

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, AUGUST 2, 2010**

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

Attendance

Supervisor: Karl Brabenec

Councilmember's: Gary Spears, David Dean, David Hoovler, Arthur Trovei (7:30)

Attorneys: William Bavoso, David Bavoso

Public Hearing – Demolition of 1046 US Route 209, Cuddebackville, NY (SBL 22-1-33) at 7:03 p.m.

Town Clerk, Florence T. Santini read the Public Notice and a copy is attached to the official minutes.

Supervisor Brabenec stated that Gary Amerbach, Code Enforcement Officer was in attendance and would be asked to give his report. He then read a letter from Al Fusco, Town Engineer in regards to his inspection of the property mentioned and a letter is attached to the official minutes, stating the structure had severe structural deterioration, water damage, roof collapse and exceeds code requirements. It was recommended the building be demolished. Town Attorney, William Bavoso had some questions for the Code Enforcement Officer and wanted the record to reflect that the Town Clerk sent a certified letter on July 23, 2010 to the owner regarding the Public Hearing. The questions clarified that Mr. Amerbach conducted an inspection of the property, confirming that the structural condition no longer had an approved legal use, and followed proper procedure in this regard. Mr. Amerbach confirmed every question by the attorney.

Public Comment: None

Motion to Close Public Hearing on the Demolition of 1046 US Route 209, Cuddebackville, NY at 7:10 p.m.

Motion by Gary Spears, 2nd by David Dean to close the Public Hearing on the demolition of 1046 US Route 209, Cuddebackville, NY.

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

MOTION CARRIED

Public Hearing – Demolition of 311 US Route 209, Huguenot, NY (SBL 50-1-1) at 7:15 p.m.

Town Clerk, Florence T. Santini read the Public Notice and a copy is attached to the official minutes.

Supervisor Brabenec read a letter from Town Engineer, Al Fusco in regards to his inspection of the property mentioned and a letter is attached to the official minutes, stating the structure had severe structural deterioration, water damage, and the structures are unsafe and demolition was recommended. Town Attorney, William Bavoso had some questions for the Code Enforcement Officer and wanted the record to reflect that the Town Clerk sent a certified letter on July 23, 2010 to the owner regarding the Public Hearing. The questions clarified that Mr. Amerbach conducted an inspection of the property, confirming that the structural condition no longer had approved legal use, and followed proper procedure in this regard. Mr. Amerbach confirmed every question by the attorney.

Public Comment: None

Motion to Close Public Hearing on the Demolition of 311 US Route 209, Huguenot, NY at 7:22 p.m.

Motion by Gary Spears, 2nd by David Dean to close the Public Hearing on the demolition of 311 US Route 209, Huguenot, NY.

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

MOTION CARRIED

Call to Order at 7:37 p.m.

Invocation by Arthur Trovei

Pledge of Allegiance led by David Hoovler

There was a moment of silence for Sam Han.

Additions or Changes to Agenda

**TOWN OF DEERPARK BOARD MEETING
MONDAY, AUGUST 2, 2010**

Supervisor Brabenec asked to add two Resolutions under New Business, Resolution 37 – Demolition of 1046 Route 209, Cuddebackville, NY and Resolution 38 – Demolition of 311 Route 209, Huguenot, NY.

Motion to Add Resolution 37 and Resolution 38 Under New Business on the Agenda

Motion by Karl Brabenec, 2nd by Gary Spears to add Resolution 37 and Resolution 38 under New Business on the Agenda.

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

MOTION CARRIED

Opening Board Comments – None

Presentations/Communications

Supervisor Brabenec received 102 pieces of correspondence the past two weeks; and he sent a memo to the Department Heads asking the departments to cut their budget by 7% and the due date is August 20th at 4:00 p.m.; and he received a letter of resignation from James Enrich, Shield No. 104.

Motion to Regretfully Accept Resignation of Police Officer James Rich

Motion by Karl Brabenec, 2nd by Gary Spears to regretfully accept the resignation of Police Officer James Rich, Shield No. 104 and that a letter regarding the good job he did while employed be placed in his personnel file.

