

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, JULY 7, 2008**

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

Attendance:

Supervisor: Gary Flieger

Councilmember's: Robert Cunningham, Karl Brabenec, and Viola Sinsabaugh

Also In Attendance:

Attorney: Glen Plotsky

Absent:

Councilmember: Liam O'Neill

Call to Order 7:00PM

Pledge of Allegiance

Motion to open Public Hearing

Motion made by Karl Brabenec, 2nd by Robert Cunningham, to open Public Hearing proposed Local Law # 10-2008 entitled a Local Law Amending the requirements of Section 99-11 and Section 99-12 of the Code of The Town of Deerpark, Orange County, New York, requiring individuals to clean up after their dogs.

VOTE: 4 AYES Robert Cunningham, Karl Brabenec, Viola Sinsabaugh and Gary Flieger

MOTION CARRIED

Florence T. Santini, Town Clerk, Read Notice of Public Hearing, Notice is attached to the minutes

Public Comment:

George Lombardi: I spoke about this particular law before, we do have a leash law, and we also have a law about not having any dogs in the parks, which is what I think you're concerned about. I really don't think you need this law; it's just another law that's not going to be enforced. I just don't see that you need to do this, I mean your main concern is the parks right?

Gary Flieger: No it's not, where we're having a lot of problems is in Myer's Grove where it's a heavy density area, Huguenot Estates, Oakridge Park, up in Sparrowbush you have a lot of people in that community, it's very tight on the main road, there's a couple of trailer parks up there. Wherever there's high density there is quite a few issues in there, especially in the summer time when people are out walking their dogs.

George Lombardi: Okay, I thought it was mainly the parks that were the issue.

Gary Flieger: The parks are an issue also, but it's not only the parks, it's the playgrounds too.

George Lombardi: My same old gripe is enforcement; we don't have the enforcement that we should have for all these laws.

Bob Zeller: Are you saying that if I am walking my dog down a public road, whether he goes to the bathroom or not, and I don't have a clean up tool in my back pocket that I can get sighted for something?

Gary Flieger: That's correct because if you don't have any means of cleaning up after your dog then you have no intentions of doing it. **Bob Zeller:** I'm a little confused because, I mean I agree with the parks part of it, but if I'm walking my dog down the road and I'm able to be sighted because I don't have a clean up tool, I think it's totally ridiculous. I have no problem keeping my dog on a leash, I think you're just trying to regulate too much for a country setting.

Claudia Barrett: I have a little dog and I'm used to cleaning up after her, but one of the things that might sort of help some other people who sort of feel like they're in the country and they shouldn't have to worry about this, I do agree about the road kill statement, there is a lot of road kill and it seems a little odd to be worried about poop on the road next to the road kill, but if your concerned about parks, something you could do is have plastic bag dispensers at parks with signs saying please pick up after your dog, that would be a way of encouraging people to comply with the laws. I have ten acres of property and I don't worry about cleaning up after my dogs on that property, if I had a smaller yard I would. So people in this area are perhaps used to living in larger spaces, perhaps in areas where you have more congestion there's a way to deal with it without making people feel like a lot of laws are being imposed on them and they're freedom is being taken away.

Gary Flieger: I think a lot of other people who are using that same road that Bobby's walking his dog on don't want to step in it, and we don't have the street lights at night and there they same roads that my kids are riding their bicycles down and I tell them to stay on the shoulder of the road so I think if you have a dog you should be able to keep it cleaned up.

Claudia Barrett: I hear what you're saying and I agree with that, I'm also suggesting that putting up these plastic bag dispensers so that it's easy for people to clean up after their dog so that it's a more positive approach to dealing with the problem.

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Public Hearing Public Comment Continued:

Karl Brabeneck: I just wanted to say, my original envisionment for this kind of a law was mostly aimed at the parks because there was a huge problem with the park, especially two months ago or so; when it comes to coming into small neighborhoods, Myer's Grove, Deerpark Manor, wherever that may be, I think passing a law might be a little bit too stringent, I think that it should be up to neighbors to get together if they have a problem with a dog that's going on somebody's property or that kind of thing, I think it's up to the neighbor to contact the other neighbor, talk to them, resolve the problem, if the problem can't be resolved then they have to go elsewhere. I just think that passing this kind of law is very similar to a lot of other regulations that are being passed in a lot of other towns and cities and that kind of thing that are just taking a lot of freedoms away from people, and not saying that it's a freedom for your dog to go to the bathroom, but I think people are more responsible than we think that they are, and I think that we have to give a little bit of faith to people that they are going to clean up after their dogs, so I'm probably going to vote no on this.

Viola Sinsabaugh: I can understand where both of the people that have spoken are coming from, the majority of the people that have animals do clean up after them, my very first question when this came up was there are people that walk their dogs in their yard, or have them on a schedule so that when they eat they go out at a certain time, that's when they do what they have to do out there and it's cleaned up and then they take them for a walk; now is it always going to be that that animal will never have to go to the bathroom again, I can tell you that I had a business for 13 years as a pet watcher and we had people that said to walk the dog in the yard and the dog will go, and this is true, was it always that a second time the dog went, no, but there was on occasion that the dog went again; I always did carry baggies with me, that was what I put out for my business, that's what I did, I was a dog walker, I picked up after them. Many times, no matter where I was, you'd be walking either on a sidewalk or through a grassy area and step in doggie doo, you stepped in a few other things that were not from dogs; I think the majority of people are considerate, sometimes laws have to be made for the inconsiderate people who don't care, who open their door and let their dogs go through neighborhoods mess up on people's property and the people complain, they don't want to have a bad relationship with their neighbor, they don't want to get into a hissy fit with their neighbor, so they'll call the police or the dog control officer, they'll call the Supervisor or a Councilperson, and say what can I do about this. It's not so much for the people that are already doing what they're supposed to, this law is for the people that are not doing what they're supposed to, and it's sad that we have it but in this society you're going to find it all over, there are people that are good, there are people that are not so good, the people that are good, god bless you keep doing the great job that you're doing, and for you other people, if you're not carrying a bag at least for that mistake that might happen, then you had no idea what you were going to do if your dog did go. So I think it's a law that's not necessarily for the people doing what their supposed to, it's a law for the people that do not do what they're supposed to.

Lee Space: You cannot convince me, it may be a great law, but you cannot convince me that the Deerpark Police are going to stop somebody walking along the side of the road with a dog and say hey do you have a bag in your back pocket? It just isn't going to happen, there's no way. **Gary Flieger:** I agree with you 100% on that, but what is going to happen now, right now the way it's wrote, you could take your dog down to #2 building and have it mess right on home plate and the officer can stand there and watch it happen and he can't do a thing about it. **Lee Space:** In my opinion it's an unenforceable law, it would have to be actually seen and you just can't convince me that the Deerpark Police and the State Troopers are going to stop somebody and ask if they have a bag, and anyway I think they have much more important things to do. **Gary Flieger:** I've got a feeling that if you are out running your dog that they will be. **Lee Space:** We can't even get a dog that's running loose picked up. There are just more things in this world to be concerned about than dog poop.

Claudia Barrett: I'm really curious to know how you're going to enforce the law, because I do agree that we need to clean up after our dogs when we're not on our own property, so how will you enforce it? **Gary Flieger:** Well, number one we have a dog control officer, and number two is we have a police department, and these are leading you to believe that the officers don't do their job, that's a part of their job and if they are out I'm sure they're not going to go out of their way and stop the police car every time they see someone walking their dog, but if they are in a situation, like when they're down here in the park, or if they're in a community where there's been complaints of people not cleaning up then I'm sure they will; and if they don't have this law to work with they won't, they can't. So if we have an area that's heavy with complaints this gives the officer the ability so that he can, a tool that he can work with. **Claudia Barrett:** So it's not like you're going to be walking down Guymard Turnpike with your dog and a police officer is going to stop you and ask if you're carrying a bag? **Gary Flieger:** No, but yes they sure could. **Viola Sinsabaugh:** I'm sure that if you're walking your dog down the road the cop isn't going to follow you to make sure that the dog is not going to mess, if he sees that dog squatting and is watching in his window and you keep walking then he's going to have a tool to use, a law is in affect that he can use. I'm sure they do have a lot more important things to do, but this is also a tool for them to do something if need be. **Karl Brabeneck:** I think the problem is that the officer could potentially stop you and ask if you have something to clean up with, and if that you says no then there is the potential that you could get fined, and I just don't see that being good for the town, honestly I think people are more responsible and I think that by passing this kind of a law I don't think it would be proper for the town to do such.

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Public Hearing Public Comment Continued:

Claudia Barrett: I would go back to my original comment that it would be really good form to put those plastic bag dispensers in the areas where you have a lot of complaints, and also have more patrol in those areas, I think that makes a lot of sense. I would just wonder about walking down the street and being stopped and asked, because that seems unnecessarily intrusive, so would they really do it, I doubt it, but I think people are afraid of that. **Gary Fliieger:** This is the same law that most towns have, we just are adopting it now, it's nothing that we invented, it's a tool that most towns do already have. I live in a tight community and I'd say that probably ¾'s of the people there do carry the facilities to clean up after their dogs without this law, but I can tell you that there are several of them that do not, will not, and would argue with you if you asked them to.

George Lombardi: Let's say we pass this law, you made a statement that you're getting complaints in your office about this, we had a problem with a dog control officer here, we didn't even have a phone number to get a hold of this person a few months ago, I don't know how the new one is working out, that number should be posted around here, I think if you get a complaint on the dog poop issue it shouldn't come to your office, it should go to that dog control officer, all dog complaints should go through the dog control officer, not you and not the police, you and the police department are too busy with more important things to have to worry about this kind of thing, it should all go to the dog control officer. I still say that the geese are more of a problem than the dogs. I think you should pass the law but make it so that all complaints go to the dog control officer.

Motion to close public hearing

Motion made by Gary Fliieger, 2nd by Karl Brabenec, to close the Public Hearing on proposed Local Law #10-2008.

VOTE: 4 AYES Robert Cunningham, Karl Brabenec, Viola Sinsabaugh and Gary Fliieger

MOTION CARRIED

Motion to adopt Local Law #10-2008

Motion made by Gary Fliieger, 2nd by Robert Cunningham, to adopt Local Law #10-2008 entitled "A Local Law Amending the Requirements of Section 99-11 and Section 99-12 of the Code of the Town of Deerpark, Orange County, New York, Requiring Individuals to Clean up After Their Dogs".

VOTE: 3 AYES: Robert Cunningham, Viola Sinsabaugh and Gary Fliieger

1 NO: Karl Brabenec

MOTION CARRIED

Supervisor's Opening Remarks:

My office will be closed tomorrow, I have to be in White Plains for Litigation and Janina is going to be out for a while tomorrow for Doctor's appointments, so the office will be closed tomorrow.

Councilmember's Opening Remarks:

Viola Sinsabaugh: I just want to say congratulations to all the graduates, go forward and do the best job that you can do.

Motion to approve minutes

Motion made by Robert Cunningham, 2nd by Karl Brabenec, to approve the minutes of the June 16, 2008 meeting.

VOTE: 4 AYES Robert Cunningham, Karl Brabenec, Viola Sinsabaugh and Gary Fliieger

MOTION CARRIED

Motion to pay bills

Motion made by Gary Fliieger, 2nd by Robert Cunningham, 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: 3 AYES Robert Cunningham, Karl Brabenec and Gary Fliieger

1 ABSTAINS: Viola Sinsabaugh

MOTION CARRIED

General Fund Abstract # 11 Voucher #'s 381-426 in the amount of \$111,478.59
Highway Fund Abstract # 11 Voucher #'s 190-203 in the amount of \$142,183.71
Attorney Fees Abstract # 4 Voucher #'s 5-7 in the amount of \$325.00
Engineer Fees Abstract # 9 Voucher #'s 32-35 in the amount of \$1,165.75

Public Comment: 3 Minutes Agenda Items Only: None

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Correspondence:

Letter from Town Clerk: Regarding American Family Campground:

Robert Cunningham: She would like to be let off the hook because she received the application and the payment for the license and nothing has happened with it. **Gary Flieger:** We're working on this, it's in Mr. Bavoso's office, it's nothing that's being ignored, it seems to be a very complicated process, we have issued this permit when it hasn't been up to speed in years past, I have a tough time doing that; I would like to get a little further along so that we can put it up for a vote with more a less a stipulation that he has to meet these certain criteria's by a certain time period in order to issue the permit.

Robert Cunningham: She just doesn't want to be held on the hook for this, that's all. **Gary Flieger:** No that's something that we've been in negotiations with Guy Clark on, American Family Campgrounds, to try to do this.

Glen Plotsky: As far as we're aware he is working towards achieving some balance of compliance, that's my understanding, we're somewhat conflicted because we've represented Mr. Clark in the past so in this particular situation we're essentially acting on both sides trying to formulate a plan so that he can get into compliance, if at some point the board determines that he's not moving fast enough the board will have to take legal action which would require Orange County Supreme Court and would require the town to engage other council to do that litigation because we would have a conflict.

Viola Sinsabaugh: Okay, so right now he has no permit to be operating a campground? **Glen Plotsky:** That is my understanding. **Viola Sinsabaugh:** Is he operating the campground? **Glen Plotsky:** I have not been on his property to know for myself, but based upon other people's statements, yes, he probably his. **Viola Sinsabaugh:** So he's running the campground without a permit. **Gary Flieger:** Illegal, just like he has for years. **Viola Sinsabaugh:** So, we had a discussion about this before and I think the Building Inspector should go out there and if he doesn't have a permit then he's in violation and he should not be opening the campground, whether he's working towards something or not, until this is attended to I do not feel that he should be operating the campground. Does the building inspector have the time to go out there and be checking this out, I don't know, but I will tell you this, tomorrow morning I will call the building inspector and ask him to please make it a priority that he goes out there, and if the campground is operating without a permit then someone needs to take action. **Gary Flieger:** For the last six years this board let him operate without being in full compliance of the town as we have other permit people, and I have taken a pretty strong stand on this that he has to make these corrections before hand, I'm trying to work with the gentleman so that we don't lose another business in the town, and trying to make it come up to speed so that it's there; it's before the attorney now and what we're looking for now is a time frame, if we have a time frame in place what we will do is we will issue a permit for operation that he meets these time frames, in other words if this is in place by July we'll renew the permit and give him 30 days, we'll do what we have to do so that he has to comply with it so that it's there; but the amount of work, because we've ignored it and never asked people to come up to full speed, is enormous what this man has to do, and we will get there, but we're going to get there without shutting down a business.

New Business:

Computer System Upgrade for security and backup purposes:

Gary Flieger: We're having a lot of problems with the town's computer system, and we're looking to redo the way it's done, right now what we have is individual computers in here and we're running through a router; it's actually rerouting things and it's not supposed, I have court documents on my computer and that shouldn't be. Some days I'll start up my computer and my copies are printed in another place in the building. Everybody has access to everybody else's computer in here because they're all networked together through the internet. So we were looking to get a system, we also are one of the only towns that doesn't do back up, we have no back up facilities on any of the computers in here; we're looking to do a system in here that would do back up on a daily or weekly basis and saved onto a disk, so that if something happens we can get the information back. The cost of that system would be around \$7,000.00 to do, we're looking into it and I'd like for the board to digest that and we'll bring it at our next meeting. **Viola Sinsabaugh:** Where would that money come from? **Gary Flieger:** I have no idea, that's why we're going to sit down and do a workshop and figure out how we can do this.

Viola Sinsabaugh: That's a very serious problem. **Gary Flieger:** Yes it is.

Insurance Proposals – Workshop:

Gary Flieger: We've got two Insurance proposals before and what I would like to do is have a workshop on July 14th at 7:00pm if that's good for the Board; I have put the proposals in each of your packets or papers, I'd like to have you go through them and at least by the 9th at the latest, if you could send any questions you have to my office, or to David Kerr, so that on the 14th we can have those answered and make a decision.

Budgetary discussion – Workshop:

Gary Flieger: I'd also like to have a discussion at that same workshop with the Accountant on some budget issues.

Motion to have a workshop

Motion made by Karl Brabenec, 2nd by Viola Sinsabaugh, to have a workshop to discuss budgetary issues and also for Insurance proposals on Monday, July 14, 2008 at 7:00PM at Town Hall.

VOTE: 4 AYES Robert Cunningham, Karl Brabenec, Viola Sinsabaugh and Gary Flieger

MOTION CARRIED

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New Business Continued:

Budget Modifications – Highway Fund:

Gary Flieger: We do have to do a budget modification tonight for the Highway.

Robert Cunningham: The budget modifications in the Highway Fund are:

Decrease General Repairs Payroll - 5110.0 by \$10,000.00, Increase Machinery Payroll – 5130.1 by \$10,000.00

Decrease Machinery Equipment – 5130.2 by \$15,878.00, Increase Debt Service – 9720 by \$15,878.00

Motion to accept budget modifications

Motion made by Robert Cunningham, 2nd by Gary Flieger, to accept the budget modifications in the Highway Fund as read.

Discussion: Karl Brabenec: That was for the grant that was being applied for right? Gary Flieger: What the debt service is, is that was a \$310,000.00 bond for the trucks and there was \$60,000.00 set aside in last years budget for making the payments, they never considered the interest payments on that, and the interest payment on that was \$15,878.00, so we had to transfer that so that we could make that payment. The other one, is the general repairs, actually has to do with labor, we had a mechanic that left us so by the time we paid the sick time, personal time, and his paid vacation it came up to \$6,725.00 and what not so we had to find that money so we moved it out of the mechanics payroll.

VOTE: 4 AYES Robert Cunningham, Karl Brabenec, Viola Sinsabaugh and Gary Flieger

MOTION CARRIED

Department Head/Committee Reports:

Jerry Vandemark: We opened up the Summer Program today, we had maybe 20 kids show up today, hopefully we get more. Anybody who has kids and would like to bring them for four hours a day, you have to drop them off and pick them up, there's plenty of room and we've got good counselors. I think they'll have a good time. I'd like to thank a few people for putting up the swing set in Sparrowbush Park; my son-in-law Chris Murphy, Mark House, and Marie Kimberlin, they put it up and it looks good. We also had people come up and help to put the mulch out. Everything looks good now. The basketball court at building #2 needs some work, the blacktop needs to be sealed, I'm going to talk to Ed about that. We'd like to try to be able to have an ice skating rink there in the wintertime.

Karl Brabenec: As promised, I'm going to give the Building Department Report on behalf of Bob Emerson; the total income from June 2008 received by the Building Department was \$4,306.00 and there were 27 permits issued for the month.

Gary Flieger: Ed is out tonight, he's on vacation, but we need to accept a donation of dirt from the school district to the Highway Department.

Motion to accept donation

Motion made by Karl Brabenec, 2nd by Robert Cunningham, to accept the donation of dirt/fill from the school district to the Highway Department.

VOTE: 4 AYES Robert Cunningham, Karl Brabenec, Viola Sinsabaugh and Gary Flieger

MOTION CARRIED

Flo Santini: I know Liam is not here but I just want to give a quick FOIL report; it took us a while, in my department, to come up with a sheet to find out information that we needed, what we needed to get, who we needed to get it to, it was a trial by error but it took me like two or three years to get all the information we need. I think everybody on the board has seen a FOIL request, I want to let everybody know the procedure; it comes into my office or it could go to the Police Department, or it could go to another department, but 99% of the time it finds its way back to me, on the top it asks for the town clerk's stamp, it has the date on it, the information they're requesting to view or receive copies of, they're name and information, my name and then the department that it goes to, then date received, and what have you. Two months ago the board passed a motion to have me do a monthly report, I tried to explain that for them to get a copy of a property record card they have to fill out a FOIL. For them to have an incident report they fill out a FOIL, now that FOIL is a copy for \$0.25, or a \$2.00 report. I have a stack that's been requested and filled from the beginning of the year that's never been picked up. How do you do that? That people FOIL and never come back for. My concern is that people want something and I don't know what they want. You want a monthly report, somebody could come in July 1st and you're not going to know about it until August. You approve a fee schedule at the beginning of the year and that fee schedule is what I go by, \$2.00 for an accident report, \$2.00 for an incident report, \$0.25 for a copy; my town clerk's computer system I can pull up reports, a FOIL report, Incident Report, a Dog Report, whatever, and give you a total amount and in the notes I could put ABC, what ever you deem necessary that you want. When a FOIL comes in I have four or five folders, one for each department that the FOIL could go to, i.e. Building Department, Police Department, Miscellaneous, and what not, when they come in they get filled there until I get the information back from whichever department it went to, then in my filing cabinet I have more folders that are also individually marked, it's not a cut and dry thing, because two months from now somebody is going to say to me did you get that FOIL and if it's building I check that folder, if it's assessor I check that folder. You don't know what you did and what you said, like I said this guy filled a FOIL out January 30, 2008, do you know when he picked it up? June 25, 2008, six months later, I held it, I called him, it's all marked when we called and left messages. The sheet you gave me to fill out, I

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Department Head/Committee Reports Continued:

don't know what to do with it, I did it, I copied it, I was out all last week, I told Jerianne to do that, I just would like to talk to somebody, look at all these that were not picked up, what do I do, how do I put these down in a report, they're all completed on our end but the people just never came back for them. I need to know what particular thing you want me to do, because right now I'm out there in left field. Gary Flieger: I did not bring a copy of that form to this meeting.

Flo Santini: I did, here take a look, pass it around, this June, April, May, when you get information it doesn't have to be copied, it could be electronic, it could be faxed, it could be verbal, and this is what I'm saying. Half of the stuff isn't on there because it was never picked up. Gary Flieger: But we're not after what's picked up, what we're looking for here is we're

looking for when it came in, the sequence it came in, when the person comes in. Flo Santini: I need you to sit there and tell me what you want, and I could tell you what to ask for, the top of that, because I will not fill another one out, it's not aluminum foil, it's FOIL, Freedom of Information Law, and I will not fill another one out until that's corrected. I asked you the last meeting to send me what ever that was that you did on so I could correct the top of it.

Gary Flieger: What we're looking for is the date when that person comes in with a request, then on the other side the subject could be done at the same time, then over here we have the receipts, you're receipt book is numbered. At the end of the month I'm going to have this sheet and I'm going to have blanks in here that they didn't pick it up or it wasn't faxed to them.

Flo Santini: But I also have on my system, which I gave to everybody, the report that my system produces of a FOIL, it doesn't have everything in particular but like I said I sit there and I have to do three times the work and now you're asking me to do something else on top of what I already do. I only went back to May because I said I would and May was a big month, and that's probably not even everything. And look at that, what was the majority of FOIL requests in May?

Gary Flieger: They're all police reports. Flo Santini: Incident reports, and those are, I get them back sometimes in 24 hours.

Gary Flieger: Yea, but this form we're looking for you to just put a name on it so that when it comes over here we can look at this; we have this one wasn't picked up. Flo Santini: Yea, like I said I have that one there that wasn't picked up for six

months. Gary Flieger: And maybe when we close this date out here and you have overlapping ones on the next page you'll probably have that date and what not and that it was picked up on that day so we could refer back to this on here. But it gives us an idea what activities we have people looking into, so that we know how we're doing it. Flo Santini: I don't understand that, if 90% of your FOIL requests are for incident reports that are police activity or what not, I don't understand.

Gary Flieger: There's going to be a lot of things that are black and white and are very understandable, but if I have a lot of issues on cases that we have in court I know what the person is asking for, I can come down to make sure that our Attorney that's defending this town has the same information to go to court with that the person does. If I have a lot of these in a certain area, I can look and see, maybe my Building Department needs to up its literature that there's too many questions here when those people are walking out of the office. Viola Sinsabaugh: What are you finding a problem with on this form?

Flo Santini: Look at what I do, it's not a piece of paper that comes in, this is something that comes into my office it gets stamped it gets filed, it gets put there, then I have to forward it to the department that it goes to, then I have file it, I mean so you want me to do an extra step, and then I have to sit there and worry about if I'm going to fill it out, not fill it out, or anything else, there comes a time, I've only been town clerk for 8 years and this is a new thing for me because I've never had a problem with FOIL requests before, and I don't know where the problem is but if anybody on the council wanted to know anything then my door was always open, but to be put on that, I don't think the public is going to be very happy that something like this has been turned up and on this council because of how it's being done. And you know what if the board feels that I'm not doing my job, I want to make this clear, if there's any FOIL that ever came into my office and I questioned it, it went down to our Attorney's, and you might not know about it, but I don't release anything without their say so, and if you think that I might, well then you've got the wrong the person, I would not do it, it's my job, so I don't know what somebody is trying to find, if I'm doing something, but I'll tell you the bottom line, that will tell you what department has given me the hardest time, and it will be on record, and realize now, in public, you just made a public record of a document, so anybody could come in and FOIL that document, to know what is being asked for in this town.

Gary Flieger: Yea but they can't FOIL anything that can't be FOIL'd, so I don't understand the statement you just made, that was very confusing. Flo Santini: No it's not, because they will know what I just said. Gary Flieger: If Pete comes in and

FOIL's something, then Sam can come in and FOIL this report and he'll know what Pete is asking for. Flo Santini: Yes, and how long it took and everything else, so you literally just gave the public, or anybody, a FOILable document that they can FOIL because now you made me have a record of it. Gary Flieger: Everything in Government is FOILable.

Flo Santini: You're missing the point, you can't come in and FOIL what I've gotten FOIL'd, but that's a record that they could FOIL now, you just made it as a record. If you come in and fill out an individual FOIL someone else can't come in and FOIL this particular FOIL, no one knows that this was done, but now they know that was done, so where that goes from there it's not on my hands. I just wanted to let you know, I will do that in one month you might just have two FOIL's, one month you might have four, but you just put my department into more work, because I have my set of what I do, where I do it, and how I do it, and that will show what department has given me the hardest time when I'm done with it.

Gary Flieger: Sure it will and that's what we're after.

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, JULY 7, 2008**

Department Head/Committee Reports Continued:

Dave Hoovler: Being that we only meet once a month a lot of times we don't have a lot of stuff on our agenda until your second meeting of the month, but we have a meeting on Wednesday night, we plan on addressing a couple of executive session items regarding waivers for potential officers in the future that we plan on talking about, but the big thing we're going to start doing is we're going to start talking about the Police Budget for next year, we're going to try to put together at least three different budget lines, ones kind of a wish list, one is kind of where we're at now, and another is kind of an in between that we're working pretty close with the Chief. We're trying to have that prepared so that we can give something to you guys fairly early, if not by mid August then by the first part of September on that. The other issue that we're slowly starting to address is we're going to try piece meal to go back over the general order manual of the police department, over the years it's become very large, very cumbersome, it's in some sections is probably not even politically correct at this point in time, so we're going to try to slowly go through that, about 50 pages at a time and see if we can bring it up to date. It hasn't been done in a considerable amount of time, probably at least six years, it's just got addendums and attachments and all sorts of things. Other than those two big items that we're starting to discuss it's been very quite.

Public Comment-5 Minutes any subject:

Bob Zeller: Just a couple of observations regarding your local law that you passed tonight; first of all I'd like to thank Councilman Brabenec for listening to the public that took the time to come here to voice their concerns. However, I still in my mind can't understand if you had so many complaints regarding this that it had to come to the board for a local law, why those people didn't take the opportunity to come out to this hearing tonight and speak on their behalf on how wonderful this law is going to make their community. Again, thank you for listening Mr. Brabenec to the people that were here tonight. The other thing that I have, it's just a comment that you made Gary during the hearing, and I don't know who it was directed at, it was after Mrs. Space spoke, you made a comment that people out there would make you think that the police don't do their job. I was offended by that comment, I didn't hear anyone or myself say anything about the police not doing their job, all she said was they have better things to do, or more important things to do than enforce this, I was offended by that.

I don't know anyone here that implied that they didn't do their job. The other thing, I have a question, and maybe you don't want to answer this, it goes back to when you were trying to control the budget and there were a couple of issues, my recollection was that overtime was going to be controlled, well you know I FOIL'd information to get to where I need to be in speed, however what was the recollection that you remember as far as what those motions were by the Board for overtime?

Viola Sinsabaugh: There was to be none, except for the Police Department and Highway Department. **Bob Zeller:** But then it went to where the police department, I believe made concessions that they were going to take any overtime and comp time, is my recollection right on that? **Gary Flieger:** Wrong, that was an offer that they put on the floor, I don't believe that we accepted it. That would have done nothing more than transferred their debt created this year into next year, and that's something we couldn't do. Maybe you're talking about another discussion we had, but that was an issue.

Bob Zeller: I'm just trying to find out what the final outcome was of that. **Gary Flieger:** It depends on which one of the many discussions we had with the police department and the commission, but if you're referring to when we were negotiating the budget with them, that was something that was put on the floor and it was not accepted by this board because it does nothing more than transfers the debt from one year to the next. **Bob Zeller:** Was that accepted or rejected by the Board in a formal proposal or was that just something that you guys decided to do? **Robert Cunningham:** Are you talking about overtime?

Bob Zeller: I'm talking about the proposal that the police department put on the table to help to curb overtime.

Gary Flieger: I think it was treated just like all the other proposals that they put out on the floor that same time, I can't remember how many people voted on it, who was at the meetings, there were items put out there, not as motions to be voted on, they were thrown out on the floor as ideas, and where were those ideas going to go, and I believe that the one that you're talking about is one of those ideas that was brought out to explore a possibility, it wasn't even in this building.

Karl Brabenec: Yes, I think that was at a commission meeting where that was brought up.

George Lombardi: Question, was Aileen Gunther's coming here tonight on the website? I didn't see it publicized, she came down here to spend time with the people and there were very few people here. **Karl Brabenec:** That wasn't on the website, I actually just got notification of that a day or two ago. **George Lombardi:** Okay, but it should have been up there. Our insurance in town, when is the insurance that we have expiring? **Gary Flieger:** I think it's the 19th of July.

George Lombardi: We have to have an insurance company in place. **Gary Flieger:** That's why we're having a workshop on the 14th, the board has all the paperwork in front of them, they're going to go over it and all questions will be asked ahead of time so that they can be answered on the 14th and we can make a decision on that day. **George Lombardi:** Since Skip is here, this American Family Campground, I remember sitting at a meeting back in 2004 and every single thing that goes through the Planning Board, they ask for a site plan, and I remember back then talking about how long it was taking that they asked him to do a site plan and he didn't want spend the money; I'm with Gary in that I don't want to stop a business in town, but I remember right that's one of the first things you wanted Skip to be in control and know what's going on there, and I think instead of closing him down give him a time limit to hire somebody, give you a site plan and start getting in compliance; but this thing has been going on for four or five years and he's getting a permit each year when he's out of compliance.

**TOWN OF DEERPARK
TOWN BOARD MEETING
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Public Comment Continued:

Gary Flieger: That's exactly what we're trying to do, you're exactly right.

George Lombardi: If he wants to run a business he's got to follow the rules, I mean no one wants to pay for those site plans because they do cost a lot of money, but that's part of the game.

And Gary, the grants, I know you've been putting a lot of time into that, and I want to give you credit, I don't know whether we got them or what you're doing, but I know they take a lot of time and we haven't done it, and if you want to bring us up to date on which ones you're doing, did we get any, how much money they are.

Gary Flieger: I have filed the Orange County Community Development Block Grants, I did receive literature on it today that they want another piece of paper. George Lombardi: Did we get any grants yet that we've applied for?

Gary Flieger: Oh yeah. George Lombardi: I just think that when you do get one and you've gone through all that work, I think the board should bring it up and say we did get this grant. One other thing that's bothering me, community service from the judges, when these kids are all in here running around, who's the person that supervises those community service people? My point is they're in here for community service because they've done something wrong, some of the people that you have in here are part time, they're doing a job here to clean up, I mean if that person has to supervise these people he shouldn't be supervising them for the salary, he should get more money, I don't know, but you get stuck with the community service people, but my question is who's supervising them, should they be supervising, and are they getting paid to supervise them?

Gary Flieger: Site Plan for American Family Campground, what we're looking to do there is we are in the process of trying to find out what the needs are to get that site plan and what the time frame would be to come up with that. I've asked for community service people, these are people that are sent in here by the court system, when I bring them in from the County, the County actually covers them by insurance, the town doesn't have to do that, most of the work that we have for them, we're using them in the highway, they're into crew, so the same supervisor that is supervising the crew has one extra man to watch over, these are not hardened criminals, some of them are DWI's and I get to choose whether I want that person here or not and the judge does send over the background so that we can pick and choose so that we don't get ourselves in trouble, we have several young people who are under age for using mechanical equipment so we put them right in here and they scrub away all day, it doesn't cost us anything, there's no pay involved and they do work, yea, you could probably get a lot more done out of somebody else, but it doesn't cost us anything and if they want to wash our windows and blinds that's fine; we all watch him, he's got a job to do and he goes out and does it, if he's not here then he's not here and I don't chase after him, or chain him to a bench, if he doesn't show or if he doesn't complete his task in the time period that he's supposed to I ask him not to come back and send a report to the judge. We don't have any real controls over them but most of them want to be here because this is how they're going to serve their time.

Lee Space: I have to agree with Vi on the American Family Campground, this man has had six years to comply, if you come by my house tomorrow and I'm putting an addition on am I going to get six years to comply? You bet I won't, we just put in a septic system, permit and everything in place before we started, what's good for one resident is good for another resident whether he's a business person or not, if he's a business person it's all the more reason that he should have all his ducks in a row before he starts anything.

Jerry Vandemark: I was just wondering, I know it came up before, about logging up at Boehmler Park, has anything come up to that? The other question is we have 33 acres up there by Boehmler Park across from Boehmler Park, and I was wondering if we should put that up for sale to try to get rid of some of this debt, it's not by the lake side, it's across the street, I'm afraid we're going to end up with like a 27% raise this year in our taxes and I don't believe that people can afford that, it's hard times for everybody and I was just wondering if we could use that as a solution, I think the Board should just think about this.

Gary Flieger: I believe that property has been donated to the town and it has a lot of restrictions on and I don't believe it can be put up for sale. I never entertained looking at it, I looked at it but I never sent it down to the Attorney's for them to look at, but when I'm looking at it there's a lot of restrictions on that and I really don't think it can be put up for sale. The logging operation up there, what we did is we started the process with it and I have contacted the State on it, the logging market right now is so far in the hole and they're getting absolutely nothing for the trees, they're having trouble selling them and it's a project that we will have to put off for a little bit, but we have started the process on it. Our town also doesn't have any controls on logging and so we're getting more educated on that, we ran into some problems up off of Kennel Road with a logger with some roads that were going up there.

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, JULY 7, 2008**

Comments from the Board:

Karl Brabenec: I believe it was the late '90's or early 2000, there was a committee that was formed, a Community Development Committee, and there were some great people on it and it kind of fizzled out because they really didn't meet; then I believe Councilman Billy Smith revived that and when he got off the Board it kind of fizzled out again, so what I'd like to do, it's still on the books and I'd like to see if we could revive the committee and I'd like to be named the liaison to that committee to look for people to serve on that committee to be almost like a think tank for community development, economic development for our board that way we can develop some good policies to bring some good rateables in the town, so I would like the board's permission to do that, and to put a notice on the website and possibly a news release to see if any town residents are interested in serving.

Motion to start the Community Development Task Force Committee

Motion made by Gary Flieger, 2nd by Viola Sinsabaugh, to start the Community Development Task Force Committee and to have Karl head that.

VOTE: 4 AYES Robert Cunningham, Karl Brabenec, Viola Sinsabaugh and Gary Flieger

MOTION CARRIED

Gary Flieger: I'd like to be your first member, I know it's going to be a real hard road to go down, our community is very hard to adopt some of the ideas that I hear at these meetings too, because we just don't have the condensed population, it's a group here and a group there, it's going to be a tough one but I'm looking forward to it.

Karl Brabenec: Last meeting I had promised I would bring up a resolution regarding the overtime and comp time issue that's kind of been plaguing the town and the personnel policy, I had written something up and gave it to our Attorney and our Attorney responded but I just got the paperwork today so I'll be able to bring it up at the next meeting. Just a reminder, Deerpark Days, I know there was some confusion about this whether it was happening or not this year, but it is happening over at New Hope Farms. **Skip Wilson:** The Deerpark Family Festival is going on next weekend starting on Thursday July 11th through Sunday July 13th, Thursday from 5pm-11pm it'll be pay one price for the carnival, then Friday night, Saturday night will have fireworks at 10pm, and Sunday will be pay one price all day, we're going to have music by Karl Richards Productions, come on out, have a good time. We're trying to revive it, keep the name going and hopefully it'll work out, I'd like to thank the Port Jervis Chamber for allowing us to do it, they're not involved this year, we're doing it as a committee.

Karl Brabenec: Route 209, you might have seen the signs, they're going to be blacktopping, it's going to be all the way until August starting the 15th of July, so if you're traveling on that road just plan accordingly because there may be some delays. A question, the bids on the tear down for the trailer, just wondering what's going on with that. **Gary Flieger:** No I haven't done that yet. **Karl Brabenec:** Also, in regards to the American Family Campground, I'm the first person to promote business in the town and to bring new business in but they do have to abide by the Laws and an illegal business is an illegal business so I think we do have to act on something tonight about this. **Gary Flieger:** You don't have the paperwork on this to act on it tonight so we really need to wait until the next meeting.

Five-Minute Recess

Motion to enter Executive Session 9:55pm

Motion made by Gary Flieger, 2nd by Robert Cunningham, to enter Executive Session regarding a personnel issue, litigation with Cassas, Dubois, and Sullivan, and to invite the Town Attorney for both issues, and to invite Flo our Town Clerk, and Janina the Bookkeeper, separately.

VOTE: 4 AYES Robert Cunningham, Karl Brabenec, Viola Sinsabaugh and Gary Flieger

MOTION CARRIED

Motion to End Executive Session 10:30pm

Motion made by Karl Brabenec, 2nd by Robert Cunningham, to end Executive Session and re-enter Regular Session.

VOTE: 4 AYES Robert Cunningham, Karl Brabenec, Viola Sinsabaugh and Gary Flieger

MOTION CARRIED

Motion to adjourn 10:31pm

Motion made by Karl Brabenec, 2nd by Gary Flieger, to adjourn the meeting.

VOTE: 4 AYES Robert Cunningham, Karl Brabenec, Viola Sinsabaugh and Gary Flieger

MOTION CARRIED

Respectfully submitted by,

