

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, JULY 21, 2008**

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

Attendance:

Supervisor: Gary Flieger

Councilmember's: Liam O'Neill, Robert Cunningham, Karl Brabenec, and Viola Sinsabaugh (7:55pm)

Also In Attendance:

Attorney: William Bavoso

Call to Order 7:30PM

Pledge of Allegiance

Supervisor's Opening Remarks:

Vi is at the funeral home tonight for Mark Ropke, a member of our community who passed away, she'll be here as soon as possible. I'd like to thank Skip Wilson and the Committee for the Deerpark Family Festival, for keeping it alive for another year, there were some problems down there and they stepped forward and brought it light and it was great.

Councilmember's Opening Remarks:

Karl Brabenec: I'd like to add something to the agenda, under new business, Resolution #11-2008, regarding overtime/comp time for Town of Deerpark Employees. **Gary Flieger:** Okay, but we are going to have to change it to #12 if we do it tonight.

Motion to pay bills

Motion made by Gary Flieger, 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: Robert Cunningham, Karl Brabenec, Liam O'Neill and Gary Flieger

MOTION CARRIED

Engineer Fees Abstract # 10 Voucher #'s 36-44 in the amount of \$7,373.30

Attorney Fees Abstract # 5 Voucher #'s 8-11 in the amount of \$1,255.00

Street Lights Abstract # 7 Voucher # 7 in the amount of \$283.45

Correspondence:

Letter from Port Jervis School District: Thanking us for allowing them to use the Town Hall

New Business:

Resolution #11-2008: Uniform Court Justice Assistance Application:

Motion to adopt Resolution #11-2008

Motion made by Robert Cunningham, 2nd by Karl Brabenec, to adopt Resolution #11-2008, The Uniform Court Justice Assistance Application.

VOTE: 4 AYES: Robert Cunningham, Karl Brabenec, Liam O'Neill and Gary Flieger

MOTION CARRIED

Resolution #12-2008: A Resolution which enacts a policy that Town of Deerpark employees who are salaried and/or classified exempt do not qualify for overtime and/or compensatory time.

Karl Brabenec explained this resolution, a very lengthy discussion followed, the Supervisor feels that this was not brought before the board with enough time to review before voting, vote was deferred until end of meeting.

The tape of this meeting will be on file for six months in the Town Clerk's Office if anyone wishes to hear the specifics of this discussion.

Deerpark Farms LLC Property:

Gary Flieger: I'd really like for Wayne Decker to talk about this, but he's not here. Deerpark Farms is an area up off of Big Pond Road, it's a pig farm, it was a farm that was put into place, due to some changes we did exempt, in the beginning we had no pig farms allowed but when we changed our zoning a couple of years ago somehow we opened things up to allow pig farms in the town, we allow 2 pigs per acre; what's happening now is these people went for an Ag. District; if they get that then it becomes a State situation where the Town has no say about anything that happens on that property. They could up to 300 hogs up there on the property if they get that, and it could go hirer, it's a very residential area; we are trying our best to make sure that it doesn't go to the County Legislative Body, it has made it through the Ag. Board, and where it ends up now is it is before the County Legislative Body. **Liam O'Neill:** I don't get how that works, I don't understand that channel.

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, JULY 21, 2008**

New Business Continued:

Gary Flieger: First of all what happens is we have our zoning, what they can do is get a State Ag. District, it's a designation for that piece of property. If they get that designation then they follow State Rules which would supercede Town Rules, in terms of hogs per acre, housing of people, barns, whether we need permits, all our building codes.

