

**TOWN OF DEERPARK  
TOWN BOARD MEETING  
MONDAY, MARCH 31, 2008**

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

**Attendance:**

**Supervisor:** Gary Flieger

**Councilmember's:** Liam O'Neill, Robert Cunningham, Karl Brabenec, and Viola Sinsabaugh

**Also In Attendance:**

**Attorney:** Glen Plotsky

**Call to Order 7:00PM**

**Pledge of Allegiance**

**1. Bids for Removal of Mobile Home:**

Gary Flieger: I want to open this up with looking at the bids for removal of the trailer. Robert Cunningham: We've got different kinds of bids, some of them went to see Bob Emerson and Bob told them that all the buildings need to be taken down, but the bids should have just been for taking down the trailer, nothing else. So I don't know if we should act on this or not, they were given different information. Glen Plotsky: I think you have to clarify it; I think have to make sure that everybody was acting on the same information. Robert Cunningham: Well they're not. Glen Plotsky: Whether it's just to take down the trailer or whether it's to take down everything. Gary Flieger: So what you're saying is we're going to have to re-advertise or just call the people that participated? Glen Plotsky: I wouldn't do anything by telephone, I would write to the people who submitted and say we understand there may have been confusion about the bids, you submitted a bid and this is what we want a bid for, and write down exactly what it is you want and ask them to resubmit and give them a new deadline, in other words you have to do everything all over, I don't think you have to re-publish because you already published once and you did receive bids from people, so as long as you afford all of those people who actually did a bid. Robert Cunningham: There are a couple of them who did bid it correctly for just taking down the trailer. Glen Plotsky: Well what you should do is you should write to them to confirm that the bid is this to do this. Gary Flieger: I will write this up tomorrow and give it to Flo because there's parts of this thing that has to take place and there's stuff that was not in there to begin with that should have been. Flo Santini: We should draft a letter and send it to the Attorney to review first.

**2. Racetrack License:**

Robert Cunningham: Did the Building Inspector do his inspection and recommend we issue the license?

Flo Santini: Yes, read the letter from the Building Inspector.

**Motion to issue License for Oakland Valley Raceway**

Motion made by Robert Cunningham, 2<sup>nd</sup> by Viola Sinsabaugh, to authorize the Town Clerk to issue the yearly license to Oakland Valley Raceway.

**VOTE: 5 AYES Robert Cunningham, Karl Brabenec, Liam O'Neill, Viola Sinsabaugh and Gary Flieger**

**MOTION CARRIED**

**3. Junkyard Licenses:**

**Motion to approve Junkyard License**

Motion made by Liam O'Neill, 2<sup>nd</sup> by Viola Sinsabaugh, that per Building Inspector Robert Emerson's recommendation we approve the Junkyard License for Brim Recyclers, Inc. for 2008.

**VOTE: 5 AYES Robert Cunningham, Karl Brabenec, Liam O'Neill, Viola Sinsabaugh and Gary Flieger**

**MOTION CARRIED**

**Motion to approve Junkyard License**

Motion made by Liam O'Neill, 2<sup>nd</sup> by Karl Brabenec, that per Building Inspector Robert Emerson's recommendation we approve the Junkyard License for Tenke's Garage for 2008.

**VOTE: 5 AYES Robert Cunningham, Karl Brabenec, Liam O'Neill, Viola Sinsabaugh and Gary Flieger**

**MOTION CARRIED**

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**Motion to approve Junkyard License**

Motion made by Liam O'Neill, 2<sup>nd</sup> by Karl Brabenec, that per Building Inspector Robert Emerson's recommendation we approve the Junkyard License for Eckes Auto Body at 787 Route 42 for 2008.

**VOTE: 5 AYES Robert Cunningham, Karl Brabenec, Liam O'Neill, Viola Sinsabaugh and Gary Flieger**

**MOTION CARRIED**

**Motion to approve Junkyard License**

Motion made by Karl Brabenec, 2<sup>nd</sup> by Robert Cunningham, that per Building Inspector Robert Emerson's recommendation we approve the Junkyard License for Eckes Auto Body on Upper Brook Rd. for 2008.

**VOTE: 5 AYES Robert Cunningham, Karl Brabenec, Liam O'Neill, Viola Sinsabaugh and Gary Flieger**

**MOTION CARRIED**

**Motion to approve Junkyard License**

Motion made by Karl Brabenec, 2<sup>nd</sup> by Viola Sinsabaugh, that per Building Inspector Robert Emerson's recommendation we approve the Junkyard License for Muller's Auto Body for 2008.

