

REGULAR SESSION OF THE VILLAGE OF DEPOSIT HELD ON MAY 12, 2009 AT THE STATE THEATER AT 7:00 P.M.

PRESENT: President O'Connor, Trustees Sollecito, Smith and O'Connell, PWA Hubbard, C/T Decker, DCT Budine, Captain Ann Couse, Fire Chief Mauro, Georgiana Carson, District Superintendent of DCS Bonnie Hauber, Noel Hauser, Pete Hempstead, Ray Seyforth, Chief Cantwell, Ann Schambach, Mary O'Connell, Sharon Wright, Eddy Pavlov, Kim Dermit, and Nancy Stanton.

ABSENT: Trustee Warner

President O'Connor opened the meeting at 7:00 p.m. with the Pledge of Allegiance.

President O'Connor opened the public hearing at 7:00 p.m.

**PUBLIC HEARING
WATER AND SEWER BILLING PERIOD
AMENDING 130-24 OF VILLAGE CODE
7:00 P.M.**

President O'Connor stated the purpose of the Public Hearing was the following: all bills for water service, repairs to meters or other charges are due when rendered. In default of payment of any bill for water service 45 days after the date of rendering of such bill, there shall be added to such bill 10% of its amount. Further the water may be shut off and meter removed and a fine imposed pursuant to 130-21C and appendix IV of the Village Code.

O'Connor opened the Public Hearing to the public for comment. Noel Hauser stated that he wished he had left the whole issue alone. Changing the law doesn't affect that many residents – a person knows when their bills are due and must budget accordingly. Pete Hempstead stated that he feels no matter how much time we give people there will always be people who don't pay on time. Sharon Wright mentioned that it wasn't so much the time to pay and the time frame for billing. President O'Connor stated that this hearing was for time to pay bills.

O'Connor asked for the boards comments; Trustee Smith stated he had asked for the Public Hearing to get public opinion. He also stated that he would like to offer credit card payments if possible.

RESOLUTION ADOPTING LOCAL LAW NO. 2 for 2009

WHEREAS, a resolution was duly adopted by the Village Board of Trustees of the Village of Deposit for a public hearing to be held by said Board at the Deposit Theater, Front Street, Deposit, New York at 7 pm on Tuesday, May 12, 2009 to hear all interested parties on a proposed local law entitled "A Local Law Amending §130-24.D of the Code of the Village of Deposit regarding Billing for Water Services"; and

WHEREAS, notice of said public hearing was duly advertised in the Deposit Courier, the official newspaper of the Village and posted on the Village Clerk's sign board; and

WHEREAS, said public hearing was duly held at the Deposit Theater on May 12, 2009 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

WHEREAS, the Village Board of Trustees of the Village of Deposit, after due deliberation, finds it in the best interest of the Village to adopt said local law,

NOW, THEREFORE, the Village Board of Trustees of the Village of Deposit hereby adopts said local law as local law No. 2 for 2009 and the Village Clerk is directed

to enter said local law in the minutes of this meeting and in the local law book of the Village of Deposit, and to file said local law with the Secretary of State, at which time the local law shall become effective.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Ayes: 0 Nays: 4

Trustee Sollectio	voting nay
Trustee Warner	voting absent
Trustee O'Connell	voting nay
Trustee Smith	voting nay
Mayor O'Connor	voting nay

The resolution did not pass.

President O'Connor closed the Public Hearing at 7:10 p.m.
Dated: May 12, 2009

President O'Connor introduced Bonnie Hauber, District Superintendent of DCS. Ms. Hauber went over the upcoming school budget and encouraged all to come out and vote on May 19, 2009 from 1 p.m. until 8 p.m. at the high school.

MOTION#74/09-10

A motion was made by Trustee Smith seconded by Trustee Sollecito to hold the Ice Cream Run in the Village on July 25, 2009 and close Front St. from 3 p.m. until 7 p.m. with stipulations that they bring porta potties, sign the hold harmless agreement with the Village, clean up after themselves and coordinate with EMS, Fire, DPW and police before that date. The motion carried unanimously.