Liam O'Neill: I find that hard to believe, my understanding was that local zoning supercedes everything but say a fire department. Bill Bavoso: The Supervisor is generally right on this, if it goes to the County Legislature they have to hold a public hearing on that and you have to be notified of it also, different agencies have to be notified also, DEC, the Commissioner of Agriculture, the State and so forth; but if it is designated under the Agriculture and Markets Law of the State of New York as an Ag. District, any agricultural operation within the Ag. District is exempted from most local regulation and falls then under the State; for instance generally speaking you wouldn't have to get building permits to do most farm buildings. They do still get the tax exemption but that's not the issue, the issue is regulation of what can happen there and as Gary said, with regard to housing for farm workers, with regard to housing for animals and livestock, things like that they then become exempt from local regulation. It's the Agriculture and Markets Law, and it's around Section 300 of the Law, that's where you'll find information about Ag. Districts. Gary Flieger: I've been to two of the Orange County Agricultural and Farm Land Protection Board meetings, the Orange County Legislative Body actually looks for this farm land protection board to advise them on how to vote. What happened at the June meeting is we were able to have them table it to do a further study of the property and what not, and when they came back on the July 14th meeting the vote wasn't high enough for them to vote a yes, they didn't have a quorum, but yet the majority of the vote was a yes vote so when it goes before the board it is going to show that they had five yeses but they need six to have the majority, there were a couple of no's and an abstention so they didn't have enough votes to make an ultimate decision. So it is going to show that the majority of the members of this protection board is in favor of it, I will tell you that I've been around these hog farms and the stench is probably half a mile to a mile away, that would mean that this building is within range. This is something that I've talked to Wayne about and he's keeping me abreast of all the meetings with the County, we are probably, on Tuesday, going to go start knocking on some doors to get a letter writing campaign started to the County Legislature.

County Route 15:

Gary Flieger: Next, County Route 15; I attended a meeting with a lot of people, Mayor Joseph of Montague, NYS DOT, Mayor Lapriore of Port Jervis, David Church, Melissa Bonacic, Wayne Decker, Ed Diana, many people where there, and it was a very long meeting. They definitely are looking to try and do something with County Route 15. Some of the immediate remedies that were brought up were going into the City of Port Jervis and redo the red light system, not add new ones, just try to redo the timings to see if they can increase flow through Port Jervis with that; there were some very impressive drawings brought out, it shows that work has been done, and the dates on the drawings show that it was done recently. This is something that's been on the platter for nine years, but it is moving along in the right direction.

Okay, impact from that, we agreed on signing up for impact which is the Town of Deerpark signing up for a communication program for our Police Officers, we all voted to do that, the contracts came before me probably two weeks ago and I didn't like the language that was in it so I sent it over to Mr. Bavoso and I know as of a couple of days ago it wasn't quite ready, where do we stand with that Bill?

Bill Bavoso: You had asked me to secure some more information from Craig Cherry who is administering this program on behalf of the County and I did receive a letter from Craig that says, 'per Deerpark's Supervisor Flieger's concern of the financial obligations outlined in the memorandum of agreement to the Town, please let this letter confirm that as stated in the memorandum of agreement, all software purchasing and installation will be paid directly by the County of Orange as part of this project, after installation and training is completed by the vendor the Town of Deerpark will be responsible for annual maintenance fees as outlined in the contract with the software vendor in the amount of \$4,860.00 to start 12 months after the go live date that the Town of Deerpark Police Department starts to use the application for daily business; that go live date is to be determined between the Town of Deerpark and the vendor once it is determined that the police department is ready to proceed.' The concern was that there's a clause in the proposed memorandum of agreement that states that the County agrees to finance the purchase of the impact law records system as outlined in the amount of \$25,200.00 for the Town during the calendar year 2008 for the purpose of providing the impact act law records management and data sharing system to the Town. The concern was that what other expense would the Town have to pay and as outlined in this letter from Craig Cherry, who is the Deputy Commissioner of Police Services for the County, that the only fees in the future would be, and again not starting until 12 months after the system is up and running, \$4,860.00 a year for maintenance charges, so that's the clarification that we requested and obtained. Gary Flieger: Sounds like we've got something we can sign, we'll do this tomorrow and get this thing underway. Thank you Bill for getting that together tonight.

