

**TOWN OF DEERPARK BOARD MEETING**  
**MONDAY, JUNE 6, 2011**  
Meeting was held at Town Hall, 420 Route 209, Huguenot, NY 12746

**Attendance**

**Supervisor:** Karl Brabenec

**Councilmember's:** Gary Spears, Arthur Trovei (8:17 p.m.), David Hoovler, David Dean

**Attorneys:** William Bavoso, David Bavoso

**Invocation:** Gary Spears

**Call to Order** at 7:35 p.m.

**Pledge of Allegiance** by David Hoovler

**Motion to Add Under New Business on Agenda**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Hoovler to add under New Business on the agenda, Introduction of Local Law No. 3 of 2011, Change in Term of Office for Highway Superintendent.

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

**ABSENT:** Arthur Trovei

**MOTION CARRIED**

Opening Board Comments

Supervisor Brabenec announced that the boards nomination for the *Office of the Aging Senior Awards Program* was received. Ann Marie Maglione, Director of the Orange County Office for the Aging sent a letter dated May 24<sup>th</sup> informing the board that *Mr. Phil Chase* was nominated by their office to the New York State Outstanding Contribution by a Senior Award and would be honored by both the New York State Office of the Aging and the New York State Legislature at the New York State Senior Citizens Day Celebration May 24<sup>th</sup>. Mr. Chase's half century effort to preserve and protect the Delaware Valley is most inspiring she wrote, and thanked the board for bringing his work to their attention. He then congratulated Mr. Chase stating he really deserved it and thought they should have a ceremony at either the Town Hall meeting or a separate event. Councilman Hoovler asked the supervisor to write a Press Release about that because he is second to none on that topic and deserving of the recognition.

Supervisor Brabenec announced that the Town Supervisor's Office and Town Clerk's Office would be coordinating a drive for the victims of the tornado in Joplin, Missouri. Personal items could be brought into the office during the month of June. They would not be collecting clothing or food.

Presentations/Communications

Supervisor Brabenec recognized the *Kuykendall Award* to Michael Conklin, Erin Cornell, Alison Buzzelli and Shayna Reichert from the Port Jervis School District. He read the award recognizing their outstanding achievements in academics and demonstration in good citizenship by participating in community service, volunteerism and extra curricular activities, dated June 6, 2011 by the Town Board. He went on to say they like to recognize achievements, especially achievements concerning the youth, and residents of the town. The residents were encouraged to alert the Board of those deserving public recognition.

**Motion to Approve May 2 and May 16, 2011 Board Minutes**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Dean to approve May 2, 2011 and May 16, 2011 Board Minutes as written.

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

**ABSENT:** Arthur Trovei

**MOTION CARRIED**

Public Comment Period (3 Minutes per person/Agenda items only)

Patty Ey – Regarding 6 Samyn Road, she stated she knew that Mr. Emerson discovered feces in one of the rooms there when he went to investigate and understandably was upset. She said this has been the concern of the residents on Samyn Road. She mentioned the frustrating events leading up to this, having brought these conditions to the Dog Control Officer and Code Enforcement Officer in the past. They thought this should have been followed up and investigated with more detail by both. She was willing to answer any questions about what those conversations with them were. She then expressed appreciation for what was being done.

**TOWN OF DEERPARK BOARD MEETING  
MONDAY, JUNE 6, 2011**

Christina McCabe – 4 Samyn Road and thought the problems with this home were resolved when the owner and dogs no longer lived in this house. Unfortunately, she had to purchase water for the past six months because of the runoff and garbage next door. The RV on the property has blocked her view from just how much garbage was there. She was grateful to the Supervisor and Building Inspector for their help with this situation. Mr. Emerson was very helpful to her and was the only one who knocked on her door. She was grateful for what was being done. She is hoping their quality of life will improve.

Old Business

Supervisor Brabenec mentioned that on Friday, May 20, 2011 the opening of the bids in regards to Coleman Drive. One bid was received on this abandoned property.

**Motion to Accept Bid for Abandonment of Coleman Drive in Oakridge Park**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to accept bid of \$5,252.00 from Larry Spangenberg for abandonment of Coleman Drive in Oakridge Park on May 20, 2011 at 2:02 p.m.

