

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, MAY 4, 2009**

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

Attendance:

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

Attorney: William Bavoso

Absent: Supervisor: Gary Flieger

Call to Order 7:00PM

Pledge of Allegiance

Viola Sinsabaugh: Tonight we don't have Gary due to illness so you have me, the Deputy Supervisor, taking over.

Meeting with Recreation Committee

Lee Space: My first question is, I understand there's \$7,000 in the Trust and Agency Account, this is not as much as Jerry had thought was there. Karl Brabenec: We can find out and verify what it there. Lee Space: We prioritized; the mower is first because without a mower it's hard to take care of the park. I was telling Gary, I watched across the street being mowed and they didn't pick up the garbage or anything just went right over it, that's not good for the mower. The second thing is fixing the fence at Sparrowbush. Mr. Corcoran did the fence and I'm under the impression that he donated it, I may be wrong, but I don't know if we should talk to him or what, I'm not in favor of taking it apart and leaving it down, it should be fixed.

Gary Spears: Why don't we see if we can get a price or a volunteer to fix it first before we move on that. We should run down your list, try to get numbers that match up to your priorities, see what we can do with \$7,000 and go from there. Now I do have a bid on a very good commercial mower, it used, for \$3,000, which it's a diesel engine, it's going to more than take care of anything that we need to mow in the town, it's golf course quality, and the guy is a local guy that stands behind his products so if there's something wrong with it he's going to take care of it. So the Recreation Committee should take that into consideration for \$3,000 and see if that's what they want to spend versus buying a new one for about \$13,000. Then lets run down the list. Flo Santini: Don't forget the Procurement Policy, I'd have to look it up for the exact amount but you need to think about that because you'll have to get two other quotes; I will check it and let you know.

Lee Space: Mulch, we need mulch in both parks and Building #2, I left a message for Randy Sauschuck, he hasn't called me back yet. The roof will have to wait, that's too much money. I'd like to have the Board's permission to put out jars in the businesses around town asking for donations. Gary Spears: Is that something we can do Glen?

Motion to put out donation jars

Motion made by Karl Brabenec, 2nd by Liam O'Neill, to allow the Recreation Committee to put donation jar's in the local businesses to get donations for the parks.

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

MOTION CARRIED

Talked briefly about the Summer Program; Flo will post flyers for the Director and Counselor's to see if we get any replies before advertising in the newspaper.

Regular Meeting 7:30pm

Pledge of Allegiance

Viola Sinsabaugh: Tonight our Supervisor will not be here due to illness, so I'll be taking over for tonight, as far as opening remarks, we want this meeting to go rather quickly so I'm not going to give any from the Supervisor's Chair. No Board members have opening remarks so we will move right into the School presentation by Lori Case and John Xanthis, so the public knows when they are finished with their presentation there will be ten minutes that you can ask questions, if one person takes up that entire ten minutes then no one else is going to be able to talk, and if you have any further questions after that, Thursday night at 6:30pm at the High School cafeteria there will be a public hearing on the school budget. Welcome Lori and John.

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Presentation from Port Jervis School District

Lori Case and John Xanthis: Thanked the Town Board for the opportunity to come and talk to the people, talked about the upcoming School District Budget Vote which is on May 19, 2009 from 6:00am – 9:00pm. There are also five board seats up and 12 people running.

Regular Meeting

Motion to approve minutes

Motion made by Viola Sinsabaugh, 2nd by Gary Spears, to approve the minutes of meetings April 6, 20, 2009.

Discussion: Viola Sinsabaugh: On the April 20th minutes, I have a note here that these minutes do not reflect the rebuttal of Supervisor Gary Flieger to Jerry Vandemark at the meeting with the recreation committee. Just want the Town Board to know that. Gary Spears: Are you going to make a recommendation to change them? Viola Sinsabaugh: To include the rebuttal, we could yes. Gary Spears: If we're not sure what we're talking about then we should table these minutes until the next meeting. Viola Sinsabaugh: Okay, I'll amend my motion to approve only the minutes of April 6, 2009.