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, JULY 21, 2008**

Old Business:

Computer System Upgrade:

Gary Flieger: We need a computer system upgrade in the Town, I did put some information in each of your boxes, I see Karl has it here now, did you have time to go over that? Karl Brabenc: Yea, a little bit of time. Gary Flieger: Are we ready to vote on that tonight? Viola Sinsabaugh: Just a question, should we put out any bids for this or what? Gary Flieger: That's a good question, I don't know for sure, this is an estimate that we got; this is a vendor that the Town has contracted with to do all our maintenance and upgrades and such in the past. This is a number that has exceeded any upgrade that we have ever done, so let me ask Mr. Bavoso, we are under contract with the company to do all our computer programming, and upgrades and any repairs, we're asking him to come in and upgrade our system here, but the fee is going to be around \$7,000.00, probably a little bit more. Bill Bavoso: Well there's a couple of questions, first of all is this a new contract or is it a continuation of an existing contract we have? In other words is the service that we're requesting part of some other contract that we have? Gary Flieger: I don't know that. Bill Bavoso: Okay, because, first of all the answer is we don't have to bid it, if it's under \$10,000.00 with regard to purchase of equipment it doesn't have to be bid, if it's under \$20,000.00 for the purchase of equipment plus labor it doesn't have to be bid; but if it's a new agreement and it's \$7,000.00 we probably have to follow procurement policy and at least ask for proposals from at least three different proposed vendors.

Gary Flieger: What we're doing is we have a system in here which we handle our computers which is called a router which disperse the internet throughout the building, because of the way computers are made today they are outsmarting our routers, so I actually have letters on my computer that the judges wrote on their computers, I really shouldn't have them there, there's a lot of very sensitive information within the building, with Flo's Office, with my Office, dealing with lawsuits, dealing with a lot of different things, and the judges, and this just can't be. So what we're asking him to do is to remove the router and go into this other system, if you give me a ruling on this tonight we'll be more than happy to go forward.

Karl Brabenc: If you're in the Judges chambers you can access a document from the Supervisor's office?

Gary Flieger: Somehow their computers are hooking up with mine, I can access their files on my computer.

Karl Brabenc: Unless the computers are networked together I don't think there's anyway they can access your documents.

Liam O'Neill: Generally you're right, networks work that way, if you save it locally someone else can't access it, but if you save it on a shared server then you could. However you can rig a computer in this office to automatically see everything, that can easily be done. Gary Flieger: There's more than just files being shared back and forth, somehow we're getting set up with other printers as well, I try to print something and it doesn't print and then I find out that it has printed down on Judge Osowick's printer, that should not happen since we are not supposed to be hooked up that way, we don't even have a server, we have a router and these things should not happen with a router. We're not downloading our data every night, we have no way of saving our information, none of it is, with this here it would all go back to the server, it would be downloaded to disk on a nightly basis, we'd be able to save the disk and store everything we have. We'd also be able to network the way we want to network back and forth in here, where I would be able to access say the building department for all the permits it's handing out, it could be available to my office and the planning board so that they can follow the progress of what's happening there. Karl Brabenc: If everyone has internet access here then it's cheaper to e-mail information to each other than pay seven grand for all of this, at this time. Gary Flieger: But it's not just that, we'd also be getting security that we don't currently have. Robert Cunningham: Where's the money coming from? Gary Flieger: We'll talk about that just as soon as the board decides that's what we'd like to do. Robert Cunningham: No, we need to decide where the money would be coming from first. We need to find out where we're going to get this money, we'll have to talk to Rob Schultz and see if we've got it. If we don't have the money we can't do it so it doesn't matter if we want to do it or not until we know if we've got the money. Gary Flieger: I think we're going to table this until another night and until my board is happy with it, and I would invite my board in here during the day, or even at night and we'll sit down and go over with until you feel comfortable with it. Liam O'Neill: That's sounds good, and I think we need someone to not just give us an outline of items to purchase, but also an outline of problems that may be existing so that we can make sense of it.

