

**TOWN OF DEERPARK  
TOWN BOARD MEETING  
MONDAY, AUGUST 12, 2013**

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

**Invocation** by Arthur Trovei

**Attendance**

**Supervisor:** Karl Brabenec

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

**Absent:** David Hoover

**Attorney's:** Bill Bavoso, Glen Plotsky

**Engineer:** Alfred Fusco, Jr.

**Call to Order** at 7:36 p.m.

**Pledge of Allegiance** led by David Dean

Additions or Changes to Agenda

**Motion to Add Historian Norma Schadt's Report Under Presentations/Communications on Agenda**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to add Historian Norma Schadt's Report under Presentations/Communications on Agenda.

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

**1 ABSENT:** David Hoover

**MOTION CARRIED**

**Motion to Table Consideration of Local Law #3 – Road Protection Law Under New Business on Agenda**

Motion by Karl Brabenec, 2<sup>nd</sup> by David Dean to table Consideration of Local Law #3 – Road Protection Law under New Business on the Agenda.

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

**1 ABSENT:** David Hoover

**MOTION CARRIED**

**Motion to Add Consideration of Surplus Equipment/PJ Youth Football League Under New Business on Agenda**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to add Consideration of Surplus Equipment and Port Jervis Youth Football League permission under New Business on Agenda.

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

**1 ABSENT:** David Hoover

**MOTION CARRIED**

Continuation of Public Hearing: Dangerous Building – 1151 US Route 209 – SBL 20-1-34.13

Pat Longobucco, Attorney from the law office of Shapiro, DiCaro & Barak located at 250 Mile Crossing Blvd., Suite 1, Rochester, NY 14624 regarding this property said this property was in contract, to be sold as is with the closing on August 19th. The pending violation will be addressing the issues and asking for a short adjournment. Town Attorney asked if he had a copy of the contract and he did not have it and discussion continued. (Audio tape of conversation is on file for six months.)

**Motion to Close Public Hearing Regarding the Dangerous Building – 1151 US Route 209 – SBL 20-1-34.13 at 7:54 p.m.**

Motion by David Dean, 2<sup>nd</sup> by Gary Spears to close the public hearing regarding the dangerous building at 1151 US Route 209, SBL 20-1-34.13 at 7:54 p.m.

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

**1 ABSENT:** David Hoover

**MOTION CARRIED**

Opening Board Comments

Supervisor Brabenec announced that the new police car was ready to be picked up tomorrow in New Jersey and it should be a good addition to their fleet. They put the 2005 Durango in service for the Dog Control Officer.

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Presentations/Communications

*Norma Schadt* – Historian reported on the Historian/Museum activity. (Report is attached to the official minutes.)

**Motion to Approve July 22, 2013 Board Minutes**

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

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

**1 ABSENT: David Hoover**

**MOTION CARRIED**

Public Comment Period – None

New Business

*Al Fusco*, Town Engineer gave an update on the dangerous buildings. They did demolish the structure at 1 Trails End – SBL 29-1-4.1 per Al Fusco, Town Engineer. The dangerous building at 15 Old Road – SBL 21-12-6 did not have anyone show up, and the owners didn't respond. The bids were opened earlier that day and Flo Santini, Town Clerk read the results as follows: Frank Somarelli Trucking, 74 Martins Road, Huguenot, NY 12746 at \$10,800.00; Boyce Excavating Co., 88 Monhagen Avenue, Middletown, NY 10940 at \$68,500.00; and Beam- Specialty Trades Contracting, LLC, 3 Contorino Way – Bldg. 2, Chester, NY 10918 at \$49,500.00. Mr. Fusco stated some of the bids were so high because of the asbestos removal requirements. They will need a waiver, and the Department of Labor will treat it as an asbestos sight. Mr. Somarelli did acknowledge that and that he did get that addendum. The second addendum gave clarification. The only thing was that Mr. Somarelli did not submit a non-inclusive certificate. The board has the right to waive minor abnormalities and they would get him to sign that before he could begin work. He recommended Frank Somarelli and asks him to supply the town with his paper work.

**Motion to Award Lowest Bid for Demolition to Frank Somarelli at 15 Old Road – SBL 21-12-6**

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei to award lowest bid for demolition to Frank Somarelli Trucking of dangerous building at 15 Old Road – SBL 21-12-6 and instruct the Building Department to complete paperwork for that.

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

**1 ABSENT: David Hoover**

**MOTION CARRIED**

Mr. Fusco will see to it that Mr. Somarelli is contacted.

**Motion to Declare and Demolish Dangerous Building at 1151 US Route 209 – SBL 20-1-34.13**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to declare a dangerous building per the recommendation of the Building Department and allow for 30 days beginning today, August 12<sup>th</sup>, to obtain a demolition permit and that the structure be demolished 60 days from today. If no permit is received or applied for within the 30-day period, or if the demolition does not occur within the 60 days, the Building Department will have the right to recommend to the Town to demolish the building and assess the cost to the property taxes.