**VOTE: 5 AYES Robert Cunningham, Karl Brabenec, Liam O'Neill, Viola Sinsabaugh and Gary Flieger**

**MOTION CARRIED**

**Motion to approve Junkyard License**

Motion made by Karl Brabenec, 2<sup>nd</sup> by Viola Sinsabaugh, that per Building Inspector Robert Emerson's recommendation we approve the Junkyard License for Arthur Trovei & Sons, Inc. for 2008.

**VOTE: 5 AYES Robert Cunningham, Karl Brabenec, Liam O'Neill, Viola Sinsabaugh and Gary Flieger**

**MOTION CARRIED**

**4. Dog Control Officer:**

Flo Santini: Did you want me to post this, put it in the paper, for the opening for Dog Control Officer from last week?

Gary Flieger: I've got to get a hold of Port Jervis, I'd like to discuss with them to see if we can't come up with a shared service on this. We do have some issues on that, we have a Dog Control Officer in our town, Port Jervis has an Animal Control Officer. Vi if you're up to it would you please explain the difference on this.

Viola Sinsabaugh: A dog control officer can only handle dogs, period. An animal control officer can handle cats, dogs, horses, and any kind of animal. Normally your animal control officer is trained, highly trained, they can also work with tranquilizing guns and all that stuff; an animal control officer is a good thing to have, the problem is to find somebody qualified or to train that person it's going to cost you a buck; also one thing we should be remembering in dog control, whoever you're getting should have the anti rabies vaccine, whatever person you're hiring, and that can go anywhere from \$250 on up depending. Gary Flieger: That would apply to either job. Viola Sinsabaugh: Yes, either job. Your idea of shared services is a very good idea, the problem being there is they don't even have anyone in Port Jervis right now and they're searching. Gary Flieger: The biggest problem is your not generating enough work in one community to really interest someone in the job; and by doing the shared services with both it helps out. Where you get yourself in trouble with it if we go to animal control we're going to, right now if someone comes up and says I have a skunk in my backyard we say so what you live in the woods, if we have an animal control officer that animal control officer is going to be paid by you to look at the skunk in someone's backyard. In Port Jervis they have those issues, in the town we don't have those issues because we don't address it, unless the critter is walking around in circles in your backyard and looking stupid as if he's got rabies or something and then it becomes a DEC matter, not an animal control officer issue. So it could be an additional expense that I don't think we should get involved in but I do want to sit down with Gary and bring all these little ideas out and there are companies out there that does do this and maybe we should be looking into adopting their services.

Viola Sinsabaugh: I also have another suggestion, I did talk to Bill Lloyd and he said that he knew somebody that might be interested and he would get back to me, he didn't get back to me and I don't know if it's because they are not interested or whatever, but it would be good to call Bill anyway. Gary Flieger: Bill would probably be an excellent source to bring to our meeting. Viola Sinsabaugh: Mainly people who work with animals, like in shelters, would be a good line to follow, and Bill might be able to give you some recommendations. Gary Flieger: Our biggest problem is it is actually a 24 hour job, you're on call 24/7 and it seems that your key times are just about supper time and on Saturday and Sunday, so it's very hard to keep people interested in the job. Viola Sinsabaugh: I think the one thing we should be looking at no matter what, you hear people saying oh I have time, I'm retired, I'm this, I'm that, they have all the answers as to why they should have the job, I think we need to have somebody who can fill the time, they need to have the time, sometimes a retired person could do a good job, they need to have the time, if they're working 8 hours a day at a regular job it's not going to work.

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**5. Accept donation:**

**Motion to accept donation**

Motion made by Gary Flieger, 2<sup>nd</sup> by Karl Brabenec, to accept the donation of a filing cabinet from the Orange County Sheriff's Office to the Town Clerk, and to have the Town Clerk send a letter of thanks.

**VOTE: 5 AYES Robert Cunningham, Karl Brabenec, Liam O'Neill, Viola Sinsabaugh and Gary Flieger**

**MOTION CARRIED**

**6. POW'R Against Tobacco Resolution:**

Liam O'Neill read Resolution #9-2008, Tobacco Point of Purchase Resolution

**Motion to adopt Resolution #9-2008**

Motion made by Liam O'Neill, 2<sup>nd</sup> by Robert Cunningham, to adopt Resolution #9-2008, Tobacco Point of Purchase Resolution.