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

**ABSENT:** Arthur Trovei

**MOTION CARRIED**

**Motion to Authorize the Town Attorney to Prepare Transfer Documents for Coleman Drive**

Motion by David Dean, 2<sup>nd</sup> by David Hoovler to authorize the Town Attorney to prepare documents for transfer for Coleman Drive and the Supervisor and/or other officials to execute those documents.

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

**ABSENT:** Arthur Trovei

**MOTION CARRIED**

Supervisor Brabenec explained that on May 31<sup>st</sup> the CDBG Application was submitted for \$125,000 for the Skinners Lane development. They received information following his attendance at a CDBG meeting, that because it is located in the census tract it may not be eligible for those funds. They were advised to put in for at least two other areas of the town for \$125,000--two separate projects. On May 19<sup>th</sup>, they had a unanimous email vote to include Deerpark Manor (Manor Lane, Apple Lane, Maple Avenue, Elm Street and Oak Circle). On May 23<sup>rd</sup>, he received yes votes from himself, David Hoovler and Gary Spears for Old Cahoonzie Road for \$125,000. These votes need to be confirmed here to make them official.

**Motion to Confirm Vote on Resolution 16 of 2011 Amendment on the 2012 CDBG Application**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Hoovler to confirm the vote on amending Resolution 16 of 2011 to include applying for a second application for the Community Development Block Grant (CDBG) funds for 2012 in the amount of \$125,000 to use for paving Old Cahoonzie Road, only if the first application (Skinners Lane) does not meet the guidelines of the CDBG program.

**VOTE: 3 AYES (Roll Call):** Gary Spears, David Hoovler, Karl Brabenec

**ABSTENTION:** David Dean

**ABSENT:** Arthur Trovei

**MOTION CARRIED**

**Motion to Confirm Vote on Resolution 16 of 2011 Amendment on the 2012 CDBG Application**

Motion by David Hoover, 2<sup>nd</sup> by David Dean to confirm the vote on amending Resolution 16 of 2011 to include applying for a third application for the Community Development Block Grant (CDBG) funds for 2012 in the amount of \$125,000 to use for paving the following roads in Deerpark Manor: Manor Lane, Apple Lane, Maple Avenue, Elm Street and Oak Circle, only if the first application (Skinners Lane) does not meet the guidelines of the CDBG program.

**VOTE: 3 AYES (Roll Call):** Gary Spears, David Dean, David Hoover

**ABSTENTION:** Karl Brabenec

**ABSENT:** Arthur Trovei

**MOTION CARRIED**

Supervisor Brabenec mentioned they discovered there was a previous discussion about this DCJS \$25,000 grant for the purposes of purchasing a new police car. They had the discussion, but never formally voted to accept the grant and authorize purchase of the police car. To correct that, they need to pass Resolution 22 of 2011. They had an email vote on this in advance

**TOWN OF DEERPARK BOARD MEETING  
MONDAY, JUNE 6, 2011**

of the Meeting on May 19, 2011 because they did not want to lose the grant and they wanted to put an order in on the car as soon as possible because they were having problems stocking up on those particular vehicles.

**Motion to Confirm Vote on Resolution 22 of 2011 Accepting Matching Grant from the New York State Division of Criminal Justice Services (DCJS)**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to confirm vote on Resolution 22 of 2011 accepting a matching grant from the New York State Division of Criminal Justice Services (DCJS) grant for \$25,000 authorizing the purchase of a marked patrol car in an amount up to \$25,000.

Discussion: Councilman Dean verified that this grant would state it has no effect on the tax payers in the Town of Deerpark for town taxes, the Supervisor said that was correct. Supervisor Brabenec clarified this was an unanticipated grant that was applied for by Detective Cirulli, who did a good job making the effort for this.

