

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, APRIL 6, 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: William Bavoso

Call to Order 7:30PM

Pledge of Allegiance

Supervisor's Opening Remarks:

The Huguenot Fire Department went on over 460 calls last year, they're a very strong organization, they're still getting membership in, they brought in several new members this year, that's good and I thought it was important for the public to know that.

Motion to approve minutes

Motion made by Karl Brabenec, 2nd by Gary Spears, to approve the minutes of March 16, 23, 2009.

Discussion: Gary Spears: On the March 16th meeting, on the section where the liquor license was transferred, we took a motion and a vote and that wasn't listed so if they could add them then they would be fine.

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

MOTION CARRIED

Motion to pay bills

Motion made by Gary Flieger, 2nd by Gary Spears, to pay the bills that contain the signature or initials of at least three councilmember's in the approval for payment section of the voucher or purchase order.

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

MOTION CARRIED

General Fund Abstract # 7 Voucher #'s 181-207 in the amount of \$72,723.94

Highway Fund Abstract # 7 Voucher #'s 109-118 in the amount of \$35,836.38

Public Comment – 3 Minutes on Agenda Items Only:

None

Correspondence:

Gary Flieger: We did get notice on something, I don't have the paperwork right in front of me, it has to do with if we see flags flying at half mast it's a new thing from the Governor to fly the flags at half mast for any service person that has been killed in action that is resident of New York State.

Liam O'Neill: We have an official letter from NYRI that states that they are pulling out their application. Read the letter.

New Business:

Sparrowbush Fire District:

Gary Flieger: I brought before the board here, what we're looking to do is, Sparrowbush Fire District Park, the Park is owned by the Fire Department, we have had an agreement with the park, we've invested quite a few dollars in that park, it's being used a lot, and what I did was, I've been trying to write a grant against this and I brought out the contract with the Fire Department and there was a couple of issues with that, that I felt needed to be strengthened a little bit so that we could do this. One of them was the Fire District owns the property and we signed a five year lease on it, and here we've already invested about \$65,000 into that park, there's nothing in here preventing them from just tearing up the lease, they have no intentions of doing that and do not ever want to do it so what they did was they agreed to a new agreement, in the new agreement they would buy back any investments that we have in the park, which helps us in getting these grants because we're investing into the park and this way here the money can be recouped if the agreement is reversed down the road. The other thing that we did in here was the Sparrowbush Fire Department, a couple of days out of the year, has a banquet, whatever they do up there and what I did was we negotiated that we're giving them up to five days a year to the park turns back to the Sparrowbush Fire Department their insurance covers the park, they can have alcoholic beverages, it just cancels out any of the town regulations that we would have on the park for that day when they do it in advance. It looks like it's a win – win for the town. I would like to vote that we sign this agreement.

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Motion to sign Agreement

Motion made by Gary Flieger, 2nd by Gary Spears, to allow the Supervisor to sign the new agreement with the Sparrowbush Fire Department regarding Sparrowbush Park.

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

MOTION CARRIED

Tri State Naval Ship:

Gary Flieger: The Tri State Naval Ship puts out flags in the cemeteries and the Town has always given a donation for that, it was added in the budget, it is in the budget, it's \$500.00 and I would like to make sure this tradition keeps going.

Motion to donate \$500.00

Motion made by Gary Flieger, 2nd by Gary Spears, to donate \$500.00 to the Tri State Naval Ship for the flags for the cemeteries.

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

MOTION CARRIED

Port Jervis School Election/Polling Place:

Gary Flieger: The Port Jervis School District would like permission to use our Building # 2 for their annual school district election and budget vote on May 19, 2009.

Motion to allow usage of Building #2

Motion made by Gary Flieger, 2nd by Gary Spears, to allow the Port Jervis School District to use Building #2 for their Annual School District Election and Budget Vote on May 19, 2009.

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

MOTION CARRIED

Lawsuit – Gustavo Rodriguez:

Gary Flieger: We have another lawsuit coming across the town, this is an accident that happened on the Millennium pipe line, he was delivering materials and Millennium pipe line back into his vehicle, we're still a little bit unclear how we got involved in this, but we are named in it so we have to answer the paperwork.

Port Jervis Little League Request to use Parks:

Gary Spears: The Little League is requesting park usage; they're requesting the use of the fields at Harriet Space Park, the Trooper Barracks and the Sparrowbush field.

Motion to grant use of fields

Motion made by Gary Spears, 2nd by Karl Brabenec, to grant the use of these fields to the Port Jervis Little for the Little League season.

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

MOTION CARRIED

Resolution #4-2009 Regarding CDTF:

Karl Brabenec: What happened was, with the Community Development Task Force we wanted to have a marketing lunch, which is going to be held on May 27th but one of the problems is we need to raise funds, solicit donations to cover the cost of that lunch, how to do that was we needed to set up some kind of checking account but we ran into a snafu because the CDTF does not have a tax ID number, so therefore we cannot open up our own business checking account to handle the contributions that come in for this marketing lunch so at the advise of our attorney we found out that the Community Development Task Force is an advisory board that is authorized by the town board so, if this board decides, we are able to use the tax id number for the town for the purpose of opening this account, all we need to do is to do a resolution. Read Resolution.

