

REGULAR SESSION OF THE VILLAGE BOARD OF TRUSTEES HELD ON MARCH 9, 2010 AT THE DEPOSIT THEATER AT 7:00 P.M.

PRESENT: President O'Connor, Trustees McKee, Warner, Sollecito, and O'Connell, DPW Hubbard, CT Decker, DCT Budine, Chief Cantwell, Assistant Fire Chief Rynearson, EMS Captain Couse, Howie Couse, Debbie Stever, Amy Kenyon, Sharon Wright, Lucy and Paul Lantz, Mary O'Connell, Ann Schambach, Georgianna Carson, and Wilber Dennis

President O'Connor conducted the Annual Organization Meeting at 7:00 p.m.

President O'Connor opened the Regular Session of the Village Board at 7:15 p.m. with the Pledge of Allegiance.

PUBLIC HEARING  
LOCAL LAW #3 OF 2010  
CURFEW LAW

President O'Connor opened the PH at 7:15 p.m. reading the following proposed Local Law:

Village of Deposit, located in Broome and Delaware Counties

Local Law No. 3 of the year 2010.

**“A Local Law Amending Chapter 69 of the Code of the Village of Deposit regarding Curfew”**

Be it enacted by the Board of Trustees of the Village of Deposit, in the Counties of Broome and Delaware, as follows:

**Section 1.**

Chapter 69, § 69-1 of the Village of Deposit Code, is hereby amended to read as follows:

**“69-1. Title and Purpose.**

This chapter shall be known and may be cited as the “Local Law Regulating the Presence and Conduct of Minors on Streets and Public Places.” The purpose of this local law is to help reduce crimes by and against minors and victimization of youths during nighttime hours and to promote the safety and welfare of minors and the general health, safety and welfare of the citizens of the Village of Deposit.”

**Section 2.**

Chapter 69, § 69-2 of the Village of Deposit Code, entitled “Definitions” is hereby amended by adding the following definition:

“RESPONSIBLE ADULT – Any person eighteen (18) years of age or older specifically authorized by law or by a parent or guardian to have custody and control of a minor.”

**Section 3.**

Chapter 69, § 69-3 of the Village of Deposit Code, entitled “Curfew established” is hereby amended as follows:

**“69-3. Curfew established.**

It shall be unlawful for any minor to ~~be in or upon~~ remain, idle, wander, stroll or play in any public place, ~~either on foot or to cruise about without a set destination in any vehicle, in, about or upon any place~~ within the village between the hours of 10:00 p.m.

and 6:00 a.m. on Friday, Saturday and Sunday, or between the hours of 9:30 p.m. and 6:00 a.m. Monday through Thursday, unless accompanied by a parent, guardian, custodian or other responsible adult person having custody or control of such minor. or unless the minor is on an emergency errand or specified business or activity directed as permitted by his parent, guardian or other adult person having the care and custody of the minor or where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation.

#### **Section 4.**

Chapter 69, § 69-4 of the Village of Deposit Code entitled "Responsibility of owners of public places" is hereby repealed and replaced with the following new Section 69-4:

#### **"69-4. Exceptions.**

The curfew established in § 69-3 above shall not apply to the following situations:

- a) The minor is accompanied by his or her parent, guardian, custodian, or other responsible adult;
- b) The minor is on an errand or engaged in an activity with the consent of the minor's parent, guardian, custodian or other responsible adult;
- c) The minor is engaged in a lawful employment activity or was going to or returning home from his or her place of employment;
- d) The minor is involved in an emergency situation;
- e) The minor is going to, attending, or returning home from an official school, religious, or other recreational activity sponsored and/or supervised by a public entity or a civic organization;
- f) The minor is in the public place for the specific purpose of exercising fundamental rights such as freedom of speech or religion or the right of assembly protected by the First Amendment of the United States Constitution or Article I of the Constitution of the State of New York;
- g) The minor is on the sidewalk that abuts the minor's or the next-door neighbor's residence; or
- h) The minor is engaged in interstate travel."

