

**TOWN OF DEERPARK  
TOWN BOARD REGULAR MEETING  
MONDAY, JUNE 2, 2014**

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

**Invocation by** Karl Brabenec

**Attendance**

**Supervisor:** Karl Brabenec

**Councilmembers:** Gary Spears (8:10 p.m.), David Dean, Ken Smith

**Absent:** Arthur Trovei

**Attorney:** Glen Plotsky

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

Pledge of Allegiance by Ken Smith

Roll Call/Attendance

Additions or Changes to Agenda – None

Presentations/Communications

Supervisor Brabenec reported receiving an *Investigating Animal Cruelty* Certificate of Attendance from the Dog Control Officer, Thomas Yonskie on May 20, 2014. He also stated receiving a few *Notices of Violations* from their Code Enforcement Officer, Al Fusco, III on various properties at 2 Hyatt Drive, 22-1-47; 746 Peenpack Trail, 22-1-2.22; 663 Peenpack Trail, 25-1-2 with 15 days to remedy or vacate property or demolish the structures. They are trying to go after serious code violations and he said good job to the Building Department and that they would get an update on all these in the future. They are looking at other structures as well, mentioning the location of Routes 209 and 211. He also said they received from Orange County Department of Public Works the *Road Closing Notice for Oakland Valley Road*, which is County Road No. 7 in the Town of Deerpark, to start on or around May 27th. They will hang it up on the Town Clerk's Bulletin Board. They received from the Department of State the Community Projects Appropriations Contract No. TM08779. This was a grant given to the town in the amount of \$25,000 as a member item by John Bonacic a few years ago. This will be used for the handicap bathrooms in the Senior Center. They previously received an extension and now he will forward this to the Town Engineer to make sure we still received this money from the state. He also received a letter from Senator John Bonacic for the Secured Funding from the *State and Municipal Facility Capital Program*. The grant will be \$100,000. The minimum would be \$50,000 and the maximum would be around \$100,000. An exceptional application could be eligible for a higher amount. They have \$50,000 already granted from last year, which would count for fiscal year last year. This may be the second round of funding. He said he received a letter from the *County Executive, Steven Neuhaus*, appointing him to the Community Development Advisory Committee for CDBG as a representative of the Orange County Mayors and Supervisors Association for a term to expire December 31, 2015. He also received a letter from the County Executive appointing me to the Orange County Community Development HOME Program Committee, as a representative of the Orange County Mayors and Supervisors Association, also to expire December 31, 2015. He also received a letter from *Al Fusco* regarding the previous escrow account for Deerpark Village, so they can go over that another time.

**Motion to Approve Minutes of Previous Meetings May 5 and May 19, 2014**

Motion by David Dean, 2<sup>nd</sup> by Ken Smith to approve minutes of previous meetings May 5 and May 19, 2014 as written.

**VOTE 3 AYES:** David Dean, Ken Smith, Karl Brabenec

**2 ABSENT:** Arthur Trovei, Gary Spears

**MOTION CARRIED**

Public comment period – None

New Business

Supervisor Brabenec offered some background on a resolution for the *CDBG Program Participation Renewal*. They received a letter from the Office of Community Development from Joanne Fazzino, Assistant Director. He read the letter stating a change in HUD regulations requiring an amendment to existing Cooperation Agreement dated July 8, 1993 and that participating units of government pass a new municipal resolution for the qualification period of FY-2015, 2016 and 2017. This Resolution must be completed, signed and submitted to the Office of Community Development no later than Friday, June 20, 2014. (A copy is attached to the Official Minutes.)

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**Motion to Adopt Resolution 17 of 2014 – CDBG Program Participation Renewal**

Motion by Ken Smith, 2<sup>nd</sup> by David Dean to adopt Resolution 17 of 2014 – CDBG Program Participation Renewal authorizing the Town of Deerpark to enter into an amendment to the existing cooperation agreement with the County of Orange.

**VOTE 3 AYES (Roll Call):** David Dean, Ken Smith, Karl Brabenec

**2 ABSENT:** Arthur Trovei, Gary Spears

**MOTION CARRIED**

Supervisor Brabenec explained the effort with the Zoning Book changes last year, to make the permits five years, however, due to State laws; they are limited to one year. Attorney Glen Plotsky added that if the town law is more restrictive, it is okay. If the town law is less restrictive, that is a problem. The state law requires an annual permit for scrap metal, and due to that they are required to approve annually. Supervisor Brabenec stated that all the license applicants have been inspected and approved by the Building Department, signed by Robert Emerson, Deputy Building Inspector. Should there be any trouble with any of the following, they will need to wait for Councilman Spears before voting.

**Motion to Approve Oakland Valley Racetrack Permit for 2014-305 Oakland Valley, Cuddebackville, NY 12729**

Motion by Karl Brabenec, 2<sup>nd</sup> by Ken Smith to approve Oakland Valley Racetrack Permit for 2014, based upon the letter of recommendation of the Town's Deputy Building Inspector.

