board represented all those involved, and Jack Pharr represented those from the Minisink Trail Hunting Club. (Volunteers were John Lowery, Sal Arena, Ted Fornier, Wendy Garcia, Crissy Shamanski, Geoffrey Stafford, J.R. Vicaretti, Brian Jerzak, Andy Lamarca, Nancy Lamarca, Ryan Bogerts, Stephen Bogerts, Hillary Derban, Anela Bogerts, Jerry Levine, Geoffrey Stafford, Jr.)

Supervisor Brabenec mentioned that some articles were in the newspaper to raise awareness about cleaning up the litter in the community and a seven-year old took it upon himself to go out in his neighborhood in Deerpark Manor and pick up all the cans and garbage and the Town Board recognized *Andrew Shevlin* for his hard work in cleaning up his community. He also recognized his parents, Tammy Shevlin and Mike Galligan.

Historian's Report, *Norma Schadt* gave her report (a copy of which is attached to the official records). She worked with a 4-H Group in March, she will go out to the elementary schools and has been involved with Ann Keller of the Port Jervis Arts Council in community outreach. Her grants from the County Historian, Ted Sly are now completed and \$400 should be coming to them shortly. She attended two conferences and would like to become a certified historian. She also met the new Orange County Historian, since Ted Sly retired. She has been working on the Deerpark brochure, completed plans for the 2011 Museum programs and announced the demonstration about Artisan Antiquing on Sunday, May 15<sup>th</sup>.

Supervisor Brabenec mentioned that Florence Santini was instrumental in getting that grant for the town and Norma Schadt had been fantastic putting the project together for the brochure.

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**Motion to Approve March 21, April 4, and April 11, April 18 2011 Board Minutes**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to approve March 21, April 4, April 11, and April 18, 2011 Board Minutes.

Discussion: Councilman Trovei commented he was not at the April 18<sup>th</sup> meeting.

Amended motion by Gary Spears, 2<sup>nd</sup> by David Dean to approve March 21, April 4 and April 11, 2011 Board Minutes.

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

**MOTION CARRIED**

**Motion to Approve April 18, 2011 Board Minutes**

Motion by Gary Spears, 2<sup>nd</sup> by David Hoovler to approve April 18, 2011 Board Minutes.

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

**1 ABSTENTION: Arthur Trovei**

**MOTION CARRIED**

Public Comment (3 Minutes per Agenda)

Warren Cuddeback spoke about the BRIM Junkyard and supplied pictures regarding ongoing violations. The photos were taken from the Callinan Industries property, adjoining the rear of the junkyard. (A written summation of comments is attached to the official minutes.)

George Lombardi asked who owned the road to the right of BRIM's and the board said they would look into that. He then asked if that road was on his junkyard application. He mentioned that the Building Inspector should require screening trees for businesses that are an eye sore. He asked how many taxes BRIM pay and Councilman Dean said he thought that information was available at the Town Hall. Supervisor Brabenec said the taxes are on line for all parcels in Orange County. Zoning laws should be followed.

Old Business

Supervisor Brabenec stated that the issues at BRIM Recycling have been looked into by both the Building Inspector and Town Engineer and that they found a few items that were not per the site plan and a couple of violations hindering them from approving that particular application. All the other applications met the standards and were approved. They had asked the Attorney to look into conditional provisions for licensing. The attorney stated the Building Inspector had the right to order compliance within ten days. The Board wants compliance and recyclers are a benefit to communities, but the process for site approval needs to be complied with.

**Motion to Authorize Building Inspector to Send BRIM Recycling Notice**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to authorize the Building Inspector to send BRIM Recycling a Notice stating they have 10 days to correct those violations, with the Board reviewing this again in two weeks.

