

**TOWN OF DEERPARK
TOWN BOARD MEETING
MONDAY, SEPTEMBER 14, 2009**

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

Attendance:

Supervisor: Gary Flieger

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

Attorney: Glen Plotsky

Absent:

Councilmember: Karl Brabenec

Pledge of Allegiance

Opening Remarks: None

Motion to enter Executive Session 7:30PM

Motion made by Gary Flieger, 2nd by Gary Spears, to enter Executive Session for the purpose of discussing litigation regarding the Sullivan case and to invite the Town Attorney and John Walsh.

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

MOTION CARRIED

Motion to end Executive Session 8:41PM

Motion made by Gary Spears, 2nd by Viola Sinsabaugh, to end Executive Session and re-enter Regular Session.

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

MOTION CARRIED

Regular Meeting Called to Order 8:42PM

Approval of minutes tabled until next meeting on September 21st.

Motion to pay bills

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

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

MOTION CARRIED

General Fund Abstract #17 Voucher #'s 483-529 in the amount of \$197,034.23
Highway Fund Abstract # 17 Voucher #'s 235-254 in the amount of \$80,359.55
Street Lights Abstract # 9 Voucher # 9 in the amount of \$335.88
Engineer Fees Abstract # 11 Voucher #'s 27-29 in the amount of \$775.50
Attorney Fees Abstract # 8 Voucher # 14 in the amount of \$380.00
Trust & Agency Recreation Abstract # 3 Voucher # 3 in the amount of \$49.25
Trust & Agency School House Abstract # 2 Voucher # 2 in the amount of \$27.93

Gary Spears: Two quick announcements, I'd just like to report to everyone that Karl Brabenec is in the hospital with a serious medical condition, hopefully he's on the mend, so he is not here tonight and also the public hearing on the proposed parking law was not held this evening, it will be rescheduled.

Public Comment: 3 Minutes Agenda Items Only: None

Correspondence:

Letter from Martin Smith, ZBA

Gary Flieger: This is in regards to Charlotte Russman not attending meetings so I'd like to ask the Town Clerk to send a letter to her asking for an explanation and we'll make a judgment of how we'll handle that case when we receive a letter back.

Gary Spears: Could you also ask her in the letter what her future intentions are instead of just an answer for the past absences?

Motion to have Town Clerk send a letter

Motion made by Gary Flieger, 2nd by Liam O'Neill, to have the Town Clerk send a letter to Charlotte Russman.

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

MOTION CARRIED

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New Business:

Budget Modifications:

Rob Schultz: I'm suggesting a budget modification increasing the line fiscal agent fees by \$5,000 and the line attorney fees by \$5,500, those are the estimated costs to place the bonding and go for a 9 nine year serial bond; so we're moving the money out of contingency and into these two lines so that they'll be funded.

Motion to approve Budget Modifications

Motion made by Liam O'Neill, 2nd by Gary Spears, to approve the following budget modifications:

Increase:

1380.4 Fiscal Agent Fees \$5,000.00

1420.4 Attorney (Bond Attorney) \$5,500.00

Decrease:

1990.0 Contingency \$10,500.00

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

MOTION CARRIED

Capital Market Advisory Program:

Rob Schultz: Capital Markets Advisors is a firm throughout New York State, the office that we're dealing with right now is out of Hope Well Junction, they specialize in placing debt bonding, they handle the type of financing arrangements that the banks individually do not want to get involved in and I think 5 banks have declined loaning us the money for the deficit so we have to use folks like this, they have a good reputation, they came highly recommended, they deal with several of the towns in the County, the closest being Greenville, and also Lumberland. I've spoken to the gentleman that will be handling our bond, he sounds very knowledgeable and he feels that he should be able to place this bond with a limited amount of disclosures which means he'll be using the financial statements that I've already prepared as well as other interim financial statements and any other documentations that I've already submitted; so hopefully he can do that without having to go into more detailed disclosures, which would just run up the cost. If he cannot place this with a limited disclosure then he'd actually have to write a prospectus and then we'd have to be rated which are more fees, so hopefully we don't have to do that. So my recommendation is that, and they've provided a contract, and the estimated fee would be about \$5,000 and hopefully it won't go beyond that, but we have to do this, it's important that we go to long term bonding on this so that we move it from the general funds balance sheet and give us a better financial picture so that if we do have to borrow any additional money the banks will be a little more willing to do that. **Gary Spears:** This will also eliminate the need to get a new State Law next year.

