

**TOWN OF DEERPARK  
TOWN BOARD MEETING  
MONDAY, AUGUST 16, 2010**

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

**Attendance**

**Supervisor:** Karl Brabenec

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

**Absent Councilmember:** David Hoovler

**Attorney:** William Bavoso

Additions or Changes to Agenda - None

**Public Hearing – Local Law #4 – A Local Law Changing the Penalties for Offenses Under Chapter 162 of the Deerpark Code Regulating Littering and Dumping Within the Town at 7:18 p.m.**

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

Supervisor Brabenec asked the Attorney if he needed to read the Local Law in its entirety and he was told he did not. He then explained the new changes increasing the penalties for littering in the Town of Deerpark, beginning with \$300 as a minimum to \$1,000 as a maximum fine for a first offense; jail time would not exceed 45 days and/or community service; a secondary offense within 10 years would be a minimum fine of \$2,500, not to exceed \$5,000.

Public comment: None

Councilman Trovei said the purpose for making these changes was to serve notice to violators of the Town of Deerpark taxpayers and make this law strong enough to put people on notice that they will not put up with littering. Councilman Dean urged residents to help stop the littering. If they see littering going on, they should report it. Resident Karen Ridly made some comments from the audience.

**Motion to Close Public Hearing on Local Law #4 at 7:24 p.m.**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to close the public hearing on Local Law #4 at 7:24 p.m.

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

**MOTION CARRIED**

Recess until 7:30 p.m.

**Call to Order** at 7:37 p.m.

**Invocation** by Arthur Trovei

**Pledge of Allegiance** led by David Dean

**Board Comments** Councilman Trovei mentioned that the Public Hearing on increasing fines for the littering law was made to hopefully take the bite out.

Presentations/Communications

Supervisor Brabenec read the letter of resignation from Daniel R. Morse, Chairman of the Recreation Committee.

**Motion to Regretfully Accept Resignation of Daniel R. Morse, Recreation Committee Chairman**

Motion by David Dean, 2<sup>nd</sup> by Gary Spears to regretfully accept the letter of resignation from Daniel R. Morse, Chairman of the Recreation Committee.

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

**MOTION CARRIED**

Councilman Dean asked that a letter regarding the fine job Dan Morse did as Recreation Chairman be placed in his file.

Supervisor Brabenec agreed to follow that through and appointed Vice Chair, Jamie Swingle to the Chairman position until they find a replacement.

Supervisor Brabenec stated receiving a letter from the Deerpark Highway Bargaining Unit, the Highway Superintendent

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Supervisor Brabenec reported on giving out 2011 Budget Forms to the Department Heads so they can begin compiling the budget one month early. Since the Town is in deficit financing, this would allow them to send their finished product about a month early to the Comptroller's Office. Each department was encouraged to submit a 7% cut from the previous year. He asked to set up a workshop regarding the budget before the end of the month. The County of Orange sent out a communication in regards to a countywide tax collection system. The County selected BAS, which is a tax collection service, offered at no cost to municipalities. The Board would need to meet with their Tax Collector about this. A letter was received confirming the primary election for both Republican and Democratic parties on Tuesday, September 14<sup>th</sup> and Building No. 2 will be used as a polling place from 6 a.m. to 9 p.m.

Public Comment – None

Old Business

Supervisor Brabenec explained the current Local Law #4 states the maximum fine for littering was \$250 for the first offense and up to 15 days in jail. This amendment would be a jail term would not exceed 45 days and/or community service, the penalties would be \$300 for the first offense with the maximum of \$1,000 if caught littering or dumping. In the next 10 years if caught again, the fine would be \$2,500 - \$5,000 and the prison term would be extended to one year. This is one of the tougher laws in the town.

**Motion to Approve Local Law No. 4 of 2010 – A Local Law Changing the Penalties for Offenses Under Chapter 162 of the Deerpark Code Regulating Littering and Dumping Within the Town**

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei to approve the passing of Local Law No. 4 of 2010 – A Local Law Changing the Penalties for Offenses Under Chapter 162 of the Deerpark Code Regulating Littering and Dumping Within the Town

Councilman Dean noted that it had been discussed to post signs and the supervisor confirmed signs would be ordered and placed around town. Ed Hughson, Highway Superintendent said he would order new signs.

William Bavoso, Town Attorney stated that upon approval, he would sign the Local Law and the Town Clerk would seal it, then send it to the State for filing. Any signs ordered would be changed. Mr. Hughson went on to explain that the signs would be posted at the town's entrances so the warnings would cover the entire town.

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

**MOTION CARRIED**

Supervisor Brabenec explained the special MTA Tax Law Suit and stated they voted at the past meeting to join the town of Chester in the suit against MTA, by the Nassau County. Since then, many other towns have as well. He will keep everyone aware of this suit as it progresses. Mr. Bavoso added that he spoke to the Assistant County Attorney of Nassau County and she said that Putnam County just finished the intervention motion with the court and he will ask them for a copy of their documents for possible guides. Councilman Trovei asked if something could be posted on the website to let the public know more about this. Councilman Dean asked whether the Port Jervis School District to join with the Town of Deerpark, but understood they receive reimbursement from the state and didn't want to join in the lawsuit.

Supervisor Brabene presented the request for his signature to sign the 211 waiver application for both the Town of Deerpark Police Chief and the Lieutenant, which provides for them to collect a certain salary

**Motion to Approve the Supervisor Signing 211 Waiver for Both the Police Chief and Lieutenant**

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei to accept the 211 Waiver Applications for both the Police Chief and Lieutenant allowing them to collect a certain salary.