Discussion: Councilman Trovei recused himself from the issue due to his business. Councilman Hoovler asked if the Attorney was around when the Zoning Code was passed and he answered he was. He then asked how much their firm was consulted on the passage of this particular session and he didn't remember that it was much at all. Discussion followed about the discretionary language which leads to potential issues. He asked if they could recommend some changes to this particular code due to its language forcing the board to be an enforcement arm, which is not their job. The attorneys agreed to work on the language. Supervisor Brabenec check with the Mr. Bavoso if the 10 days was in their code and he confirmed it was. They don't want to shut down a business in town that employs people, but they do want everyone to operate business in compliance. Councilman Dean said he certainly wasn't looking to shut this business down, especially because they employ a lot of people. He thought they should find out who owns what property because of the confusion on where equipment is parked, etc. He thought they need clarification on the ownership. He thought if the owner makes a substantial effort towards meeting the code requirements, they should move forward.

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

**1 ABSTENTION: Arthur Trovei**

**MOTION CARRIED**

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Supervisor Brabenec stated he would direct the Building Inspector to send out the Notice of Violation the next day.

Councilman Spears asked the supervisor to place BRIM Recycling on the May 16<sup>th</sup> Agenda and have Mr. Emerson check the day before or that day on their progress. Mr. Bavoso, Attorney said he would contact both the Building Inspector and the Town Engineer and offer any help he can give them.

**Motion to Approve Resolution 16 of 2011 – CDBG Grant Application for 2012**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Dean to approve Resolution 16 of 2011 – Community Development Block Grant (CDBG) Program for 2012 in the amount of \$125,000.

Discussion: Supervisor Brabenec announced that a Public Hearing had been held on the CDBG application and a couple of suggestions for paving were discussed. This year they are doing Boehmler Road and those roads have not been done since the 1980's and they are not in good shape. He and the Highway Superintendent looked at these roads and providing costs stay similar to what they are now, they would be okay with this amount of money and the roads mentioned in the Resolution.

The attorney recommended the Supervisor not make a motion for what he would have authority for, and the supervisor withdrew his motion. The Deputy Supervisor, David Hoover replaced his name for Karl Brabenec.

**Motion to Authorize the Supervisor to Act Pursuant to Resolution 16 of 2011 – CDBG Grant Application for 2012**

Motion by David Hoover, 2<sup>nd</sup> by David Dean to authorize the Supervisor to Act Pursuant to Resolution 16 of 2011 – Community Development Block Grant (CDBG) Program for 2012 in the amount of \$125,000.

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

**MOTION CARRIED**

**Motion to Approve Resolution 17 of 2011 – Abandonment of Coleman Drive in Oakridge Park**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to approve Resolution 17 of 2011 – Abandonment of Coleman Drive in Oakridge Park.

Discussion: Councilman Spears asked the attorney in regards to paper roads and if neighboring parties both want the same property, and it was confirmed that the property would go to the highest bidder. Supervisor Brabenec stated that regarding the abandoned paper road, Coleman Drive: all sealed bids would be returned to Florence T. Santini, Town Clerk no later than 12 p.m. the 20<sup>th</sup> day of May, 2011 at 2:00 p.m. The premises would be sold to the highest bidder. The minimum bid was established at \$5,000. Councilman Trovei inquired about the use of non-collusion and the attorney said they could send that form out to the adjacent property owners.

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

**MOTION CARRIED**

**Motion to Approve Resolution 18 of 2011 – Quality Bus to Take Over Operations of Deerpark Senior Shuttle**

Motion by David Hoover, 2<sup>nd</sup> by David Dean to approve Resolution 18 of 2011 – Quality Bus to Take Over Operations of Deerpark Senior Shuttle effective Monday, May 30, 2011.

Discussion: Councilman Hoover asked if there was a projected cost savings and if so, he wanted to know what it is.

