

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, FEBRUARY 23, 2009**

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

Attendance:

Supervisor: Gary Flieger

Councilmember's: Liam O'Neill, Viola Sinsabaugh, Karl Brabenec and Gary Spears

Attorney: Glen Plotsky

Call to Order 7:30PM

Pledge of Allegiance

Supervisor's Opening Remarks:

First I'd like to welcome Gary Spears to the Board, it's nice to have a full board again. We have several things that we're going to have to add to the agenda that are not on it;

- Application from Frank Bigger for Police Commission
- Tow Truck Policy
- Website Agreement
- Letter from Tri-State Chamber of Commerce
- Resolution regarding Elected versus Appointed Town Clerk position
- Resolution regarding opposition of the proposed MTA Tax

Motion to approve minutes

Motion made by Karl Brabenec, 2nd by Liam O'Neill, to approve the minutes from January 26, 30, 2009.

VOTE: 4 AYES: Viola Sinsabaugh, Karl Brabenec, Liam O'Neill and Gary Flieger

1 ABSTAINS: Gary Spears

MOTION CARRIED

Motion to pay bills

Motion made by Karl Brabenec, 2nd by Liam O'Neill, to pay the bills that contain the signature or initials of at least three councilmember's the approval for payment section of the voucher or purchase order.

Discussion: Viola Sinsabaugh: I have a question on one of the bills, Flo perhaps you can help me with this, there is a voucher put in for expenses that went to the Association of Towns and there's two receipts in there and they just have an amount but nothing else, they are \$30.00 each. **Flo Santini:** That's for lunches on Monday and Tuesday at the hospitality suite that the Town didn't pay for. **Viola Sinsabaugh:** Okay, it's just that there wasn't anything specific on there, it's just a receipt that says lunch \$30.00 and then the very next day there's another receipt for the exact same thing but the receipt numbers are only one digit off and I was just wondering how you could go somewhere to eat one day and then go back the next day and get the very next receipt number. **Flo Santini:** Because when I went there I said I want two check slips and I'm putting in for lunches here for the two days, I wasn't going to be embarrassed going there, and if you see what we spent for breakfast, \$30.00 donation to that place for lunch was a steal.

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

MOTION CARRIED

General Fund Abstract # 3 Voucher #'s 87-116 in the amount of \$155,905.35

Highway Fund Abstract # 3 Voucher #'s 47-69 in the amount of \$112,964.88

Engineer Fees Abstract # 3 Voucher #'s 6-7 in the amount of \$1,221.25

Street Lights Abstract # 2 Voucher # 2 in the amount of \$270.90

Public Comment – 3 minutes on Agenda items only:

George Lombardi: There wasn't anything on your original agenda, but that last paper that Flo gave you about the Clerk being elected or appointed, what is that all about? **Karl Brabenec:** What happened, or what's going on now with the current budget and the state, they kind of slipped in something in there where they're trying to make the Town Clerk, Highway Superintendent and Tax Collector appointed instead of elected positions. **George Lombardi:** So it would cost us more money. **Gary Flieger:** It wouldn't cost us any more money, what it does is it takes the political favor out of that office...

Karl Brabenec: Actually what it does is it takes the voice away from the people. **Gary Spears:** It takes away Home Rule is what it takes away. **Karl Brabenec:** So it slipped into the budget bill, where across the State these positions would become appointed so what the Association Towns, our Orange County Association, what they've done is they put these resolutions together that we can send to the State, the Senators and Assembly people saying that we're not in favor of this at all.

George Lombardi: Is that something that the State will decide, whether that's going to happen or each town?

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Karl Brabenc: That's a State function, they would do that; I think what the procedure would be is, if it's passed where it becomes an appointed position then I believe we would have to put a referendum on the ballot, every town would have to put a referendum on the ballot to bring it back to be an elected position, I think that's what happens.

Flo Santini: It's in his budget, it would be a permissive referendum, it means that the town has no say.

Viola Sinsabaugh: The information that we have is only for Town Clerk I don't see anything else. Flo Santini: I've got the other information in here, this all came in this afternoon and I just wanted to copy it. First it was just the Registrar that they found, where they want to take that out of the local municipalities and put in the County; now they've found that it's Highway Superintendent, Receiver of Taxes and Town Clerks. George Lombardi: Well the statement that it takes the politics out of there, that doesn't necessarily get rid of politics, then it because politics because the Board is appointing them, which could be worse. Gary Flieger: Some of the things that happen here, that I've been reading both ways on this and Ed's position over in Highway, I'm not so sure it should be a two year position, they either should make that a 4 plus year position, because two years to learn what he has to do, he's just learning... George Lombardi: What about your position, it's only two years and that's even worse. Gary Flieger: Correct, I understand that but we're not talking about my position, we're talking about these other three positions, like Ed's position, and a lot of towns already got of that and they have a DPW, and it's been brought up here in the past. The Town Clerk, she's the heartbeat of the Town, any piece of information that you need is in that Town Clerk's office and her filing system, if you turn that around every year or every two years can be very disturbing to the Town on locating documents, finding documents, and that type of thing. George Lombardi: The other thing about appointing to those kind of positions, they aren't involved, it's just like the people working in here, there's no union, no protection for your job, what should we do with that. Now, history also tells that the Highway Superintendent in this town, the ones that have been here have been here a long time, so that two year thing doesn't seem to matter them, the same thing with the Town Clerk, we had one here for 30 years, so it doesn't seem to really apply to them. Gary Flieger: The thing with a political official, and this is something that nobody understands, a political official in this town, or in any town, can do just about anything they want and you can't do anything about it. George Lombardi: Well can just not re-elect them.