**VOTE 3 AYES:** David Dean, Ken Smith, Karl Brabenec

**2 ABSENT:** Arthur Trovei, Gary Spears

**MOTION CARRIED**

**Motion to Approve Oakland Valley Campground Permit for 2014-399 Oakland Valley Rd., Cuddebackville, NY 12729**

Motion by Karl Brabenec, 2<sup>nd</sup> by Ken Smith to approve Oakland Valley Campground Permit for 2014, based upon the letter of recommendation from the Town's Deputy Building Inspector.

**VOTE 3 AYES:** David Dean, Ken Smith, Karl Brabenec

**2 ABSENT:** Arthur Trovei, Gary Spears

**MOTION CARRIED**

**Motion to Approve Deerpark KOA Permit for 2014-108 Guymard Tpke., Cuddebackville, NY 12729**

Motion by Karl Brabenec, 2<sup>nd</sup> by Ken Smith to approve Deerpark KOA Campground Permit for 2014, based upon the letter of recommendation from the Town's Deputy Building Inspector.

**VOTE 3 AYES:** David Dean, Ken Smith, Karl Brabenec

**2 ABSENT:** Arthur Trovei, Gary Spears

**MOTION CARRIED**

**Motion to Approve BRIM Recyclers, Inc. Junkyard Permit for 2014-Route 211, Cuddebackville, NY 12729**

Motion by Karl Brabenec, 2<sup>nd</sup> by Ken Smith to approve BRIM Recyclers, Inc. Junkyard Permit for 2014, based upon the letter of recommendation from the Town's Deputy Building Inspector.

**VOTE 3 AYES:** David Dean, Ken Smith, Karl Brabenec

**2 ABSENT:** Arthur Trovei, Gary Spears

**MOTION CARRIED**

**Motion to Table Arthur Trovei & Sons, Inc. Junkyard Permit for 2014-82 Sleepy Hollow Rd., Sparrowbush, NY 12780**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Dean to table Arthur Trovei & Sons, Inc. Junkyard Permit for 2014 until Councilman Spears arrives. Councilman Smith will abstain from vote.

**Motion to Approve Muller's Auto Body Junkyard Permit for 2014-4-17 Rte. 97, Sparrowbush, NY 12780**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Dean to approve Muller's Auto Body Junkyard Permit for 2014, based upon the letter of recommendation from the Town's Deputy Building Inspector.

**VOTE 3 AYES:** David Dean, Ken Smith, Karl Brabenec

**2 ABSENT:** Arthur Trovei, Gary Spears

**MOTION CARRIED**

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**Motion to Approve Tenke's Body Shop & Garage Junkyard Permit for 2014-609 Rte. 209, Godeffrov, NY 12729**

Motion by Karl Brabenec, 2<sup>nd</sup> by Ken Smith to approve Tenke's Body Shop & Garage Junkyard Permit for 2014, based upon the letter of recommendation from the Town's Deputy Building Inspector.

**VOTE 3 AYES:** David Dean, Ken Smith, Karl Brabenec

**2 ABSENT:** Arthur Trovei, Gary Spears

**MOTION CARRIED**

**Motion to Approve Eckes Auto Body Junkyard Permit for 2014-787 St. Rte. 42, Sparrowbush, NY 12780**

Motion by Karl Brabenec, 2<sup>nd</sup> by Ken Smith to approve Eckes Auto Body Junkyard Permit for 2014, based upon the letter of recommendation from the Town's Deputy Building Inspector.

**VOTE 3 AYES:** David Dean, Ken Smith, Karl Brabenec

**2 ABSENT:** Arthur Trovei, Gary Spears

**MOTION CARRIED**

**Motion to Approve Eckes Auto Body Junkyard Permit for 2014-Upperbrook Road, Sparrowbush, NY 12780**

Motion by Karl Brabenec, 2<sup>nd</sup> by Ken Smith to approve Eckes Auto Body Junkyard Permit for 2014, based upon the letter of recommendation from the Town's Deputy Building Inspector.

**VOTE 3 AYES:** David Dean, Ken Smith, Karl Brabenec

**2 ABSENT:** Arthur Trovei, Gary Spears

**MOTION CARRIED**

**Motion to Reinstate Jesse Cramer as Town of Deerpark Police Officer**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Dean to reinstate Jesse Cramer as Town of Deerpark Police Officer on June 12, 2014.

Discussion: Councilman Dean asked if she was a part time officer and received no health benefits. Supervisor Brabenec confirmed that she was. Councilman Dean also asked if she could be deployed, but as a reserve, Mr. Plotsky explained she will be available as she has been. Councilman Dean congratulated Jesse on her completion of training.

**VOTE 3 AYES:** David Dean, Ken Smith, Karl Brabenec

**2 ABSENT:** Arthur Trovei, Gary Spears

**MOTION CARRIED**

Appropriations, Budget, and Payment of Bills

**Motion to Pay Bills**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Dean to pay bills that have been signed by three council members and may be viewed in the Town Clerk's Office.