Supervisor Brabenec mentioned that an RFP (Request for Proposal) was sent out looking for potential vendors to take over the Senior Shuttle Service. The bids were opened and one bid was received on April 18, 2011. The cost per hour would be \$31.50 per hour and the cost for a contracted provided vehicle would be \$47.60 per hour and the cost for vehicle service and repairs is \$53.00 per hour. Since a bulk payment is made monthly to the Senior Citizens Council to run the Senior Shuttle and it doesn't matter how often they are running for \$35,000 annually. They subtract the fuel amount and reimburse the Highway Department. Discussion continued. The estimation is 2 to 2 ½ hours a day that they bill the town and at 5 days it would compute to about \$20,000 a year. The cost savings would be about \$15,000 to the town by going with Quality Bus. Another estimated amount of \$530 would need to go for vehicle service and repair. Councilman Spears asked if this change would affect the service for the seniors and Supervisor Brabenec replied the service would be exactly the same, with the same bus driver. They will use the town's equipment. The Town Attorney would draft up a lease agreement between the town and Quality Bus. The current Quality Bus would be leased for a dollar and they would be responsible for the registration and the insurance, saving the town those costs. Councilman Spears inquired about fuel costs and Supervisor Brabenec stated they would stay the same and use the fuel terminals to fill the bus. They would then reimburse the Highway Department for the fuel

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used out of the \$31.50 per hour price quoted. They would only bill for the time the bus was being used. Councilman Hoover summarized the value depicted with the supervisor's comments. Councilman Spears asked if Quality Bus would do the fare collection and Supervisor Brabenec said that the Town Board would set a rate, if any, for those using the bus. Currently, that is not being done, but they could in the future.

Tracey Feralli, Senior Shuttle Bus Driver spoke about not being included in any prior knowledge of her changing hours, and asked where she would stand after all these decisions are made. Supervisor Brabenec clarified that should this be approved, Tracey would be hired by Quality Bus and the bus would be operating the same hours, but she would be reporting to Quality Bus. Councilman Spears suggested they table this issue and settle these questions. Councilman Dean pointed out that her duties would only be to drive the bus, not the dispatching and taking for servicing. Discussion continued.

**Motion to Table Resolution 18 of 2011 until Next Board Meeting (May 16, 2011)**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to table Resolution 18 of 2011 until the next Board Meeting on May 16, 2011.

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

**MOTION TABLED**

Supervisor Brabenec invited Tracey Feralli to contact him the next day so they could schedule a meeting with Quality Bus regarding her questions.

**Motion to Approve Resolution 19 of 2011 – Authorizing Town Board to Sign Agreement for Expenditure of Highway Monies for Paving**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to approve Resolution 19 of 2011- Authorizing the Town Board to Sign the Agreement for Expenditure of Highway Monies for Paving of 87.85 miles in the amount of \$225,000 for 1.94 miles for \$80,000.

Discussion: Councilman Dean asked if this was money to have it paved, and Supervisor Brabenec explained the money was budgeted and the Highway Superintendent has to identify every year what he plans to do with the money. The Highway Department is going to do the paving. Councilman Spears summarized the Superintendent's report in the past meeting and how he would use his men or hire a contractor depending on what was needed.

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

**MOTION CARRIED**

Supervisor Brabenec mentioned that they had interviewed a BAR Clerk and confirmed the vote via email and phone due to the need for the Clerk to take minutes on April 26, 2011 for their reorganization meeting. Robin Fornier was hired for a part time clerk position per diem at \$9.00 per hour. The vote was 5 to 0, but now as a public meeting, they need to reconfirm the vote.

**Motion to Approve Board of Assessment Review (BAR) Clerk - Robin Fornier**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to approve hiring Robin Fornier as the Part-Time Clerk for the Board of Assessment Review (BAR) on a per diem basis at a salary of \$9.00 per hour.

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

**MOTION CARRIED**

Supervisor Brabenec also mentioned at the previous board meeting that they were approved by Orange County to receive a \$52,000 ARRA Grant for window replacements at the Town Hall, suggested by the Town Clerk as a project. Al Fusco, the town's engineer helped them with the grant and they were one of the higher municipalities in the county that received money. Now, they need to advertise for a bidding process.

**Motion to Approve Advertising Bid for Windows Replacement Subject to ARRA Requirements**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Dean to approve placing an advertising bid for windows replacement subject to ARRA Requirements.