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

**ABSENT: Arthur Trovei**

**MOTION CARRIED**

Supervisor Brabenec stated they received a lengthy letter from both the Building Inspector, the Code Enforcement Officer and another letter from Mr. Al Fusco, III with Fusco Engineering and Land Surveying in regards to information on maintenance issues at 6 Samyn Road-(SBL 43-1-5), Sparrowbush, New York. The structure has been placarded as uninhabitable by the Building Department due to the unsafe and unsanitary conditions contained within and without. The Building Department has exhausted all available tools of enforcement and request further legal assistance by the Town Attorneys and Town Board. In light of recently obtained information by Mr. Bill Lloyd of the Humane Society and we believe that all information should be reviewed by the Town Attorneys and we believe the information can be used to achieve probable cause. A search warrant will be obtained for the interior examination of the structure. Examination of the exterior may give the town cause for removal of the structure as per Town of Deerpark Code Chapter 119. Mr. Fusco III also submitted a letter with pictures, items found on the property and stated that the structure violates virtually every section of Chapter 3 General Requirements of the 2010 Property Maintenance Code. He also thought it was a hazardous situation and recommended the structure be razed due to being beyond remediation, as soon as possible. The supervisor then asked for advice from the Town Attorney, Mr. Bavoso. Mr. Bavoso referred to two choices under the existing law: Local Law No. 2 of 2011 – Unsafe Buildings and order demolition of the existing property serving notice on the current owner. Secondly, they could take advantage of the emergency division of the statute where the Town Board would pass a resolution ordering demolition or boarding up with 30 days or declare it to be an emergency situation depending on the Town’s Engineer and Human Society reports. Councilman Hoovler thought under the descriptions reported of the conditions, he was ready to make a motion to demolish the structure.

Attorney Bavoso advised there was an immediate danger to life, safety and health of persons and property unless this building is immediately demolished, based upon the recommendation of the town engineer and the manager of the Humane Society and upon their own building department and that the condition of the property is such that the emergency provisions of the existing local law could be invoked. The second would be to order the Building Inspector to immediately cause the demolition of the unsafe building and with the expenses to be levied against the property. Councilman Hoovler verified they would not need the bidding process and the attorney confirmed that since it was an emergency, they would not need that.

**Motion to Approve Resolution 23 of 2011- 6 Samyn Road (SBL 43-1-5) - Unsafe, Dangerous, Hazardous Building**

Motion by Gary Spears, 2<sup>nd</sup> by David Hoovler to approve Resolution 23 of 2011 declaring 6 Samyn Road an unsafe, dangerous and hazardous building.

Discussion: Councilman Spears inquired as to whether they were certain of the ownership of the home and whether there was a mortgagee. Attorney Bill Bavoso assured the board he would verify the ownership and mortgage or lien holder of the premises the next day and make them aware of the board’s intention to demolish.

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

**ABSENT: Arthur Trovei**

**MOTION CARRIED**

Councilman Hoovler asked about the wording for a resolution to demolish the property on Samyn Road and Attorney Bill Bavoso advised including authorization to the Building Inspector to immediately cause the demolition of the unsafe building

**TOWN OF DEERPARK BOARD MEETING  
MONDAY, JUNE 6, 2011**

declared to be an emergency condition and a danger to life and health of individuals at the property (6 Samyn Road) and surrounding properties and that notice of this emergency action by the board be served as soon as possible upon the record owner of the property and any other individual with a financial interest in the property or lien holder.

**Motion to Approve Resolution 24 of 2011- 6 Samyn Road (SBL43-1-5) - Demolition of Unsafe, Dangerous, Hazardous Building**

Motion by David Hoovler, 2<sup>nd</sup> by David Dean to approve Resolution 24 of 2011 to authorize the Building Inspector to demolish this residence (6 Samyn Road) because of its danger to life and health of property and others and official notice to be served on the owner as well as any people who have financial interest as soon as possible based on the information presented to us by the Building Inspector, Town Engineer, Humane Society and our guests who spoke during public comment.

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

**ABSENT: Arthur Trovei**

**MOTION CARRIED**

Supervisor Brabenec promised the attorney he would contact him the next day to discuss what they would need to do.

Supervisor Brabenec next reported on the Gamble property (SBL 29-9-5) located at 6 Grove Street, Cuddebackville, NY 12729 and the house that had a fire. He read the letter dated June 2, 2011 from the Code Enforcement Officer stating the required start date for the approved demolition of this structure had been reached as of May 26, 2011. However, the property owner had not yet started the demolition and requested the Town Board make arrangements for the receiving of bids for demolition of the structure identified so as to proceed.