Rob Schultz: Yes. **Gary Spears:** So this will move us into long term financing and alleviate some of the pressure on us every year. **Rob Schultz:** Yes it will do that. **Gary Flieger:** The biggest thing is, right now we're handling this deficit with a RAN and it's just not a long term solution to it, and the banks really don't want to look at us too much with this hanging over our head and we've just got to move it into a more positive manner. I've had long conversations with the accountant that if you look at the banking industry it is getting stronger every day and possibly down the road we might be able to come up with a better interest rate, but we'll probably lose whatever we gain by waiting so it's a good move for us to move forward now that we can.

Motion to authorize contract

Motion made by Gary Spears, 2nd by Liam O'Neill, to allow the Supervisor to enter into a contract with Capital Markets Advisor for the purpose of getting us a long term serial bond, and to have the town attorney review the contract.

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

MOTION CARRIED

Gary Flieger: I got a letter from the Elks Lodge informing the town that they are renewing their liquor license for 2 years.

Gary Spears: There was another one I saw along that same line from Minisink Lanes. Read the letter from Minisink Lanes.

Gary Flieger: I also want to do a Board reminder that on the 16th, Wednesday, 10:00AM, I have a meeting with NYSDOT, it's going to be on the Neversink River Bridge, 209 crosses the Neversink up here in Cuddebackville and that bridge is going to be replaced, I'm meeting with several officials from the DOT to show us a preliminary plan, what's going on with it, there will be a public hearing on it; I also have a meeting that morning about 8:30 with the gentleman who is doing the flood mitigation for the town and we're going to do the upper Neversink, the flooding in there, it's just going to be a drive by to look at some of the different points on there, if any of the Board member's would like to go.

Gary Spears: Is that the guy from B&L? **Gary Flieger:** Yes it is. **Gary Spears:** Why don't you go ahead and say that we had the meeting for the public input and it was very well presented and it seems like he's doing an excellent job.

Gary Flieger: Yes, it's moving along very nicely, on schedule, we got started on this late and we had a public meeting on it and it did go very well.

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Snow and Ice Removal Contract:

Gary Flieger: I'm going to move this to the next meeting on September 21st, what that is the County hires the Town to do the snow and ice removal and Ed's not here and I believe this is his baby and I'd like for him to present it.

Gary Flieger: Next, I got another request from the Chamber of Commerce to make membership of it, Gary has made several attempts in the past to have them get back to us with what is the benefits to the Town for membership and we haven't got any response from it so we're going to put this on hold and we'll see what happens later on, as soon as we get that letter we'll make a judgment. I got the Recreation Committee minutes, Jerry do you have a recreation report for us.

Liam O'Neill: The Halloween Party will be on October 30th. Gary Flieger: I went to this meeting and they also discussed the rec fees, if you would like to read that I think it's very important. Liam O'Neill: Read from the minutes; the Committee voted that the recreation fees should not be changed and the 2008 Resolution should be kept in place. 2008? That's when the law was passed? Gary Spears: No, that's when they modified it to change the timetable for the payment. Liam O'Neill: Oh, at the time of the building permit being issued. Gary Flieger: It's how payment was made, in the beginning it was done by building permits so a development could come in, the fees weren't collected unless the building permit was purchased for the lot, which made it impossible to keep track of it financially; you might have a 20 lot subdivision but it could take 20 years or 30 years, it might never, some of the lots might never get built out, and so what I did was, I'm having troubles keeping track of financing with that, so I changed it in 2008 that when the developer has a subdivision each lot gets the fee put up front, and this way here I know what monies are coming in, and it helps us collect it up front, it helps us out with working with the developer in getting these fees, and it gives the burden to the developer not to the home owner who is buying the lot and then comes in for a building permit and then finds out that there's another additional \$1,000 that he has to pay; so it keeps everything right up front and everybody knows what's going on. What I was trying to do on this was, we have some individuals who want to break up a parcel of property off for their sons, daughters, and the \$1,000 fee kicks in at that point and I was looking to rescind it and I was putting it out there to see if the board, recreation department, planning board feels the same way, so we're going to table that until we get a little more input on it.