Motion to adopt Resolution #4-2009

Motion made by Karl Brabenec, 2nd by Liam O'Neill, to adopt Resolution # 4-2009 regarding a checking account for the Community Development Task Force.

Discussion: Gary Flieger: I have a couple of issues with this, number one this resolution completely is in the opposite of the payment system that we have in place where the town board pays out all bills through a voucher system, and all the board gets to see every bill that gets paid and they get to vote on whether or not they want to pay that bill, with this system here you've got the two signatures but the two signatures are in house one is in my office and the other is in the Town Clerk's

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office, Vi also is a third signature if Flo can't but we try to keep it mixed up where we have it in my office and in Flo's office on payment of all the bills, this would take that out of there where you and your treasurer or the two people in that committee get to pay the bills. The other part that I have trouble with this is that the town board and the town clerk, all bank statements for said checking accounts on a monthly basis, you get to see the bank statement but it says nothing about the attached bills as we do with the voucher system, we have bills that are attached to them, this is a system to describe where and what it's going for so that you have full disclosure of where that money's going and why it's being spent. It doesn't say anything about going through the Supervisor's office and that's where all the bills do come in. If you want to set it up this way I will talk to Bill about getting you a tax ID number, it's not hard to do, but when you want the town to handle your funds I think you have to follow the rules that are already in place within the town. I'd be more than happy to help you with getting your own tax ID number for this, it's just filling out a form. Karl Brabenec: The urgency for this is that we're already getting contributions in for this committee but we have no where to deposit them, so these are coming in, we need somewhere to deposit them, basically this is an advisory committee of the Deerpark Town Board, the members serve at the will of the Deerpark Town Board members, they can appoint or remove members of this committee at any time. I don't have any objection for adding, copies of the bills be submitted to the Town Board, to the resolution, and keep it transparent as possible. Again, if the Town Board has a question of the Police Commission or the Recreation Committee they ask the representative of that committee to explain a particular issue; the Community Development Task Force works the same way, so really I don't see a problem with this resolution. I would definitely, as far as the resolved part, as far as the bank statements for checking accounts on a monthly basis, I would also add in copies of all bills that have been paid and cleared checks.

Gary Flieger: I still think we should be going with the voucher system that's still in place, that they submit the bills and the checks go out from here. Gary Spears: Bill, your experience with a tax ID number, somebody is going to have to file and use their social security number to get that? That might not be a good option so maybe we should try to make this resolution work with the voucher system and the task force may have to wait a week or two to get a check but I think that's the better option right now to get this rolling. Karl Brabenec: That wouldn't be a problem with me either, I would add that it be further resolved that the Community Development Task Force shall submit within the voucher system for any bills that need to be paid out for said committee. Viola Sinsabaugh: And who will be the signers? Gary Spears: The Supervisor, or the Deputy Supervisor and the Town Clerk. Gary Flieger: And we have another little issue that we've had that came up during our budget process of Karl claiming that there was fraud and everything else in that office and it's in the minutes, so I have that bookkeeper is not looking forward to handling your checking account. Gary Spears: It's not really his.

Gary Flieger: He accused her of fraud. Karl Brabenec: First of all I did not accuse anybody of fraud, I did not and shame on you for even suggesting that, you have some nerve okay. Second of all, she is the bookkeeper and she is an employee of the town, if we need to have a checking account go through a voucher system it is her responsibility as the bookkeeper to maintain that we are the Deerpark Town Board, we set policy, we set rules, okay we are elected by the people of the Town of Deerpark to make these rules and to set these policies, so I don't know when it became an issue where appointed officials of the town run the town, I don't know where that came into play but you know I had no problem adding the voucher system to this, this checking account can be available to anybody to view, this is a very transparent issue, this is a no brainer, this is something that's going to benefit the town, so why this is becoming an issue is absolutely amazing to me and it shows a lack of leadership on your part. Viola Sinsabaugh: I think maybe the board can decide on this but I think what we should do is have this redone the proper way and vote on it at the next meeting. Karl Brabenec: I want to call the question so just call the question there's a motion and a second just call the question. Liam O'Neill: Karl do you want to just reread the paragraph that you're going to insert. Karl Brabenec: Be it further resolved that the treasurer of the Town of Deerpark Community Development Task Force shall submit to the Deerpark Town Board and the Deerpark Town Clerk all bank statements for said checking account on a monthly basis in addition the treasurer shall add copies of all bills to be submitted and a voucher system shall be used for the purposes of paying all bills, in addition a monthly report on all activity shall be submitted to the Deerpark Town Board.

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

MOTION CARRIED

Old Business:

Uniform Allowance for Bob Ostrom:

Gary Flieger: Bob Ostrom has always had a uniform for his job in the Town, he has been part of the Highway, he's been getting them through the Highway Department, it's not right for the Highway to be buying his uniform, it's not their budget for doing such, when we dissolved the Dempsey Uniform and went to where the employees are buying their own with a clothing allowance Bob was left out of the contract. What I did was I put something together that more or less gives him a uniform allowance like everyone else, Ed has agreed to supply him with T-shirts and sweatshirts since he's purchased them in bulk, but this is for his other portions of his uniform, the uniform allowance of \$400 shall be paid with the presentation of receipts for purchases of uniforms. Gary Spears: Is that an amount that the Highway Department spends per year per individual? Gary Flieger: This actually saved us money, it's cheaper to do this than to use the uniform company, it saves us a couple thousand dollars.

