

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, OCTOBER 1, 2012**
Meeting was held at Town Hall 420 Route 209, Huguenot, NY 12746

Attendance:

Supervisor: Karl Brabenec

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

Attorney: Bill Bavoso

Engineer: Al Fusco

Invocation: Arthur Trovei

Call to order at 7:35 p.m.

Pledge of Allegiance: Gary Spears

Additions or Changes to Agenda - None

Presentations/Communications

Supervisor Brabenec mentioned *Michael Murphy, an Eagle Scout* who partnered up with the Town Historian, Norma Schadt and with the help of his father did a fantastic job restoring all the historic markers as part of his Eagle Scout project. They labored all spring and summer accomplishing this. This is a program Ms. Schadt will recommend to the Historians Association of the State of New York to see if other historians could duplicate what he did. A Certificate of Recognition was read, and then presented to Michael Murphy, III of Troop 68 of Cuddebackville, New York stating how the Deerpark residents were thankful for all their efforts for restoring the historic beauty of the town. The Town Board then recognized *Boy Scout Troop 68* in assisting Michael Murphy, III in his restoring the markers. The residents were thankful for their contributing effort as well. The leader announced their scout troop meets weekly and the program is based on an outdoor theme and they participate in the community where they camp. They have camped out west as well, even Alaska. They have had 17 eagle scouts in the past 9 years. To be involved, they could come to the Cuddebackville Reformed Church Wednesday nights at 7:00 p.m., and/or they could contact their council in Newburgh, New York and they will direct them. Norma Schadt, Historian mentioned that her grandsons worked in the National Park and met them. She also thanked them for their hard work, attributing how nice it looks to their efforts.

Supervisor Brabenec also mentioned there was someone very special who had worked for the town for years and always gives 100% to the 9/11 Ceremony each year. She is a thinker, a problem solver, and talks with people and gets involved and he didn't know where the town would be without her. He called up Florence Santini, the Town Clerk and presented a Certificate of Recognition by the Town Board for her continued dedication and outstanding commitment on the World Trade Center Memorial in the Town of Deerpark.

Supervisor Brabenec announced the Recreation Committee's Halloween Party for the town residents on October 30th from 6:00 – 8:00 p.m. There will be prizes for best costume, Guess the Candy Corn Jar, Coloring and Pumpkin decorating Contest, and games and activities for ages 5-11 at the Town Hall. For questions, call the Town Clerk's Office at 856-2210, Ext. 2.

Flo Santini, Town Clerk announced that the newly organized Senior Council was hosting a Thanksgiving Dinner on Saturday, November 17th at 3:00 p.m. in the Huguenot Fire House for the Seniors. If people need transportation, they'll provide it. If they need the meal delivered, they'll do that. They will advertise in the Post Offices and the Senior Clubs. For more information, call Gina Tenke, President at (845)313-2663 or Flo at 856-2210, Ext. 2. Councilman Trovei asked where they would be cooking and Ms. Santini responded it would be the Fire House. They are asking folks to RSVP by November 7th so they know how much to buy. Eventually, she added they would also do Spaghetti and Meatball dinner for a fund raiser. They plan to also do something for Christmas.

Motion to Approve Board Minutes from September 5, 2012

Motion by Karl Brabenec, 2nd by David Hoovler to approve Board Minutes from September 5, 2012 as written.

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

MOTION CARRIED

Public Comment (3 Minutes per Person/Agenda Items Only)

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Warren Cuddeback – He wanted to go on record opposing the issue of the junkyard license to BRIM. He spoke at the previous meeting and had nothing further to add to those comments. His attorney sent a letter listing the violations from a year and a half ago. He repeated that he was opposed to the issuance of a license. He asked what the stipulations were that were communicated to him. Councilman Hoovler suggested he wait. He spoke about zoning changes and if there was a Public Hearing proposed in the meeting, would they have a list of those changes available to the public. Supervisor Brabenec said that currently it was in DRAFT form and would have to be approved. Once it is approved, they will set a public hearing. Also, once it is approved, it will be made available to everyone.