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

MOTION CARRIED

Supervisor Brabenec received a letter from Orange & Rockland, who is filing with the New York State Public Service Commission for an increase in 7.3% for a one-year rate plan. A communication from John J. College states they have a MPA program. A memo from Flo Santini regarding the dog licenses in 2011 and the unfunded mandate for towns to govern themselves and her request to create a Local Law along with the help of the town attorneys. There was no problem with her receiving legal assistance. A letter from Fusco Engineering and their help with the IB zoning amendments has been submitted to the attorneys for a Local Law to be introduced at the August 16th meeting.

Report from the Highway Department by Edward Hughson. A copy is attached to the official minutes. Both Councilman Spears and Dean commented on the good job the Highway Department did on the Peenpack Trail project and asked that Mr. Hughson relay their thoughts to his crew.

Report from the Cable Commission by George Keller. He reported they are waiting on a Time Warner audit. They are hoping to update the present agreement with Comcast soon. August 12th at 7:30 p.m. is the next meeting and the location will be announced when one is established. The supervisor inquired if a set meeting night would be beneficial and Mr. Keller felt that the availability of the volunteers on the commission was more important.

Motion to Approve Cable Commission Meeting at the Town Hall August 12 at 7:30 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to approve the Cable Commission meeting at the Town Hall on August 12th at 7:30 p.m.

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

MOTION CARRIED

Motion to Approve Minutes for July 12, 2010, July 19, 2010 and July 26, 2010 as Presented

Motion by Karl Brabenec, 2nd by David Hoovler to approve minutes for July 12, 2010, July 19, 2010 and July 26, 2010 as presented.

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

MOTION CARRIED

Public Comment Period – None

Old Business

Budget Modification Correction – Supervisor Brabenec mentioned that Budget Modification at the July 12th meeting and due to an excel error, there was not a total in the revenue and the contingency should have been \$26,500.

**TOWN OF DEERPARK BOARD MEETING
MONDAY, AUGUST 2, 2010**

Motion to Correct the Budget Modification Presented July 12, 2010

Motion by Karl Brabeneć, 2nd by David Hoovler to correct the budget modification presented July 12, 2010 to state the total proposed increase in revenue is \$26,050 and the proposed decrease in expenditures from 1990.0 contingency was \$26,500.

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

MOTION CARRIED

Supervisor Brabeneć reported that another budget modification came to his attention from the Town Accountant in regards to a surplus in some areas that could be reallocated in other areas.

Motion to Approve Budget Modification

Motion by Karl Brabeneć, 2nd by David Dean to approve the following budget modification as recommended by the town's accountant:

Revenue

Increase: 1081 – Lieu of Taxes	\$ 8,000	2260 – Public Safety Service	\$ 1,000
2680 – Insurance Recovery	\$ 7,000	2701 – Refund prior Years	\$ 4,000
Total Increase:	\$20,000		

Revenue

Decrease: 1560 – Safety Inspection Fees	\$ 65,000	3005 – Mortgage Tax Projection	\$ 60,000
Total Decrease:	\$125,000	Net Decrease:	\$105,000

Expenditure

Increase: 9050.8 – Unemployment \$ 20,000

Expenditure

Decrease: 1990 – Contingency	\$ 20,000	9040.8 – Worker's Compensation	\$ 10,000
9060.8 – Health Insurance	\$ 95,000		
Total Decrease:	\$125,000	Net Decrease:	\$105,000 VOTE: 5

AYES: Gary Spears, Arthur Trovei, David Dean, David Hoovler, Karl Brabeneć

MOTION CARRIED

Supervisor Brabeneć shared that he is continuing to research the paperwork reduction proposal and would not be ready for a vote at this meeting. Additionally, he mentioned that he is no longer looking into laptops for the council members, but would consider using a service called "drop box"—a website that would hold all the necessary documents and could be accessed and printed from anywhere in the world. The supervisor uses it and says it has 2.2 gigabytes of space and is free. The cost increases with additional space, starting at \$10 a month. It is very cost effective. The Town Clerk would scan the paper and make a PDF file and once in the drop box, it could be easily obtained. He is trying to reach Minolta about this, as well as the copier at the Town Hall. The Town Hall equipment needs to be looked into for this coming year. Discussion continued. They hope to have all the research information and agree on a solution by the end of the month.