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Motion to adopt resolution

Motion made by Gary Flieger, 2nd by Liam O'Neill, to adopt resolution that we furnish a \$400 uniform allowance for Bob Ostrom.

Discussion: Karl Brabenec: I know like down where I work our maintenance worker wears a polo and jeans like I don't understand why our maintenance worker has a uniform or why we have to pay for a uniform. Gary Flieger: It's been part of a contract since the beginning of time, the gentleman has always had it, the uniform here is reflective T-shirts and sweatshirts, he does drive a tractor down the road quite often, he does work along the road mowing grass and cleaning up and I would like to have him in uniform, and also when someone walks through that door and see someone with a uniform they do ask him where offices are and where to go. Karl Brabenec: Okay you said he was under a contract so which contract is he under?

Viola Sinsabaugh: His uniform was supplied under the Highway contract, since that's where they got their uniforms from they supplied his also, he has always been in uniform. Karl Brabenec: And that's specified in the contract?

Viola Sinsabaugh: No, it's not in the contract, it was just uniforms, since they were getting all of those uniforms they just always got his too and they used their uniform contract to do so. Karl Brabenec: I just don't see why you need a uniform as a maintenance worker, I'm just not getting that, especially up to \$400 I don't get it so I don't know why we spend that kind of money on something you know where you could wear jeans and a bright orange polo and we could probably get a couple shirts that say Town of Deerpark on it. Like I said I know where I work we have a maintenance worker that doesn't have a uniform so I just don't understand why we're shelling out up to \$400 for this it just doesn't make sense to me.

Gary Spears: The only comment I have is the amount, I think if we were going to supply him with a set number of T-shirts and a couple sweatshirts and some jeans, I don't think it would come to \$400 I think we could outfit him for less and he'd be satisfied, but as soon as we put a \$400 amount down on paper I'm pretty sure of how much is going to get spent and that's \$400, we might want to look at what he actually needs and what the actual cost might be and then set that in here.

Gary Flieger: When I brought him in and asked him all of that, he goes through more than one pair of shoes each year, he gets about 8 months out of a pair of shoes and they're around \$150-\$180 for the steel toed work boots and even at this price it's a savings over what we were paying in the past, if you want to shave it down then shave it down.

Karl Brabenec: Well I know we're Councilmember's and the Supervisor and we need to look presentable for our meetings so why don't we have a stipend? If I need shoes or suits for work it comes out of my salary it doesn't come from a stipend, it just doesn't make sense to me why we would supply our workers with uniforms you don't supply my suits for me.

Gary Spears: I just think we should ask him to submit a list of what he needs and the cost and we can take another look at it and probably just bring that amount down a little bit. Gary Flieger: As far as his uniform this is what the man was hired under with these uniforms and that's what his pay was based on, that he was going to get a uniform, when you were hired you were not told you were going to get a uniform and then two weeks later your boss says no you're going to have to buy your own suits, that's the difference I have with this. Karl Brabenec: Well policies do change and I just don't know why we need to go that far for our employees. Gary Flieger: Well I feel that he does need it, he has always run parallel with what the Highway crew was getting as far as uniforms go and I think it's only fair to allow him to continue that way.

Resolution Tabled until next meeting

Westbrookville Water Contract:

Karl Brabenec: I did get a letter from our Attorney, Mr. Bavoso, just with some general questions on it, the actual contract itself is pretty in tact, there were just some changes like it said Pine Street which is now Manor Lane, there's also wording in the contract about a backstop and a baseball field there that doesn't exist anymore so Bill is making those corrections, we needed the Section Block and Lot number also just to be a little more specific as far as the contract, so that's what we're doing now and we're getting that all ready and prepared.

Motion to sign contract

Motion made by Karl Brabenec, 2nd by Gary Spears, to authorize the Supervisor to sign the contract with Westbrook Water Company with the approved changes concerning the baseball field, SBL Number and Manor Lane.

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

MOTION CARRIED

BAR/Matthew Zacharia:

Gary Flieger: I tried to get a hold of Matthew without any luck but Vi was finally able to get through to talk to Matthew, he missed his sign up date to be sworn in as a member of the BAR, so the Board has to make a new motion to appoint him to the BAR.

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Motion to appoint Matthew Zacharia

Motion made by Viola Sinsabaugh, 2nd by Karl Brabenec, to appoint Matthew Zacharia to the Board of Assessment Review. Discussion: Liam O'Neill: Why did he miss it? Gary Flieger: He wasn't clear about having to come down and take his oath. Viola Sinsabaugh: No he was told that he was appointed but he mentioned to me that he was not aware that he had to do it within the 30 days, he was never told by anyone that it had to be 30 days. Flo Santini: I'd like to correct that because I called him and wrote to him to tell him to come in. Viola Sinsabaugh: His words to me were 'I was told that I was appointed but no one ever told me it had to be done in 30 days.' So I told him he was no longer appointed that we would have to reappoint him if he was still interested in the position and he said yes he was, so we'll take a vote and then I'm going to make another motion.