#### **Section 5.**

Chapter 69, § 69-5 of the Code of the Village of Deposit, entitled "Responsibility of parents" is hereby amended as follows:

#### **"69-5. Responsibility of parents.**

It shall be unlawful for the parent, guardian or other responsible adult ~~person~~ having custody or control of any minor under the age of 16 to suffer or permit or, ~~by inefficient control,~~ to allow such minor ~~person~~ to be on the streets or sidewalks or on or in any public property or public place within the Village between the hours of 10:00 p.m. and 6:00 a.m. on Friday, Saturday and Sunday, or between the hours of 9:30 p.m. and 6:00 a.m. Monday through Thursday. between the hours of 11:00 p.m. and 6:00 a.m., Sunday through Thursday, and between the hours of 12:00 midnight and 6:00 a.m., Friday through Saturday. However, the provisions of this section do not apply to any of the exception situations described in Section 69-4 above, a minor accompanied by his parent, guardian, custodian or other adult person having the care, custody or control of the minor or if the minor is on an emergency errand or specific business or activity directed by his parent, guardian, custodian or other adult having the care and custody of the minor or if the parent, guardian or other responsible adult person herein has made a missing person notification to the Police Department."

#### **Section 6.**

Chapter 69, § 69-6 of the Village of Deposit Code entitled "Special functions" is hereby repealed.

### **Section 7.**

Chapter 69, § 69-7 of the Village of Deposit Code entitle "Procedure upon violations" is hereby amended as follows:

#### **"69-7. Procedure upon violations.**

- A. Any police official, upon finding a minor in violation of § 69-3, shall ascertain the name and address of such minor and shall warn the minor that he or she is in violation of curfew and shall direct the minor to proceed at once to his or her home or usual place of abode. The police officer shall report such action to the parent, guardian, custodian or responsible adult ~~person~~ having custody or control of such minor.
- B. If such minor refuses to heed such warning or direction by any police officer or refuses to give such police officer his or her correct name and address, or if the minor had been warned on a previous occasion that he or she is in violation of curfew, ~~he or she~~ the minor shall be escorted to his or her home or usual place of abode and delivered to the care, custody and charge of the minor's parent, guardian, custodian, or other responsible adult. ~~taken to the Police Department and the parent, guardian or other adult person having the care and custody of such minor shall be notified to come and take charge of the minor.~~
- C. If the parent, guardian, custodian or other responsible adult ~~person~~ above cannot be located or fails to ~~come and~~ take charge of the minor, the minor shall be release to the Delaware County Department of Social Services or to the Broome County Department of Social Services."

### **Section 8.**

Chapter 69, § 69-8 of the Deposit Village Code entitled "Penalties for offenses" is hereby amended as follows:

#### **"69-8. Penalties for offenses.**

Any parent, guardian, custodian or other responsible adult ~~person~~ having the care and custody of a minor violating this chapter shall, after having been previously notified under §69-7 of this chapter, be fined not more than \$250 for each offense."

### **Section 9.**

Except as hereinabove amended, the remainder of Chapter 69 shall remain in full force and effect.

### **Section 10.**

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances and the Village Board of Trustees hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

### **Section 11.**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with the Municipal Home Rule Law.

President O'Connor opened the floor for comments from the public. There being none he then asked the trustees for comments. No one had any comments on the Local Law.

The above Local Law #3 was adopted by the Village Board in the following roll call vote:

Trustee Warner	Aye
Trustee Sollecito	Aye

Trustee O'Connell                      Aye  
Trustee McKee                          Aye  
President O'Connor                      Aye

President O'Connor closed the Public Hearing at 7:26 p.m.

#### MOTION#19/10-11

A motion was made by Trustee Sollecito seconded by Trustee O'Connell to waive the reading of the February 9<sup>th</sup> and February 23<sup>rd</sup> meeting minutes. The motion carried unanimously.

