

**TOWN OF DEERPARK  
TOWN BOARD MEETING  
MONDAY, JUNE 10, 2013**

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

**Invocation** by Arthur Trovei

**Attendance**

**Supervisor:** Karl Brabenec

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

**Absent:** David Hoovler

**Attorney:** Bill Onofry

**Engineer:** Alfred Fusco, Jr.

**Call to Order** at 7:34 p.m.

**Pledge of Allegiance** led by Gary Spears

Additions or Changes to Agenda – None

Opening Board Comments – None

Presentations/Communications

*Ed Hughson, Highway Superintendent* reported on their work on Academy Avenue preparing to resurface it, along with Main Street and Lower Brook Road. They hope to do the re-surfacing next week or the following week. They are trying to put ditches along the road up there and have an issue with a homeowner, but the attorney is looking into it. They might have to adopt a local law to protect their roads from heavier trucks hauling materials. He is looking into it. They are putting a new pipe in Rio Dam Road with a pump station on the Lumberland side. He is addressing that situation. He mentioned a phone call about Dragon Springs hauling 300 yards of concrete up Galley Hill to pour into their dam on the lake. There is nothing he can do as a Highway Superintendent because there isn't anything in place for him as a law to refer to. The roads are being beaten up pretty good and the tax payers are having to pay for it. There would be a meeting at Eagle Creek with the Plant Manager. The weights limit restriction on roads regarding condition of road and safety with children. Supervisor Brabenec added that as they meet tomorrow, they will gather information for neighboring towns and also some information from that local law that neighboring towns passed. If they could do it by resolution, they might be able to introduce something at the next meeting. They'll also check on whether they can temporarily put an order on for the town roads. Councilman Dean said it is a matter of safety for residents of the town if the road is unsafe because of its use. Mr. Hughson mentioned they may need a performance bond or liability insurance to use our roads.

**Motion to Approve Board Minutes for April 22, 2013**

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei to approve Board Minutes for April 22, 2013 as written.

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

**1 ABSENT: David Hoovler**

**MOTION CARRIED**

Public Comment Period (3 minutes per person/agenda items only)

George Lombardi – Lives in Huguenot. He mentioned that the Myers Grove Beach bids were opened earlier that day with the property going to private ownership. He mentioned the deed where Myers gave it to the town as a second part. He asked if the town sells it, is the successor the next person in line. He acknowledged the town had the right to sell it. He knew that the deeds gave Myers Grove residents the right to use the beach property. He asked about the deeds, the grants that Myers gave, do they still stand. Attorney Bill Onofry answered that anything that was deeded out, still stands. The town can't squash anybody else's legal right to gain access to the beach area if the way it has been deeded. Discussion followed with the Town Board and counsel.

Jerome Vandermark – Owns property in Myers Grove. He has a problem. It is a poor area. He doesn't understand why the town didn't take care of it through the years. He hates to see the kids not be able to use it because there are some houses down there that don't have it on their deed. He has it on his deed. He didn't think it would cost the town that much to take care of it. He felt bad the town didn't take care of it when they had the chance to take care of it. He commented that because it is a poorer area, the town didn't want to take care of it.

**TOWN OF DEERPARK  
TOWN BOARD MEETING  
MONDAY, JUNE 10, 2013**

Mike Errico – He was one of those who bid on the property. He said that if anyone had any questions what his intentions were for it, or his neighborhood, they want to form an association and transform that beach back to how it was years ago. The town has a lot of things on their plate. They would like to have more shrubbery, he wants things for the kids, barbecues, birthday parties. His concern is drugs, KOA, people from out of town, feces in yards, language, etc. People with the beach access in their deed will have access. His goal is to have it opened this year and celebrate with a barbecue.

Lucille Mulvey – of Godeffroy. She thought the little part outside her gate was for police cars to get in and out of there. She wanted to give the town a little pat on the shoulder because whenever she did call, they did come down and fix that wall and clean up outside. She said Jerry and her and others took it upon themselves to do a lot of work down there. When they were called about the wall coming down, they did come and fix it. When she called, they would come that day.

New Business

**Motion to Adopt Resolution 17 of 2013 – Notice of Claim Fee Sharing**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to Adopt Resolution 17 of 2013 - Notice of Claim Fee Sharing.