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

MOTION CARRIED

Motion to have Town Clerk notify Matthew Zacharia

Motion made by Viola Sinsabaugh, 2nd by Gary Flieger, to have our Town Clerk notify Matthew Zacharia that he has been appointed to the BAR and that he has 30 days to come in and take his oath of office.

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

MOTION CARRIED

Job Specs for Engineering Services:

Gary Flieger: What's going on with this is the stimulus package, the amount of work that is needed to be done on this stimulus package to get these things through is quite a bit, we needed to have cars counted, the roads surveyed, an evaluation of culvert pipes and there was a lot, there's several different sections of the stimulus package that you had to bring your paperwork to plead your case, some of it is engineering, some of it has to do with the purpose of the road, why this road, our engineer is doing that but because we never really had a written agreement with this engineer we appointed him, it was agreed upon what his fees were, but we just never really had a written agreement with him. Mr. Bavoso worked on this a little bit and we have come up with this agreement and this is what we have, and what it is, is nothing more than reappointing him with the paperwork that should have been in place. I'm asking the board to allow me to sign this.

Viola Sinsabaugh: When we appointed him there was... Gary Flieger: There was a fee schedule. Viola Sinsabaugh: Yes

Gary Flieger: Right and the fee schedule is attached, but we never really had one document that put the whole package together. We agreed to everything that's in here, what his duties were, everything is here, but there was never one package put together as a contract or agreement. Gary Spears: Question on the fee schedule, the town engineer, when he does the town's business, is going to get a hourly wage, when he does the planning board business is that included in his contract as part of his duties as unpaid or is that paid also? Gary Flieger: Planning board is unpaid because he's getting paid by the applicants. Gary Spears: Okay, so the fees on here are his fees to the town for our work. Gary Flieger: Yes.

Gary Spears: I'd like to have the language changed and then bring it back in a week or two so that we can review and then sign it at that time so that we have a chance to read it and make sure that it follows the previous contract and also follows the deal with the planning board applicants. Gary Flieger: What this is all about is because right now he can't prove that he works for the town. When he applies for the grant he's not going to be part of the grant, in other words he won't get paid through the grant, he can't use any grant money unless he's working for the town, and since we didn't have a contract in place that's where it all come from. Gary Spears: The town's going to pay him directly the grant's not going to pay him right? Gary Flieger: The grant. Liam O'Neill: He'll get a check from the town. Gary Flieger: When he does town business.

When he's doing this grant he can get grant money applied to his bill if we have a contract for him to work with the town. Gary Spears: So you're saying that time is of the essence. Gary Flieger: I don't know what the time schedule is on it, if it is what we'll do is we'll just bring him back in, we'll have an emergency meeting and do it. Gary Spears: I think if time is important we should get busy on redoing the agreement and the contract to meet everybody's satisfaction and then sign that quickly if need be. Gary Flieger: If need be, if not we'll have it out here at the next meeting.

Gary Flieger: I don't know what the time schedule is on it, if it is what we'll do is we'll just bring him back in, we'll have an emergency meeting and do it. Gary Spears: I think if time is important we should get busy on redoing the agreement and the contract to meet everybody's satisfaction and then sign that quickly if need be. Gary Flieger: If need be, if not we'll have it out here at the next meeting.

Flood Damage Prevention Local Law:

Gary Flieger: Mr. Bavoso handed this out to us tonight, this is something he's going to bring to our attention and go over it with us. Bill Bavoso: I've given everyone a copy of the proposed new local law and both the DEC and FEMA will require the town to adopt this in order that town residents can continue to be part of the national flood insurance program, so unless this is adopted by the town board the town and the residents of the town will not be included within the national flood insurance program as they have been. One of the basic changes here is that there's been remapping and if you recall a couple of years ago or so there were representatives here from DEC and from FEMA to discuss that remapping procedure. This local law is taken from the model local law prepared by FEMA and DEC, there was one question that arose because there's a section in the new local law that makes reference to a fee that can be charged on a special permit that the town might wish to

issue with regards to construction within flood hazard areas. My understanding is that basically that issue is treated under the regular building permit procedure of the town now and is included within that fee that the town receives on a building permit

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so we don't have an extra fee to include so that answer having been given I put zero as far as that kind of permit in our statute, I just gave it to you to look at tonight, now I must send it to DEC for their approval; we've already done it in Greenville and it's already been approved and it's already been adopted in Greenville because they did not have that extra permit either. So I expect, since this law's identical because it is the model, except for the map numbers, I should have by next week the okay from DEC, we can introduce the local law at the second meeting this month if you choose and we can enact it at the beginning of May, which conforms to the time period that we're restrained by. Gary Fliieger: Now can we put this on display for the public at this time? Bill Bavoso: Absolutely, and it'll be in the Clerk's office.

Junkyard Licenses:

Motion to approve Junkyard License

Motion made by Karl Brabenec, 2nd by Gary Spears, that per Building Inspector Robert Emerson's recommendation we approve the Junkyard License for Eckes Auto Body at 787 Route 42 for 2009.

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

MOTION CARRIED

Motion to approve Junkyard License

Motion made by Karl Brabenec, 2nd by Viola Sinsabaugh, that per Building Inspector Robert Emerson's recommendation we approve the Junkyard License for Tenke's Garage & Body Shop at 609 Route 209 for 2009.