Gary Flieger: Right, but while they're up there and in that position they can do whatever they want, and we've seen it, this board has seen where a political official who has been told that this is your job and this is what you should do, refuse to do something, when you call the Association of Towns or you ask the Attorney about it, it's a political position and there isn't anything you can do about it. George Lombardi: That's why there are five people up there to vote on it, everything should be voted on so it's not one person that can do whatever they want. Karl Brabenc: The thing is, if you have an elected official and he or she doesn't do the job it's the voters responsibility to kick that person out. That's the process of democracy, but then you could have a person that's fantastic and you could elect him over and over again, but that's the people's decision and it should be the people's decision. Gary Flieger: I'm not saying I'm for this or against this, I'm just saying the reading that I'm coming across, and we have had a taste of it here where if a political official does something wrong there isn't a thing you can do with it, you've got to live with it until the end of the term. George Lombardi: The reason I'm bringing it up over in Middletown the school board has been going bananas over there. Who we elect has a lot to do with everything.

Louise Vandemark: I just want to tell you I'm against appointing these positions, talk about politics, I think you'll have more politics involved, I think it should be up to the people, I think the more choices people have the better it is, it's better for democracy. You're also saying you had a problem with an elected official, I don't know who it is, but you know we could say the same thing about the council, you don't have to show up, you don't have to do your job, you don't have to do your homework, and no one can do anything about you, and you guys are elected for four years not two years, with the other positions they're only two years, and yes there is a lot to learn, we can have a quicker turn around if the person isn't doing their job properly. You guys, we have four years, we have a longer turn around to get rid of you if we don't like what you're doing and if you're not doing your job properly, so I think maybe the Town Board should do some research and at your next meeting maybe come out with a position on this and pass a resolution one way or the other so we know where everybody stands up there, but we can't make that decision tonight we just got the information tonight, but I'd be curious to see what direction this board would want to go in. I personally feel it should be left up to the people to decide because I think you will have more politics if it is appointed.

Correspondence:

Letter from Tri-State Chamber of Commerce:

Gary Flieger: We were a member of that organization and they're asking for us to sign up again this year, I don't believe we did last year, I think we skipped a year on it due to our budget, it's \$185.00. Karl Brabenc: I think the Tri-State Chamber is a very good thing, they're a good organization in the Tri-State Area that helps promote business and it's something I think I'd like to see the Town move forward with; but I know there are other towns, cities, that have representatives on their board of directors, so I would definitely like to request and see if that would be possible if one of the board members could be a representative or a liaison to the Chamber, I think that would be very helpful to the Town.

Gary Flieger: I agree wholeheartedly, and that's one of the reasons I was looking at the membership, how often do we attend their meetings to bring back the information from their meetings to our board.

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Gary Spears: I think maybe we should research it and not vote on it tonight because on the economic development committee we had plans of using them as a resource, so if somebody would volunteer, I would volunteer to speak with their director to see if maybe we could get, as Karl says, a more active role because we were going to confer with them on the economic plans that we came up with. Gary Flieger: I agree with that. I know it's a great organization with a wealth of information, but if we don't participate it's money thrown away, so we do need to find out their meeting dates and get more out of that. Gary Spears: If you'd like me to call them and see what we could get involved with, I'd be glad to do that and report back. Gary Flieger: I'd like that, thank you.

New Business:

Towing Policy:

Gary Flieger: We don't have a towing policy in this town, a towing policy has to do with when a police vehicle or a police officer ask for a vehicle to be removed from the road, public area. We have what they call 'tow of the day' using the State Troopers, it's a list of two truck operators that operate in here, they call over to the State Troopers, it's rotating and it changes on a daily basis. Where I have problems with it, and the Town's Insurance Company has problems with it, is we don't have any control over it what-so-ever, we don't have the insurance in here; I could be the tow of the day or you could take and sub it out, there are no rules of it what-so-ever, so I gathered a lot of information, from our insurance company, talked to a couple different towing companies, asked Mr. Bavoso to pull the Port Jervis towing policy, I sent this over to the Police Commission for their input because they deal with the police officers, they put some recommendations together, I now would like to take those recommendations and send them to Mr. Bavoso's office and have him put something together for us to look at as a board, and we bring it back and see what changes we'd like to make if any, and at that I'd like to open it up to the public for comment on it, we'll make it available to the public to discuss. Flo Santini: Is this going to be also like a permit?

Gary Flieger: Yes, I did come down and talk to you and we don't have any records of it in the town, we don't know who these people are, what they're doing and there's a lot of regulations on it, there's all sorts of things like they pick up a car and hold it for three days, they have to have insurance that covers that, and the towing insurance doesn't cover it, it has to be part of another policy. So there's a lot to it and I just think that we better look into a little more to cover our town a little bit better.