Department Head/Committee Reports:

Gary Spears: I have Ed's department head report, he had to leave, do you want to do that? Gary Flieger: I think we should bring Ed's condition up to speed too; he hurt his back real bad, he's been hurting for several days now, I believe it was last Thursday or Friday, he bent over to pick up a penny because it was heads up and threw his back out, but he's been in to work everyday. Gary Spears: Read Ed's Highway Department report.

Viola Sinsabaugh: I have the Building Inspector's report, they had a total income of \$6,953.00, read the report. Total Year to Date income, \$105,761.00.

Gary Flieger: I was in that office today, this morning and this afternoon, the new girl is working out, I'm very happy to tell the board; he had her pulling files today, trying to catch up, there's a lot of building permits that people haven't closed out, so he's back tracking that and she's putting that list together.

Chuck Carlsen: Police Commission: The Dog Control Officer and the Police Department, we've already submitted our budgets for FY-2010, so you should have that. The new local PBA President, we met him the first time at our meeting in September, it's Chris Stock. The evaluations, believe it or not I talked to the Orange County Sheriff, and they happen to have the evaluations that he said he'd be more than happy to share, so we're going to set up an appointment within the next two weeks, we're going to go over and see what he has and maybe we could utilize it. Just for knowledge, one of the troopers is being reassigned, plus we have an officer that left, I know he's on a leave of absence, is there any possibility of hiring someone full time with the position being that if the other officer comes back that he would leave? The main reason that I'm here is that we lost a vehicle a few months back in an accident with one of our officers that's recovered and back to duty and from my understanding the insurance company paid it off and we were wondering if we could replace that vehicle, we haven't heard anything. Gary Flieger: I asked the Chief to give us a report, we got a report and it had quite a few vehicles on it and I asked him which one was available and what not a couple of days ago, I will ask him again when I see him tomorrow. Viola Sinsabaugh: This has been how long? Chuck Carlsen: Well we couldn't move it until it was finalized by the insurance company. Gary Flieger: What I'll do tomorrow is I'll have him see what the best choices are, I think the best thing for him to do would be to put it in your hands and our boards hands at the same time and maybe possibly by our next meeting we'll be able to move on this. Chuck Carlsen: Okay, so that would be next Monday, because time is of the essence for them to purchase the vehicle. Gary Flieger: It's not only the purchase, but these vehicles are mostly left overs and they're sitting there and you might call and say I have and tomorrow you don't, so it's something that we're going to have to, if he does do his homework and gets on the 15th, by the 21st hopefully it's still sitting on the lot. Gary Spears: Let's put that on the agenda now for the next meeting of September 21st. Chuck Carlsen: Does anyone have any questions for me?

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Liam O'Neill: Once again, the evaluation forms, where'd you find them?

Chuck Carlsen: Orange County. As a matter of fact, the Federal Forms that I looked at don't pertain to the individual police officer, sergeant, so on and so forth, so I had to look for something locally, and the Orange County Sheriff's Office has officers, sergeants, lieutenants, captains, and it's all under the same civil service commission so I'm going to go there and the discussion we had was how involved do we want to get, do we want to do it monthly, so on and so forth, what we need is maybe a six month review and a yearly review, now I also talked to a lot of the officers down there and the officers are in favor of it, they want to get positive feedback, or if there's something they're not doing right they want to have it where it's written down. Gary Flieger: I do want to bring up that I don't think the Chief has been 100% in favor of this, and my conversations with Mr. Carlsen is it doesn't matter, the Police Commission is in charge, if they want this initiated, they go out, put it together, and it'll happen, and that's the way it has to be. Viola Sinsabaugh: Right, it's not just what the Chief wants, it's what he has to do, he works for the Town. Gary Flieger: Right, and this was an idea that Mr. Carlsen brought before me when he first took office, he felt that this was a needed thing in our department, and it's just now that we're coming up with the forms that everybody's happy with because they get very complicated.