Wayne Decker: I think the meeting about County Route 15 was a very productive meeting, I think we made good progress, I think we've gone from the stage of everybody pointing fingers to the other guy about who's responsible, we sort of outlined areas that the municipality would look into, the Town would look into, what the City would look into, and what the State would look into, and also that the County would look into. I'm hopefully that we will see some progress, we're not going to see a complete redesign of the intersection and all the problems solved over night, that's going to be a long term process because it's going to cost a lot of money and it has to get on the planning, but I'm confident that we're going to see some level of improvement that will help the situation down there relatively quickly. Everybody does acknowledge that there is a problem and that we need to do something about it. Deerpark Farms: This came before the County Legislature in July, I had it pulled from the agenda, it was passed by the County Ag. Board and it came before the full Legislature there was a public hearing at which no one spoke, but I had it pulled because I had real concerns about this project. Since then I attended the subsequent Ag Board meeting along with the Supervisor and we expressed our concerns on this project; quite frankly my biggest concern is I was handed a resolution to accept saying that I found this land to be agriculturally viable, I don't know if you have looked at that site, but for anyone to say that it is agriculturally viable, it did not work for me; it is an extremely

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, JULY 21, 2008**

steep slope, roads have been cut into it vertically without any concern for erosion, if hogs are allowed to browse on that underbrush it will not grow back quickly causing further erosion problems, and that property is just not farming property. Deerpark has some exceptional agricultural land that is in the Ag District, should be in the Ag District and should continue to be in the Ag District, I'm just concerned about property that's really not viable for agriculture being given the benefits of an Agricultural District which includes basically preempting your zoning, no need for building permits. In fact we have asked the State Ag Board to come down and look at the operation there and tell us if his agricultural practices are really acceptable to them, it doesn't appear that way to me, after the rain storm we had the other day there was a current of mud coming down the driveway down the ditch along Big Pond Road. So it went back to the Ag Board, it was defeated, only because there were not enough affirmative votes of those present. It wouldn't hurt if the Town Board took a stand against this. I did have another Legislator who represents the Legislature on the Ag Board come and look at the property and he had concerns as well. Bill Bavoso: Wayne, in the State Statute, in the Agriculture and Markets Law, there is a section that sets forth the criteria that the County Legislature has to look at before voting, and I don't know if the County Attorney has given you that but if they haven't you should ask them to do that. Wayne Decker: The Ag Board asked for that before they made their vote, the second time. I have had our Legislative Council working on this from the moment I found out about it. We do need to support our farmers in the County, farming, agriculture is still I think the biggest business in Orange County, but this particular property is not the right land for farming. Gary Flieger: I'd like the board to vote that we are not in favor of expanding this operation beyond what the town zoning allows.

Motion to send a letter to the County

Motion made by Gary Flieger, 2nd by Karl Brabenec, to send a letter that the Town Board is not in favor of allowing the property on Big Pond Road becoming an Ag. District, and superceding our local zoning code.

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

MOTION CARRIED

Department Head/Committee Reports:

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

Flo Santini: Dave Hoovler called my office today, he's not feeling well so he won't be here tonight, he did submit a report on July 14th that I copied to the Board on their July 9th Police Commission meeting, the break down of what they discussed, he just wanted to make sure that the Board got that. Also, I'd like to say that I hope everybody looked at the Times Herald Record today, the State wants to extend the ban on all open burning, I believe if you go to the record online it will tell you where you can go to write in to the State if you'd like to voice your opinions. I'd also like to tell the Board that a number of months ago we signed up for the website for New York Regional Interconnect (NYRI), any information that comes through, from the attorney's who are opposing it comes to my office, the towns around us that are all involved in this have done letters in opposition, so I'm asking the Board if they'd like to make a motion that the Town of Deerpark also conforms with it; we have the letter itself where we would just insert the Town of Deerpark name in it for the opposition of why we feel that we're opposing the power lines.