Closing of Port Orange Road:

Gary Flieger: I see the Highway Superintendent is here tonight, I'd like him to give that to us when we do department head reports.

Frank Bigger; Police Commission:

Gary Flieger: Frank has asked to join the Police Commission.

Karl Brabenc: We received a letter through the e-mail, it was copied to all the board members, saying that he's interested in serving on the Police Commission, read the letter. I know Frank personally, I know he does have a tremendous wealth of experience that he can bring to the table as far as serving on the commission and making recommendations to this board on certain police policies and things that can improve the department, I wouldn't have a problem with him serving on the board.

Gary Spears: Are there any other applicants and how many openings do they have, just one? Gary Flieger: We advertised for this position quite a while back and we came up short and now we've received this letter. The only issue I have that came up today, Frank is on a political committee, does that have any influence on this, can we ask Mr. Bavoso to look into that?

Karl Brabenc: I'm not sure if that does have a conflict or not, but that would be something to ask the Attorney.

Viola Sinsabaugh: I was under the assumption that you could not belong to a committee and be on the commission, so I do think we should have the Attorney look into that for us, I don't have a problem, I know Mr. Bigger, he's a fine man and he probably could bring a wealth of information, but again we do have to follow the rules of the commission also.

Gary Spears: Is that something where you would ask the Police Commission to review him and give a recommendation?

Gary Flieger: Yes, first of all what we would do is find out if he's qualified... Glen Plotsky: No, the Police Commission does not pick it's own members, the Town Board picks its Police Commission members, so first we have to determine whether he's eligible, whether there's an opening, and if so then you decide if you want to appoint him or not. The Police Commission should not interview him to determine whether or not he's an appropriate member, that's ridiculous.

Viola Sinsabaugh: One of the things, I agree with Gary on this, they didn't ask to choose... Gary Flieger: And they didn't ask to be a part of the interview, but they asked to be brought up to speed of who and how many people are interested.

Karl Brabenc: I think this board has a responsibility to choose certain members for boards and it's great to have recommendations, but it's really this boards decision. Gary Spears: I agree with you 100% but that wasn't the question, the question was, my experience on the planning board is if there was an opening and we knew of an applicant that we thought would be beneficial we would ask the chairman to write a letter to the town board endorsing that recommendation, if that's not needed in this case, fine but it's always nice to have a commission that can work well together. Glen Plotsky: I think, at least in my experience in that scenario it was always a returning person, I don't know that there was ever a letter written on behalf of somebody who had never served on the planning board.

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Viola Sinsabaugh: Flo have you had any other people come forth? Flo Santini: No and the ones that I looked into, we only got the one letter from Art Trovei who, after Gary Spears was appointed and it was in the paper, said that he was interested on going on the planning board. Viola Sinsabaugh: And I have contacted the two that we were at one time thinking of alternates and we never did that, and both of them have other obligations now and cannot be on the commission at this time. Gary Flieger: And now that we're talking about filling these open positions we have dog warden also. Viola Sinsabaugh: Oh yes, Bill Lloyd did contact me from the Humane Society, he did give me a name of a gentleman who is a former DCO for Mount Hope, and I spoke with the gentleman, he has just served a tour in Iraq so at this time he is just trying to get back in gear in Mount Hope, he did give me another name and that man had filled while he was in Iraq, so I still have to get in touch with this gentleman, Flo have you gotten anything? Flo Santini: No. Gary Flieger: Let's post the planning board opening in the post offices and the website and wait until the next meeting to do something on it.

Old Business:

Website Agreement:

Gary Flieger: What we did was, it's pretty much the exact same website agreement that we had from before, I talked to Noel and he agrees for the same dollar value and everything is the same.

Motion to authorize Supervisor to sign agreement

Motion made by Liam O'Neill, 2nd by Karl Brabenec, to authorize the Supervisor to sign the website agreement for 2009 with Noel Malsberg.

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

MOTION CARRIED

Website Forum:

Gary Flieger: What has happened on our forum is we had somebody tap into our forum and it turned into a porno site and it was bad. Karl Brabenec: I heard about it through the grapevine, I never really went on the forum, but what had happened was these people from other Countries they can hack into certain websites and e-mails and things of that nature so what happens is they don't have to go by American Law or anything like that so they have that free pass to do that, so they hack into these sites and they put their information in there, a lot of it was spam that was put in there, but there was one particular link that went to something very, very inappropriate, so the forum was shut down, nobody was really using it anyway.

