

TOWN OF DEERPARK BOARD MEETING
MONDAY, DECEMBER 5, 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: Reverend Wildeman

Call to Order at 7:36 p.m.

Pledge of Allegiance by David Hoovler

Moment of Silence for: Michelle Storms, Judith Caliciotti and Assemblyman Thomas Kirwan.

Additions/Changes to Agenda – None

Opening Board Comments

Councilman Trovei expressed sympathy to John Storms and his family for the loss of his wife and wished God's blessings on him and his family during this terrible time.

Councilman Hoovler reminded everyone that Home Energy Assistance Program (HEAP) program through the county, was accepting applications. They are also doing the Winter Weatherization Assistance Referral (WWAR) where they will put plastic over the windows. If anyone is interested, they should contact the Supervisor.

Presentations/Communications

Robert Wilcox, Assessor gave an update on their progress with data collection. They currently are through Section 38 of the residential properties. They took some time out to catch up to their normal obligations, so they expect to finish the residential side of things sometimes this spring. They are guessing around April or May. After that, they plan to make appointments to going to the commercial properties to collect data. They should be all through with the entire town and all parcels by the end of 2012. At that point, the counties website should all be updated with accurate data. Regarding small claims, they had a total of 18 SCAR cases filed, all with the same group, Empire Tax Reductions and they were notified this year they were to settle without going to trial if at all possible. He recently reached out to them both verbally and in writing, requesting any kind of supportive documentation for the numbers they put down in petition. They told him it should be about a month to 6 weeks. He hopes they will settle early next year. Councilman Spears inquired if the 18 SCARS that filed together presented information up front, or just file. Mr. Wilcox stated they just filed. He added that half of them were reduced by Board of Assessment Review and they still came and filed the SCAR petition with no supporting documentation. It is very unclear where they are coming up with their numbers. Councilman Spears asked if it was customary that they need to file some supporting documentation when they file. Mr. Wilcox didn't believe they needed to when they file, but they need to in the pre-trial hearings. Councilman Dean asked if they have all been notified they need to provide supporting documentation. Mr. Wilcox said they were, and they were all out of Long Island and they hadn't started anything on them yet. That was about 3 weeks ago. He thought there were maybe five out of 18 that have a little bit of wiggle room. Basically, they are trying to cut everything in half. Councilman Trovei asked where they started from and Mr. Wilcox said they started with Section 1 in the Residential properties. They have been taking photos, re-measuring, verifying inside data with a verbal interview with the homeowner. He thanked the residents of the town for their understanding and cooperation. He feels the residents realize that having accurate data is important for equitability. Councilman Spears asked if all this information would be on the computer and he confirmed it would be on the county website and Image Mate. Most of the information is available now. They are updating pictures and sketches. Not all the data collected is on the website yet, but they are making progress.

Supervisor Brabenec said Rob Wilcox was doing a fantastic job updating records for the first time in many years. The team working with him was doing a great job too.

Motion to Add to Agenda Insurance Update from NYMIR – Risk Management Under New Business

Motion by David Hoovler, 2nd by Gary Spears to add to the agenda Insurance Update from NYMIR – Risk Management under New Business for a brief discussion of outstanding claims.

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

MOTION CARRIED

Motion to Approve Board Minutes for November 7, November 10 Public Hearing and November 21, 2011

Motion by Gary Spears, 2nd by Arthur Trovei to approve Board Minutes for November 7, November 10 Public Hearing and November 21, 2011 as written.

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

MOTION CARRIED

Public Comment Period – None

Old Business – None

New Business

Florence Santini, Town Clerk announced the *Annual Holiday Light House Contest*, stating that Deerpark residents who decorate their home should call the Town Clerk's Office (856-2210, Ext. 2) to enter their house. The cut-off date will be December 15th. That weekend judges will drive around at night and announce three or four winners at the Board Meeting on December 19th. They will have prizes. They should call with their phone number and address.

Supervisor Brabenec mentioned the *UDSB Grant Opportunity*, which was brought to his attention from Burt Thelander. He learned of it regarding the New York State deadline has been set for midnight on Monday, December 19, 2011. The federal share payable would be 80% with an exception. Dave Church, Orange County Planning Commissioner and the County Planning Department has informed him of an application that has been forwarded to seek approval funding to purchase the Sparrowbush property, a collaboration with or County Land Trust Open Space Institute or the County Planning Department. He believes the grant opportunity may be an opportunity to supplement the New York State Application for acquisition funds for the Sparrowbush property (Beach No. 2 near Hook Road). He continued to read the email letter and from Mr. Thelander and Mr. Church. That property is definitely a gem and there have been problems there as far as garbage and gaining activity over the summer and if the county has more control over that, they may be able to do some things with that. He also said the National Park Service is working on trying to get something together to move the boundary line to include the beach. That has to go through the United States Congress. Once the boundary is changed, they would be eligible for more funding to support Police controls and garbage clean up. New York State DEC is funding a boat launch and dumpsters there for cleanup. The county is looking at doing this. They don't want to own the property, but purchase the property for public use. Then, they would want to partner with the town to either giving it to the town at some point, or working on a partnership with the county on maintaining these lands.