General Fund Abstract #10 of 2014 in the amount of \$85,913.82  
Highway Fund Abstract #10 of 2014 in the amount of \$37,196.02  
Fusco Engineering Fund Abstract #8 of 2014 in the amount of \$379.00  
Special Revenue Reserve Fund Abstract #7 of 2014 in the amount of \$136.62  
Capital Projects Fund Abstract #6 of 2014 in the amount of \$88,558.75 (Running Total \$332,997.67)

Discussion: Councilman Dean asked what the Special Revenue Reserve Fund was again and Supervisor Brabenec said that the town has multiple accounts for particular projects and the bank asked the town to consolidate them. They made this Special Revenue account and account for the different projects in Quick Books.

**VOTE 3 AYES:** David Dean, Ken Smith, Karl Brabenec

**2 ABSENT:** Arthur Trovei, Gary Spears

**MOTION CARRIED**

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Supervisor Brabenec mentioned that the May 2014 Budget Officer's Report included the percentages left in the budget, as requested at the last meeting by Councilman Spears. Supervisor Brabenec stated the Budget Officer's monthly reports are available in the Town Clerk's Office for review.

**Motion to Accept May 2014 Budget Officer's Report**

Motion by David Dean, 2<sup>nd</sup> by Ken Smith to accept the May 2014 Budget Officer's Report.

**VOTE 3 AYES:** David Dean, Ken Smith, Karl Brabenec

**2 ABSENT:** Arthur Trovei, Gary Spears

**MOTION CARRIED**

Closing Board Comments

Councilman Dean said it is obvious the weather has turned for the better and they have already had one Delaware River drowning. If people are going to take advantage of the river, take a life jacket and wear it. Be smart and enjoy it, but be wise and be safe.

Councilman Smith agreed with Councilman Dean and also warned of the many motorcycles on the roads.

Supervisor Brabenec reported that the May Bulk Clean Up is over and they had budgeted \$14,000 and for the third year in a row they are on time and under budget. Their bill is \$11,990.00. Councilman Dean congratulated the Supervisor and mentioned that it helps all the residents and helps make the community a better place to live. Supervisor Brabenec wants to look into surveillance cameras to try to catch those who illegally dump.

**Motion to Permit Supervisor to Proceed with Surveillance Research**

Motion by David Dean, 2<sup>nd</sup> by Ken Smith to permit the Supervisor to proceed with surveillance systems and cameras research for illegal dumping in the town and report back to them.

**VOTE 3 AYES:** David Dean, Ken Smith, Karl Brabenec

**2 ABSENT:** Arthur Trovei, Gary Spears

**MOTION CARRIED**

**Motion to Recess at 8:07 until the Arrival of Councilman Spears**

Motion by Karl Brabenec, 2<sup>nd</sup> by Ken Smith to recess at 8:07 p.m. until the arrival of Councilman Spears.

**VOTE 3 AYES:** David Dean, Ken Smith, Karl Brabenec

**2 ABSENT:** Arthur Trovei, Gary Spears

**MOTION CARRIED**

Back from recess at 8:10 p.m.

Councilman Spears arrived at 8:09 p.m.

**Motion to Approve Arthur Trovei & Sons, Inc.-82 Sleepy Hollow Rd., Sparrowbush, NY 12780**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to approve Arthur Trovei & Sons, Inc.-82 Sleepy Hollow Rd., Sparrowbush, NY 12780 Junkyard Permit for 2014, based upon the letter of recommendation from the Town's Deputy Building Inspector.

**VOTE 3 AYES:** Gary Spears, David Dean, Karl Brabenec

**1 ABSENT:** Arthur Trovei

**1 ABSTENTION:** Ken Smith

**MOTION CARRIED**

**Motion to Enter Executive Session at 8:20 p.m. to Discuss Dragon Springs vs. TOD/Werner vs. TOD**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to enter Executive Session for the purpose of discussing Dragon Springs vs. the Town of Deerpark and invite in Attorney Glen Plotsky; and Werner vs. the Town of Deerpark and invite in Attorney Glen Plotsky.

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

**1 ABSENT:** Arthur Trovei

**MOTION CARRIED**

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**Motion to Recess until 8:20 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by Ken Smith to recess until 8:20 p.m.

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

**1 ABSENT:** Arthur Trovei

**MOTION CARRIED**

**Motion to Re-Enter Regular Session at 8:43 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to re-enter Regular Session at 8:43 p.m.

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

**1 ABSENT:** Arthur Trovei

**MOTION CARRIED**

**Motion to Adjourn at 8:44 p.m.**

Motion by David Dean, 2<sup>nd</sup> by Ken Smith to adjourn at 8:44 p.m.

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

**1 ABSENT:** Arthur Trovei

**MOTION CARRIED**

Respectfully submitted by,

Florence T. Santini  
Town Clerk