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

MOTION CARRIED

Motion to approve Junkyard License

Motion made by Liam O'Neill, 2nd by Viola Sinsabaugh, that per Building Inspector Robert Emerson's recommendation we approve the Junkyard License for Eckes Auto Body on Upper Brook Rd. for 2009.

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

MOTION CARRIED

Motion to approve Junkyard License

Motion made by Gary Spears, 2nd by Karl Brabenec, that per Building Inspector Robert Emerson's recommendation we approve the Junkyard License for Arthur Trovei & Sons, Inc. at 82 Sleepy Hollow Road for 2009.

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

MOTION CARRIED

Motion to approve Junkyard License

Motion made by Karl Brabenec, 2nd by Gary Spears, that per Building Inspector Robert Emerson's recommendation we approve the Junkyard License for Muller's Auto Body at 416 Route 97 for 2009.

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

MOTION CARRIED

Motion to approve Junkyard License

Motion made by Gary Spears, 2nd by Viola Sinsabaugh, that per Building Inspector Robert Emerson's recommendation we approve the Junkyard License for Brim Recyclers, Inc. at 23 Route 211 for 2009.

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

MOTION CARRIED

Race Track License:

Motion to issue License for Oakland Valley Raceway

Motion made by Gary Spears, 2nd by Viola Sinsabaugh, that per Building Inspector Robert Emerson's recommendation we approve the Raceway License for Oakland Valley Raceway for 2009.

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

MOTION CARRIED

Department Head/Committee Reports:

Viola Sinsabaugh: Building Department Report for March 2009; total income brought in \$59,202.00; they had \$50,942 in accessories, \$2,473.00 in additions, \$60.00 in alterations, \$930.00 for CO's, \$100.00 in Demo's, \$1,270.00 in extension fees and update permits, \$1,507.00 in new homes, \$170.00 in other, well, septic, electric, miscellaneous, \$1,000.00 in recreation fees, \$750.00 in title searches; total income \$59,202.00. The Building Department has really been working.

Ed Hughson: Gave a report about work being done and worked planned. Hoping to have Port Orange Road opened back up by the end of April, weather permitting. I need to have board approval to put the aluminum structural plate box culvert out for bid for Peenpack Trail for the Orange Count Community Development Grant.

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Motion to advertise for bids

Motion made by Gary Spears, 2nd by Viola Sinsabaugh, to advertise for bids for the Aluminum Structural Plate Box Culvert Pipe for the Highway Department.

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

MOTION CARRIED

Ed Hughson: I see Louise isn't here but we got the stickers for the trucks and they've been put on.

Gary Flieger: Have you heard anything about County Route 61? Ed Hughson: I talked to Wayne Decker a couple of nights ago and he said that they got the money approved for it and they've got the engineers working on it, they have to make concrete head walls, they're L shaped, it's not going to be for a while, end of fall, maybe winter, maybe not until spring, depending on how long it takes the engineers to draw this up. Gary Flieger: Our Port Orange Road is a very poorly constructed road, it's an old cow path that's been paved over, it will not handle the heavy trucks and I wrong in saying that? Ed Hughson: No, it won't handle all the traffic from 61. Gary Flieger: Is there anyway we can put a weight limit on it so that we don't lose this road and have to rebuild it all the time? Can we do that? Ed Hughson: It's not that there's really a lot of heavy trucks over it, there's just a lot of vehicles going over it, it was a dirt road for 20 years and we went up a few years ago and put a coat of tar and chip on it and it just wasn't made for that much traffic on it. If I hear anything more on 61 I'll let you know but it's not going to be for a while.

Lee Space: Our Easter Egg Hunt will be Saturday at 1:00pm; I hope the weather is good. This meeting that you have with Sparrowbush Fire District, when we put that swing set up we put it up all by ourselves, when we did the mulch we did it all by ourselves, I just feel it a little bit of common courtesy to invite the Recreation Committee to this meeting, not that I have any problem with it or what was decided at it, I just think it would have been a common courtesy for the Recreation Committee to be advised of this meeting and given the choice to attend or not. Gary Flieger: What meeting are you talking about? Lee Space: When you did this lease thing. Gary Flieger: I went to their regular meeting and they're open to the public. Lee Space: We didn't even know about it, you can't attend if you don't know about it. We police the place, at least once a week I walk the path and clean it up, I just think it would have been a courtesy to invite somebody from the Recreation Committee, we work hard up there, as we do in both parks.

Jerry Vandemark: I've been going over some of the parks and we have a lot of work to do, like in Sparrowbush the fence is broken around the parking lot, and a few other things I'd like to bring up so I would like to have a workshop with the board if we could work one out. Gary Flieger: Could you put a list together of what you want to talk about so we know ahead of time what we're talking about at that meeting to make it a little more productive? Jerry Vandemark: Sure, not a problem, it's mostly that we've got to fix.

Motion to have special meeting

Motion made by Liam O'Neill, 2nd by Gary Flieger, to have a meeting with the Recreation Committee on April 20, 2009 at 7:00PM prior to the regular Town Board Meeting.

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

MOTION CARRIED

Jerry Vandemark: Also, I was a little disappointed with the stuff in Sparrowbush because you have a committee and they really should be involved in that kind of stuff, I don't have anything against what took hand, I think it's a good thing, but the firemen also have to know they have to let us know ahead of time when they're going to use it, they really should let us know. Gary Flieger: They have to let Flo know, that's where it's registered, it's in the Town Clerk's office.