Councilman Dean asked if they had a serious discussion with Mr. Ridley. Supervisor Brabenec said no. Councilman Dean thought since he is the private property owner...then noted that there were several items where that grant money could be used in conjunction with or prior to purchase the land. He thought there was a planning aspect, transportation, and a list of multiples to deal with. He asked if Mr. Ridley was going to be amiable to selling the property to the county, who doesn't want to own it. It is a gem and needs to be preserved; however, he thought the grant should be specified so it doesn't necessarily isn't just used to try to buy the property. He thought the planning part of it is a good thing to lead to a possible solution. It doesn't say how much the money is. He thought they should talk to Mr. Ridley. Supervisor Brabenec said they would definitely need to talk to him about the purchase and he has been trying to sell the property for a number of years and they do want to maintain it for public safety because the Sparrowbush Fire Department uses it for rescues. Councilman Spears asked if he had any idea how much the grant could be for, but the Supervisor did not know. Councilman Trovei asked what the costs were to apply for it. Supervisor Brabenec thought they were looking for a general motion of support of the application and do what we can in the application process. Councilman Hoovler didn't care for the town having ownership due to needing a lifeguard, water safety instructor, etc. Swim at your own risk is a better way to go. At the same time, they need to maintain it for Sparrowbush Fire Department to get ingress and egress to the river. Generally speaking, Mr. Ridley wanted \$2 million and the property is valued at \$660,000. He didn't know how that would work. Councilman Trovei thought \$660,000 was a high amount. Councilman Spears thought they could apply for a grant for the planning part, then speak with Mr. Ridley, Dave Church and Open Space and see if they can get more thoughts on it. Due to having a deadline, they should apply for some grant for planning because they'll need an expert to guide them through that.

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Motion to Support UDSB Grant Application from Orange County

Motion by Karl Brabenec, 2nd by Gary Spears to support the UDSB (Upper Delaware Scenic Byway) Grant Application from Orange County and do what they can to assist in that grant.

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

MOTION CARRIED

Supervisor Brabenec mentioned that many terms were up soon as in the Planning Board, Zoning Board. These positions come up every year and they don't know if the incumbent would be applying for it. Positions were open on the Board of Assessment Review, Recreation Committee, Ethics Committee, Police Commission along with various other boards, committees such as the Community Development Task Force and Veterans Committee. The committees are also on the website and he would like to advertise there. He asked if anyone had any other ideas. Councilman Spears thought they should notify the current board/committee members so they know that their term is up and they need to reapply. The Supervisor said it was standard and Flo Santini had probably already done it. Supervisor Brabenec added the Upper Delaware Scenic Byway (UDSB) committee as having two spots and they meet in Narrowsburg, New York. Also, there was the Upper Delaware Council (UDC), which was similar but the UDSB was State and the UDC was Federal.

Motion to Advertise Board/Committee Positions and Notify All Incumbents of Position Expirations

Motion by Karl Brabenec, 2nd by Gary Spears to advertise board and committee positions and notify all incumbents of their position expirations.