MOTION#75/09-10

A motion was made by Trustee Sollecito seconded by Trustee O'Connell to waive reading the minutes from April 14th Regular Session, and the April 28th Work Session. The motion carried unanimously.

MOTION#76/09-10

A motion was made by Trustee Sollecito seconded by Trustee O'Connell to accept the minutes from April 14th Regular Session, and the April 28th Work Session for filing. The motion carried unanimously.

MOTION#77/09-10

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

MOTION#78/09-10

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

MOTION#79/09-10

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

OLD BUSINESS

Streets:

PWA Hubbard stated the crew had completed 87 work orders throughout the Village and 33 at the OLWWTP. He further stated that Broome Bituminous has the county bid this year for blacktop.

Water:

Hubbard stated nine water leaks had been repaired throughout the Village. Three of his crew members were off to an annual water conference this week.

Sewer:

MOTION#80/09-10

A motion was made by Trustee Smith seconded by Trustee O’Connell to approve the purchase of confined space retrieval unit and fall protection equipment to meet PESH requirements from Grainger on state bid at \$1,899.00 to be taken from G8130.2. The motion carried unanimously.

Hubbard stated the WWTP is coming along nicely. Stinky Steve from Hancock would like to haul sludge to our sewer plant. Trustee Smith asked Hubbard to see if there wasn’t a better way to organize the sludge hauling procedure.

Buildings

Hubbard stated the RPZ on the boiler at the Fire Dept. was leaking; the part had been ordered and will be replaced.

Fire Station:

Hubbard stated that he had met with Shumaker Engineers on repairing the fire hall roof. He stated that the equipment will have to be removed for approximately a two to four week period while repairs are being made. He further stated that the Fire Chief had requested that a fence be installed around the back of the hall to allow parking of some of the vehicles while the roof is under repair. Hubbard will secure quotes for fencing.

Fire Dept.

Chief Mauro stated that he would be obtaining quotes for a box for the utility truck – he should have them for the work session. Mauro further stated that he should also have quotes for turn out gear.

President

President O’Connor asked if the Historical Society could be paid their \$750 as soon as possible.

O’Connor mentioned the Police Consolidation meeting held on May 4, 2009. Ideas were tossed around but the meeting really went nowhere.

O’Connor introduced Assemblyman Steve Herz. Herz stated that there is a company looking for a 50 to 75 square foot building with water and sewer to possibly employ up to 80 people.

RESOLUTION

May 12, 2009

Regular Session

Support Clarity Connect

WHEREAS, the development of broadband infrastructure is critically important to our community, and

WHEREAS, the Federal ARRA Stimulus Bill is offering broadband development grants to public/private partnerships

WHEREAS, the Village of Deposit wishes to partner with Clarity Connect, Inc. to apply for a grant of our community.

THEREFORE as part of our in-kind contribution to the grant, the Village of Deposit will seek to fully support the project to the extent practical and allowable under law.

Trustee Sollectio	Aye
Trustee Smith	Aye
Trustee O’Connell	Aye
Trustee Warner	Absent
Mayor O’Connor	Aye

This resolution was duly adopted on May 12, 2009

NEW BUSINESS

PWA Hubbard informed the board that he had talked to Broome County and they are going to bring in 60-80 tons of blacktop to smooth out potholes on Second St.

Fire Dept.

Chief Mauro stated he would have a list of equipment they want to purchase for the work session. He further stated the board should look into alternate solutions to the fire hall roof before committing to a procedure.

EMS

MOTION#81/09-10

A motion was made by Trustee Smith seconded by Trustee O'Connell to authorize the purchase of two capnographs from Moore Medical at a cost of \$5,399.08. The motion carried unanimously.

MOTION#82/09-10

A motion was made by Trustee Sollecito seconded by Trustee O'Connell to authorize the use of EMS reserve funds of \$5900.00 for the purchase of two capnographs. The motion carried unanimously.

MOTION#83/09-10

A motion was made by Trustee O'Connell seconded by Trustee Sollecito to authorize Anne and Howard Couse and Kim Dermitt to attend the Boot Camp Training at General hospital in November at a cost of \$270 to be taken from the training line. The motion carried unanimously.

