

TOWN OF DEERPARK BOARD MEETING
MONDAY, NOVEMBER 21, 2011
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: David Bavoso

Invocation: Arthur Trovei

Call to Order at 7:01 p.m.

Pledge of Allegiance by David Dean

Additions/Changes to Agenda – None

Public Hearing on Proposed Cable Franchise Agreement opened at 7:01 p.m.

Florence T. Santini, Town Clerk read the Notice of Public Hearing (Attached to the Official Minutes)

Supervisor Brabenec explained that this was concerning the franchise renewal agreement for Time Warner Cable. The last time this agreement was signed and approved by the Town Board was in 1984, which was good for 10 years. In 1994, it lapsed and has lapsed ever since. He thanked Councilman Dean, George Keller, Louise Vandermark and all the members of the Cable Commission.

Public Comment: Councilman Hoovler asked that the record reflect no one was there except the Town Board, the Clerk and the Town Attorney. Councilman Spears asked if this agreement was cleared through their legal counsel. Mr. Bavoso stated their office was primary in writing the agreement. They put together the first draft and negotiated the terms to the point where they are now. He didn't know if the supervisor wanted him to go through the most important terms, but they created an honest piece of agreement for ten years to allow the town to collect the maximum franchise fee available under the law, which currently the town is receiving 60% of what it would be receiving under this agreement. A number of other programs such as maintaining the equipment at Town Hall for the public access station and updates to that are also provided for in this agreement. Supervisor Brabenec added for the record, adoption of this agreement and adoption of this agreement by Time Warner and the New York State Public Service Commission, the town would realize a minimum of an extra \$40,000 a year in revenue.

Motion to Close Public Hearing at 7:05 p.m.

Motion by Gary Spears, 2nd by Arthur Trovei to close the Public Hearing at 7:05 p.m.

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

MOTION CARRIED

Motion to Recess Until 7:30 p.m.

Motion by Gary Spears, 2nd by David Hoovler to recess until 7:30 p.m.

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

MOTION CARRIED

Motion to Come Out of Recess at 7:07 p.m.

Motion by Karl Brabenec, 2nd by David Dean to come out of recess at 7:07 p.m.

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

MOTION CARRIED

Motion to Enter Executive Session for Purpose of Discussions for Litigation Re: Deerpark Village at 7:07 p.m.

Motion by Karl Brabenec, 2nd by David Dean to enter Executive Session for the purpose of discussions for litigation regarding Deerpark Village at 7:07 p.m., and invite in David Bavoso.

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

MOTION CARRIED

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Motion to Re-enter Regular Session at 7:17 p.m.

Motion by Karl Brabenec, 2nd by David Dean to re-enter Regular Session at 7:17 p.m.

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

MOTION CARRIED

Motion to Recess until 7:30 p.m.

Motion by Karl Brabenec, 2nd by David Hoovler to recess until 7:30 p.m.

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

MOTION CARRIED

7:30 – Out of Recess

Opening Board Comments – None

Presentations/Communications

Sonja Wagner, Executive Director of Jewish Family Services of Orange County made a presentation. She stated you do not have to be Jewish to receive their services—they were available for the whole community. She said they have been around for 27 years as an independent agency. They are a safety net for those trying to regain their footing including examples of single mothers trying to keep a roof over their heads, older person unable to get to the doctor or groceries, caregivers, etc. Brochures were made available. They have over 200 volunteers. They assess needs and provide practical and financial resources.

Supervisor Brabenec commented on how the Jewish Family Services had come to the aid of a Deerpark resident with a new washer and dryer after the flood. He also stated they would link up their website with the town's website so people can get the information. The entire board thanked her for coming.

Public Comment Period – None

Old Business – None

New Business

Motion to Adopt Resolution 42 of 2011 – Authorizing Supervisor to Sign Cable Franchise Agreement

Motion by David Hoovler, 2nd by David Dean to authorize the Supervisor to sign the Cable Franchise Agreement with Time Warner Cable.