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

MOTION CARRIED

Councilman Hoovler reported on the loss run or claims against the town that presently exist from NYMIR and Wright Risk Management, the company the town works closely with regarding their liability. They have three current open claims. The first is from March 2010, a gender discrimination claim. It is not a town claim, it relates to the Cuddebackville Fire Department. It has resulted in \$4,213.98 in expense with an outstanding amount put aside in case they need it of \$10,786.02. That claim is close to being closed. The second claim involves two people: Daniel A. Cea and Ray Bowley vs. the Town of Deerpark. It is a free speech claim that emanates from the Public Access Station which is in Port Jervis that the town does not fund or have anything to do with, but are being sued. They expended \$2,095.50 and their outstanding reserve is \$35,000 with a net of \$37,095.00 that the insurance company and the town would be liable to pay. They pay \$25,000 if necessary. The third claim outstanding relates to land use. Deerpark Village and Associates is over 20 years' worth of litigation. They re-filed a notice of claim regarding the incident on November 18, 2011. There have been no expenses on that to date. They are putting aside \$12,500 for that potential litigation. In total, they are putting aside about \$10,786, \$37,000 for another and \$12,500 for the third. All pretty standard, but still a tremendous amount of money. The park improvements that were undertaken have really reduced their risk, as well as passing the Workplace Violence Prevention Act they did last year. Councilman Spears asked, since they had nothing to do with Access 23, was there any way they could recoup some of the tax payers money that has been spent for this frivolous law suit. Councilman Hoovler deferred that to the town attorney, but they have a deductible that needs to be paid regardless of the claim and there are also times they are responsible for certain expenses related to the claim also. The attorney, David Bavoso offered to look into it. Councilman Spears asked him to look into recouping some of the money for the tax payers and report back. Councilman Dean asked if some of those claims were from the same claimant over a number of years. Councilman Hoovler said in regards to Deerpark Village, yes—they've made multiple claims over 20 years. Councilman Dean asked regarding the TV station one of the claimants involved in that also had claims against the town and it was confirmed. If the same individuals continue to have this kind of behavior, isn't it time to go after them? The tax payers are spending this money for the same people over and over for frivolous lawsuits that have no merit. Councilman Trovei added that these are members of the town that are costing their fellow neighbors additional money. Councilman Hoovler said this is what people need to know. Councilman Dean continued with these people are the ones claiming the taxes are too high in the town, and they are causing them to go higher. Councilman Hoovler said that each \$25,000 costs 1%. All councilmen were in agreement for Mr. Bavoso to see what they could do.

Appropriations, Budget and Payment of Bills

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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 #23 of 2011 for a total of \$125,766.22

Highway Fund Abstract #23 of 2011 for a total of \$146,244.67

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

MOTION CARRIED

Supervisor Brabenec presented his Budget Officers Report which provided year-to-date information up to that day, December 5th and encouraged the board to look through for the Special Meeting at the end of the month to close up the books for 2011 (probably December 30th). They would need to make adjustments at that meeting so everything balances out. They would need a quorum, could meet during the afternoon and would need a motion to do that at the next board meeting.

Motion to Accept the Budget Officers Report for November 2011

Motion by David Hoovler, 2nd by Gary Spears to accept the Budget Officer's Report for November 2011.

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

MOTION CARRIED

Closing Board Comments

Councilman Spears wanted to reiterate Councilman Trovei's comments of sympathy on the passing of Michelle Storms and her family. He hoped everyone would keep them in their prayers this coming week.

Councilman Trovei agreed and coming into Christmas with this loss is tough. He expressed appreciation for Rev. Wildeman's prayers.

Councilman Dean also expressed condolences to the Storms family and hoped they found peace knowing this was a difficult time for them. He reported that when at the UDC council meeting Thursday, they were notified that the Executive Director, Bill Douglas was going to retire from the council on January 1, 2012 and he mentioned he had been there 22 years and was going to take time now to enjoy his retirement with family.

Councilman Hoovler expressed his sympathies to the Storms family and thought it was very terrible to lose someone so young. He pointed out that in January they would present their multi-year plan for the next three years of what they project their revenues and expenses would be based on historical trends, and based on information they get from consumer price index, as well as their vendors. They use the budget reports from the Supervisor. The profit and loss statement for the town is 46 pages long and has every expense the town had for the entire year and is very useful and would be available in the Town Clerk's Office. He wished everyone a Merry Christmas and New Year.

Supervisor Brabenec expressed his sympathy to the Storms family also. He said Michelle was an excellent person and would definitely be missed. He also said the former Orange County Sheriff and Zoning Board Chairman, Frank Bigger was in the hospital and on dialysis. He needs prayer and they hope he gets through this.

Florence Santini, Town Clerk reported having been to a New York State District Leaders - Town Clerks Conference over the weekend. They had a meeting with the Cemeteries and AVC Board, which was enlightening. They were given notice that in September, they passed a law that liquor license renewals are bypassing town/village/city boards for permission. The only time these boards would see a liquor license is for new licenses. They eliminated this aspect due to retirements in the state and less people to follow up on these things.

Motion to Enter Executive Session for Tax Certiorari Hearings for Garden Homes vs. the Town of Deerpark at 8:20

p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to enter Executive Session for the purpose of Tax Certiorari Hearing for Garden Homes vs. the Town of Deerpark, and invite in the town attorney at 8:20 p.m.

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 8:35 p.m.

Motion by Gary Spears, 2nd by Karl Brabenec to re-enter regular session at 8:35 p.m.

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

MOTION CARRIED

Motion to Adjourn the meeting at 8:36 p.m.

Motion by Karl Brabenec, 2nd by Gary Spears to adjourn the meeting at 8:36 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