Michael Murphy – He wanted to speak to the 9/11 Memorial and Flo's work with that event. He had attended the service each time since it was instituted. He responded as a paramedic to that scene about 4 hours after the first building went down. He returned four days later and spent 3 weeks. Seeing the devastation there, it is extremely important and he thought that Deerpark was one of the few municipalities retaining that tradition, thanks to Flo. For what he went through that day, he just wanted to thank her. Mr. Bavoso offered the scouts, along with a not-for-profit group he is involved with, to use the trails they are creating on his 50 acres. They are opening that up one week from today for the Delaware Valley School District, Port Jervis School District, Minisink Valley School District Scout Groups and 4-H Groups free of charge to use those trails or to use that property for any worthwhile purpose that any of those groups would be interested in. He then gave his card so they could contact him.

Board Business

Supervisor Brabenec presented the Zoning Update stating they could keep changing the DRAFT, or approve the DRAFT and move forward with the whole process. Once they approve the DRAFT, it would get sent to Orange County for review for their recommendations. They would be allowed 30 days to review it, and then they would send it back to us. With any change, there would be a public hearing, which could be set up at this time. Councilman Hoovler asked Al Fusco, Town Engineer if they needed the County's comments and Mr. Fusco said they need the 30 days to review it, before it can be approved. Mr. Fusco asked the Town to establish themselves as lead agency under SEQR. The supervisor asked if they needed a resolution, and he said they would.

Motion to Approve Resolution 34 of 2012 – Declaring Lead Agency Status for SEQR Re: Zoning Updates

Motion by Karl Brabenec, 2nd by Gary Spears, to approve Resolution 35 of 2012 Declaring Lead Agency status for SEQR Re: Zoning Updates

Discussion: Councilman Dean asked if they needed to approve the DRAFT before it can go to Public Hearing. Attorney, Bill Bavoso said that Mr. Fusco would furnish him a copy of the update. The last one they had was from June. Mr. Bavoso said he had to put that in Local Law form, which would not be difficult. He would then send them all copies of the proposed local law which would have this DRAFT as its attachment. He said then they would introduce the local law, and set a public hearing date. They can send a copy of the proposed updates under the general municipal law for their review to the county.

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

MOTION CARRIED

Motion to Send the Proposed Zoning Updates to the County

Motion by David Hoovler, 2nd by Gary Spears to send the proposed zoning updates to the County.

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

MOTION CARRIED

Councilman Spears asked if the zoning updates would be posted on the website, or if copies would be available for the public and the Supervisor answered that once it is introduced officially as local law, then they can put it on the website.

BRIM Recycling Update – Supervisor Brabenec reported a lengthy discussion on the temporary license at the last meeting. Al Fusco, Town Engineer gave an update on his findings from the past month.

Al Fusco made inspections the previous Friday and again today. Whereas they have done about 40% of the removal requested, outside the area of the original site plan, they had until October 6th to complete that work. It was not completed. At this time, it does not look as if they will get the debris and equipment outside the site plan removed within the allotted time period. They

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are making a good effort, but it has been a long time. They should have begun earlier. He said they mentioned having waivers previously, there is no record of that. Their fencing is acceptable off of Routes 211 and 209, but off of Jeb Road the fencing is minimal, as well as the vegetative buffer. If there was a heavy vegetative buffer it would meet the criteria. Basically, they will continue to monitor it until the 6th, but unless the Board takes any other action, they will get together with Mr. Bavoso and start the violations in town court. Supervisor Brabenec asked Mr. Bavoso if the October 6th date comes and the board does not action, what happens. Mr. Bavoso said they are acting past the previous license and their extensions were allowed for them to come into compliance with town code and zoning law and the junkyard law. He had a conversation with Councilman Hoovler who has been involved with monitoring this for some time now. He looked at his file and the documents in his file go back almost 18 months with regard to these issues based on the violations and non-compliance. It is a fact that in the 30 years of serving the town, they have several junkyard facilities within the town and believes they are necessary; however, all the other junkyards have complied. They can't wait any longer and he prepared a proposed resolution for them to require. He read what he proposed.