Motion to sign letter of opposition

Motion made by Gary Flieger, 2nd by Karl Brabenec, to sign the letter of opposition of the power lines with NYRI.

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

MOTION CARRIED

Flo Santini: We also had Board of Elections here today doing their inspection class, I believe there were close to 50 people here for that class, to remind everybody that there will be an independent primary this year, and the general election, but we also have registration too, Thursday, October 2, 2008 the town hall will be open from 5:30pm-9:00pm, and then Saturday, October 11, 2008 from 2:00pm-9:00pm for people to come in and register to vote.

Public Comment:

Robert Zeller: I'm just going to speak my opinion, I want to thank Councilman Brabenec for bringing up the issue of the policy, and again my opinion is that you are policy makers and bringing the employees in to make policies is kind of ludicrous. I think Flo's comment of the motion being stronger than a resolution, well obviously the motion isn't doing anything because there are people who are obtaining comp time and over time with in the town right now, and it cost me \$27.00 to find that out. Again I commend you for bringing this up, I think it should be supported with any time that you have your policy that needs to be updated perhaps doing it piecemeal versus the whole thing because doing the whole thing can cause mistakes. The other comment that I would make, a councilman or a supervisor should be able to bring up or research anything or any topic that they feel is important for the Town, and I don't look at this as you blind siding anybody, just as you doing your homework, the Town Attorney spent the time with you going over it, so I'm sure that it's a document that

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, JULY 21, 2008**

would have some teeth, as far as putting the resolution together; and I do understand Mr. Flieger's position of wanting everybody to get a chance to have input on it, however I believe that a councilperson or a supervisor should bring any topic up that they want, and I again commend you for bringing it up in public. The other thing that I would just say, a comment was made that over time is being controlled and comp time is being controlled, without a comparison of last year to this year I don't know that you could make that statement and have it be a true statement. I do know that there are a number of comp ours that are logged, and there are some over time hours that are logged. The last thing that I'll talk about is the gentleman who was sitting near me, with your computer thing a quick fix may be as easy as putting firewalls up on your computers, which is a lot less costly than spending \$7,000.00. But I support you with what you're doing with your policy, I think that a lot of mistakes and a lot of problems were created because that policy was good for a start but it wasn't updated, and I agree with what you're doing.

George Lombardi: The only thing I have against with Karl taking this thing on his own, when this Board sat in the beginning of the year every single thing that went on here the whole board voted on it, now the work sessions is when Karl should have brought this up to be discussed as a board; to me the board got blind sided, Gary got blind sided. My other point is how much, the thing about this board we got into almost a million dollars worth of debt, and we worry more about pennies. How much over time and how much comp time since you passed that resolution that there wasn't any to be, is it \$50.00 is it \$500.00, is it \$10,000.00, all this studying for pennies is a waste. We got into almost a million dollars worth of debt because there was three members on the board that weren't watching things for almost 4 years that they were on that board, I want to see you worry about the big money, and I'd like to know how much comp time and how much over time was spent since January that Bobby spent \$27.00 on to find out, he knows so what's the number? If it's a big amount then it's something if it's peanuts we're wasting our time on those things. The other thing, the Departments, Flo's department has one employee, it's always been like that, the tax assessor has one employee part time, the only department that has other employees is the building department, we had the building inspector, a code enforcer, a full time secretary and a part time secretary, his department is cut big time, there was \$50,000 saved there because the code enforcer is gone, now that department is cut and he's not allowed any over time. I know the man comes in early to do work and if I was Bob I wouldn't put an extra dime in past 40 hours for this town the way you're treating his department. That department has been devastated. We still have garbage all over the place, I asked Karl to take a ride around, go up Peenpack there's garbage on the side of the road that's been there for a year and a half, and I can start filing out those foils I can give you 50 in one day. Now these little pools that we had trouble with last year, they're popping up all over the place again, they're illegal and they're dangerous. How many building permits were issued for those pools, I'd like to know that. I'd also like to know on that pooper law that's been in effect for two weeks, did you collect any money? This pig thing was left out of the zoning before you had a problem I think the board should pass a resolution and add to the zoning that no pig farms are allowed in this town, because if that one goes someone else could put another agricultural district, how it was left out of the zoning was just a mistake. We are in a new insurance policy, the question came up what's the deductible if someone sues you, that question should be known right now, and if your read those things, the exclusions that those insurance policies have is ridiculous, you think you're insured for stuff and then you find out you're not. Voting on something up there without really looking into, don't rush into voting on things up there, make sure you all read it and go over it before you vote, because when you vote up there, a lot of times you vote on something, one of our big problems that happen in this town, and emergency meeting at 4:00 in the afternoon, when you passed and emergency thing and that resulted in a lot of debt for the town because is happened so quick and no one looked into it, make sure you read this stuff and know what you're voting on. Karl, I think your thing I right but I think you can wait one more week and give the people a chance, Bobby's right that the employees shouldn't make the decisions.