Gary Flieger: I turned it over to the State Police, I asked for them to do an investigation on it to see if they could come up with why and how it happened, they came back with there's nothing you can do about it, so instead of having that happen again it's gone, it wasn't being used very much. I would have liked to have seen someone writing in asking the hours of the building department, a fee for the planning board, those type of things, we didn't have any of that, it was more or less a few conversations back and forth and it had nothing to do with town business, so I asked for that to be removed and now I'd like to have the town board's approval for removing that. Viola Sinsabaugh: I'd like to add one thing, how this came on we don't know, but it was there and it was very distasteful, but I was notified that it was on and the steps were given to me to get to it and I did and it think the website, its purpose was for government information, I was very displeased to see it being used for personal purposes, I'm sure the town doesn't want to be paying for people using it personally and I think that's the wrong way for us to go, it's an informational thing to get information on town government not on personal lives of people in town government, that's not the purpose, if you want to get your own website and you want to talk on your own website fine, I don't feel the taxpayers should have to pay for that; I was very disturbed over that and I'm glad the forum is shut down and now we wont have that. Flo Santini: One of our classes in New York City was cyber security, I will copy the information, and it's not only the forum they can get into, they can get into anything on your website, the class was held and this is funded by Homeland Security, it was very informative, I wish I knew about computers because when these guys were talking I didn't know everything they were saying, but what they were saying was very true because it's not only the forum they're going to get into, they're going to get into the base of your website and you can register with New York State and they will watch your website and if anybody tries to get in it or hack it they will interlude in it, it's all done by the government, New York State and Federal, and it's funded by Homeland Security, I will copy this for you.

MTA tax:

Karl Brabenec: I e-mailed this to the board member's last week, this is something that many Municipalities in Orange County have already passed, something that I think this board should consider and pass tonight, it would be Resolution #2 -2009, Opposition to the proposed MTA Tax, read the Resolution.

Motion to adopt Resolution #2-2009

Motion made by Karl Brabenec, 2nd by Gary Spears, to adopt Resolution #2-2009 Opposition to the proposed MTA Tax.

Discussion: Viola Sinsabaugh: I'd like to thank Supervisor Steve Neuhaus from Chester he sent the information to us.

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

MOTION CARRIED

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Old Business Continued:

Viola Sinsabaugh: We need to make a motion to appoint Gary Spears as liaison to some of the departments.

Motion to appoint Gary Spears as liaison to Highway Department

Motion made by Viola Sinsabaugh, 2nd by Liam O'Neill, to appoint Gary Spears as liaison to the Highway Department.

VOTE: 4 AYES: Viola Sinsabaugh, Karl Brabenec, Liam O'Neill and Gary Flieger

1 ABSTAINS: Gary Spears

MOTION CARRIED

Motion to appoint Gary Spears as liaison to BAR

Motion made by Viola Sinsabaugh, 2nd by Karl Brabenec, to appoint Gary Spears as liaison to the Board of Assessment Review.

VOTE: 4 AYES: Viola Sinsabaugh, Karl Brabenec, Liam O'Neill and Gary Flieger

1 ABSTAINS: Gary Spears

MOTION CARRIED

Liam O'Neill: A week or so ago we met and had a very good meeting, it was an executive session meeting but it was about the police contract and it was very fruitful, once again it was kind of a review of sorts for all of our benefits but mostly for Mr. Spears' benefit because he wasn't here the first time and it was very good because following that, Mr. Solfaro left and we had at least an hour discussion and things are moving on that. Prior to entering into executive session we had somewhat of an emergency meeting with the Emergency Management Committee because we needed to accept our mitigation plan and we made a motion at that meeting to accept B&L and we had to do that because we're under a time line from the State in terms of getting the grant. Also, Gary, you've been doing some work, I had a conversation with you today with Mr. Fusco our town engineer in trying to get the town situated for some of this potential federal money coming in through the stimulus package. We got a letter from Mr. Fusco because on Wednesday the 25th you and he are going to go up to the State DOT to make a request for a half a million-dollar gift to pave a road, Peenpack Trail.

Gary Flieger: To bring everybody up to speed Al Fusco contacted me probably two or three weeks ago and we were talking about different projects to bring up to the Orange County Transportation meeting and when we went over them we threw like five projects out, I know we did the bulk storage, a bridge up on Guymard Turnpike, replacement of the Highway building, and he put this all before the County and the one that they felt would fly would be paving of Peenpack Trail, and they've got \$500,000, it's what we're trying for on that and on Wednesday we're going to go over and make our presentation, but we have to be prepared for it, this is what the resolution is all about and if Glen will read it for us I would greatly appreciate it. Glen read the Resolution

Motion to adopt Resolution #3-2009

Motion made by Liam O'Neill, 2nd by Gary Spears, to adopt Resolution #3-2009

Discussion: Viola Sinsabaugh: It says that the town engineer, Al Fusco Engineering, is authorized to proceed with the design report and plans, this report and plans to submit are we going to be paying for this design report and plans?

Gary Flieger: Yes, but no I don't know what it's going to cost, but for paving it shouldn't be a lot.

Gary Spears: Just a little background information on this, I was down in NYC for the training and Governor Patterson spoke and Senator Schumer spoke about this stimulus package and what we're doing here is exactly the recommendations that they put forward that this stimulus money is going to be available, the only ties that the government is putting on it is that it is accomplished quickly and hopefully efficiently, but their term was shovel ready projects and I think we need to act on this now so that we can get an opportunity to get some of these funds and as much as they knew there may be funding available for other projects although they wouldn't specifically name them, which I'd like to maybe check out further through the board, is maybe the town highway garage might become a possibility also. It is important that we do this quickly so we do have an opportunity to get some of this money into Deerpark. **Liam O'Neill:** Some additional information I was going to add, I've had a couple of conversations with Assemblywoman Gunther's office and I haven't called Bonacic's office yet, but they are very happy to assist us in spreading the word and advocating on our behalf, but simply what they would need from us is a description of any and all projects that we may be interested in, and at this point all they need is simply a blurb, there is this project that we need, here is why we need it and it's going to cost this much money.