#### MOTION#20/10-11

A motion was made by Trustee McKee seconded by Trustee Warner to accept for filing the February 9<sup>th</sup> and February 23<sup>rd</sup> meeting minutes. The motion carried unanimously.

#### MOTION#21/10-11

A motion was made by Trustee Sollecito seconded by Trustee Warner to accept for filing the Police Dept. monthly report. The motion carried unanimously.

#### MOTION#22/10-11

A motion was made by Trustee O'Connell seconded by Trustee Sollecito to accept for filing the EMS monthly report. The motion carried unanimously.

#### MOTION#23/10-11

A motion was made by Trustee McKee seconded by Trustee O'Connell to accept for filing the Fire Dept. monthly report and two year annual report. The motion carried unanimously.

#### MOTION#24/10-11

A motion was made by Trustee O'Connell seconded by Trustee Sollecito to accept for filing the monthly Treasurer's Report. The motion carried unanimously.

#### MOTION#25/10-11

A motion was made by Trustee Sollecito seconded by Trustee McKee to accept for filing the monthly Court Report. The motion carried unanimously.

### OLD BUSINESS

#### STREETS

Hubbard notified the board that in light of budget cuts there will be once a month brush pick up – the first Monday of each month commencing on the first Monday in April ending in October. Hubbard further stated that the air hose at the fire hall had been completed.

Hubbard informed the board that he had two quotes on the survey for Firemen's Park; one from Paul Koerts for \$1500 and one from Shumaker Engineers for \$5,265.00. This topic was tabled for the work session as Shumaker was to give us an amended quote not received at board meeting time.

#### WATER

None

#### SEWER

Hubbard updated the board on the gas drilling. Much conversation ensued on the regulations by DRBC and the DEC. Further discussions took place on the time and material basis proposal from Moody Pump and Associates. Trustee McKee urged the

board to act on the Moody Pump proposal should we need them in the future. This topic was also tabled for the work session to obtain further information. Ms. Kenyon informed the board that she had talked to DRBC and we have a permit that expires in June of 2010 for our municipal water. DRBC will send Ms. Kenyon information on renewing the permit.

#### BUILDINGS

None

#### FIRE DEPARTMENT

None

#### EMS

Captain Couse informed the board that the EMS had completed their Right To Know Classes and had attended the annual Montour Falls Seminar and all went well.

#### POLICE DEPARTMENT

None

#### PRESIDENT

None

#### TRUSTEES

None

#### FINANCE

None

#### NEW BUSINESS

##### STREETS

None

##### WATER

None

##### SEWER

None

#### BUILDINGS

None

#### FIRE DEPARTMENT

Assistant Chief Sean Rynearson informed the board that the new fire pumper should be delivered by the end of March first part of April. He stated to expect a quote for radios for the new pumper at the work session. President O'Connor asked for and got approval to expedite the purchase of the radios if the truck was delivered sooner than the work session.

#### EMS

None

POLICE DEPARMTNET

Requested time in executive session.

PRESIDENT

President O'Connor informed the board of the letter from Barbara Spillane in regards to gas drilling in the community. O'Connor agreed with her thoughts and felt she had excellent information. He further informed the public that Ms. Spillane's letter would be on file at the Clerk's office if anyone was interested and that it had been published in its entirety in the Deposit Courier.

MOTION#26/10-11

A motion was made by Trustee Sollecito seconded by Trustee O'Connell to authorize the Mayor's signature on the Main St. Grant application from Ed Hartz & Sons of 128-130 Front St. in the amount of \$ 17,588.00. The motion carried unanimously.

MOTION#27/10-11

A motion was made by Trustee Sollecito seconded by Trustee O'Connell to authorize the Mayor's signature on the Main St. Grant application from Ed Hartz & Sons of 132 Front St. in the amount of \$ 12,485.00. The motion carried unanimously.