Jerry Vandemark: I would like to say I think that was a good thing you brought up tonight Karl, I think the town board should vote on it. I think you got a little mixed up with an hourly employee and a salaried employee, it's a big difference, I know my wife is a salaried employee and if she's asked to work after hours she doesn't get paid, no comp time, she works on Saturday sometimes and she doesn't get paid. It's something that a salaried employee does, they know what they're getting a year and that's the way it is. Also, it worries me that every time you vote on something you have to worry about a law suit, anybody can sue you about anything, I could sue you for selling those people that property for \$100.00 if I really wanted to, anything could happen like that, anybody can sue you, so just keep that in mind, and if you're that worried about being sued then you don't really belong up on the board.

Lee Space: First I want to commend Karl, you did a great job, and while you're discussing this during the week, please remember the \$60,000 we paid out last year for accumulated over time. Secondly, Gary you made a mistake tonight, when you were talking about the Uniform Court Justice Assistance Application you said Laurie and Judge Tufano, Laurie is a judge too, if you were going that way it should have been either Laurie and Tony are Judge Tufano and Judge Osowick.

Gary Flieger: I apologize for that, you are right, she does work very hard, I agree with you.

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, JULY 21, 2008**

Comments from the Board:

Viola Sinsabaugh: I had brought up that maybe we should look into hiring a code enforcer for maybe one day a week or twice a week to help out in the building department to enforce some of the laws that have been broken and the building inspector can't get to that, how have we made out on that? Gary Flieger: I just tried to take and ask about a computer system for \$7,000.00 to help out with security issues that we have in here and nobody can figure out where to come up with that so where can we come up with the money for a code enforcer? Viola Sinsabaugh: There's money in the building department from the code enforcer that is not here, that money still should be in there so hiring someone even part time for one or two days a week, I think the money that will be brought in from that would cover salary and get some of the jobs done that need to be done in the town. That's my opinion. Gary Flieger: I think we do need to look into a part time code enforcement officer to fill in when Mr. Emerson is not in his office, that's for sure, right now we depend on the engineer coming in to do that and it is at a much higher rate. I have sat down and talked to Mr. Emerson about it, we have two names out there we are looking into doing. Viola Sinsabaugh: So we are looking into one or two days a week? Gary Flieger: No we are looking into the days when he's not here, when he's on vacation or on sick leave, to keep the operation running smoothly in there. Viola Sinsabaugh: Okay. Gary Flieger: And this one day a week, what are you looking for that to accomplish? Viola Sinsabaugh: Just for code enforcement. And I agree with you, Mr. Lombardi, on Peenpack Trail, there have been bags and bags of garbage laying there, there's no enforcement, there's nothing being done on that. Gary Flieger: That particular house that you're talking about has been in foreclosure and the people walked away from it, and it's pretty hard to get the banks in there to do the clean up, same as we have right behind us here. Viola Sinsabaugh: Right, but I do think we could be making some money. The town is in dire need of money and the only way to make the money is to enforce the laws that are being broken, and we keep saying 'we need money' but we don't have the people to go out and do the enforcement; so I think somewhere we're biting our nose to spite our face, I do believe that we do need a code enforcer in addition to the building inspector. Gary Flieger: I think you brought up a good point, I think what we're going to have to do is compare the money brought in by our past code enforcement officer versus what his salary was and see if there was a plus on that, if there's a plus on it then I think we should explore it, we already have a trend, it already happened and lets see if there was money made there. If there was money made then we'll go that route.