The Supervisor mentioned they received a letter of interest from James Harrington for the Zoning Board of Appeals vacancy and he has been an alternate on the ZBA.

Motion to Appoint James Harrington to the Zoning Board of Appeals

Motion by Karl Brabeneć, 2nd by Gary Spears to appoint James Harrington to the Zoning Board of Appeals vacancy for a term to end December 31, 2011.

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

MOTION CARRIED

New Business

Supervisor Brabeneć reported that the attorneys are working on changes in the Local Law concerning reforms and it will be ready at the next meeting.

Motion to Approve Resolution 34 of 2010 – Fee Schedule Changes For Use of Space Park and Town Parks

Motion by Karl Brabeneć, 2nd by David Hoovler to approve Resolution 34 of 2010 – Fee Schedule Changes For Use of Space Park and Town Parks effective immediately.

**TOWN OF DEERPARK BOARD MEETING
MONDAY, AUGUST 2, 2010**

Discussion: Councilman Spears proposed that charitable not-for-profit organizations be excluded from paying the \$50.00 per day, but would still need to provide the \$100.00 security deposit.

Motion amended by David Hoovler, seconded by Gary Spears to add that not-for-profit or community organizations will not be charged a fee, but will need to furnish \$100.00 security deposit and complete the Facilities Use Application for the proposed Resolution 34 of 2010.

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

MOTION CARRIED

Motion to Approve Resolution 35 of 2010 – Hire Town Prosecutor

Motion by Karl Brabene, 2nd by David Dean to approve Resolution 35 of 2010 – Hire Town Prosecutor. They want to hire John E. Bach, Esq. as the Town of Deerpark Prosecutor at the rate of \$300.00 per session with authorization given to the Supervisor to sign the contract.

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

MOTION CARRIED

Motion to Approve the Hiring of an Alternate Prosecutor

Motion to Approve the Hiring of an Alternate Prosecutor, George Smith at a rate of \$150.00 per session with authorization given to the Supervisor to sign the contract.

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

MOTION CARRIED

Councilman Hoovler asked the Supervisor to send a letter to all the candidates informing them of their decision and he agreed to do that. Supervisor Brabene offered to also set up a schedule with the help of the Justices for the prosecutor.

Supervisor Brabene stated there was a current need for another part-time police officer due to illness and resignations that have created voids in the schedule. A recommendation a couple years ago of a former Port Jervis Police Officer, Tom Collins was given to the Town of Deerpark and the police commission recommended him again in June, 2010. The Civil Service has approved his application now and with all the paper work received.

Motion to Hire Thomas Collins as a Part-time Police Officer

Motion by Karl Brabene, 2nd by David Hoovler to hire Thomas Collins as part-time police officer in the Town of Deerpark with a salary according to the Police Contract.

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

MOTION CARRIED

Supervisor Brabene asked the Town Clerk to notify Mr. Collins and the Police Commission of the vote to hire him.

Supervisor Brabene spoke about an Introduction of Local Law #4 of 2010 – Littering Penalty Reform. Copies were available for review. A public hearing would need to be scheduled.

Motion to Set Public Hearing for Introduction of Local Law #4 of 2010 – Littering Penalty Reform

Motion by Karl Brabene, 2nd by Gary Spears to set public hearing for Introduction of Local Law #4 of 2010 – Littering Penalty Reform on Monday, August 16, 2010 at 7:15 p.m. at Town Hall.

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

MOTION CARRIED

Supervisor Brabene mentioned that other towns are joining in a lawsuit against the State of New York due to their repealing of an MTA tax. He explained that this is a very hot issue with local businesses in the Town of Deerpark and the tax on payroll costs the town 34 cents for every \$100 of payroll. All that money goes to the State and to the MTA.

Motion to Approve Resolution 36 of 2010 – Join MTA Tax Lawsuit

Motion by Karl Brabene, 2nd by Gary Spears to approve Resolution 36 of 2010 – Join MTA Tax Lawsuit.