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

MOTION CARRIED

All Hazard Mitigation Plan Bids:

Motion to send letter of acceptance

Motion made by Liam O'Neill, 2nd by Karl Brabenec, to have the Town Clerk send a letter of acceptance to B&L for the All Hazard Mitigation Plans.

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

MOTION CARRIED

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Motion to send letters

Motion made by Liam O'Neill, 2nd by Viola Sinsabaugh, to have the Town Clerk send letters to the other bidders notifying them of our decision.

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

MOTION CARRIED

Gary Flieger: Thank you Flo for working with Joyce on those letters.

Department Head/Committee Reports:

Gary Flieger: I see Ed is here, we've been really hammered lately with... Karl Brabenec: The Board needs to excuse me, I'll read the report in the minutes.

Ed Hughson: We had four storms since our last meeting, a lot of work. We had to close Port Orange road, I gave a letter to the Town Clerk about it, we will try to re-open it as soon as possible. Gary Flieger: Have you contacted the County?

Ed Hughson: Yes I have and that is not the detour people are supposed to use for 61, the detour is 211, they did not tell anyone to use Port Orange road. The written report will be attached to the minutes.

Viola Sinsabaugh: I just want to thank you and your men for the job you're doing out there in the freezing cold and bad weather that we've had, thank you very much. Ed Hughson: And Gary congratulations I look forward to working with you.

Gary Spears: Thank you.

Toni Marion: Norma couldn't be here tonight but she asked me to ask a favor of the board and the people of the Town of Deerpark, everybody knows that her office, the office of the Historian, is in the 1863 School House, the School House is also the meeting place for the Town of Deerpark Museum Board, which puts on fundraisers, provides some of the programs that take place in the town and also at the school house and we also basically run the Heritage Fair; we need more volunteers, we need more members on the board, we have a few but we need more, and she asked me to put this out to the town so that we could possibly get more volunteers, I don't know if this is on TV or not but... Gary Flieger: It's not on TV tonight but I'd like to ask you to bring it up again at our next meeting when it is televised, but if you give us all the information I'm sure Karl could get it on the website for us. Toni Marion: I'm the current president of the Town of Deerpark Museum Board and we do need more board members, my phone number is 856-6083, so if there are any people who are interested they could call me or they could call Norma and we'll talk to them and figure out a way to make them members.

Gary Flieger: In that same area we've got Susan Miiller, she is applying for a grant, I've worked on this a little bit with her, and when I say a little bit it's very little, she was working this weekend with Norma on this and what it is she's applying for an Arts Grant and she would like to do these fiber glass deer for the town, it's a spin off very similar to the Black Bear Festival that they have in Milford.

Public Comment – 5 minutes any subject:

George Lombardi: I think on Saturday the 28th you have something going on for the people to come in but you didn't bring it up. Gary Flieger: Yes, I've got it down here to do that still. George Lombardi: Okay. On this stimulus money and this garage over here, this garage has been condemned, I don't know if we're liable for problems that could happen over there or not but that's a serious problem, that's been going on for two or three years, that engineering fee that we paid back then was a big amount of money, I don't remember it being okayed by a town board when it was done, which I didn't like. This building next door, C&D Battery, I don't know what condition that building is in as far as the lead thing is but if that building is sound, it must have been, because that lagoon over there as been there for years and they seemed to ignore it and it has nothing to do with operating the building, but that building is a building that's up there and instead of spending money over there on the town garage they've got it down for zero taxes and it's an awful big building there and I think the town could take it by eminent domain because it's for public use, but if we don't do something with that building we're going to be looking at that eye sore and that building could employ a lot of people, so I think in this thing here there's a building here already and if we're working on this stimulus stuff, if we could do something with that building I think it would benefit the town. On this thing on Saturday, my big question about it is, we got into this debt, we got a big tax increase of 125% between town and highway, and what I'd like to know is how much money from the budget that was put up that Gary and Karl had to deal with, the expenses from the year before in that budget and all the mistakes and mismanagement that cost us to have to borrow that money I'd like to see some numbers on it, like that engineering fee, the flood thing, the litigation stuff, I mean we're in debt because of a lot of problems and it seems like when politicians leave they just forget about the blame, we've got Bush who got us in this mess and now all we hear about is how he's got a nice new house; but the problems of things no one seems to want to take blame or responsibility for it, but this thing on Saturday I want to know some numbers and how much, total amount came from problems and mismanagement from the previous board that you inherited that cost us to have to borrow money. One question has been coming up, we're hearing you borrow two million dollars, I know you borrowed \$700,000 against taxes and I assume that's been paid back, we don't owe that money, is that true?