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

**MOTION CARRIED**

Supervisor Brabenec explained the Resolution 34 regarding the fee of \$50 and refundable security deposit of \$100 should the Parks Maintenance Superintendent find that the park was not left as found. Amending this resolution to state that if the \$100 security deposit not be enough to cover the clean up, the Town should be a to hold the applicant user responsible to pay the costs.

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**Motion to Amend Resolution 34 – Fee Schedule Changes for Use of Space Park and Town Parks**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to amend Resolution 34 – Fee Schedule Changes for Use of Space Park and Town Parks .

Discussion: Councilman Spears asked if not-for-profit could be exempt from paying to use the park and Supervisor Brabenec stated that was discussed at a previous meeting.

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

**MOTION CARRIED**

Supervisor Brabenec reported on the 9/11 Memorial and Port Authority Agreement that needs to be signed, then the I-beam would be picked up at JFK Airport and an Honor Guard is set to accompany its delivery to the Town Hall. They basically need a motion to sign the contract.

**Motion to Authorize the Supervisor to Sign the Port Authority Agreement**

Motion by Gary Spears, 2<sup>nd</sup> by David Dean to authorize the Supervisor to sign the Port Authority Agreement in regards to receiving the World Trade Center I-Beam.

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

**MOTION CARRIED**

Councilman Dean inquired about a banner to identify the beam while it is transported and the Town Clerk stated they will have a banner made up in regards to it and there will be American flags on the trailer as well.

**Motion to Schedule a Special Meeting/Budget Workshop**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears, to schedule a budget workshop at the Town Hall on Monday, August 23<sup>rd</sup> at 6:30 p.m.

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

**MOTION CARRIED**

Supervisor Brabenec discussed the need for amending Local Law 5 regarding the IB Zoning Changes. There are certain sections in the zoning law that are all special uses and the Board has consistently felt these make property less attractive, especially in the interchange business district, which is the entire area they are talking about. After many meetings, they have moved certain items to the principle permitted use section of the IB Zone involving: animal hospitals, veterinary offices, building supplies, lumber yards, business service and trade shops, business professional offices, clubhouses, commercial green houses, health care, etc. The process in place would basically stay the same, but the permit for special uses would be different. Another change would include a repeal of Section 230-49, which actually covers all the building sections of the town. These changes need to be submitted to the Orange County Planning Department for review, and they have 30 days to review it. As a courtesy, they would also send these changes to the Deerpark Planning Board for review and recommendations. Discussion followed.

**Introduction of Local Law No. 5 of 2010 – A Local Law Amending Certain Sections of Articles II, III and VII of the Zoning Law of the Town of Deerpark, Orange County, New York and Repealing Section 230-49 of the Deerpark Town Code (Zoning Law) and Scheduling Public Hearing**

Motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to send Local Law No. 5 of 2010 to the Orange County Planning Department for review and as a courtesy, send it to the Deerpark Planning Board.

William Bavoso, Attorney stated that the Board did not have to wait for this process, but had the right to schedule a public hearing for the amended changes to the Local Law No. 5 of 2010, even though it was being sent to the Planning Department. Discussion continued about the date of a public hearing.

Amended motion by Karl Brabenec, 2<sup>nd</sup> by Gary Spears to also add the scheduling a public hearing of Local Law No. 5 of 2010 on Monday, September 13<sup>th</sup> at the Town Hall at 7:00 p.m.

Discussion: Councilman Dean presented a hypothetical situation to represent the importance of eliminating the need to renew the special use permits. The Code Enforcer, the Building Inspector will still be approving the permits issued.

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

**MOTION CARRIED**

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Introduction of Resolution 39 of 2010 – County Road Snow and Ice Removal Contract for 2010 & 2011 was discussed involving the care of three county roads would be reimbursed by the County at \$100 per mile more than last year. Supervisor Brabenec mentioned receiving typically \$23,000 from the County annually. Councilman Trovei questioned whether the amount being reimbursed was enough to cover the expenses. The supervisor offered to write a letter to the Commissioner to find out more information.

**Motion to pay bills:**

Motion by Karl Brabene

c, 2<sup>nd</sup> 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 #15 of 2010 for a total of \$174,123.37

Highway Fund Abstract #15 of 2010 for a total of \$221,665.33

Trust in Agency Forfeiture Abstract #4 of 2010 for a total of \$333.00

Deerpark Manor Lighting District Abstract #6 of 2010 for a total of \$339.15

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

**MOTION CARRIED**

Closing Board Comments

Councilman Spears expressed concern over the littering problem and found it disgusting how they can abuse the areas by leaving their litter and dumping on the back roads. He hopes the stronger language and increased penalties will have an effect. Councilman Dean mentioned the JNS Cell Tower and that there is now a second company involved.

Town Clerk Flo Santini announced that Deer Hunting Licenses went on sale and the office hours were 8 a.m. to 4 p.m. each day. She mentioned the World Trade Center Memorial Service and what a blessing it has been to receive so many donations. They are over half way to their goal. She asked residents to call her with names of loved ones serving in the military, so their names could be read during the ceremony on September 11th.

**Motion to Adjourn at 8:25 p.m.**

Motion by Gary Spears, 2<sup>nd</sup> by Arthur Trovei to adjourn at 8:25 p.m.

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

**MOTION CARRIED**

Respectfully submitted by,

Florence T. Santini  
Town Clerk