Karl Brabenc: You might have seen in the paper, we have it out there that we're putting together the Community Development Task Force, I think we've already gotten a few letters of interest for that, hopefully at the next meeting or the second meeting in August we'll have a list together of the people that will serve on that board and I will present it to the board here to get approval to give them the formal appointment of being on the Task Force and then we can start having meetings and working on policy that's going to affect community development in the Town. If you are interested you have until August 1st, get your letter into the Town Clerk Flo Santini, you can e-mail it to her at FloSTC@aol.com or you can mail it to her at PO Box 621 Huguenot, New York 12746. Also I do want to apologize to the Board, I'm sorry about getting a little heated tonight, but I do think it is a very important issue, something that does need to be corrected and I understand that you want to table it, but I do think it is very, very important to do this, I agree with Mr. Zeller that employees shouldn't be setting policy for the town, that it's our duty as town board members to do that. Again, we had our attorney look at this, he said that it was okay to go, we even had a couple of amendments tonight that we brought up to make sure that it was okay, and our personnel policy is a living document, where if there are things that are wrong we always have the option of amending it. I think that it would be wrong not to vote on it, I know that about a month or so ago I had brought up in front of the board, I had asked if we needed a resolution to stop this practice, because there was an issue that came out on the floor and I had said that I would work on something and present it at an upcoming meeting, and I was going to present it at the last meeting but it wasn't ready and I promised then that I would present it at this meeting. So I do apologize if you felt that I sprung it on you but I think that we all knew what the concept was and that concept is in this document and I don't think there's anything wrong. I would definitely like to vote on this tonight because I think it's very important.

Viola Sinsabaugh: I think the resolution in itself, the attorney did okay it, and this is something that definitely was asked about before you came on board and you have taken the ball and ran with it, which is good, we have a personnel policy that has many times been questioned and needs to be revamped, this is one part of it, if this is the first part of it that we can get revamped I think it's great, but I think this entire board needs to sit down at a workshop and go over the personnel policy bit by bit, and revamp the whole thing, we also have to work on a salary matrix. I think it's a very good resolution, I think it's something that we have all contemplated, and it has been brought up before, but you've taken the ball and ran with it, I think it's good, I think we could vote on it tonight, it's good, it's needed, if you are a salaried employee and you do not have a contract this is where it's at. If you can't get your job done within a 40 hour week then there must be a reason, you may be over powered with work, what have you, but we've got to do something and this is a start. I am definitely in favor of this.

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, JULY 21, 2008**

Comments from the Board Continued:

Liam O'Neill: I was away for almost four weeks, I apologize, I had another professional commitment, but while I was gone the Recreation committee has over seen the start up of the summer program and from what I gather it looks like a very good year, they have been pinching pennies, under \$100.00 has been spent, a fraction of what was spent last year, on supplies.

Robert Cunningham: We passed a Local Law a few weeks ago about sex offenders, and I saw on CNN where somebody in New Jersey challenged that and a judge ruled that you can not tell these people where to live. Bill do you know anything about that? **Bill Bavoso:** I don't know anything about that particular case, but that Local Law doesn't talk about where they can live, it talks about zones within which they can not loiter or be present, it's not with regard to their residence. I'm sure I can get a copy of that ruling, that could be different since it is New Jersey, but I will get a copy of that.