Discussion: Supervisor Brabenec said it was long overdue and the last time one of these agreements was signed, was 1984. In 1994, it lapsed because it was a 10 year agreement and since then, the town has been continuously losing money every year. He thanked Councilman Dean, George Keller and Louise Vandermark for getting the ball rolling on this—they've done a fantastic job. The town will realize upon the signing of this 10 year agreement at a minimum, an extra \$40,000 a year in revenue. This is good news for the General Fund.

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

MOTION CARRIED

Motion to Adopt Resolution 43 of 2011 – Authorizing Supervisor to Sign Humane Society Contract for 2012

Motion by Gary Spears, 2nd by Arthur Trovei to adopt Resolution 43 of 2011 to authorize the Supervisor to sign the Humane Society contract for 2012.

Discussion: Supervisor Brabenec explained they did not sign an agreement for 2011; the last agreement signed was in 2010. The terms of that agreement moved over to 2011, but they wanted to renew with them. They help with the dog population. If the Dog Control Officer (DCO) picks up stray dogs he takes them in and this organization tries to find legal owners with the Town Clerk and DCO or find new homes for them. There were some changes from 2010 due to new town dog laws, rather than State Ag & Market dog laws, so there are a few changes. However, in 2010 and 2011 there was an annual payment of \$6,160.00 paid in two installments to them in May and November. The Town has given them a 2% increase. They requested more, but they are abiding by the New York State Tax Cap Law. So, they are only going up by 2%. The total now is \$6,284.00 to be paid in May and November. Councilman Dean asked if they also service Port Jervis, and the supervisor answered they were and they can serve Mount Hope. Councilman Hoovler said they take dogs from anywhere. Supervisor Brabenec added that they run on this contract and donations, and he doesn't know if Port Jervis has a contract with them or not.

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Councilman Dean thought it would be interesting to know whether Port Jervis contributes to their financial situation operation-wise. He asked if there was fee if they rescue dogs. Supervisor Brabenec said there are various donations for shots and things of that nature. There are also fees through the Town Clerk's Office Councilman Dean asked Attorney Bavoso if the city of Port Jervis helps support them financially. David Bavoso agreed to find out.

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

MOTION CARRIED

Councilman Hoovler, Recreation Committee Liaison, reported on the NYMIR survey done of the park a year and a half ago and Space Park needed some serious renovations regarding playground equipment and bringing it up to speed to be of use for the community. It is pretty run down. The two ball parks are unkempt and unused and need improvements. He has put together a Request For Proposal (RFP) and it was delivered to the Town Clerk dated November 10, 2011. The proposal was for bleachers to be put around the ball fields and perspective football fields that will be built down there. He requested six three rowed 27 foot in length, aluminum bleachers that must be 2006 International Building Code Compliant and seat at least 54 people per set. He also sent out for six 15 foot aluminum players' benches portable that can be placed around for baseball players, football players or soccer players. The RFP asked for bids to be in unassembled condition and to be delivered FOB to Deerpark. On November 10th, they received 3 quotes. First is from Highland Products Group in Boca Raton, Florida. They make park equipment and their quote was #SQ-014023 dated November 10th for \$11,512.50; second response was from APARK.com located in Tampa, Florida and their bid was for the same type of bleachers for \$12,564.00; and the third response was from Aluminum Bleachers Direct in Crestwood, Kentucky was for the same bleachers for \$10,260.00. The RFP meets the town's purchasing policy under Section 70, it is in writing, there are three written responses to it.

Motion to Accept the Proposal from Aluminum Bleachers Direct

Motion by David Hoovler, 2nd by Gary Spears to accept the proposal from Aluminum Bleachers Direct at 7207 Kavanaugh Road, Crestwood, KY 40014 to deliver the products requested at the price of \$10,260.00 or less, based upon the RFP.