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

MOTION CARRIED

*****Please see paragraph at end of minutes for explanation*****

Motion to pay bills

Motion made by Viola Sinsabaugh, 2nd by Karl Brabenec, 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: 4 AYES: Gary Spears, Liam O'Neill, Karl Brabenec, and Viola Sinsabaugh

MOTION CARRIED

General Fund Abstract # 9 Voucher #'s 243-270 in the amount of \$63,721.95
Highway Fund Abstract # 9 Voucher #'s 131-140 in the amount of \$24,979.97
Attorney Fees Abstract # 3 Voucher # 7 in the amount of \$262.50

Public Comment 3 Minutes:

Dave Hoovler: I have a check here for the Community Development Task Force from Orange County Holdings for \$250.00 for the luncheon; also pledges from various businesses.

Viola Sinsabaugh: I have been given a check for \$250.00 from Orange County Holdings; I'd like that to go on record.

Correspondence:

Viola Sinsabaugh: I don't have anything, do you Gary? Gary Spears: No, I have none.

New Business:

Police Uniforms

Motion to accept recommendation

Motion made by Gary Spears, 2nd by Karl Brabenec, that we accept the Police Commission recommendation that allows the Police Officers to purchase new uniforms at no extra cost to the Town.

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

MOTION CARRIED

Flood Damage Prevention Local Law:

Viola Sinsabaugh: Attorney Glen Plotsky could you handle that please.

Glen Plotsky: Essentially, as you know, the State has required the redrawing of various maps for flood plains, 100 year flood plains, 300 year flood plains, and the adoption of this law is essentially required in order to continue flood insurance availability for the residents of the town.

Viola Sinsabaugh: So we need a motion for a public hearing to move forward with this.

Motion to have a public hearing

Motion made by Karl Brabenec, 2nd by Gary Spears, to have a Public Hearing on May 18, 2009 at 7:00PM at Deerpark Town Hall, on proposed Local Law 1-2009 regarding flood damage prevention.

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

MOTION CARRIED

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New Business Continued:

Viola Sinsabaugh: There are two items that are here, a two-lot subdivision law, we are going to have to get more information on this one. Glen Plotsky: I know that the Supervisor wanted to present for consideration the possibility of a law that would waive the recreation fee on two lot subdivisions, and essentially, before we drafter a local law he wanted to have some discussion with the board to determine whether that was something that should be pursued or not.

Gary Spears: I would like to table that and bring it up at the next meeting so we can do a little more fact finding.

Viola Sinsabaugh: The next, fees for fire inspections, and I think Gary, when he was talking to me, had mentioned that there were like 70 businesses in the Town of Deerpark and inspections need to be done for them, he would like a \$30-\$35 fee for the inspections, we need to look at this and discuss this more and maybe at the next meeting we could come up with a determination.

Old Business:

Agreement for Engineering Services:

Motion to enter into agreement with Fusco

Motion made by Liam O'Neill, 2nd by Viola Sinsabaugh, to enter into agreement with Fusco Engineering for Engineering Services.

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

MOTION CARRIED

Resolution All Hazard Mitigation:

Viola Sinsabaugh: What we need to do is to authorize our Supervisor, Gary Flieger, to execute this agreement on behalf of the Town, with B&L.

Motion to authorize Supervisor to execute agreement

Motion made by Gary Spears, 2nd by Karl Brabenec, to approve the All Hazard Mitigation Plan and the agreement with B&L and to authorize the Supervisor, Gary Flieger, to execute the agreement.

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

MOTION CARRIED

Resolution #4-2009:

Gary Spears: We need to finalize Resolution #4-2009 for the Deerpark Community Development Task Force, it's now been printed out so that we can get the checking account going so I just want to re-verify we had a vote of 5 to nothing to approve it and the resolution was not written, it is now I'd just like to move that it be voted on again as it written.

Karl Brabenec: I would second that but I think there were just some corrections, I don't know if we need another vote on that, do we need another vote? Glen Plotsky: We just modified it a bit and added a few points of interest such as who is responsible for the account, the chief financial officer and/or bookkeeper is responsible for establishing the account and monitoring it and that they would be required to provide monthly reports to the task force and town board and also all of the activity with regards to the account has to be done according the regular town rules.

Motion to ratify Resolution #4-2009

Motion made by Gary Spears, 2nd by Karl Brabenec, to ratify Resolution # 4-2009.

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

MOTION CARRIED

Department Head/Committee Reports:

Ed Hughson: Gave a monthly report. We opened the bids for the culvert pipe, for the Orange County Community Development Block Grant up on Peenpack Trail, I need board approval to accept this bid so I can purchase it and get going on that.

Motion to accept bid

Motion made by Gary Spears, 2nd by Karl Brabenec, to accept the bid from Chemung Supply Corp. in the amount of \$39,340.00 for the Aluminum Structural Plate Box Culvert, for the project on Peenpack Trail through the Orange County Community Development Block Grant.

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

MOTION CARRIED

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Department Head/Committee Reports Continued:

Police Chief William Werner: I don't have a report, but I do have a concern; two weeks ago we met in executive session, we discussed a few items and I was under the belief that some action would take place tonight on a personnel change, and I don't see it on the agenda, but the problem is time is very, very important for this, we only have a small window to do certain things, but if all goes as planned it'll wind up saving the town a lot of money. So I was wondering, I did respond to a request from the board to submit documents on it, I was wondering if action still could be taken tonight so I could proceed as of tomorrow morning. Gary Spears: I think we're going into executive session on that, so if you could wait around tonight, we'll invite you into executive session since a personnel matter. William Werner: Okay, thank you.

Phil Chase: Gave a monthly UDC Report.

Police Commission: Charles Carlsen: This is a request from the commission in regards to the new Dog Control Officer, one of his concerns is he wants to get up to speed real quick, he's real enthusiastic about the job, the question is, he's requesting use of the van. The van is currently parked by the police department, what he's requesting is that he can take the van and keep it at his home, this way if someone calls he can respond quickly to the scene, whereas now he would have to go from his house down to the police station pick the van up and then go to the scene, so it's a simple request. Plus he wants to keep a filing cabinet with all his paperwork inside the van this way everything is there, and he feels that if he leaves it down there too many people will have access to it. The only time he will use the van, and he will put it in writing, is only for official business.

Viola Sinsabaugh: Should we make a motion on that? Karl Brabenec: No, we should check on the insurance.

Viola Sinsabaugh: Check on the liability first. Gary Spears: You should check with David Kerr, our insurance agent at R.C. Lain, check the liability of us allowing him to do that and report back to us. Viola Sinsabaugh: And while we're on the police commission, at our last workshop we had passed some motions on police commission criteria, one was for Patti Sibilila, we did all this and it was approved, there was another motion that was made on the taser donation, this was okayed by the board but there was no communication from the town to the police commission at all so they have no idea as to what happened other than looking at the minutes now.

Motion to write to Police Commission

Motion made by Viola Sinsabaugh, 2nd by Liam O'Neill, to have the town clerk write to the police commission notifying them of the actions that were taken by the town board.

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

MOTION CARRIED

Building Department: Viola Sinsabaugh: Read the Building Department Monthly Report; total income \$5,511.00 for the month of March.

Tax Collector: Jane Garvey: As of March 31, 2009 that was the last day that I was able to collect taxes, all taxes that are unpaid, a notice was sent to the County and the names and so forth of those people were sent to the County as unpaid taxes, if the people need to know, there is a different amount that's set. Once the County gets the taxes there is an additional charge for the people, there is another late fee plus any interest, so if you want to pay your taxes it's no longer the amount that was on your tax bill, you must contact the County, the Commissioner of Finance and if you want their number it's 845-291-2480, if you have your section, lot and block you give it to them and they will look up and let you know how much you owe, and probably if you don't get in touch with them soon they'll send you a notice anyway.

Karl Brabenec: We'll update that on the website too because I think we still have your hours of operation up there.

Jane Garvey: We collected over 5 Million Dollars in taxes, of course we don't get to keep all of it, we just get to keep what's for our budget which was turned over to the Supervisor as early as possible and then the rest of the money is sent to the County.

Public Comment – 5 Minutes Any Subject: None

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Comments from the Board:

Karl Brabenec: Really quickly, I want to thank the crew over at the Highway Department, they are doing a fantastic job over at the Deerpark Manor Park, they were working very hard, last week I believe it was, and they're doing a very good job, and that park hasn't really been looked at in years so it's something they're doing an incredible job with, and hopefully we'll have the money to do at least the re-paving for the basketball court over there. They are doing a great job so I do want to thank Ed Hughson and his crew for doing that. Also, the Community Development Luncheon, just another reminder that it's going to be on May 27th at the Port Jervis Country Club from 12:00PM to 2:00PM, we do have some fantastic people that are coming in. Reminder for everyone to go out and vote on May 19th for the school board, exercise your vote no matter how you feel. Also to our Deputy Supervisor Vi, we may wrap this up before 9:00PM so great job.

Viola Sinsabaugh: Thank you Karl, just another reminder to everyone if you have any questions on the school budget, Thursday night at 6:30PM at the High School Cafeteria. I think now would be a good time to say this, we wish our best to Jerry Vandemark, and a speedy recovery, hang in there Jerry.

Motion to enter Executive Session 8:50PM

Motion made by Gary Spears, 2nd by Karl Brabenec, to enter Executive Session for the purpose of discussing litigation with Sullivan and Police Personnel and to invite the Town Attorney and Chief Werner.

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

MOTION CARRIED

Motion to end Executive Session 9:22PM

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

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

MOTION CARRIED

Motion to create position

Motion made by Liam O'Neill, 2nd by Viola Sinsabaugh, to create the position of Full Time Sergeant in the Police Department.

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

MOTION CARRIED

Motion to appoint R. Sztynodor

Motion made by Liam O'Neill, 2nd by Karl Brabenec, to appoint Officer Rich Sztynodor to the position of Full Time Sergeant, and that his salary be paid according the Collective Bargaining Agreement.

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

MOTION CARRIED

Motion to advertise

Motion made by Liam O'Neill, 2nd by Karl Brabenec, to have the Town Clerk advertise for the position of Full Time Lieutenant.

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

MOTION CARRIED

Motion to adjourn 9:25PM

Motion made by Karl Brabenec, 2nd by Liam O'Neill, to adjourn the meeting.

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

MOTION CARRIED

*****Explanation of minutes that were questioned*****

Regular Meeting

Motion to approve minutes

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Discussion: Viola Sinsabaugh: On the April 20th minutes, I have a note here that these minutes do not reflect the rebuttal of Supervisor Gary Flieger to Jerry Vandemark at the meeting with the recreation committee. Just want the Town Board to know that. Gary Spears: Are you going to make a recommendation to change them? Viola Sinsabaugh: To include the rebuttal, we could yes. Gary Spears: If we're not sure what we're talking about then we should table these minutes until the next meeting. Viola Sinsabaugh: Okay, I'll amend my motion to approve only the minutes of April 6, 2009.

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

MOTION CARRIED

Minutes from April 20, 2009; states that the supervisor said "Really? I said that" Jerry Vandemark: " yes you did". The only thing that was not added was supervisor said "ok". I had the tape ready to go at this point, and had listened to it over again; I had other council listen to it. The supervisor said nothing more. If the board remembers, the supervisor was standing behind the table and put his hands up and took a few steps backwards while saying "Really I said that?" The tape is in my office if anyone wants to listen and review it.

Respectfully submitted by,

Florence T. Santini
Town Clerk