Motion to Approve Resolution 35 of 2012 – BRIM Recyclers, Inc. Failure to Comply

Motion by Karl Brabenec, 2nd by David Hoovler to approve Resolution 35 of 2012 – BRIM Recyclers, Inc. failure to comply directives of Town Officials.

Discussion: Councilman Hoovler had talked to both David Bavoso and Bill Bavoso to find out how long this saga has continued and thought Mr. Bavoso accurately conveyed that it has been 18 months. After looking at the reports from this last report and the first report--he had never seen such a willful disregard by anybody. His mind was made up. They aren't asking for anything difficult, just compliance and he is unwilling to do it. Councilman Spears said that October 6th the Building Department and the Attorney would take appropriate action. Supervisor Brabenec asked what action they should take if BRIM came into compliance by October 6th, since they didn't have another meeting scheduled before then. Mr. Bavoso said if they are in compliance and the Building Department, the Code Enforcement Officer and the Town Engineer all certify that, then they won't proceed. They are seeking compliance. There are penalties for non-compliance. Councilman Dean said it was a difficult situation when a business that employs people in this town and pays taxes in this town puts themselves and the livelihood of the people who work there at risk over non-compliance. It is also not fair for the other people in that business that have licenses in the town who keep their yards within the code—that's not right. As much as he finds this distasteful, he agreed to go along with it. His distaste is not geared toward any individual; it is in fact the flagrant disregard of what the rules are for everyone.

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

1 ABSTENTION: Arthur Trovei

MOTION CARRIED

Supervisor Brabenec read a letter from the Orange County Board of Elections in accordance with New York State Election Law 5-202 and the Presidential year, they set dates for local registration days Thursday, October 11, 2012 from 5:00 p.m. to 9:00 p.m. and Saturday, October 13, 2012 from 2:00 p.m. to 9:00 p.m. They need a public building.

Motion to Approve Town Hall for Voter Registration on October 11 and 13, 2012

Motion by Gary Spears, 2nd by David Dean to approve the Town Hall Building to be used for the purpose of Voter Registration as requested by the Orange County Board of Elections for Thursday, October 11, 2012 from 5:00 p.m. – 9:00 p.m. and Saturday, October 13, 2012 from 2:00 p.m. to 9:00 p.m.

Discussion: Councilman Dean asked if this was for the upcoming Presidential election and the supervisor responded it was. Councilman Dean then asked if they needed to present identification. Supervisor Brabenec said there was an identification section on the Voter Registration card and they will need to put either their social security number or driver's license number down. Councilman Dean asked if they need to have a photo I.D. in order to register to vote and the supervisor replied "not necessarily." Flo Santini, Town Clerk added that besides the two I.D.'s mentioned, they could also go in person and supply a bill to prove where they live and that is all they need to supply to register to vote. In signing the registration card, they are certifying to the best of their ability that what is on the form is true.

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

MOTION CARRIED

Supervisor Brabenec announced that all Town Offices will be closed in observance of Columbus Day, Monday, October 8th.

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Appropriations, Budget and Payment Bills

Supervisor Brabenec said they needed to set a date for the Budget Public Hearing. At the last Special Meeting of the Town Board, they went over the Supervisor's Tentative Budget and passed a preliminary budget which is now available at the Town Clerk's Office and will be available at our website. The next step in the process will be the Comptroller's Review. The Comptroller will be coming in next week to start reviewing everything and after their review, they will give their recommendations. Then, they need to have the Public Hearing. Historically they have held a Public Hearing on the Thursday after Election Day.

Motion to Set Budget Public Hearing for Thursday, November 8, 2012 at 7:30 p.m.

Motion by Gary Spears, 2nd by Arthur Trovei to set the Budget Public Hearing for Thursday, November 8, 2012 at 7:30 p.m.

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

MOTION CARRIED

Motion to Pay Bills for September 17, 2012 and October 1, 2012

Motion by Gary Spears, 2nd by David Hoovler to pay bills for September 17, 2012 and October 1, 2012 that have been signed by three council members, and may be viewed in the Town Clerk's Office.