Discussion: Councilman Spears inquired as to the specific weight of the bleachers and Councilman Hoovler said they were about 800 pounds when assembled. Councilman Spears said they would need to be moving them during the three major community sports providers (Little League, Youth Soccer and Youth Football) in each season to their proper fields. The player's benches also would need to be moved. He thought that was a good purchase and would help those three organizations. He also said that is where they should be putting some of their resources. Councilman Dean asked how they were paying for this and Councilman Hoovler said it would come from the Recreation/Park. Councilman Dean asked if they had funding there and the Supervisor said they did. Supervisor Brabenec thought it was a good thing for the kids and enhances Space Park as well. Councilman Spears said they need improvement before they can be utilized. This is the first step. Councilman Hoovler said if you look at what is on file in Space Park, the ball fields have fallen into a dilapidated state. Then, as NYMIR said, turning it into a park that is useful for youth activities and getting it up to code where it should be. NYMIR stands for New York Insurance Reciprocal – they are the town's primary insurance company. They have a division that is risk management and every two years they conduct a survey of town buildings and parks. Basically, they give recommendations for insurance. Councilman Dean said they save a lot of money on their premiums just by having NYMIR come to the town and by their responding to their suggestions. Councilman Hoovler said he thought they saved an immediate \$2,500 by taking their recommendations. Councilman Dean said this was a strong argument for the improvement of the ball fields, to keep up with this so when NYMIR conducts surveys and they see the progress, and it keeps reducing the costs for the tax payers. Councilman Spears noted that the top of all the chain linked fences need to have that round protective coats on those. He asked Councilman Hoovler to get some quotes by the next meeting. Councilman Hoovler pulled the NYMIR report and will systematically go through the list and try to have RFP's out for all the items they need to get them in shape for the spring.

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

MOTION CARRIED

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 #22 of 2011 for a total of \$69,916.01

General Fund Abstract #22-A of 2011 for Fusco Engineering – a total of \$30,285.75

Highway Fund Abstract #22 of 2011 for a total of \$74,365.56

Street Lighting Abstract Deerpark Manor #11 of 2011 for a total of #375.96

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MOTION CARRIED

Closing Board Comments

Councilman Spears thanked the Cable Commission and Councilman Dean for finally getting that up to snuff and for their years' work. The extra finances that will come into the town's tax payers were well worth your effort and he wanted to thank them. He thanked Sonja Wagner and the work she does in the area too. He knows there are residents who could benefit from her services. He hoped they would keep some brochures out for people to have. He thanked Councilman Hoovler for his work on the insurance and the parks because they have great possibilities for the town parks.

Councilman Trovei agreed with Councilman Spears. He thanked Councilman Dean for being the money gatherer for the Town of Deerpark and he hoped everyone appreciated all he had done. He thanked him for what he did with the Pipeline when they were going to give \$20,000, but he got \$160,000. Everybody forgot about the Cable Commission, and hundreds of thousands of dollars and now he got the town back in the game again. He thanked Councilman Hoovler for his continuing efforts for recreation and the kids.

Councilman Dean appreciated the kind words. He thanked George Keller and Louise Vandermark from the Cable Commission. They had some ups and downs, agreements and disagreements and everybody did a lot of work. George Keller did an extraordinary amount of research on this and not everybody was happy with the final result was, but that was negotiation. This is a good thing for the town and will bring in revenue for the people. He thanked Councilman Hoovler for his work with the parks. This is very important and he has taken the NYMIR recommendations to heart and this will generate revenue for the town. It is very important. It has been an eye opening experience. He wanted to remind the audience that they work very hard to hold the line on spending to keep the taxes low, but he would encourage them to watch very closely the Port Jervis School system and keep a close eye on the discussions about to start concerning their budget. The word is that there's absolutely no way they can live in the 2%. The Super Committee (federal government) couldn't even cut 10 cents. He urged everyone to attend the School Board meetings and voice their opinions because it was their money and 76% of their tax bill.

Councilman Hoovler thanked Councilman Dean for the close to \$500,000 saved or brought into the town the past two years. He thought the amount lost without a cable contract was close to \$800,000 over the years. He wished everyone safe hunting. Finally, he pointed out that Times Herald Record noted the Town of Deerpark under the 2% cap and he knows that Norma Schadt is looking for those wanting an Eagle Scout project, involving some historian work. They don't have to live in Deerpark.

Supervisor Brabenec wished everyone a happy and healthy Thanksgiving. The Town Hall would be closed on Thursday for Thanksgiving.

Motion to Adjourn at 8:05 p.m.

Motion by Arthur Trovei, 2nd by Gary Spears to adjourn the meeting at 8:05 p.m.

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

MOTION CARRIED

Respectfully submitted,

Florence T. Santini
Town Clerk