Discussion: Florence Santini, Town Clerk brought this to the attention of the board and explained that if anyone brought a suit against the town, they wouldn't need to come to the town, but they could go to a state agency and they would pay a \$250 filing fee. The town would receive \$125. This needs to be adopted by July 14<sup>th</sup>.

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

**1 ABSENT: David Hoover**

**MOTION CARRIED**

Supervisor Brabenec announced that the bids for the Myers Beach properties were opened at the Town Clerk's Office at 2:00 p.m. that day. He read the Minutes for the Opening of Bids.

**Motion to Approve the Opening of Bids for Myers Grove Beach Properties Minutes**

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei moved to approve the Opening of Bids for Myers Grove Beach Properties Minutes as presented.

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

**1 ABSENT: David Hoover**

**MOTION CARRIED**

Supervisor Brabenec said they would consider parcel 29-10-14 first. This parcel is the middle parcel for the beach area.

Councilman Dean asked if the Town of Deerpark was on solid ground and for his reassurance for the record that they dotted their "i's" and crossed their "t's" and to know they are not doing something that is illegal. Mr. Onofry stated he had spoken to David Bavoso, who originally began work on this transaction. The deed was advanced to the Town of Deerpark subject to what is called a private purge and in the event the town ever stopped using the parcel for a specific purpose, the parcel would revert back to the grantor. Of course the grantor has since deceased. Everything has been signed off. Emergency vehicles have access property. Property uses are for what they have in their deeds. The town did all they could do to move forward.

**Motion to Accept Bid on Parcel 29-10-14 – Beach Property with Steps for \$2,000.00**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to accept bid on parcel 29-10-14 – Beach Property, in the middle with steps for \$2,000.00 from Michael Errico.

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

**1 ABSENT: David Hoover**

**MOTION CARRIED**

**Motion to Accept Bid on Parcel 29-10-15 – Beach Property for \$125.00**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Dean to accept bid on parcel 29-10-15 – Beach Property, the long piece from along Shore Drive from Guymard Bridge almost all the way to the middle of the beach from Gary Flieger.

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

**1 ABSENT: David Hoover**

**MOTION CARRIED**

**TOWN OF DEERPARK  
TOWN BOARD MEETING  
MONDAY, JUNE 10, 2013**

**Motion to Accept Bid on Parcel 29-10-17 – Beach Property for \$4,500.00**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to accept bid on parcel 29-10-17 – Beach Property for \$4,500.00 from Michael Errico and Jared Seidel.

**VOTE: 4 AYES: Arthur Trovei, Gary Spears, David Dean, Karl Brabenec**  
**1 ABSENT: David Hoover**

**MOTION CARRIED**

Mr. Onofry said their office will contact the respected parties regarding the bids being accepted and handle the rest. Supervisor Brabenec said if there are any further questions, contact their attorney.

**Motion to Approve Eckes Auto Body (Upper Brook Road) – Junkyard License Renewal for Five Years**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to approve Eckes Auto Body (Upper Brook Road) Junkyard License Renewal for five years.

**VOTE: 3 AYES: Gary Spears, David Dean, Karl Brabenec**  
**1 ABSTENTION: Arthur Trovei**  
**1 ABSENT: David Hoover**

**MOTION CARRIED**

**Motion to Approve KOA Campground Renewal License for One Year**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to approve KOA Campground Renewal License for one year, under the recommendation of the Town Building Department and Engineer.

Discussion: Councilman Dean wanted to confirm that they were good to go. Mr. Fusco said they were good to go.

**VOTE: 4 AYES: Arthur Trovei, Gary Spears, David Dean, Karl Brabenec**  
**1 ABSENT: David Hoover**

**MOTION CARRIED**

**Motion to Approve Oakland Valley Campground Renewal License for One Year**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Dean to approve Oakland Valley Campground Renewal License for one year, under the recommendation of the Deputy Town Building Inspector.

**VOTE: 4 AYES: Arthur Trovei, Gary Spears, David Dean, Karl Brabenec**  
**1 ABSENT: David Hoover**

**MOTION CARRIED**

Supervisor Brabenec mentioned they currently had one court attendant who was hired by them to monitor the court sessions held on Tuesday and Wednesday night. Unfortunately, he has some health conditions and they will need to hire a per diem attendant to replace him when he is not available. They hope it will be a temporary position. It has no impact on the budget. They would create a position, advertise for this position and hire a temporary person when the primary person is not available.