President O'Connor announced an open house for EMS on May 17, 2009 from noon to three p.m.

PD:

Chief Cantwell announced that he had submitted two grants; Selective Traffic in the amount of \$9,600 and Buckle Up for \$5,040 for 2010.

President:

EXTRACT OF MINUTES
Meeting of the Board of Trustees
of the Village of Deposit, in the
County of Broome, New York
May 12, 2009
* * *

A regular meeting of the Board of Trustees of the Village of Deposit, in the County of Broome, New York, was held at the Village Hall, 146 Front Street, Deposit, New York, on May 12, 2009.

There were present: Hon. John O'Connor, Mayor; and
Trustees: Sollecito, Smith and O'Connell

There were absent: Trustee Warner

Also present: Cheryl R. Decker, Village Clerk

* * *

Trustee Sollecito offered the following resolution and moved its adoption:

REFUNDING BOND RESOLUTION OF THE VILLAGE OF
DEPOSIT, NEW YORK, ADOPTED MAY 12, 2009,
AUTHORIZING THE REFUNDING OF ALL OR A PORTION
OF CERTAIN OUTSTANDING BONDS OF SAID VILLAGE,
STATING THE PLAN OF REFUNDING, APPROPRIATING
AN AMOUNT NOT TO EXCEED \$115,000 FOR SUCH
PURPOSE, AUTHORIZING THE ISSUANCE OF NOT TO
EXCEED \$115,000 REFUNDING BONDS OF SAID

VILLAGE, OR SO MUCH THEREOF AS MAY BE
NECESSARY TO FINANCE SAID APPROPRIATION, AND
MAKING CERTAIN OTHER DETERMINATIONS ALL
RELATIVE THERETO

Recitals

WHEREAS, the Village of Deposit, in the County of Broome, New York (herein called the "Village"), expects to issue its \$100,000 Wastewater System Improvements Serial Bonds-2009 (the "RD Bonds"), which bonds are expected to be sold to the United States Department of Agriculture Rural Development ("RD"); and

WHEREAS, the RD Bonds are expected to mature on or about May 15 in the principal amounts of \$2,500 in each of the years 2010 to 2013, inclusive; and \$3,000 in each of the years 2014 to 2043, inclusive; and bear interest at the rate of approximately 4-3/8% per annum, payable on or about November 15, 2009, and semiannually thereafter on May 15 and November 15 in each year to maturity; and

WHEREAS, the RD Bonds are sometimes referred to herein as the "Refunded Bonds;" and

WHEREAS, Section 90.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), permits the Village to refund all or a portion of the outstanding unredeemed maturities of such bonds by the issuance of new bonds;

NOW, THEREFORE,

THE BOARD OF TRUSTEES OF THE VILLAGE OF DEPOSIT, IN THE COUNTY OF BROOME, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

- a. "Bond To Be Refunded" or "Bonds To Be Refunded" means all or a portion of the Wastewater System Improvements Serial Bonds-2009 of the Village.
- b. "Redemption Date" means the date on which the Refunded Bonds shall be redeemed with the proceeds of sale of the Refunding Bonds.

- c. "Refunding Bond" or "Refunding Bonds" means all or a portion of the EFC Wastewater System Refunding Bonds-2009 of the Village of Deposit, authorized pursuant to Section 2 hereof.
- d. "Refunding Bond Amount Limitation" means an amount of Refunding Bonds which does not exceed the principal amount of Bonds To Be Refunded plus the aggregate amount of unmatured interest payable on such Bonds To Be Refunded to and including the applicable Redemption Date, as hereinabove referred to in the Recitals hereof, plus costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan.