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

**MOTION CARRIED**

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New Business

Supervisor Brabenec thanked Rob Schultz, Town Accountant and David Hoovler, who assisted with the narrative on the first Quarterly Financial Statement for their combined hard work stating that the town is in one of the better financial positions than it has been in in the past four years

Councilman Hoovler detailed their findings: All revenues and expenditures stayed within the budget expectations with one notable exception. Due to Councilman Dean's exceptional negotiation skills with Columbia Gas, he turned an initial offer of \$20,000 for a right of way easement into \$165,000 additional revenue for the town. There are 12 primary sources of revenue: property taxes, real property tax items, non-property tax, departmental income, intergovernmental charges, use of money and property, licenses and permits, fines and forfeitures, sale of property and other compensation, miscellaneous local sources, state aid and federal income. In every category, they expect to meet or exceed their expectations. More details were explained. They are still in debt, but are making their payments back on time and they have a positive cash flow that is significantly better than it was in the past. They always look three years ahead.

Councilman Spears thanked both Councilman Hoovler and Councilman Dean for their fine work and asked they pass on their thanks to Rob Schultz and his excellent job for the town. Councilman Dean also thanked Rob Schultz for his professional approach to this and though the numbers are good they are not out of the woods yet. He then thanked Councilman Hoovler and that because of his insight and foresight they were doing the three-year budget cycle, which has proved to be most helpful. Councilman Trovej added they are doing a great job. Supervisor Brabenec joined in the comments and would keep looking for any kind of cost savings and efficiencies possible.

Supervisor Brabenec updated on the clean up on 6 Samyn Lane in Sparrowbush due to consistent problems with garbage and the board has taken steps in the past to remediate those problems, but now wants to ask the Town Attorney for options on what to do with this. The Building Inspector and Code Enforcement Officer have sent letters with deadlines, and the homeowner has not complied and is nowhere to be found. Mr. Bavoso, Town Attorney said there are ways to complete service and he will talk to the Building Inspector about that. If this issue is creating a health hazard, it can be under the emergency provisions of dangerous property. He needs to go see the property and look into the matter. Councilman Spears has received numerous calls on this property and has spoken with the Code Enforcement Officer and there was a dog problem there and he talked with Mr. Yonskie. This has gone on for some time and asked that this matter be updated again at the next board meeting with recommendations.

**Motion to Appoint Stephen O'Donnell, Jr. to the Veterans Committee**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to appoint Stephen O'Donnell, Jr. to the Veterans Committee.

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

**MOTION CARRIED**

Supervisor Brabenec asked the Town Clerk to notify Mr. O'Donnell and ask him to come in for his oath.

Appropriations, Budget and Payment of Bills

**Motion to pay bills:**

Motion by Karl Brabenec, 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 #9 of 2011 for a total of \$64,571.98

Highway Fund Abstract #9 of 2011 for a total of \$21,412.07

Schoolhouse Abstract #1 of 2011 for a total of \$90.00

Parkland Fees Abstract #1 of 2011 for a total of \$10,000.00

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

**MOTION CARRIED**

Budget Officer Report for April - Attached to the official minutes and a copy is available for review at the Town Clerk's Office. Supervisor Brabenec availed himself for any questions.

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**Motion to Approve Budget Officer's April 2011 Report**

Motion by David Hoovler, 2<sup>nd</sup> by Arthur Trovei to approve the Budget Officer's April 2011 Report.

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

**MOTION CARRIED**

Councilman Spears asked about a legal issue and wondered if they could discuss it in Executive Session following the meeting and the Supervisor said they could.

Closing Board Comments

Councilman Spears thanked all the people who participated in the clean up, they did a wonderful job and he appreciated their efforts. He reiterated that there is now a litter law and if residents see dumping, they should report the license plate to the Police Department. They are trying to clean up the town for the summer tourist season. He congratulated Norma Schadt and wished her well with her certification stating she does a great job for the town.

Councilman Trovei thanked those who did a great job cleaning up the Greenville Turnpike and thought it was very refreshing to see young Andrew Shevlin help with the clean up and recycling.