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Gary Flieger: It's very true. George Lombardi: So on Saturday I'd like to know that total amount of money that we had to borrow, I know we had to borrow for the litigation thing and we also had to borrow for the mismanagement stuff paying lawsuits and all that kind of stuff, so if you could get some figures ready for Saturday I'd appreciate that, I don't know how many board members are coming, I guess Gary's going to be there, but who's going to be there? Viola Sinsabaugh: I'll be here. Everybody should be here. George Lombardi: What the problem is we want to know how it happened why we're in so much debt, and also the thing of not raising any taxes over the last how many years, I mean it's an impossibility not to raise taxes when everything else goes up, that was one of the big mistakes that has a lot to do with why we had such a big increase. But this thing next door I'd like someone to look into because I think that's a good opportunity for us. The other thing, you had to do that 3-year projection for the State, we've been talking about the assessment in this town, it should have been done two or three years ago, obviously money is a problem but I think that's a priority in this town, no we've got real estate going crazy and going down, I don't know what the situation is on that but we haven't done one since 1994 and I think that's something that should be updated and kept updated. I think Karl looked into it a little bit one time, see if you can pursue that a little bit more to see if it's a possibility to get done. Gary Flieger: The one thing I'd like to bring you up to speed on tonight is, you mentioned that we're collecting no taxes on this building next year, we are not collecting taxes but a deal was negotiated with them where they are giving us money in lieu of taxes, you can thank your Town Assessor and Glen Plotsky for putting that together, and the School had the same option to go for it but they didn't, the County didn't pursue it either, but Kathy Smith did pursue it and brought in those extra tax dollars for us. Karl Brabenecc: As far as the assessment, Vi, myself, Liam also, we've been working very hard trying to have communication with the County on what to do with this, and I just received a report about a Centralized Property Tax Administration Program Assessment Improvement Study, I haven't had a chance to review it yet, so I'm going to be reviewing this.

Louise Vandemark: I'd like to welcome Gary Spears, it's nice to see a new face. Can we change the stationery, I'm not just saying this because Gary is here, but it really is sad every time I look at something and there's Bob Cunningham's name on it, the man's been gone since November, I think it's disrespectful to still have his name on it still. I've only been on the website once and it was after Bob passed away, I think it was in January, and Bob was still up on the website. I keep hearing about emergency meetings, you had an emergency situation with the Mitigation Plan which was a meeting you had announced you had said it was going to be just for Police Negotiations that and you went ahead and did the mitigation plan you accepted that, there's just too many emergency situations coming up, if you read your minutes it seems like that's all we're talking, had emergency this and an emergency that meeting or whatever, I think you have to start thinking ahead so the public knows what's going on and you know that something, it was said tonight it was you know and at that last meeting when you spoke about the meeting you were going to discuss police contracts you said that was all you were going to discuss and then I heard you voted on this mitigation plan, now I'd like to know if you have to borrow the money to pay for it, is that money budgeted or not. The other thing I'd like to bring up since it's not televised so, I went in, because you know I checked the phone bill and I saw that taxes were paid, so I was off the Thursday of Presidential Weekend you were open, so I came in and FOIL'd to look at the bills because I wanted to see if taxes were being paid any place else and I found vouchers to pay off the lawsuits, the settlements, there was no invoices attached, I FOIL'd for a copy of the invoices, I really think there should be some invoice attached to any voucher, I also noticed on the bottom there was no certification signed by anybody, we all know what it's about but five years from now someone coming in there's no record, now I know it's hush, hush and we're not allowed to divulge details and everything else but I don't see how that precludes an invoice or something being attached to it, I don't know if Michael Sussman made out that voucher I mean we have, as residents and taxpayers and just people we have no way of knowing anything, I mean it says settlement and there's two of them and we don't have to get into all that but there's nothing there, the bottom where you have to do the certification, vendor certification, there's nothing there it's not signed and I don't think Michael Sussman did it because his name was spelled wrong and corrected on the top and there is no invoice and I did FOIL for an invoice. I don't know what the policy is in this town of paying bills but I brought it up before and I'm bringing it up again we are being watched and even if we weren't being watched we should be very careful with our bills and our money so we don't get into trouble and I really think that's something that should be corrected.

Closing Comments from the Board:

Karl Brabenecc: Concerning the website, a memoriam was up for Bob, probably about a week after he passed away it stayed up and after that we had taken it down after that, what may have happened is sometimes you get an older page a cached page, I don't know but that is a possibility, the letter head I'm not sure what happened to that. As far as the Association of Towns, Dave Hoovler and I stopped down to one of the networking events for the County, very informative, we spoke with a lot of different townships, town attorney's, town engineers, and some people that gave us some good ideas, some people that gave us some suggestions and things like that, it was definitely a worth while thing, we saw Gary and Flo and Jane down there and it looked like they were having a great time, but I know that they learned a lot from a lot of the classes, so I'm hoping that next year I can attend one of these classes, I think it's very important for me to go as well just to get updated on everything.