Jerry Vandemark: I know they usually let us know anyway, I know they used to have to give us insurance too; I would just like to know ahead of time.

Public Comment – 5 Minutes – Any Subject:

Gabor Ruzsan: A couple of days ago I visited the Assessor's Office, a friend of mine was interested in a particular property so he asked me to check out some information and I asked for a file and I did find out certain details, assessed value on that property was extremely low and also the market value which was indicated on the file was about \$100,000 less than the actual today's street market value, so that's a big number; and I was asking the Assessor how come, this is outrageous, and she advised me that the assessment was done in 1994 which is fine, so basically the town is backed up 15 years or so, so this particular property owner is either giggling or they're just having a free ride or maybe somebody is favoring them; so then I told this to the lady and she said oh don't worry there's about 100 more like this. I was asking who is responsible for this, this is actual revenue that the town is missing out, or maybe somebody is just trying to protect these people, a particular group; but the lady said it's 100's of them, and I was asking also about assessments, how does it go, and according to the

book it's supposed to be 40 or 43%, so on certain files there were some that were 25% some that were 29%, some were 39%, some unlucky guy was 59%, so where's the uniform with this one; this is outrageous, according to the Law all real property

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in each assessing unit shall be assessed at the uniform percentage rate and I'm not seeing that anywhere. Then basically about different properties, I see Gary you own property on 209, in 2008 you paid \$23.30 on a 4.8 acres, so that's a pretty good deal on that size of land. Gary Flieger: Yes, and I paid \$700 for that land, it's swampland and it is a total swamp.

Gabor Ruzsan: Okay so in that case basically it's like lots of properties and you imposing us with a 125% tax increase and you're paying peanuts on certain lands. Now Karl, also, you approved 123% tax increase, how much tax did you pay last year, how much tax did you pay this year? Zero, because you don't own a property according to the book, isn't that right?

Karl Brabenc: This is your public comment so I'll wait until your done. Gabor Ruzsan: Exactly, that being said, it's like you imposing the tax on us and then you're taking some kind of other advantage of it or you're not really pitching in to the bucket.

Tony Cea: President of the Organized Taxpayers Association, just to clarify, one thing that the previous speaker opened up with, that there's revenue because of those 100 properties that he mentioned that were not properly assessed, the market value is \$100,000 lower than it should have been, and so the town is missing out on the revenue, in reality the town is not missing out on that revenue, they get it from the rest of us, they get their money, they just don't get it from the proper individuals, they pass it on to the rest of us that pay our fair share and some of the share of others, that's why we need a revaluation, I know you had Melissa Bonacic here and I heard she spoke about State aid available regarding revaluation, what's holding this up, why are we proceeding with it? There are things that are brought up regarding these inequities in the tax assessments that are placed upon certain individuals in this town and if we just went ahead and had the revaluation we could correct those inequities, and I wanted to comment because it ties in to something that Karl mentioned earlier about the Community Development Task Force, unless you have revaluation as prescribed by State Law I don't believe the Task Force will enjoy the success we otherwise might if we level the playing field as I just spoke about as far as affording tax equity to all within the geographic borders within the Town of Deerpark, this leveling of the playing field might afford the Task Force a genuine opportunity to experience the success that would in fact benefit all of the taxpayers of this town, this board is not supporting revaluation, and in doing so will ensure failure for the Community Development Task Force, because as I've said at previous meetings, why would someone want to come here, a clean rateable that we could use in this town to help us with our tax base, why would they want to settle here if they're going to be disproportionately slammed with a tax bill because we haven't had a revaluation and they'd be walking into an unlevel playing field, I don't think that's an attractant for them to come here and I've said that before and I think you must move post haste to get this done, there's money available, there are people in the community, including myself, willing to assist in that endeavor, we can do it in house, Melissa said she would give money, John McCarey said they would give money, we can do it, all we have to do is just do it, but I think the reason for not doing it is that there are too many people comfortable, who are getting passes on paying their fair share, and Viola I see you shaking your head so I want to remind you of something, recently you said to me that you would not select me for the Board of Assessment Review because I had a conflict you said because I grieved my assessment because I believed I was over assessed and so did the professional organization that brought in my grievance, and you said to me you thought I had a conflict; however we have a member of our organization that you spoke to recently and she relayed to me that she grieved, successfully, her assessment, she won it, and you suggested to her that she should in fact apply for the Board of Assessment Review after knowing that she had grieved and successfully grieved her assessment. So you seem to have two standards, for one is in conflict but for someone else that you might want to have on the board is not in conflict, so I think that is a lot hypocritical on your part. Now the website, Karl I have to mention this, people have mentioned to me the website that we initiated here last year at your suggestion that was originally a free website for a couple of weeks, a couple of weeks hence it cost us \$100 a month or \$1,200 a year, the residents of this town could comment on this website, they now tell me that they can no longer comment on the website, you are the only one commenting on the website, the people are paying for it but they can no longer comment on it, so I think that's unfair, I don't think we the taxpayers should be paying for your sole use, and I want to ask you, what is the town policy on FOILING, and I ask this of the Board not of the Town Clerk, what is the town policy regarding FOILING of employee information which includes confidential information such as a social security number and is the policy regarding privacy the same for other town residents such as myself regarding my social security number which has been in fact compromised by our chief information officer of this town, so I'd like answers on that policy because it has been compromised and I have the proof and verification.