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

**1 ABSENT: David Hoover**

**MOTION CARRIED**

*Al Fusco, Jr.*, Town Engineer brought up the UDC Grant for \$5,000 available to request and explained how it could be used for the Comprehensive Plan. Discussion continued.

**Motion to Add to the Agenda Resolution 21 of 2013 – Authorizing Supervisor to Sign Application for UDC Grant for 2013-2014**

Motion by Karl Brabenec, 2<sup>nd</sup> by Arthur Trovei to Add to the Agenda Resolution 21 of 2013 – Authorizing Supervisor to Sign Application for UDC Grant in the amount of \$5,000 for 2013-2014.

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

**1 ABSENT: David Hoover**

**MOTION CARRIED**

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**Motion to Cancel Town Board Meeting Monday, August 26, 2013**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to cancel the town board meeting scheduled for Monday, August 26, 2013.

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

**1 ABSENT: David Hoover**

**MOTION CARRIED**

*Florence Santini*, Town Clerk and Chairman of the 9/11 Ceremony gave an update on the upcoming event. Home Depot has offered to spruce up the memorial area in front of the Town Hall the morning of August 28th. Their contribution will be worth about \$5,000. The office is sending out invitations. Councilman Spears asked if the Supervisor could emcee the program. Flo responded that he could as this event is her privilege to chair, but acknowledged it was a town event. Discussion about the need for chairs, tables, a tent and public address system led to asking the Supervisor to get some prices. Councilman Spears said they would need them for the town anyway, especially with the Senior Center being built. Councilman Trovei offered a tent for the town to use until they bought one.

**Motion to Make the Supervisor the 9/11 Emcee and Purchase Chairs and a Public Address System**

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei to make the Supervisor the 9/11 Emcee and purchase chairs and a public address system for the town.

Discussion: Supervisor Brabenec said he would look for bids according to the procurement policy in place. Councilman Dean urged Ms. Santini and the emcee to stay to the purpose of the event, as he and other constituents felt it got away from the reason they were gathering last year. He thought the political stuff could wait. Supervisor Brabenec was honored to emcee and commented that Ms. Santini does a fantastic job putting the event together and he believes it is the best in the county and thanked her.

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

**1 ABSENT: David Hoover**

**MOTION CARRIED**

**Motion to Declare Surplus Equipment – Former DCO 1998 Ford Windstar Van on Auctions International**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to declare surplus equipment of former DCO Ford Windstar Van (2FMZA5141WBD66121) no longer to be used by the town and sell to the highest bidder for Auction International.

Discussion: Councilman Spears asked if there was any equipment in the van and the Supervisor believed it had all been removed and the plates are removed and it is off the insurance.

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

**1 ABSENT: David Hoover**

**MOTION CARRIED**

Supervisor Brabenec thanked Sergeant Ray Cirulli and Officer TJ Kalin for their hard work cleaning out the sheds at the Police Department and they put a list together. He thanked Sergeant Liz Sullivan too, for her research help. The supervisor then read the memo from Sergeant Cirulli describing each piece of surplus equipment. (The list is attached to the Official Minutes.)

**Motion to Declare Surplus Equipment – Total of 7 Kenwood Model TK790H Radios**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to declare surplus equipment of a total of 7 Kenwood Model TK790H Radios (Serial Numbers on list attached to official minutes).

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

**1 ABSENT: David Hoover**

**MOTION CARRIED**

**Motion to Declare Surplus Equipment – Federal Signal Vista Light Bars**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to declare surplus equipment of Federal Signal Vista Light Bars (Serial Numbers on list attached to Official Minutes).

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

**1 ABSENT: David Hoover**

**MOTION CARRIED**

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**Motion to Declare Surplus Equipment of Items to be Discarded Properly**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to declare surplus equipment of items to be discarded properly. (The list is attached to the Official Minutes.)

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

**1 ABSENT: David Hoovler**

**MOTION CARRIED**

**Motion to Sell 7 Kenwood Radios and the Federal Signal Vista Light Bars on Auctions International**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to sell 7 Kenwood Radios and the Federal Signal Vista Light Bars on Auctions International.

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

**1 ABSENT: David Hoovler**

**MOTION CARRIED**

**Motion to Approve the Port Jervis Youth Football League Use of Harriet Space Park**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to approve the Port Jervis Youth Football League to use the Harriet Space Park from August 31 through November 18, 2013.

Discussion: Councilman Dean asked how this works with the insurance. Councilman Spears said the League has its own insurance. All the players have medical insurance. The League has liability and they'll name the Town of Deerpark as an additional insured.