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The Community Development Task Force meeting we had a short meeting last time but we didn't have too much attendance but we're going to be having a meeting again tomorrow at 7:30 here at Town Hall, so if you do want to attend that you can. I do want to welcome Gary to the board, I'm very excited about working with Gary and I think he's going to be a great asset to the board and bring a lot of ideas and energy. The Westbrookville park or the Deerpark Manor park, I know that the lease is running out on that this year and I believe Bill Bavoso had put together the lease for Mark House and the board about four or five years ago so I was just wondering if, Flo may have a copy, I'm not sure, if we could take a look at that, because we're going to need to re-sign that, I believe it was for \$1.00 a year was the lease, but if you could take a look for that for the next meeting so we could get that done that would be great. Also with the agenda and the budget we have a motion that was passed that the agenda be put on the website on Friday, we also have a motion that was passed that the budget be put on the website as well but I don't have a computerized copy of the budget I requested that last time but I still don't have it and I didn't receive an agenda until I walked in the door and it was a paper agenda so I don't what happened with that. As far as public meeting, I know we have on February 28th there's a meeting, an open house kind of thing, but as I recall there was never a vote taken to hold this meeting so I think the board needs to take action tonight to have this meeting, I know it was brought up but I don't think there was a vote taken to have a meeting, I think just as a matter of precaution I think we should just re-do the vote. Gary Flieger: I think what came about was I set that date aside for this, it wasn't like it was going to be a town board meeting, and it was a discussion we had about whether it was going to be a town board meeting, in other words if we called it as a town board meeting and I'm the only one who showed up or two people showed up then we wouldn't be able to have the meeting because we wouldn't have a quorum, it's a discussion not a meeting, but if you have three or more people that are town board members it would have to be a meeting so that was what was discussed when Bill was here. Karl Brabenec: All I'm saying is we should just reaffirm the vote, it's not going to hurt anything if we vote for this, it's just a precautionary measure in case we do have three or more members show up.

Motion to have special meeting

Motion made by Liam O'Neill, 2nd by Karl Brabenec, to have a special meeting on February 28, 2009 at town hall from 9:00AM – 11:00AM for an open house/open discussion and/or question and answer session regarding the finances of the town.

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

MOTION CARRIED

Karl Brabenec: I would also like to have another open house constituent day.

Motion have constituent day

Motion made by Karl Brabenec, 2nd by Liam O'Neill, to allow Karl to host an Open House/Constituent Day on Saturday March 21, 2009 from 2:00PM – 4:00PM here at Town Hall.

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

MOTION CARRIED

Gary Spears: I just want to thank everybody that congratulated me, I look forward to serving on the board and I appreciate your support. I do have a quick apology to make I have a vacation planned for next Saturday and Monday because I didn't know the time table of the appointment and the vacation has been planned for three months so I apologize I'm going to miss the next meeting and after that I think you'll find my attendance will be perfect.

Viola Sinsabaugh: Gary I didn't say it before, congratulations I think you will be an asset to this board, welcome.

Gary Flieger: I think it's been brought up a couple of times and it's also been brought up again by Karl and it's been brought up every meeting, the agenda problem on getting it on the website is that we don't have the information that Friday before, half of this stuff came in on Thursday and Friday and was sent over to Mr. Bavoso's office for clarification, he brought some of it with him tonight, business moves forward and it moves forward very fast and a lot of these things we have to do, and when you're talking about the last meeting we had with the police commission there was a deadline that had to be met and we felt that we had another week and when we talked to Jack and Joyce they felt that week was very important to them to work with so we did put them on the schedule and this proposal that we put in here tonight with me going on Wednesday, that came in on Friday afternoon around 4:00pm and the reason for that was Mr. Fusco wasn't given a schedule he was finally put on a schedule that day for that Wednesday, so I got the information, I think Mr. Bavoso's office for getting on it and getting it done on such short notice, his office was closed when I got that on Friday afternoon. This is the type of stuff that happens, so there is a lot of information that comes in that you just don't have the time to put it out there.

Viola Sinsabaugh: There was an agenda done up on Thursday, it was here when I came in, it wasn't on the website but it was here, even though it changed after that. It doesn't help the people that are looking for it on the website, I think what we could do is put 'subject to change' on there so people know that other things might come up. Karl Brabenec: No agenda is written in stone, things can change but the fact is we made a motion to have the agenda and the budget on the website, and I still don't have a computerized copy of the budget, I just want to bring it to the board's attention because we're violating our own motion. There's another thing though that I will give kudos to and that is that I asked for various reports, certain payroll