**Discussion:** Viola Sinsabaugh: I don't smoke, I don't allow it in my home, but I don't feel that we should be regulating what a store does because that's the store's business, if they want to sell cigarettes they're going to sell them whether they have advertising up or not, if a kid wants a cigarette he's going to go home and take it out of the parents pack, the parents are smoking, the relatives are smoking, everybody is doing their thing; so I don't feel that just telling a store you can not have advertisement up is going to be the deterrent to the children, I believe the deterrent should start in their home, and that's my opinion, I am not for regulating any store as to what they can put in their store. Karl Brabenec: It's very well intentioned but where do you go next, because alcohol is also bad for you, so are we going to pass a resolution encouraging them not to sell alcohol or eating too many Twinkies is bad for you so lets pass a resolution to stop eating Twinkies or eating too much red meat you could get too much cholesterol so let's pass a resolution for that, I think it's a slippery slope kind of thing, and I don't know if it's right. Gary Flieger: Before the meeting we asked Glen what power the town has over the stores to regulate them, there is no regulation over the stores, so if there's no regulation over the stores then we're only supporting the fact of non-advertising. Glen Plotsky: It's not that there are no regulations over a store, but this resolution is not creating any new rules or regulations relative to the stores, it is saying that you support law enforcement in their effort to enforce all rules, regulations whether they be State, Local or Federal, and we are supportive of the idea that stores should to an extent possible not direct the advertising towards children, but this is not creating any new regulation. Liam O'Neill: Teddy Roosevelt was the first of the progressives and he regulated meat industry and regulated New York tenement housing and what not and that kind of set the precedence for an air in United States Government where Government would set regulations on certain things and it would go into peoples private lives, and this is a precedent that's been set for last 100 plus years. Gary Flieger: I'm under the impression that this is to deter the stores from targeting young people to get them started.

**VOTE: 3 AYES: Robert Cunningham, Liam O'Neill and Gary Flieger**

**2 NO'S: Viola Sinsabaugh and Karl Brabenec**

**MOTION CARRIED**

**7. Jack Stack-Huguenot Hotel property:**

Gary Flieger: There's a couple of things that I have that I'll be talking about this week, we have Jack Stack with the Huguenot Hotel property, we were looking at that project going forward, he's gotten some bad news, the density is an extreme problem for him to want to go forward, but what is happening is the person that is selling it has shortened the time frame that he can purchase it in and he won't renew that option without a large chunk of money up front; I'm going to talk to Skip tomorrow morning about this subject.

**8. Executive Session-Litigation:**

**Motion to enter Executive Session 7:40PM**

Motion made by Karl Brabenec, 2<sup>nd</sup> by Robert Cunningham, to enter Executive Session for the purpose of discussing litigation, Leith vs. Town of Deerpark, Lombardi vs. Town of Deerpark, and to invite the Town Attorney.

**VOTE: 5 AYES Robert Cunningham, Karl Brabenec, Liam O'Neill, Viola Sinsabaugh and Gary Flieger**

**MOTION CARRIED**

**Motion to end Executive Session 8:45PM**

Motion made by Karl Brabenec, 2<sup>nd</sup> by Liam O'Neill, to end Executive Session and re-enter Regular Session.

**VOTE: 5 AYES Robert Cunningham, Karl Brabenec, Liam O'Neill, Viola Sinsabaugh and Gary Flieger**

**MOTION CARRIED**

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**Motion to negotiate settlement**

Motion made by Liam O'Neill, 2<sup>nd</sup> by Karl Brabenec, to authorize Glen Plotsky and/or John Walsh to commence negotiations for a settlement in the case involving Lombardi vs. the Town of Deerpark.

**VOTE: 4 AYES Robert Cunningham, Karl Brabenec, Liam O'Neill and Viola Sinsabaugh**

**1 ABSTAINS: Gary Flieger**

**MOTION CARRIED**

**Motion to adjourn 8:50PM**

Motion made by Liam O'Neill, 2<sup>nd</sup> by Viola Sinsabaugh, to adjourn the meeting.

**VOTE: 5 AYES Robert Cunningham, Karl Brabenec, Liam O'Neill, Viola Sinsabaugh and Gary Flieger**

**MOTION CARRIED**

Respectfully submitted by,

Florence T. Santini  
Town Clerk