Discussion: Supervisor Brabene mentioned a fee in between \$1,000 and \$2,000 of municipalities joining in this lawsuit. Councilman Spears agreed and thought that as businesses in the Town of Deerpark, they should join in this lawsuit.

**TOWN OF DEERPARK BOARD MEETING
MONDAY, AUGUST 2, 2010**

Councilman Dean added that this tax is also greatly affecting the Port Jervis School District budget, and thought they should alert the School to ask them if they want to join as well.

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

MOTION CARRIED

Motion to Approve Resolution 37 of 2010 – Demolition of 1046 US Route 209 (SBL 22-1-33)

Motion by Karl Brabene, 2nd by Gary Spears to approve Resolution 37 of 2010 - Demolition of 1046 US Route 209, Cuddebackville, NY 12729.

Discussion: Attorney William Bavoso asked if they could add wording to the Resolution that would include that demolition would begin within 30 days of the service of notice upon the property owner and would be completed within 60 days and that the notice of the board's action be served pursuant to the code of the town. Failure to begin demolition within 30 days would permit the town to demolish the structure and to recoup the costs from the County.

Motion Amended by Karl Brabene, 2nd by Gary Spears to approve Resolution 37 of 2010 – Demolition of 1046 US Route 209, Cuddebackville, NY 12729 with the additional wording as stated by the attorney.

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

MOTION CARRIED

Motion to Approve Resolution 38 of 2010 – Demolition of 311 US Route 209 (SBL 50-1-1)

Motion by Karl Brabene, 2nd by Gary Spears to approve Resolution 38 of 2010 – Demolition of 311 US Route 209, Huguenot, NY 12746 also with the additional verbiage including that demolition would begin within 30 days of the service of notice upon the property owner and completed within 60 days and that the notice of board's action be served pursuant to the code of the town. Failure to begin demolition within 30 days would permit the town to demolish the structure and to recoup the costs from the County.

Discussion: Councilman Spears asked the attorney to write the Resolution and he agreed, then will give it to the Town Clerk to be included in the official minutes.

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

MOTION CARRIED

Motion to pay bills:

Motion by Karl Brabene, 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 #14 of 2010 for a total of \$174,123.37

Highway Fund Abstract #14 of 2010 for a total of \$35,201.64

Trust & Agency Forfeiture Abstract #3 of 2010 for a total of \$97.67

Discussion: Councilman Spears inquired as to what the Trust & Agency Forfeiture Abstract was and the Supervisor explained that the police use this fund for drug busts and is set up for when they take money from the premises.

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

MOTION CARRIED

Supervisor Brabene provided the Budget Officer Monthly Report with Revenues vs. Actual and the Profit and Loss detail as well as a Profit and Loss detail from the previous year for comparison. This is on file at the Town Clerk's Office and can be viewed there.

Motion to Approve Budget Officer Monthly Report

Motion by David Hoovler, 2nd by Gary Spears to approve the Budget Officer's Monthly Report.

Discussion: Councilman Spears asked if the report was year-to-date and the Supervisor confirmed that it was year-to-date to August 2, 2010.

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

MOTION CARRIED

Closing Board Comments

**TOWN OF DEERPARK BOARD MEETING
MONDAY, AUGUST 2, 2010**

Supervisor Brabenec received a cost estimate from Gametime for park improvements and the cheapest route would be around \$20,00. Since that was unacceptable, he would go back to the drawing board with Gametime and lower the cost with that. Councilman Spears asked if they could review the information and the Supervisor will copy the board with their information.

Councilman Spears echoed the sentiments of Councilman Dean in regards to the School Board and any other towns that could be encouraged to join in the battle against the MTA tax to be heard. Councilman Hoovler wanted to especially thank the Sparrowbush Fire Department and all the volunteers for pulling nine people out of the river the past weekend. Councilman Dean read a letter from Leadership Orange, which mentioned that David Hoovler had been selected to attend the leadership classes of 2011 and was commended on his acceptance as it is competitive. The board applauded him and thanked him for his active participation on the board, congratulating him on his acceptance.

Motion to Adjourn at 8:28 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to adjourn at 8:28 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