Chuck Carlsen: Going back, if we do look to hire a full time officer for replacement, the word that I was looking for is it's called a temporary assignment, with the understanding that if the other officer comes back well that's just the rules, it's just something to think about. Viola Sinsabaugh: And what about the part timers now, could a part timer be filling that position? Chuck Carlsen: Well, like I said, I would have to do a little more research on it, I know what a part time temporary position is and I know what a full time temporary position is, now if you open up a position that means that anyone could apply, so if I'm a part timer, if I want to apply for a full time position under the guise that this is a temporary position I don't see why they can not apply. Gary Flieger: I think one of the things to make this a positive tonight is I think the board needs to take and voice whether or not they want to keep that salary in the budget, that's the main thing for 2010; in other words if we don't replace him in the next month we're doing our budget for next year and I think the board needs to just pool on this, I'm in favor of keeping that salary as part of that budget so that if that officer is not hired in the next four or six weeks there's still dollars there in the budget to make that happen. Gary Spears: You're going to need the dollars there because the shifts are going to be filled by part timers any way.

Glen Plotsky: The parking law that you were talking about this evening that wasn't scheduled for public hearing, here is the draft that was promised so you can review it and add your opinions so you can set a public hearing.

Motion to set public hearing

Motion made by Liam O'Neill, 2nd by Gary Spears, to set a public hearing on October 5, 2009 at 7:00PM for the proposed Parking Law.

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

MOTION CARRIED

Gary Flieger: And as all new laws they are on file in the Town Clerk's Office.

Flo Santini: Friday, September 11th service, I just want to thank everyone for being here, everybody who pitched in to help before, during and after, between the garden outside, the flagpole being painted, the school, there are just so many to thank for what they've done, the flags, the ceremony, it's a shame that we have no control over the weather but even the people that came out with the weather, they just show that they care and they're with us and the fire departments and the police and EMS workers. It was a day that you looked out and you saw everybody with each other and being there, and I just want to thank the Board that the Town of Deerpark does this and like I said the employees and the volunteers, it's growing every year and the Town of Deerpark needs to be proud of that, and Port Jervis for being here and all the people that they send up from the surrounding areas, and the different States; and my heartfelt thanks go out to everybody, the Town and our employees and everything, and next week I'll make more of a presentation when I'm feeling better.

Gary Spears: I'd like to say to Flo and to all the volunteers, I attended and it was a very nice ceremony, and I'd like to congratulate all those who made that come to fruition and thank you, it was very well done.

Viola Sinsabaugh: Yes, I'd like to say that you did a great job.

Flo Santini: Billy Smith, he works his butt off, between the stage, the chairs, being the emcee, we started this together when he was a councilman, and I think no matter what, wherever we are in our lives it will always be the two of us and him with the stage and I want to thank him too, and I will do it next week and I will do my certificates and my letters to everybody, and next year I'm working on it already what we're going to do; I've got some people going down to the City working on it, and next year is a Saturday, so there will be no excuses for not being here, this way more people won't have to work. I'm looking forward to it, and the service will always be here from year to year as long as the board approves it.

Public Comment: 5 Minutes Any Subject: None

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Closing Comments from the Board:

Liam O'Neill: I have one, just a reminder that this Saturday, September 19th from 10:00am-4:00pm is the Deerpark Heritage Day Festival, for the third year in a row, it's going to be at the School house this year instead of Space Park. A lot of volunteers have put a lot of time into that and it's been very successful the last two years.

Gary Flieger: This year was a very tough year on that committee, the number of injuries and what not to put this thing together is pretty hard; a lot of their key players have either sprained or broken parts so they had to downsize it a little bit this year, but it's coming along very nicely. We have one other thing, Sue Miiller has put together something that you'll see, there's little postcards in the back and it has these deer on it, I got a sneak peek at some of them up there and they are just gorgeous, they're doing such a wonderful job with it. After Saturday's event I'd like to bring them down here and put them on display for our meetings.

Motion to enter Executive Session 9:20PM

Motion made by Gary Flieger, 2nd by Gary Spears, to enter Executive Session for the purpose of discussing the bargaining unit and police negotiations and to invite the Town Attorney.

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

MOTION CARRIED

Motion to end Executive Session 10:32PM

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

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

MOTION CARRIED

Motion to adjourn 10:33PM

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

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

MOTION CARRIED

Respectfully submitted by,

Florence T. Santini
Town Clerk