Councilman Hoovler commented on how great it was the Navy Seals finally got Osama Bin Laden and provided some justice for those who lost loved ones on 9/11. He mentioned the monthly budget report is available to the public. He commented that he has heard positive comments about the budget report each month. He hopes Norma Schadt goes through with the certification and that Deerpark would be one of two in the county with that certification.

Councilman Dean sent his congratulations to the military that took care of the conquest regarding Bin Laden. He thanked those involved with the Greenville Turnpike clean up and also encouraged people to call in those seen littering. He mentioned that Councilman Hoovler and Supervisor Brabenec were aware that money needs to be banked for the future in reserve accounts. The Columbia Gas money needs to be squirrelled away because they will need it. He also thanked Ed Hughson for staying within his budget and doing a good job. The Highway Department is working with what they have even though they need updated equipment.

Supervisor Brabenec thanked Congresswoman Nan Hayworth for coming to the Town Hall and he thanked the residents who came out from all around the region and beyond. He said it was refreshing to hear of the cost-cutting measures at the federal government level. He thanked those who came to the Constituent Day and they found out more concerns and will work on finding answers. He reminded residents that there was no burning of any kind until May 16<sup>th</sup>, then the ban is lifted and the burning must follow the DEC requirements.

Florence T. Santini, Town Clerk announced that the Recreation Committee and the YMCA have a flyer out for the Summer Camp. The Town of Deerpark residents are allowed up to two weeks of day camp and the *YMCA Camp*, 300 Big Pond Road for \$50 a week. There are flyers in her office. Registration will be Friday, May 13 from 5 – 7 p.m. and Saturday, May 14 from 2 – 4 p.m. here at the Town Hall. It will be first come, first serve basis. The Town will have *Clean Up Days* Friday, May 13<sup>th</sup> 8 – 3 p.m. and Saturday, May 14<sup>th</sup> from 8 – 12 p.m. It will be at the Transfer Station. She will be at the office on Saturday morning and she will mail permits if residents cannot come into the office. There will be a *Rabies Clinic* hosted by the Orange County Health Department and the Town of Deerpark on Sunday, May 15<sup>th</sup> 12 – 3 p.m. at the Huguenot Fire House and she will be there to license dogs. The rabies are free for dogs and cats, if a one year rabies certificate is provided, they would be eligible for 3-year vaccination. Call the Town Clerk's Office at 856-2210, Ext. 2 to register your animal. She stated that there was no burning until May 16<sup>th</sup> and residents no longer needed burning permits. The permits stopped about two years ago. The burning stops between March 15<sup>th</sup> and May 15<sup>th</sup>. She asked people did not use her name as permission to burn when they are not supposed to. Tickets will be issued if caught in between March 15<sup>th</sup> and May 15<sup>th</sup>.

Supervisor Brabenec has had a lot of questions on what to do with leaves and the New Hampton Transfer Station on 17 M will accept them. He thanked both Dennis Simmons and Melissa Bonacic, Orange County Legislators for checking that out for them.

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Councilman Spears also thanked Bill Bavoso and David Bavoso for their work and their willingness in checking out the conditional license they might be able to grant and they do want to do it properly. They want to help BRIM be compliant and as he has researched the issue, he recycles about 30,000 tons of scrap a year, which is a major recycling effort in our area and it is definitely needed. He hoped Mr. Burnett can get into compliance.

**Motion to Enter Executive Session for the Purpose of Litigation Re: Cuddebackville Fire Department at 9:16 p.m.**

Motion by Gary Spears, 2<sup>nd</sup> by David Hoovler, to enter Executive Session for the purpose of litigation regarding the Cuddebackville Fire Department at 9:16 p.m.

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

**MOTION CARRIED**

**Motion to Re-Enter Regular Session at 10:04 p.m.**

Motion by Gary Spears, 2<sup>nd</sup> by Karl Brabenec to re-enter Regular Session at 10:04 p.m.

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

**MOTION CARRIED**

**Motion to Adjourn at 10:05 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to adjourn at 10:05 p.m.

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

**MOTION CARRIED**

Respectfully submitted by,

Florence T. Santini  
Town Clerk