**Motion to Create P/T Court Attendant Position – Title No. 1199**

Motion by Karl Brabenec, 2<sup>nd</sup> by Arthur Trovei to Create P/T Court Attendant Position – Title No. 1199 and will file such with the Orange County Department of Human Resources.

Discussion: Councilman Dean asked if they need special qualifications and Supervisor Brabenec said the minimum qualifications are either graduation from High School or GED; or one year of experience as a security guard or a peace officer and works under direction of the Justice Court. It is a non-competitive position.

**VOTE: 4 AYES: Arthur Trovei, Gary Spears, David Dean, Karl Brabenec**  
**1 ABSENT: David Hoover**

**MOTION CARRIED**

**TOWN OF DEERPARK  
TOWN BOARD MEETING  
MONDAY, JUNE 10, 2013**

**Motion to Advertise and Accept Resumes for Court Attendant Position**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Dean to advertise and accept resumes for the Court Attendant position. Florence Santini, Town Clerk will advertise on the town website and Facebook page, for period of two weeks (June 10 – 21) until June 21, 2013 at 4:00 p.m.

**VOTE: 4 AYES: Arthur Trovei, Gary Spears, David Dean, Karl Brabenec**  
**1 ABSENT: David Hoover**

**MOTION CARRIED**

**Motion to Create Two P/T Clerk Positions**

Motion by Gary Spears, 2<sup>nd</sup> by Karl Brabenec to create two P/T Clerk positions.

**VOTE: 4 AYES: Arthur Trovei, Gary Spears, David Dean, Karl Brabenec**  
**1 ABSENT: David Hoover**

**MOTION CARRIED**

**Motion to Hire Emily Osowick as a P/T Per Diem Clerk**

Motion by Karl Brabenec, 2<sup>nd</sup> by Arthur Trovei to hire Emily Osowick as a P/T per diem Clerk at \$11.00 per hour, as needed.

**VOTE: 4 AYES: Arthur Trovei, Gary Spears, David Dean, Karl Brabenec**  
**1 ABSENT: David Hoover**

**MOTION CARRIED**

Supervisor Brabenec updated on the bids for the Senior Center and Highway Garage, and how they are due this Thursday, June 10<sup>th</sup> at 2:00 p.m.

Al Fusco, Town Engineer reported that due to the way the requirement was, they had to allow them within 48 hours of the bid to ask questions. They got a lot of questions the last day though everything was on the plan already, they just couldn't read it apparently. Because of that, they sent out a letter the day before, there were no changes; it just explained what some of the questions were. When there is a question, they have to make sure everybody has the same answer to be fair. The Supervisor's Office got a couple of calls asking for an extension because it was Labor Day weekend. They put a notice in the paper and there was no problem extending it. They didn't have any more bid packages picked up. They stopped it a week ahead of time so the questions stopped. There were a lot of bids out there; there were four different contracts—Electrical, Plumbing, HVAC, General Contractors. They had a lot of interest. Hopefully the prices will come in as they hoped to. The estimates they did preliminarily looked good. They made a few minor changes to reduce the cost a little. Some others might have increased it, but they accommodated that. There was one thing, other bids they have opened came in a little bit higher than they expected, which is not unusual this time of year because most of the guys already have the job they're working on. Further explanation continued. Supervisor Brabenec stated the bids opening would be Thursday, June 13<sup>th</sup> at 2:00 p.m. at the Town Clerk's Office.

Appropriations, Budget and Payment of Bills

**Motion to Pay Bills**

Motion by Karl Brabenec, 2<sup>nd</sup> by Arthur Trovei 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 #10 of 2013 in the amount of \$161,299.39  
Highway Fund Abstract #10 of 2013 in the amount of \$102,602.82  
Deerpark Street Lighting Abstract #7 of 2013 in the amount of \$398.41  
World Trade Center Fund Abstract #1 of 2013 in the amount of \$747.38  
Fusco Engineering Abstract #2 of 2013 in the amount of \$44,538.02

**VOTE: 4 AYES: Arthur Trovei, Gary Spears, David Dean, Karl Brabenec**  
**1 ABSENT: David Hoover**

**MOTION CARRIED**

**TOWN OF DEERPARK  
TOWN BOARD MEETING  
MONDAY, JUNE 10, 2013**

**Motion to Accept Budget Officer's Report for May 2013**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to accept the Budget Officer's Report for May 2013 along with the General Fund Expenditures and Highway Fund Expenditures.