General Fund Abstract #18 of 2012 for a total of \$149,216.43

Highway Fund Abstract #18 of 2012 for a total of \$31,483.84

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

MOTION CARRIED

Motion to Accept the September 2012 Budget Officer's Report

Motion by Arthur Trovei, 2nd by David Dean to accept the September 2012 Budget Officer's Report.

Discussion: Councilman Hoovler asked the Town Clerk about the Dog Licenses Fees and if she had a lot of extra dogs this year and she said no. Supervisor Brabenec stated they keep more of a percentage. Flo Santini added they took over the licensing from the state and it covers the mailing, printing, envelopes, etc. The Town keeps more of the income and the supervisor said they were at 116%.

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

MOTION CARRIED

Closing Board Comments

Councilman Spears wanted to congratulate both Norma Schadt for her program and the Cuddebackville Scout Troop and Eagle Scout Candidate for their work they have done around town. They really did an excellent job on them. They're bright and shiny and they stand out and people can really read them now. Also, he also congratulated Flo and agreed she often does a tremendous amount of work that goes unnoticed and it is an exceptional ceremony in Orange County and wanted to congratulate her on her years and years of hard work.

Councilman Trovei said kudos on Gary's statements, and he wanted to extend his condolences to the Decker family in their loss. Ross did a lot for the community in many different ways. He'll be missed.

Councilman Hoovler echoed Mr. Trovei with condolences to the Decker family. He then spoke to Flo and told her she did a wonderful job with the 9/11 ceremonies. He knows she plans it well in advance and that's why it is so good. He hopes everyone in town has an opportunity to look at the budget they recently passed. He also hoped people would come out to the Public Hearing if they have any questions on it. He'll look forward to any questions or comments the Comptroller's Office has. He thought everyone on the council did a wonderful job going through that budget and coming up with what they have proposed right now. He reminded the public to look at Space Park due to the many renovations done there recently by the Deerpark Recreation and volunteers. To date, there were 206 hours of community service performed by member so the Deerpark and Port Jervis community. They expect a lot more hours in the weeks, months and years to come. He thanked the individuals, the recreation committee, the Deerpark highway workers and the volunteers. Be careful in tree stands.

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Councilman Dean mentioned that the Bow Season was approaching and warned everyone to people to be safe and know what they were shooting at. He said to make sure and use their tree stand harness. He thanked Flo Santini for her hard work with the immense undertaking of the 9/11 Ceremony. He was glad she was recognized and thought she should be. People from all over the county attend. There was a new panel of artists pictures in the Town Hall people should come to see. He then thanked Al Fusco for all his hard work on the zoning changes, saying his office had been very responsive and thought they should move forward. Finally, he thanked the Supervisor for his hard work on the budget and thought people would find the budget fair. He added he thought they were in good shape.

Supervisor Brabenec thanked everyone who participated in the Frank Bigger Park Dedication. He said the council members, family and town officials along with Congresswoman Nan Hayworth attended. The congresswoman presented a flag to be flown there and many volunteers helped and donated to make the park so nice. He especially thanked the Highway Department for all they did to get the park in such good shape. Regarding Space Park, he thought it was absolutely fantastic for parents and children utilizing it and that it added good quality of life for everyone. He thanked all those who worked on it.

Motion to Enter Executive Session for the purpose of Discussing the Police Department Employment Issues at 8:30 p.m.

Motion by Karl Brabenec, 2nd by David Dean, to enter Executive Session for the purpose of discussing the Police Department employment issues and invite in Town Attorney, Bill Bavoso at 8:30 p.m.

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

MOTION CARRIED

Motion to Re-enter Regular Session at 9:30 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to re-enter Regular Session at 9:30 p.m.

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

MOTION CARRIED

Motion to Adjourn at 9:31 p.m.

Motion by Karl Brabenec, 2nd by David Hoovler to adjourn at 9:31 p.m.

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

MOTION CARRIED

Respectfully submitted by,

Florence T. Santini
Town Clerk