President O'Connor requested CT Decker to obtain the status on some outstanding legal issues such as: VT Codes; IDA Water Lines; and existing residential wells in the village limits. He further asked for legal opinion on the following: the ban of gas drilling within the village limits; the ban of repeat assault offenders from the village limits; and pooper scooper municipal laws. O'Connor also reminded the board that there were seminars on gas drilling March 18<sup>th</sup> 9:30 to 12:30 at the Binghamton Regency and March 29<sup>th</sup> in Delhi at the DPW from 10:00 a.m. – noon on the prevailing wage with the NYS DOL.

TRUSTEES

None

FINANCE

MOTION#28/10-11

A motion was made by Trustee Sollecito seconded by Trustee O'Connell to authorize the Mayor's signature on the Abstract of Audited Vouchers as follows:

General Fund	\$	51,283.39
Water fund:	\$	12,422.48
Sewer Fund:	\$	17,146.99
T&A	\$	1,993.67

The motion carried unanimously.

MOTION#29/10-11

A motion was made by Trustee McKee seconded by Trustee Warner to authorize CT Decker to perform the year end budget adjustments as follows:

To:	Sewer	From:	Sewer
			\$
G8120.11	\$2,396.00	G8130.1	2,396.00
	\$		\$
G8120.4	5,735.42		5,735.42
	\$		\$
G8130.11	54.88		54.88

G9030.8	\$	G9010.8	\$
	247.29		247.29
	\$		\$
	<b>8,433.59</b>		<b>8,433.59</b>

**WATER FUND**

To:	Water	From:	Water
F8310.1	\$	F1990.4	\$
	1,011.62		1,011.62
	\$		\$
F8320.1	1,899.91		1,899.91
	\$		\$
F8320.2	560.00		560.00
	\$		\$
F8330.1	3,098.16	F1910.4	3,098.16
	\$		\$
F8330.4	884.39	F8330.11	695.99
			\$
		<b>F1440.4</b>	<b>188.40</b>
	\$		\$
F8340.11	612.29	F8340.1	612.29
	\$		\$
<b>F8340.2</b>	<b>2,995.00</b>		<b>2,995.00</b>
	\$		\$
F8340.41	508.12		508.12
	\$		\$
F8760.4	11.60	F9010.8	11.60
	\$		\$
F9030.8	292.24	A1325.1	292.24
	\$		\$
	11,873.33		11,873.33

**GENERAL FUND**

A1110.4	\$	A1110.1	\$
	100.27		100.27
	\$		\$
A1210.1	0.04	A1110.1	0.04
	\$		\$
A1325.4	1,183.91	A1325.1	1,183.91
	\$		\$
A1362.4	600.00	A1110.1	600.00
	\$		\$
A1420.11	49.00	A1110.1	49.00
	\$		\$
A1420.11	752.00	A1110.1	752.00
	\$		\$
A1420.42	7.22	A1450.4	7.22
	\$		\$
A1420.42	4.56	A1450.4	4.56
	\$		\$
A1620.2	770.99	A1620.1	770.99
	\$		\$
A1320.15	52.00	A3120.1	52.00
	\$		\$
A3120.17	623.35		623.35
	\$		\$
A3120.24	267.34		267.34
	\$		\$
A3410.211	407.00	A3410.21	407.00
	\$		\$
A3410.4	210.38		210.38
	\$		\$
A3410.48	1,521.00		1,382.62
			\$
		A3120.2	138.38
	\$		\$
A4540.44	1,495.58	A4540.24	1,495.58
	\$		\$
A4540.49			