Gary Flieger: I hear where we could do a firewall for limited dollars and what not, we're not just looking for firewalls, we're looking for sharing of files, a server, a back up system, security that we don't currently have. Comp time, I don't think there's a couple thousand dollars that has been spent since January, I could be a little off but I don't think it's even \$2,000.00 that this resolution is talking about. The pooper scooper law, no we haven't collected and dollars on it yet, but I have had three different people thank me for the law and show me that they do now carry means to clean up after their dogs where they didn't do it before, so it has brought awareness to people. The deductible on the insurance, I believe it's \$25,000.00, but one of the new policy has to do with, if we are sued, if we go into a court situation and we are not found at fault then there is no deductible on that. Being worried about being sued, yea, I'm worried about that, because we haven't been worried enough about it in the past and right now we're looking to be \$300,000.00 worth of debt that has been created over the last four years because no one did worry about which is going to create our tax payers about a \$70,000.00 a year towards a bond to pay that debt off so yes I am very worried about it and I'll look at and I'll explored it very carefully, I'm not going to jump into any situation that isn't explored to make sure that we're not. Will I be hesitant about it? No, if I ensure that we're going in the right direction I'm not going to worry about being sued, but before I can do that I have first have to look at all of the possibilities of being sued and being able to present that to the attorney on all different angles.

Karl Brabenec: I think the concept of my resolution is clear and the attorney looked it over and as I said it's a living document we can go back and change any part of it that may need to be changed at any time, so I think we need to do this tonight, get it over with, if it doesn't pass tonight I'll bring it up again at the next meeting.

Gary Flieger: You should, I think it's a great piece of work, I just think we need some time to look it over, that's all I'm asking for, I didn't say it wasn't right or good.

Karl Brabenec: I know you didn't say that, what I'm saying is this is something we campaigned on and I'm living up to my promises and I'm presenting this tonight, and I'm going to be presenting a lot more things to change in this town as well.

Motion to adopt Resolution #12-2008

Motion made by Karl Brabenec, 2nd by Robert Cunningham, to adopt Resolution #12-2008: A Resolution which enacts a policy that Town of Deerpark employees who are salaried and/or classified exempt do not qualify for overtime and/or compensatory time.

Discussion: Liam O'Neill: I would like to wait a little bit on this.

VOTE: 3 AYES: Robert Cunningham, Viola Sinsabaugh and Karl Brabenec

2 NO's: Liam O'Neill and Gary Flieger

MOTION CARRIED

Motion to enter Executive Session 9:53PM

Motion made by Gary Flieger, 2nd by Karl Brabenec, to enter Executive Session to discuss litigation with Dubois, Cassas and Sullivan, and litigation with Leith, and to invite the Attorney.

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

MOTION CARRIED

Motion to end Executive Session 10:55PM

Motion made by Robert Cunningham, 2nd by Liam O'Neill, to end executive session and re-enter regular session.

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

MOTION CARRIED

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, JULY 21, 2008**

Motion to hold special meeting

Motion made by Robert Cunningham, 2nd by Liam O'Neill, to hold a special meeting on Thursday, July 24, 2008 t 7:00pm to discuss police officer litigation and flood litigation.

VOTE: 5 AYES: Robert Cunningham, Karl Brabenec, Liam O'Neill, Viola Sinsabaugh and Gary Fieger

MOTION CARRIED

Motion to adjourn 10:55PM

Motion made by Robert Cunningham, 2nd by Liam O'Neill, to adjourn the meeting.

VOTE: 5 AYES: Robert Cunningham, Karl Brabenec, Liam O'Neill, Viola Sinsabaugh and Gary Fieger

MOTION CARRIED

Respectfully submitted by,

Florence T. Santini
Town Clerk