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reports, things of that nature and I received those reports and I think that's excellent, that's the way we should be operating, is when a board member asks for something or that there's also a vote being done that we should abide by that vote, that's all I'm asking for. Viola Sinsabaugh: I think we should try to get the budget to Karl, because he definitely wants it, he asked for it, let's try to see what we can do about getting the budget for him. I also want to bring up the payroll journal, Karl had asked for information on the payroll journal you wanted to know what people made, what their gross amount was what their net amount was, what they paid in between and all this other stuff, I have one comment to make, that was done for you, we have it, now I have another thing to say, we've seen it now what are you going to do with this? Karl Brabenec: I'm going to review it to make sure that no checks were given out that weren't supposed to be given out. Viola Sinsabaugh: Okay and then after that what are you going to do with it? Karl Brabenec: Probably shred it. Viola Sinsabaugh: Okay, because this is information that we look at, this is information on people what they do with their salaries, I really don't care what anyone does with their money, what I'm concerned about is did anyone have overtime, was anybody paid extra for sick time, overtime, and that measure that's the thing that I'm looking for, I don't really want to know that somebody pays for dental, somebody does this somebody does that, somebody has a savings, I really could care less about this, it's done, we look at it, I think this should be turned back in and shredded because I don't feel this information is information that should fall into anyone's wrong hands, god forbid I leave this here and I walk into an office and come out and it's gone, this is personal information, I think we can review but I also feel it needs to be destroyed properly, I have no problem with you wanting to look at something, I don't think all this is necessary, I think what you might want to look at is a person's regular salary, if a person's regular pay is \$300 a week and all of a sudden he goes to \$800 a week then yeah I think we've got a question on that one, that's an automatic red flag, somebody comes up with a few thousand more in a check that's a red flag, that's already telling you something, all this is not what we need to see, I think you were looking for something, but I think this whole thing is not what we need, I think you need to put it down to what you are specifically looking for, I don't want to know everybody's business. Gary Flieger: I would like to add to that a little bit, I have opted not to accept a copy of this, I don't want the responsibility of it, my office has the responsibility of it but I don't want a hard copy of it that I could carry out of the building, it's in there, I think we have another board member that said they would like to review it and they don't want another one, they don't want that responsibility. What it does is now if some of this information leaks out, who do we go to? We've got five people that have it, they could walk around with it, this is a lot of personal information in it. This is not information that has never been available to this board, this information has been available to this board when they walk through that door any time they want, they can sit down and go through it, but it always stayed in that office. What we've done is we've moved it from that office out to people's public homes, an unsecured area, their wives, husbands, kids get a chance to look at it and that's where I had a problem with this because there's a lot of personal information in there. Karl Brabenec: First of all, this report, all the envelopes are marked confidential, so with confidentiality it's between these board members and it's the board member's responsibility for these reports, as far as privacy goes all of the people that are listed on these payroll journals, this is a report done by paychex, you can exclude probably certain information but this I believe is a general payroll journal so they include everything on it, but when you look at the report things like the social security number that could be a problem if it gets out those are exed out, you don't even have a social security number on here. What this shows is how many hours they worked, if it was sick time, personal time or over time, it shows the amount that they get, and the total amounts that they received for the year and any deductions such as for dental insurance or their checking accounts, direct deposit or that kind of thing which mesh up with what they're getting paid, all of these employees are public employees, I believe that even the public can find out what each employee makes, a lot of these employee's, it's actually in our budget that we passed how much they make so there's no secret here, there's no disclosing personal information. Viola Sinsabaugh: Oh yes there is, there's child support, dental payments, savings accounts, tax withholdings, and it's none of our business. Gary Flieger: It has whether they take money out for savings and where they put it in the banks and there's information in here that John Doe public shouldn't have access to, that's for sure and that scares me that you're taking it that lightly. The other end of it is if you're truly just looking for over time there's ways of doing it that's very easy, in other words most of our departments are broken down into small sections, you got your building department, highway is a tough one, your police department is easier but it's also a tough one, but I'll guarantee you they paycheck, the gross money that goes for paycheck for Flo's department, the building department, the courts, everyone of them is almost identical every single paycheck, every monthly statement that number will be the same throughout the year, unless that payment comes in for excess of overtime or they do a buyout, so you could almost accomplish the same thing by getting a department head total of which I believe could be done, I believe that's the information you already have on the vouchers over here because it lists the number of the department and how much money came out of that department and it's the same every paycheck unless you changed it to include over time, you're getting that same information but you're getting it on five people, you're getting on three people, and if that number people changes you know that there's over time or something was crazy, you don't need all this personal information to do an investigation or know what's going on, and if you see that change stop in. Viola Sinsabaugh: If need be one of these would enough for if you wanted to go and check you go in the office and you check it out. Gary Flieger: We keep it secured in there. Viola Sinsabaugh: The accountable is right; it should not leave this building. Gary Spears: This is a non issue for me because this is what I've been doing for 35 years in business and with my volunteer organizations and the Country Club, you're privy to that information, you keep it secret, that's your job, when you're done with it you destroy it but it is a very good way to check on your business which really needs to be done, so it's

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really a non issue for me, I'll take it, I'll review it, I'll make notes and I'll destroy it so that's just my opinion, I think it's something we should be watching, I think we're adult enough and intelligent enough that none of this should leak out, that's just my opinion. Karl Brabenec: Absolutely I will be just reviewing these reports and also shredding them as well when I'm done.

Motion to enter Executive Session 9:35PM

Motion made by Gary Spears, 2nd by Karl Brabenec, to enter Executive Session to discuss police negotiations, litigation with Dempsey Uniform and a matter of personnel in the Building Department, and to invite the Town Attorney.

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

MOTION CARRIED

Motion to end Executive Session 11:26PM

Motion made by Gary Flieger, 2nd by Viola Sinsabaugh, to end Executive Session and re-enter Regular Session.

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

MOTION CARRIED

Motion to adjourn 11:27PM

Motion made by Viola Sinsabaugh, 2nd by Gary Flieger, to adjourn the meeting.

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

MOTION CARRIED

Respectfully submitted by,

Florence T. Santini
Town Clerk