Attorney David Bavoso gave input regarding the service of notice to the owner and due to no response the Board has the right under the statute to order the Building Department to begin removing or repairing the structure based on the failure to comply by the property owner. The Code Enforcement Officer is following the code provisions and the board has authority to authorize Mr. Amerbach to take action by removing or repairing the building. Attorney Bill Bavoso added that a resolution is necessary. Supervisor Brabenec asked about the bidding process and the attorney said they could use request for proposal due to the amount being less than \$20,000.

**Motion to Approve Resolution 25 of 2011- 6 Grove Street (SBL 29-9-5) - Authorize Demolition**

Motion by David Dean, 2<sup>nd</sup> by Gary Spears to approve Resolution 25 of 2011 to authorize the Building Inspector to demolish and remove 6 Grove Street, Cuddebackville, NY 12729 (SBL 29-9-5) and request for proposals for best bids as soon as possible.

Discussion: Councilman Dean verified that the bills for demolition would be charged back to the property and he understood that the county makes the town whole on the expenses. Supervisor Brabenec confirmed that was the case and that it would be on the next year's taxes. They would provide a bill by the end of the year, and the Orange County Legislature would pass a resolution levying those charges on the tax bill and it would be a separate tax bill they would have to pay. Councilman Dean said they would need to be judicious to take care of the paper work and notification to the County so the residents were responsible for the bill. Supervisor Brabenec agreed and added they would have both Legislators Simmons and Bonacic help them out with these resolutions.

Note: Arthur Trovei arrived at 8:17 p.m.

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

**MOTION CARRIED**

New Business

**Motion to Accept Resignation from Planning Board – Michael Breitenfeld**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Dean to accept resignation of Michael Breitenfeld from Planning Board.

Discussion: Councilman Dean thanked Michael Breitenfeld for his work and being an excellent member of the board, very thoughtful and had a great deal of experience as he works for the County in the Mapping Division. He will be sorely missed and hopes that he will be able to return to serve in that capacity one day.

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

**MOTION CARRIED**

**TOWN OF DEERPARK BOARD MEETING  
MONDAY, JUNE 6, 2011**

**Motion to Appoint Michael Breitenfeld as an Alternate Member (No. 2) of Planning Board**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Dean to appoint Michael Breitenfeld as an alternate member (No. 2) of the Planning Board.

Discussion: Supervisor Brabenec explained that Mr. Breitenfeld would be ranked number 2 for the alternate member position, should one of the members be absent, the other alternate member would be contacted first, then Michael second.

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

**MOTION CARRIED**

Supervisor Brabenec asked the Town Clerk to send him a letter conveying his appointment as an alternate.

Supervisor Brabenec mentioned that there is now an opening on the Planning Board and he would like to advertise through a news release and through the website, asking the resume letters be submitted by Friday, June 17<sup>th</sup> at 3:00 p.m. at the Town Clerk's Office. If there was more than one applicant, they would handle interviews on Monday, June 20<sup>th</sup>.

**Motion to Advertise for the Planning Board Position**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to advertise for the Planning Board Position on the website and news release and that all resumes and letters of interest be received by the Town Clerk by Friday, June 17, 2011 at 3:00 p.m. and interviews should take place Monday, June 20, 2011 before or after the next Town Board meeting.

Discussion: Councilman Dean commented that these positions are important on the Planning Board. Both he and Councilman Spears served many years there and it involves a lot of hard work, the pay is \$30 a meeting and if anyone has a desire to serve the town in a capacity, this is an excellent choice. Anyone interested should submit their letter and they will be considered.

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

**MOTION CARRIED**

Supervisor Brabenec read the Introduction of Local Law regarding extending the Highway Superintendent's term of office from two years to four years and referendum pursuant to Section 24-A of the Town Law of the State of New York for the year 2013. They could go with the election in 2011 or 2013 and this was a request by the Highway Superintendent to do this.

**Motion to Introduce Local Law No. 3 of 2011 to Extend Term of Office for Highway Superintendent**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to approve the extension of the Highway Superintendent's term of office from a two-year term to a four-year term in the 2011 election year.

Discussion: Attorney Bavoso stated that 24 – A of the Town Law allows you to do this by resolution, and requires that the resolution or adoption of local law be at least 150 days prior to that by annual election. He wasn't sure they had 150 days to wait for a local law. The resolution would still require that he be on the ballot for biennial elections in November and if the mandatory referendum is approved to stand a four-year term, then that individual elected would begin that term January 1, 2012. His recommendation was to pass a resolution containing the same language read in the proposed local law. Supervisor Brabenec decided against the Local Law No. 3, rather would present it as a resolution exactly as stated.

**Motion to Approve Resolution 26 of 2011 to Extend Term of Office for Highway Superintendent**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to approve Resolution 26 of 2011 to extend the term of office for the position of Superintendent of Highways on the General Election of 2011, shall serve for a four-year term.

Discussion: Superintendent Brabenec stated that this would be a mandatory referendum needing to be approved by the voters at the 2011 election, and should this be approved, this individual would then serve a four year term starting in 2012, and if rejected by the voters, the individual elected in 2011 would serve a two year term. Councilman Trovei asked what would happen in the unforeseen possibility the person wouldn't be able to complete the four years if approved by voters. Supervisor Brabenec explained it would be the same procedure they would follow with the two year term, but should there be a change in personnel for that position, the Board would appoint a person until the next General Election.

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

**MOTION CARRIED**

**TOWN OF DEERPARK BOARD MEETING  
MONDAY, JUNE 6, 2011**

Appropriations, Budget and Payment of Bills

**Motion to pay bills:**

Motion by Karl Brabenec, 2nd 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 #11 of 2011 for a total of \$153,300.64

Highway Fund Abstract #11 of 2011 for a total of \$65,656.46

Schoolhouse Abstract #3 of 2011 for a total of \$89.60

Engineering Fund Abstract #3 of 2011 for a total of \$6,882.66

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

**MOTION CARRIED**

**Motion to Approve May 2011 Monthly Budget Officers Report – May 2011**

Motion by David Hoovler, 2<sup>nd</sup> by David Dean to approved the May 2011 Monthly Budget Officer's Report.

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

**MOTION CARRIED**

Closing Board Comments

Councilman Spears thanked the residents for coming out and giving them an update on the situation on Samyn Road. He congratulated Mr. Chase for his award and thanked him for all his hard work he has done for everyone. Councilman Trovei also congratulated Mr. Chase for his award and thanked him. Councilman Hoovler added that Mr. Chase was truly a master to nature and conservation and congratulated him, as well as the young people (Michael Conklin, Erin Cornell, Alison Buzzelli and Shayna Reichert). Councilman Dean congratulated Mr. Chase and mentioned he had been a good teacher and continues to teach all of them. He also thanked Councilman Spears for reminding him of the anniversary of D-Day during World War II and wanted to honor those serving in the armed forces today and acknowledged that they too, are doing a great job. Their hearts and prayers go out to them. He complimented the Supervisor on his monthly budget report and encouraged the citizens to look at the report made available to everyone in the Town Clerk's office. Information for those inquiring, the purple boxes in the trees are there for the purpose of monitoring the migration of the Ash Borer (invasive species) destroying the Ash trees in the northeast. According to DEC, there is not much hope they will be able to stop it. Purple boxes tied to trees should be left alone, they are part of this DEC project. Supervisor Brabenec congratulated Phil Chase also.

Phil Chase asked to make a comment. He spoke about the Delaware River, DEC and New York City. The releases improved over time and noticed a very good flow of water when fishing. The water being released is up from 100 cfs to 140 cfs--a one-year experimental flow. This will give really cold water all the way to the 209 Bridge and also gives good flood protection.

**Motion to Enter Executive Session Regarding the Ethics Board Complaint Re: Deerpark Village at 8:41 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by to Arthur Trovei enter Executive Session regarding the Ethics Board complaint re: Deerpark Village at 8:36 p.m. and invite in attorneys Bill Bavoso and Dave Bavoso and the Chairman of the Ethics Board, Mr. Fred Witt.

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

**MOTION CARRIED**

**Motion to Re-enter Regular Session at 10:03 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to re-enter regular session at 10:03 p.m.

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

**MOTION CARRIED**

**Motion to Adjourn at 10:03 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to adjourn the meeting at 10:03 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