Louise Vandemark: I want to thank you for putting the agenda on the website, I checked and it was there and thank you very much I appreciate it. I'm also glad that you put the fiscal control of the Community Development Task Force I the Town's hands, I think any town committee should come under the fiscal controls of the town, the Rec. and the Police Commission were brought up and they don't control their own money. The only thing that was brought up they did really bother me was I really don't think employees should dictate what their job responsibilities are, if you like something or not, or if you like someone or not, if it's your job to handle the fiscal matters of the town well that's your job, you can't pick or choose what department you're going to work for or anything else, I really think it's about time we take a little control over these matters

and not let that go. Liam O'Neill: In regards to what? Louise Vandemark: A comment that was made that someone didn't want to handle something but I just don't think that that should come up. The other thing that I have, in defense of the Town

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Clerk's office, my family is on quite a few different boards on the town and we know other people that are on boards and every letter that we have received concerning appointments does state that you have 30 days to come in, and I know when ever Flo has called the house she tells you that you have 30 days to come down and get sworn in, so I don't know what happened to Mr. Zacharia, I think he's a great man, I haven't seen him in a couple of years, but I do know that every single letter that we have ever received says that we have 30 days to come down so I don't know if Flo uses a form letter, she probably does, so it is on there every time. My last thing, I thank you for being open with your agenda, and I'm still waiting for that telephone vote to close town hall to be done in public where the vote belongs.

Jim McMahon: Tires on Lake Guymard, tires on the roads, Mr. McMahon is not completely audible on the tape.

Gary Flieger: The Town did not remove them, I did as a citizen Saturday, I went up and I cleaned Guymard Turnpike, I live in that community and I went up and took the tires off and the couch and I had a whole truck load of debris, the tires, the transfer station only accepts ten at a time. Jim McMahon: Mentioned the tar and chip. Gary Flieger: That road was practically rebuilt, last year we had some banks caving in, some washouts, they went up and they redid a lot of rebuilding, widened it in spots, made a lot of improvements, there was no money in the budget for blacktopping so they tarred and chipped, and it takes many years of layers of that to build up to make the road hold up, I'm not an expert in this field but I do know that it doesn't hold up really well, but it does give you a base to work from, I will bring this to his attention.

Jim McMahon: We're also concerned about the weight of big trucks on Guymard because that does contribute to the issues. The other question, Junkyards, are they supposed to be fenced in? Gary Spears: They're supposed to have a fence; depending on elevation you may still see some of them.

Jerry Vandemark: I was wondering how many have an employee's handbook? Has everybody read the employees handbook?

Karl Brabene: The personnel policy? Jerry Vandemark: Yes. Karl Brabene: Yes I have it on my computer.

Gary Flieger: Gary has his right here. Viola Sinsabaugh: I have mine. Jerry Vandemark: Did you have it when you did the budget? Karl Brabene: Absolutely. Board: Yes. Jerry Vandemark: Because what I read in there with the longevity, that was supposed to be paid in a lump sum on their anniversary date. Now I was wondering how that was paid, was it added to their salary? Which according to the paperwork isn't supposed to be done. Karl Brabene: According to the 2009 budget the way it was written the longevity pay was included in the regular salaries which is incorrect and which I pointed out to the board at the time but was ignored. Jerry Vandemark: It says right in the handbook that it's not supposed to be.

Viola Sinsabaugh: It states that it's separate. Jerry Vandemark: I know what it states, it states that it's separate and it's paid on their anniversary. Liam O'Neill: The way the budget is written doesn't preclude it from being paid according to that guideline. Jerry Vandemark: According to the guideline it says that it's supposed to be paid on their anniversary date, and if you add that extra 4% that some of them get, and it says that every year they're supposed to get it, which is a little ridiculous also every year, I really think you got to go over that, you got to go over that whole book a lot of things in there don't make sense. I know I worked for the State and it was every five years you got longevity. But I know it was in there and you're really breaking the rules as far as I'm concerned, it makes a big difference when you add 11% to their salary and then next year add another 4% to that again next year it's just ridiculous. Karl Brabene: You're getting longevity on top of longevity.

Jerry Vandemark: Right, it shouldn't be added to their salary it should be separate. Karl Brabene: There should be a separate line item in the budget, absolutely. Jerry Vandemark: But you really should go over that book.