	608.00		608.00
	\$		\$
A5110.1	15,448.55	A5142.11	11,258.02
			\$
		A5142.14	1,000.00
			\$
		A5142.1	2,985.28
			\$
		A5142.2	205.25
	\$		\$
A5110.11	173.74	A5110.46	173.74
	\$		\$
A5110.2	41.32	A5110.46	41.32
	\$		\$
A5132.1	133.49		133.49
	\$		\$
A5110.45	435.00		322.61
		A5142.2	\$112.39
	\$		\$
A5110.49	207.28	A1910.41	207.28
	\$		\$
A5112.2	932.70		932.70
	\$		\$
A5132.4	2,584.41		2,584.41
	\$		\$
A5182.4	739.99		739.99
	\$		\$
A6772.42	435.00		435.00
	\$		\$
A7310.4	3,808.31		3,808.31
	\$		\$
A8020.4	266.74		266.74
	\$		\$
A8170.1	203.89		203.89
	\$		\$
A5142.41	1,330.52	A5010.1	1,330.52
	\$		\$
A7310.41	1,247.86	A1620.4	1,247.86
	\$		\$
A8989.4	3,484.98		3,484.98
	\$		\$
A9030.8	2,478.89	A9010.8	1,287.06
			\$
		A1910.41	1,191.92
	\$		\$
A7310.1	14,720.58	A3120.12	768.01
			\$
		A3120.18	4,056.95
			\$
		A3620.4	670.68
			\$
		A5010.4	1,200.00
			\$
		A7510.4	150.00
			\$
		A7550.4	465.86
			\$
		A8010.4	194.40
			\$
		A8160.4	515.00
			\$
		A8170.4	500.00
			\$
		A8989.1	476.00
			\$
		A9040.8	2,239.29
			\$
		A9050.8	89.48
			\$
		A9055.8	286.27
			\$
		A9060.8	2,570.07
			\$
		A1325.2	161.25



		A1325.41	\$ 163.00
		A1450.4	\$ 214.23
A5132.2	9.49	A5010.1	\$ 9.49
A8686.4	375	A1920.4	\$ 375.00
A1420.11	49	A1325.1	\$ 49.00
A4540.45	0.52	A4540.43	\$ 0.52
	\$ 57,759.90		\$ 57,759.90

#### MOTION#30/10-11

A motion was made by trustee O'Connell seconded by Trustee Sollecito to make a budget amendment to bring the courts grant money forward into the 2010-2011 budget as follows:

A599 \$2266.00

A1110.41 \$2266.00

The motion carried unanimously.

#### MOTION#31/10-11

A motion was made by Trustee Sollecito seconded by Trustee McKee to make a budget amendment in the amount of \$18,000 to show the expense of the youth budget as follows:

A599 \$18,000

A7310.4 \$18,000

The motion carried unanimously.

CT Decker then informed the board that Coughlin & Gerhardt will hold a municipal law seminar on several topics on March 20, 2010 from 8:00 am to 11 am. Anyone wanting to attend please let Decker know before March 17, 2010.

#### GUESTS

Wilber Dennis mentioned a pooper scooper local law within the village to address the dog issue. O'Connor stated he would ask the village attorney. Dennis then mentioned the unsightly building on Second St. that was torn down – it needs to be finished. O'Connor stated he would remind CEO Conklin.

#### MOTION#32/10-11

A motion was made by Trustee McKee seconded by Trustee Warner to enter into and out of executive session. The motion carried unanimously.

#### MOTION#33/10-11

A motion was made by Trustee O'Connell seconded by Trustee McKee to authorize Mike Livolsi of Frank Miller's Law Firm to file a counter claim against CO Falter Construction Co. on behalf of the Village. The motion carried unanimously.

#### MOTION#34/10-11

A motion was made by Trustee Sollecito seconded by Trustee Warner to authorize the signatures of trustees and the mayor on the letter to honorary EMS member Heather Conklin. The motion carried unanimously.

MOTION#35/10-11

A motion was made by Trustee Sollecito seconded by Trustee Warner to allow Attorney Westfall to send the letter of opinion to Titus Falkenburg of USDA. The motion carried unanimously.

The meeting was adjourned at 9:45 p.m.

Respectfully Submitted: