

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, JUNE 15, 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

Motion to approve minutes

Motion made by Gary Flieger, 2nd by Karl Brabenec, to approve the minutes of June 1, 2009.

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

MOTION CARRIED

Motion to pay bills

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

MOTION CARRIED

General Fund Abstract # 12 Voucher #'s 320-347 in the amount of \$130,565.87

Highway Fund Abstract # 12 Voucher #'s 170-186 in the amount of \$146,679.85

St. Lights Abstract # 6 Voucher # 6 in the amount of \$279.70

Public Comment – 3 Minutes on Agenda Items Only: None

Correspondence:

Household Hazardous Waste Collection:

Gary Flieger: There will be a household hazardous waste collection day on June 19th and 20th, from 9:00am – 3:00pm at the Port Jervis Fire Training Center.

New Business:

Use of Town Car:

Gary Flieger: We talked about this but never did anything with it. I'd like to make a motion tonight that any time the town car is available and an employee of the town needs to do town business that they either take the town car or they don't get paid for it. Right now we have town employees using the car to go to meetings and what not, others are refusing to use the town car, which is costing us dollars so I would like to make it mandatory to use the town car if its available.

Gary Spears: This is new, I'm trying to catch up, what is the policy now? **Gary Flieger:** I copied the town policy on it to everybody and there's nothing in it that mandates that we use the town car for town business if available, if the vehicle is available you have to use it, if it's not available and you want to use your personal car then you can do so and you will be reimbursed for it. Some of these meetings that people are going to, at \$0.55 a mile if it's over in Newburgh it's like \$30-\$40 we're paying for them to go; by using the Town car we're buying our gas and it doesn't cost the taxpayer anything, only whatever we already pay for the fuel. **Gary Spears:** Is this something that has to get done right now or can we leave it for discussion and take some input and put it off until next meeting or is it something that's got to get done right now?

Karl Brabenec: Actually this particular thing was not on the agenda on Friday when I printed out the agenda so I don't know how it appeared today. **Gary Flieger:** Simple I typed it right in there, that's how it's done.

Karl Brabenec: Okay, I would think for any additions on the agenda there should be a board vote after an agenda is published on Friday, so I don't even think this should be on the agenda. **Liam O'Neill:** And when would that board vote take place?

Karl Brabenec: Well I meant that if you want to add something to the agenda then at the start of the meeting you should make a motion to add it and then if it passes then it's added to the agenda. **Gary Flieger:** This is not something that needs to be passed tonight but I would like to bring it up. **Liam O'Neill:** I'd like to know, it would obviously affect Flo as well as Jane...

Viola Sinsabaugh: It will affect everyone. **Liam O'Neill:** Trips to the bank are a very frequent thing during tax season because she doesn't keep any money in there, so that's pretty much daily for Jane during tax season. Those are probably the two biggest ones. **Gary Flieger:** Yes it is. I know Kathy Smith occasionally uses the town car, and when she uses her own car she very seldom puts in for mileage.

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Liam O'Neill: There's also the small factor of when people are leaving, they're on their way home and part of their last order of business is to run by the bank, in which case they would obviously be using their own car if it's on their way home.

Gary Flieger: What's happening is we're getting billed to and from, that's roughly ten miles, so it's costing us over \$5.00 per trip to make that run, they make that run a couple of times a week or a month, it's a sizeable nickel by the end of the month, it's a lot more than what they spent on fuel. Liam O'Neill: Right, this is definitely valid and would obviously be a cost saving measure.

Gary Spears: Okay, no disagreement here but I think since it just showed up here and I haven't had a chance to read the policy that we have, I'd like to table this until the next meeting.

Tabled until next meeting.

Justice Department Grant:

Gary Flieger: I do have another add-on here, I just got this late this afternoon, just to introduce it because Karl says I can't do add-ons on the agenda, what it is, I would like to have the board vote to extend the privileges to the two judges to put a grant together, they did it last year and I think they've gotten \$12,000-\$13,000 out of this one, that's how they refurbished their court room. This particular grant is for furniture, equipment, security and court room renovations, so as long as we can keep that court room up and running and looking nice. Gary Spears: Is this something that requires a motion for them to do that?

Gary Flieger: Yes it does, it requires a motion allowing them to fill out the forms and submit them. Gary Spears: Give us a minute to read it and maybe we can do something with it tonight.

Motion to authorize Justices to apply for grant

Motion made by Liam O'Neill, 2nd by Viola Sinsabaugh, to authorize the Justice Department to fill out the grant application, in an attempt to secure funds.

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

MOTION CARRIED

Old Business:

Review Towing Law:

Gary Flieger: This is something that we've been going over quite a bit and I want to introduce it tonight, and I'd like for the board to discuss it, it's something that you've had in your boxes for a few weeks, it has to do with reviewing the towing law. I started looking over the different files in there and we have nothing with regards to towing in this town, meaning no certificates of insurance, we have very little say, it's a tow by day type thing where the officers call if they need a tow truck, there's no real set town rules or regulations that these tow truck drivers have to go by, almost every town has one of these laws it helps protect them from lawsuits, and it gets the rules written out so that everybody is on the same page. Basically what I did was a couple of months ago I asked the Police Commission to go over it, we gave them a couple of different Town's towing Laws, they went by Port Jervis' Towing Law and they made some recommendations themselves, and this reflects both the Police Commission and the Port Jervis Towing Policy. I'd like to have us go over these things, put them together and have Mr. Bavoso write up the Law and then we can have a Public Hearing on it, and get the public's input and if there's any modifications that come out of that we'll add that to it before we vote on it.

Gary Spears: The letter that's here from June 4th from Bavoso has a very good point in it, I think we might want to follow that procedure and in the letter it says that they propose a workshop between the Town Board, the Police Commission and the Police Chief to actually sit down and go over the Port Jervis Law, the amendments from the Port Jervis Law, the sample insurance agreement and also the work that the Police Commission has done, I think that might be a good option for us to do it that way. Gary Flieger: That's exactly where I want to go with this tonight.

Motion to have a workshop

Motion made by Gary Spears, 2nd by Liam O'Neill, to have a workshop on June 22, 2009 at 7:30PM here at Town Hall to discuss the proposed Towing Policy and to invite the Police Commission and the Police Chief.

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

MOTION CARRIED

Motion to notify Police Commission and Chief

Motion made by Gary Spears, 2nd by Karl Brabenec, to have the Town Clerk notify the Police Commission and the Police Chief of the workshop and ask them to attend.

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

MOTION CARRIED

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Building Department Personnel:

Gary Flieger: In our Building Department we have on part time person and it's been noted by all the board members that we feel that we need to have 40 hours of clerk in there, whether it's two part timers or 1 full timer, and I think tonight what we're going to try to do is discuss the advantages and disadvantages of that. I've put some numbers down and what I've got is if I take the position and I make it a full time position it actually comes out cheaper than two part timers and it enters into a lot of other factors because the full time position doesn't need health care, nor does it get into the retirement; it's hard to get the words out properly because I'm not supposed to bring out that person's name. If we don't add health care and retirement to that position the total on that is \$22,526.00 plus the \$2,000 buyout for not taking insurance equals \$24,526.00, if I bring in two part timers, it's still \$22,526.00, you're not going to have to pay them 13 holidays, nor or you going to have to pay them the 5 days vacation, so you're going to deduct from that \$1,559, leaving you paying them \$20,967.00.

Liam O'Neill: Part timers do not get paid vacation, they do not get 4 personal days, they do not get sick leave, they do not get paid holidays; so you're assuming, in that last statement, that if we're saving money because we're not paying that money out for those vacation days, sick days, personal days, you're assuming that the part timer is going to take some time off, take some personal days, so you're figuring your average part time employee is going to take off 13 days, you're average full time employee is afforded this. Gary Spears: I'm lost why are they taking off 13 days? Liam O'Neill: That's what his assumption is; to say that a part timer is going to save us money because we're not paying them a paid vacation. Gary Spears: Well we know a part timer is going to save us money that's indisputable. Liam O'Neill: No, I'm trying to follow his logic, his argument is that the part timer is going to take some time off and they're not going to get reimbursed for that, and that the part timer is taking away the 13 holidays...Gary Flieger: Those 13 holidays they couldn't work even if they wanted to because the building is closed, so they're forced to take those 13 days off, that's a savings of \$1,126.00 and the only assumption I'm giving them is five days of vacation or five sick days, that's the only other thing I'm assuming that's figured in there, and if they take them off we don't have to pay them, so you would be able to deduct \$1,559. Gary Spears: So you're making the part time worker for the town cheaper is what you're telling me. Gary Flieger: Yes because she would actually be down to \$20,960. Gary Spears: And that's for two part timers for a full years work at 40 hours. Gary Flieger: Then you have to take into consideration a part time person who comes in wanting health insurance, that would be \$300 a month for an individual plan and \$620 a month for a family plan. Karl Brabeneck: But in the budget we never put in there for a full time person, we put in for two part timers. Viola Sinsabaugh: Right and that equals 40 hours. Gary Flieger: It's the same pay. Karl Brabeneck: NO it's not. Gary Flieger: The benefits might be different, but the pay is identical.

Gary Spears: If you go full time you loose 360 hours a year of productivity. You're working 2080 hours a year if you have two full timers working full time; if you have two part timers or one full timer, but if you take a full time position and you add in 13 sick days, 13 paid holidays, 4 personal days and possibly 15 vacation days that works out to 360 hours that's paid while they're not working. Gary Flieger: Where I get into an issue is, in the building department it's not a factory where you're doing productivity where you're coming in and you're on an assembly line and one person steps back and the next person takes over. In there you have a lot of jobs where people will come in the morning and then come back again in the afternoon, phone calls will be followed up in the afternoon that were made in the morning. Viola Sinsabaugh: Don't forget about training, no one has mentioned training and it must be done. If you have a part time secretary who puts in four hours a day and cannot get the work done now that's necessary for that office to keep going you're going to have a new person coming in, that person that is there already has to train the other person, if the productivity is not there now it's going to be less, if you have four hours that the person now is putting in she's going to have to take time to show the other one what to do that productivity is not going to be there for a while until the new one knows what to do. Either way something needs to be done, that's a given, whether we go full time or two part time something needs to be done. Karl Brabeneck: If the current person leaves and a new person is hired you have to assume they will take the family plan for insurance which will probably be close to \$13,000 extra in benefits. If you think that two part time positions would be adequate if that person retires then they are certainly adequate now, and two part time positions is where this should go. I know we're halted with the personnel policy because of some union activity because some of the employees want to form a union so we're kind of halted on this but something that I would want to look at would be to propose a motion to eliminate health insurance for part time employees that are hired after today's date or something like that, that way it's not affecting the present employees that are in negotiations to try to form a union, so that's something we can consider. Gary Flieger: How does that apply to our decision making tonight? Karl Brabeneck: What I would like to do is what I wanted to do at the last meeting, I'll Move to authorize the Building Inspector to start interviews to hire a part time building clerk, Gary Flieger: I think our discussion here is...

Karl Brabeneck: Well there's a motion on the floor Mr. Supervisor is there a second? No Second

Liam O'Neill: If the present employee does turn into a full time position and we are saving money because of insurance and that employee decides to leave, at that time the board could decide to go to two part time employees, there's nothing set in stone that they have to hire a full time employee.

This discussion continued on back and forth with the same issues on the floor.

*The tape of this meeting will be on file in the town clerk's office for six months if anyone wishes to review this discussion further.

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Motion to advertise for part time clerk

Motion made by Liam O'Neill, 2nd by Karl Brabenec, to advertise for a part time position in the Building Department and to advise the Building Inspector to begin making solicitations off of the list of applicants from last year.

Discussion: Gary Flieger: With your motion the way it is you are voting to make this a part time position instead of a full time. Viola Sinsabaugh: The Building Inspector needs the help and he needs it now, if this board is not going to go full time then I will have to vote yes to this, it's against my wishes but I would have to vote yes to the part time although I think the decision should have been for full time.

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

1 NO: Gary Flieger

MOTION CARRIED

Karl Brabenec: I have a question for the town attorney, is it possible, because of everything going on with the formation of the union, or certain employees trying to, that we can put a resolution out there to stop part time health insurance for new employees hired after a certain date? Glen Plotsky: Sure, you can, I mean it may be overturned depending on what happens in the future. Karl Brabenec: Okay, I'll hold off until after executive session to discuss it more.

Department Head/Committee Reports:

Wayne Decker: Orange County Legislator: I'm glad you mentioned the hazardous waste program, a lot of people have old pesticides, herbicides in their basement that they can't just throw away, and if they had to get rid of it on their own it would be extremely expensive, this is an opportunity for people to do this at no cost to themselves, the County offers is a few times a year at various places around the County, so I really urge people to take advantage of that. I wanted to follow up on County Route 61, progress is going very well on that, they anticipate about a month and a half that it'll be completed, so we're looking at the beginning of August. Also, the last time I was here I asked for your support in a motion for me to bring to the Legislature to block the inclusion of Deerpark Farms, the pig farm, into the Agricultural District, I'm happy to report that we were successful in that, the Supervisor came and spoke at the public hearing, the Building Department and the Tax Assessor both provided some good documentation for me to present, and in the end virtually the full Legislature, all but two people, agreed that this was not a good project to include in the Ag. District. The last thing, on a good note for farms because I really am very pro farms, it's been announced that anyone who receives WIC benefits can now use the money they get from WIC at Farmer's Markets and buy fresh fruits and vegetables, it's a healthy alternative to a lot of the stuff you may be in a supermarket.

Ed Hughson: Gave a highway department report, the report is attached to the minutes.

Police Chief William Werner: Here on behalf of the Police Commission, the Chairman was supposed to come but he had a conflict and was unable to make it. What came up at the their meeting was the Police Department did the local background check on Mr. Dryden, we sent the fingerprints up to Albany, we still haven't gotten a fingerprint response back yet for Patti Sabilia, I think the severe backup is that at the beginning of the year there's a big barrage of fingerprint submissions for pistol permits and I believe that the back up is for many month, because this is civil in nature I think it's going to be on the back burner and take a while, so basically what the commission is doing is asking for a waiver so that Mr. Dryden can be and active member of the commission.

Motion to waive waiting period

Motion made by Viola Sinsabaugh, 2nd by Karl Brabenec, that we waive the waiting period and authorize Bruce Dryden to begin acting as a Police Commission Member pending the results of his fingerprint check coming back from Albany.

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

MOTION CARRIED

Jerry Vandemark: With the mulch that we need, Sauschuck has it for \$925.00 for 25 yards and that's delivered to both parks and it's certified, we'd like your permission to buy that, but we need to get all the weeds out of the playground up at Sparrowbush, the weeds are terrible up there, we need to get those weeds out of there before we put the new mulch down. We ran into a little trouble with the summer program, one of the girls called me and said she wouldn't be able to come back this year, she's one of our experienced girls so we're going to run into a little problem there, she's been here for maybe four years at least. We should be able to do it, but we didn't get a lot of applications this year. The program, we're hoping, is going to be from July 6th to August 7th, from 8:00am – 12noon. We're going to try to get flyers made up to bring to the schools, if we can get permission.

Motion to distribute flyers to schools

Motion made by Liam O'Neill, 2nd by Viola Sinsabaugh, to allow the recreation committee to distribute the flyers for the summer program to the schools to send home with the kids.

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

MOTION CARRIED

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Motion to authorize purchase of mulch

Motion made by Liam O'Neill, 2nd by Gary Spears, that the recreation committee be allowed to purchase 25 yards of certified mulch for the parks for \$925.00 and to be delivered from Sauschuck.

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

MOTION CARRIED

Flo Santini: Yesterday we were down at the Soapbox Derby and I'd like to thank them for hosting it, it was a wonderful day, turn out and those kids did a wonderful job and I'd like to thank them. After that at 6:30 at the Riverside Park Port Jervis hosted the 30th Anniversary Pause for the Pledge Ceremony and our Toni Marion did the introductions of the whole service and it was a very nice service. I'd just like to thank Port Jervis for hosting it, we enjoyed the service very much. I got an E-mail from DECALS saying June 27, 28, 2009 is free fishing for anyone you don't have to have a license to fish that weekend.

Public Comment – 5 Minutes on Any Subject:

Louise Vandemark: I want to say that I agree with your vote on the building inspectors office because to me I was going to tell you to put in your save column was no advertisements, your minds were made up already who you were hiring, I don't like that, when you're creating a new position you should always advertise.

Jerry Vandemark: Question, why are we paying insurance for part timers? I don't understand that policy, there's not too many places that I know of that will pay for that and I just have a problem with that, it costs the town a lot of money, I don't even agree giving full time employees full benefits without charging a percentage, I don't agree with that either but part timers I definitely don't understand. It just costs us money, the town's got to watch their money, you don't have money you don't spend it, that's the way I feel. The town is in rough shape as far as I can see. I was wondering how you made up with that money we have to pay back? Was that passed by anybody? You said it was going to Albany.

Liam O'Neill: We passed a resolution requesting that the Assembly and the Senate pass a bill that would extend for another year our deficit financing so that we can secure that loan. We haven't heard anything from Albany.

Jerry Vandemark: And I'd like to know when you're going to work on the personnel policy, that was brought up quite a while ago. Gary Flieger: It was something we were going to work on and another situation came up that's preventing us from doing so. Jerry Vandemark: Okay, I think I know what it is and I don't know how that can be done but if you're appointed how can you be in a union, that's my personal opinion okay.

Flo Santini: You made the motion to advertise for the part time clerk, is that to expend the funds and put it in the paper?

Gary Flieger: I don't think we made that motion because I don't know what the time limit is on the list that's existing, and if it has expired. Flo Santini: Then you're talking about another two weeks before it can go out. Liam O'Neill: We made a motion to advertise for this position and also suggesting that the building inspector be a little proactive and he had a list.

Flo Santini: Where do you want me to advertise? You can do it in the paper, posting, website, but if you made a motion to advertise you need to put it in the paper, so that's what I'm saying you're going to expend town funds, so do you want me to do that all? I'm just covering my bases. Liam O'Neill: Yes, use the same protocol as we would otherwise for advertising.

Viola Sinsabaugh: I have a question, the building inspector has a list of applicants that did put in for the job, when I spoke to him he said he would like to look at that list that came in and this way he could save the town money on advertising and all that. Flo Santini: If I'm not mistaken the last advertisement went out last September or October and they had until November to come in so it's past the six month mark, usually you keep the applications for six months, I'm just saying as past protocol, past procedure, any time there is an opening you do advertise and yes if this was done two months ago I think you could have slid by, but it is past six months. Gary Flieger: Is this six months a protocol, is this something we have to do? Can the building inspector go from this list if he finds something then advertise. Glen Plotsky: You have to check with the County to see if a list is still available. Flo Santini: It's part time, it's not civil service, this is just procedure for the town for hiring. Gary Spears: Why don't we give Bob a week to review that list and if he doesn't have an applicant that's current lets get the ad in the paper. Glen Plotsky: I would say that presuming you haven't advertised for this in the last 30-60 days that it would be proper to advertise for any open position; advertise on the website, newspaper and posting.

Viola Sinsabaugh: Chief, since you were at the police commission meeting; the Town Clerk brought up a question that people are calling her about applications that they put in for various potions and she didn't know what to tell them, and correct me if I'm wrong, didn't our Chairperson say to call him with any questions.

Chief Werner: No the people can contact him and he will talk to them. Flo Santini: Okay, but my question was that people put in police chief applications in December have never heard a reply. Viola Sinsabaugh: And the answer is to call Mr. Carlsen and he will go from there, they are to call Mr. Carlsen and he will tell them. Flo Santini: Oh so the Town Board has nothing to do with this? Viola Sinsabaugh: What are we going to tell them? Gary Spears: Not until the police commission reviews it and gets back to us.

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Closing Comments from the Board:

Karl Brabenec: We are still looking for applicants for Planning Board and the Recreation Program, so definitely if you're interested in being a camp counselor or serving on the planning board definitely send your resume in with a cover letter send it to our town clerk, her e-mail address is FloSTC@aol.com and also I attended an Orange County Association of Towns meeting, they had a representative there from NYMIR, this is where we get our insurance through, basically they were talking about how they were saving money to all municipalities around the County and also in New York State and how the reciprocal is giving back funds upon renewal of the policies, so basically the Town of Deerpark, I've got a fake check here for \$4,792.50, so upon renewal of our policy with NYMIR we will be getting those funds.

Motion to enter Executive Session 9:31PM

Motion made by Gary Flieger, 2nd by Viola Sinsabaugh, to enter Executive Session for the purpose of discussing Office Personnel with regard to litigation with the Town Attorney and then Police Personnel with regard to litigation and to invite the Police Chief for that portion.

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

MOTION CARRIED

Motion to end Executive Session 10:51PM

Motion made by Liam O'Neill, 2nd by Gary Flieger, 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 cut health insurance for newly hired part time employees

Motion made by Karl Brabenec, 2nd by Liam O'Neill, that effective June 16, 2009 newly hired part time employees of the Town of Deerpark are ineligible for health insurance benefits.

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

MOTION CARRIED

Motion to adjourn 10:55PM

Motion made by Gary Spears, 2nd by Karl Brabenec, 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