Closing Comments from the Board:

Karl Brabene: I want to thank everybody that did come out to the constituent day, Melissa Bonacic was here, we were here for a good two hours, Gary was also in attendance and we also had a Councilman from the Town of Mount Hope that was here, Mike Bell, so it was good to have some inter Municipal ideas and cooperation and we have to work with him on some ideas in the future. It was a successful day; we got a lot accomplished, there were some issues that were brought up that are currently being looked into. Again, I want to remind everybody that the Easter Egg Hunt is this Saturday at 1:00pm at Harriet Space Park; it's a fantastic event for the kids. I also want to thank Jerry Vandemark for meeting me last week out at Westbrookville Park, we had a good discussion on what needs to be done at that park in the coming months, we do not have a baseball field there anymore, however there is a good basketball court that's still there, it needs to be repaved, it needs new nets and the backboards need to be fixed, so Jerry is going to look into that with the Recreation Committee. Community Development Task Force, we're going to have a work session on the 14th at 7:30pm at Town Hall, we're going to be discussing the marketing lunch that we are putting together which is going to be May 27th at the Port Jervis Country Club, I want to thank the board tonight for letting us put together this checking account. The NYRI decision we got a few days ago, I want to thank Liam for being very influential on that, I know he was in touch with a lot of the information there with defeating the power lines and I think the residents are very lucky that this project will not be going through. Also, I want to thank Gary for putting the agenda's on the website, we've been asking for a while and thank you for doing that. Also, as far as the budget, I need to scan it in I just got a copy of that so I'm going to be scanning that in and forwarding it to the

webmaster. Also, Gabor had brought up an issue with the Assessor's office, if we could look into that to make sure that that's not happening I would appreciate that. Also, as far as the blog is concerned with the website we had a discussion on

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this before, what happened was the blog was being misused, people were putting inappropriate links on there to explicit sites so we had to get rid of that blog. As far as information that goes on there, I do put press releases on there that do have my name on it with maybe a quote on it or something and then I do have my monthly newsletter that goes on there, but anyone of the councilmember's can put information on that site if they want to. There are a bunch of other things that go on there it's not just the Karl Brabenec website, it's definitely a website that incorporates a lot of information and tries to get transparent clear information out to the public. As far as the Town Hall vote, it keeps getting brought up I think that is a good idea because it was a phone vote that was never taken in public so this was a phone vote to close town hall on January 2nd and we never took a vote on that, Gary won't be able to vote on that because he wasn't on the board at the time, but the other four members could vote on that just for the record, I'd appreciate that as well. I believe Gary had put that up for discussion, I don't know if you want to make a motion to that affect or what. Just for the record I voted no for that, if any of the other councilmember's wanted to express how they voted on that I would encourage them to do so on the record.

Gary Spears: I'd just like to thank everybody that came out, and Gabor I thank you for your investigation and I'll look into it and hopefully somebody else will because that needs to be equitable. Viola Sinsabaugh: I will. Gary Spears: Tony I thank you for your comments and I would like to get in touch with you about you feeling that your social security number was compromised. Again I'd like to thank both Vandemark's for their hard work in the town and the good ideas they bring here each meeting. And I'm going to talk to Ed Hughson since I am the liaison and see what he can find out to answer your questions about the Guymard Turnpike problems, see if we can get any solutions for you up there, and I'll also look into the fences around the junkyards for you as well and let you know hopefully at the next meeting.

Liam O'Neill: Thank you to the Recreation Department for running the party next week and Happy Easter everybody.

Viola Sinsabaugh: In reference to a comment that was made that I had told someone to apply to the Board of Assessment Review, I cannot remember who I told to be perfectly honest but if someone was interested the best thing for me to do would be to say to apply, so that's it, I don't know who I told, you say a woman, but I don't know, but if someone did ask then I would tell them to apply if they wanted to get on the Board of Assessment Review. It was mentioned that I told Mr. Cea that I did not vote for him to go on to the Board of Assessment Review because I felt there was conflict, that is true. I received a phone from Mr. Cea, believe it was the following afternoon, I may be wrong on that, that he wanted to know why he was not put on the board and another person was voted in and my answer to that was that I felt that the other person that was voted in was more qualified and I thought could do a good job, that was my viewpoint; he had called my home and asked me this and that was the answer that I gave him and I said that I felt the other person would be a very honest person and would be more qualified for the job and that I felt that being that he had a conflict with his assessment and that he has, I felt it would be better that if he went to the Board of Assessment Review, being on that board he would have to step aside, he would have to recuse himself from that, I felt that if there was another person in place that that would give him an equal opportunity to express his viewpoint on his assessment, and those were my words to Mr. Cea. That is the answer and people that know me know that I don't lie, that is the answer to what you brought up.

Karl Brabenec: One more thing, board appointments, I know we had met a couple of weeks ago and interviewed some of the players that had put in letters for the board appointments, I know that there are still some out there, do we plan on doing more interviews? Initially what I'd like to do is try to have some appointments done by the next meeting.

Motion to have meeting

Motion made by Liam O'Neill, 2nd by Karl Brabenec, to meet on April 20, 2009 at 6:30PM to conduct interviews for the BAR, Police Commission and the Planning Board, and to have Flo Santini notify the applicants.

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

MOTION CARRIED

Motion to enter Executive Session 9:30PM

Motion made by Liam O'Neill, 2nd by Karl Brabenec, to enter Executive Session to discuss personnel in the Building Department and the Police Department and to invite the Town Attorney.

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

MOTION CARRIED

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Motion to end Executive Session 10:36PM

Motion made by Liam O'Neill, 2nd by Gary Spears to end Executive Session and re-enter Regular Session.

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

MOTION CARRIED

Motion to adjourn 10:37PM

Motion made by Liam O'Neill, 2nd by Gary Spears, to adjourn the meeting.

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

MOTION CARRIED

Respectfully submitted by,

Florence T. Santini
Town Clerk