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

**1 ABSENT: David Hoovler**

**MOTION CARRIED**

**Motion to Adopt Resolution 21 – Authorize Supervisor to Apply for UDC Grant for \$5,000**

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei to Adopt Resolution 21 – Authorize Supervisor to apply for UDC Grant for \$5,000.

Discussion: Councilman Spears hoped it could be used for the beach at Bridge #2. Councilman Dean asked about trails.

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

**1 ABSENT: David Hoovler**

**MOTION CARRIED**

Appropriations, Budget and Payment of Bills

**Motion to Pay Bills**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears 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 #14 of 2013 in the amount of \$113,260.59

Highway Fund Abstract #14 of 2013 in the amount of \$213,777.62

Special Reserve Fund Abstract #2 of 2013 in the amount of \$16.00

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

**1 ABSENT: David Hoovler**

**MOTION CARRIED**

**Motion to Pre-Approve Payment of Bills**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to pre-approve the payment of bills that have been signed by three council members and may be viewed in the Town Clerk's Office.

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

**1 ABSENT: David Hoovler**

**MOTION CARRIED**

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

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to accept the Budget Officer's Report for July 2013 along with the General Fund Expenditures and Highway Fund Expenditures year to date totals. The report will be available at the Deerpark Town Clerk's Office.

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

**1 ABSENT: David Hoover**

**MOTION CARRIED**

Supervisor Brabenec said the Budget 2014 update was that this was the last week for the Department Heads to put in their requests for 2014. He sent all Department Heads an email and a paper memo. The budget requests are due this Friday. He will work on the Budget Officer's Budget and will submit the Tentative Budget to the Town Clerk on September 6<sup>th</sup>, and then the Board will receive the Tentative Budget and will have it until September 23<sup>rd</sup>. On September 23<sup>rd</sup>, the board will go over the tentative budget and hopefully make it a Preliminary Budget on that day. The Preliminary Budget would be put together that next day and given to the Town Clerk. Once she receives it and it is sent to the Comptroller's office, they will have it until November 7<sup>th</sup>. That night the town will have a Public Hearing on the 2014 Preliminary Budget and their recommendations will be heard on that day as well. The budget has to be adopted by November 20<sup>th</sup>.

Closing Board Comments

Councilman Spears thanked Norma Schadt for doing a great job and again congratulated her for the Orange County award. He also thanked Flo Santini for her many years of 9/11 ceremonies and that the Town of Deerpark has a lot of pride in these ceremonies. He knew this next ceremony on Wednesday, September 11th would also be great and that the Supervisor would do a great job as well, as emcee.

Councilman Trovei said kudos to Home Depot for donating \$5,000 worth of work.

Councilman Dean looked over the financial report to the end of June and thought it was relatively in good shape. He wanted to thank the Department Heads on behalf of the taxpayers. He thought they have done a great job. It is possible to be in the black and not drive your tax payers crazy. They hope to have a good election this coming November and into the future, he expects they will keep in that vein. They have been diligent in keeping costs down. They are conservative fiscally and politically. He mentioned people don't come to the meetings anymore, but he encouraged people to come to the meetings if they have concerns or something they want to express. He thanked the Department Heads for keeping the costs down.

Supervisor Brabenec seconded what everyone else said and wished everyone a safe rest of the summer warning of being careful on the river.

Florence Santini announced Hunting Licenses and Doe Permits are on sale in her office. The Town Clerk's office is open Monday through Friday, 8 a.m. to 4 p.m. She also sells E-Z passes.

Supervisor Brabenec also thanked Thomas Brabenec for his help at each meeting to broadcast the meeting live and archive it for them. He donates his time and equipment to help them.

**Motion to Enter Executive Session to Discuss Potential Litigation on Various Items at 9:05 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to enter Executive Session to discuss potential litigation on various items at 9:05 p.m. and invite in Attorneys Glen Plotsky and Bill Bavoso and Engineer Al Fusco, Jr.

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

**1 ABSENT: David Hoover**

**MOTION CARRIED**

**Motion to Recess Until 9:05 p.m.**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to recess until 9:05 p.m.

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

**1 ABSENT: David Hoover**

**MOTION CARRIED**

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**Motion to Re-enter Regular Session at 10:14 p.m.**

Motion by Arthur Trovei, 2<sup>nd</sup> by Gary Spears to re-enter Regular Session at 10:14 p.m.

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

**1 ABSENT: David Hoovler**

**MOTION CARRIED**

**Motion to Adjourn at 10:14 p.m.**

Motion by David Dean, 2<sup>nd</sup> by Karl Brabenec to adjourn at 10:14 p.m.

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

**1 ABSENT: David Hoovler**

**MOTION CARRIED**

Respectfully submitted by,

Florence T. Santini  
Town Clerk