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

**1 ABSENT: David Hoover**

**MOTION CARRIED**

Closing Board Comments

Councilman Spears was very happy to hear the plans from the gentleman who was the successful bidder on the beach property. It will be good for the area to have an association there and to have some hands-on operation of that property. He thinks it will be better for the residents there. He wished them well and was glad they stepped forward.

Councilman Trovei agreed with Councilman Spears and hoped they follow through with their plans. It was very admirable – though it is up to them to carry them out. He is happy as a board member to not have the liability.

Councilman Dean was encouraged by the comments and plans for the property and felt that as a town, they should help facilitate the forward movement of this plan so they can create an attractive option in Myers Grove. As it was pointed out, those in Myers Grove have on their deeds access to the beach on that property. He suggested that those who stand to benefit from the use of these facilities should step up and give the new owner a hand. He was sure that would be appreciated. He is very happy for the citizens in the Town of Deerpark to be rid of the liability. It could be a crushing blow financially to the town if somebody sued and was successful.

Supervisor Brabenec announced they were having the Town of Deerpark's first *Safety Day* sponsored by the Deerpark Recreation Committee, ages 4 – 12, Saturday, June 15<sup>th</sup> at Harriet Space Park from 10 a.m. to 2 p.m. Events include a bike rodeo where a helmet is required; child finger printing by the Port Jervis Juvenile Aid Bureau, Officer Buczek; Fire Department, EMS, Police Departments equipment will be on display. Each child will receive a hot dog and a beverage, courtesy of the Deerpark Lions Club. He thanked the Lions and said they were an excellent organization and did great at the Soapbox Derby the other day. He said congratulations to all the winners of the *Soapbox Derby*. It was fantastic and one of the biggest in the nation. It was good to work with the city of Port Jervis on that. He congratulated Mr. Errico and Mr. Flieger for the purchases of the two properties. Unfortunately the town could not do this, but there are things they need to look at long-term for the benefit of all the residents from low income all the way to the richest person in the Town of Deerpark. They worked very, very hard on improving the quality of life here and trying to make some nice parks that are maintained, which would be Bigger Park in Westbrookville on the eastern end of the town, Space Park in the middle of town and Sparrowbush Fireman's Park in the western part of town. Those are three good parks and hopefully they'll have some grant money coming in for Sparrowbush Park later this year. Mr. Errico wants to put together an association and hopefully they can help him put that together. It will be a good thing and he hopes to be at their grand opening at the beach. They will try to help the association maintain order there with their usual patrols there, but they can have increased patrols when necessary. They are putting some increased patrols this summer. They have some grants for DWI, Aggressive Driving, Drug Task Force with the City of Port Jervis going after the heroin problem rampant in this area, trying to keep kids out of gangs. They believe the quality of life is improving and they are doing everything they can. They also hope for a grant from the UDC and it would involve their comprehensive plan. The current plan hinders economic development. They want to incorporate tourism and economic development in that plan and come up with a 5 – 10 year plan. The only thing they achieved in the past plan was the development of the website.

**Motion to Enter Executive Session at 9:15 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Dean to enter into Executive Session at 9:15 p.m. for the purpose of personnel and potential litigation issues involving the Deerpark Police Department, and invite in their attorney, Bill Onofry.

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

**1 ABSENT: David Hoover**

**MOTION CARRIED**

**TOWN OF DEERPARK  
TOWN BOARD MEETING  
MONDAY, JUNE 10, 2013**

**Motion to Recess Until 9:15 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to recess until 9:15 p.m.

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

**1 ABSENT: David Hoover**

**MOTION CARRIED**

**Motion to Re-enter Regular Session at 9:51 p.m.**

Motion by Arthur Trovei, 2<sup>nd</sup> by Gary Spears to re-enter Regular Session at 9:51 p.m.

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

**1 ABSENT: David Hoover**

**MOTION CARRIED**

**Motion to Adjourn at 9:52 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Dean to adjourn at 9:52 p.m.

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

**1 ABSENT: David Hoover**

**MOTION CARRIED**

Respectfully submitted by,

Florence T. Santini  
Town Clerk