Section 2. The Board of Trustees of the Village (herein called the "Board of Trustees"), hereby authorizes the refunding of the Bonds To Be Refunded of the Village, more particularly described and referred to in the Recitals hereof, and appropriates an amount not to exceed \$115,000 to accomplish such refunding. The plan of financing includes the issuance of not to exceed \$115,000 Refunding Bonds to finance said appropriation, and the levy and collection of a tax upon all the taxable real property within the Village to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Bonds of the Village in the maximum principal amount of \$115,000 and designated "EFC Wastewater System Refunding Bonds-2009," or a similar designation, are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as Exhibit A (the "refunding financial plan") hereby accepted and approved by the Village, includes the payment of all costs incurred by the Village in connection with said refunding from such proceeds and payment of (a) the principal of and interest on the Bonds To Be Refunded becoming due and payable on and prior to the Redemption Date and (b) the principal of and premium on the Bonds To Be Refunded to be called for redemption prior to maturity on the Redemption Date, if any.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof are the unmatured, unpaid outstanding balance of the bonds originally issued pursuant to the bond resolution of the Village duly adopted on December 23, 2003, amended on May 10, 2005 and further amended on April 24, 2007, May 22, 2007 and August 28, 2007, authorizing the issuance of serial bonds of the Village to finance the construction of wastewater system improvements required to be made pursuant to a Consent Order and a Modified Consent Order of the New York State Department of Environmental Conservation, including the preparation of plans and specifications related thereto. The

Refunding Bonds authorized in the principal amount of not to exceed \$115,000 shall mature in amounts and at dates to be determined. The Village Treasurer, as the chief fiscal officer of the Village, is hereby authorized to approve all details of the refunding financial plan not contained herein.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The maximum period of probable usefulness ("PPU") permitted by law at the time of issuance of the original bonds or bond anticipation notes issued, for the object or purpose financed with the proceeds of the Bonds To Be Refunded, is forty years, commencing on March 3, 2004, the date of issuance of the original bonds or bond anticipation notes issued in anticipation of the sale of said bonds.

Section 5. The amount of estimated present value savings is set forth in the proposed refunding financial plan attached hereto as Exhibit A. Said refunding financial plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the principal amount, and will mature, be of such terms, and bear such interest as set forth therein. The Board of Trustees recognizes that the principal amount of the Refunding Bonds, the series, maturities, terms, interest rate or rates borne by the Refunding Bonds, the provisions, if any, for redemption thereof prior to maturity, and whether or not all of the Refunding Bonds will be insured, and the resulting present value savings, may vary from such assumptions and that the refunding financial plan may vary from that attached hereto as Exhibit A.

Section 6. The Village Treasurer, as the chief fiscal officer of the Village, is hereby authorized to sell the Refunding Bonds. The Village Treasurer is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered to the Village in connection with said refunding, including the preparation of the refunding financial plan referred to in Section 2.

Section 7. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the Village payable as to both principal

and interest by a general tax upon all the taxable real property within the Village without limitation as to rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Refunding Bonds and provision shall be made annually in the budget of the Village for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Sections 21.00, 50.00, 56.00 to 60.00, 90.00, 90.10 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, and as to executing any arbitrage certificate and all other certificates or agreements relative thereto, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 9. The validity of the Refunding Bonds authorized by this resolution may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 10. All or a portion of the proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, in accordance with the refunding financial plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys. Any interest earned from the investment of such moneys not required for such payment of principal of and interest on the Bonds To Be Refunded shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunding Bonds, or such portion thereof as shall be required by the refunding financial plan, and

the holders of the Refunding Bonds shall have a lien upon such moneys. The pledges and liens provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and such moneys shall immediately be subject thereto without any further act. Such pledge and liens shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the Village irrespective of whether such parties have notice thereof. Neither this resolution nor any other instrument relating to such pledges and liens, need be filed or recorded.

Section 11. In accordance with the provisions of the Law and the final refunding financial plan approved by the Village Treasurer pursuant to Section 3 hereof, the Board of Trustees hereby elects to redeem all the Bonds To Be Refunded pursuant to the terms of the Bonds to be Refunded, in accordance with applicable agreements with the United States of America, Department of Agriculture (Rural Development), and the New York State Environmental Facilities Corporation, on or about the date of issuance of the Refunding Bonds. The sum to be paid therefore shall be the par value thereof, plus the interest accrued thereon to the Redemption Date. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds.

Section 12. This bond resolution shall take effect immediately and the Village Clerk is hereby authorized and directed to publish a summary of the bond resolution, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law, in the "*Deposit Courier*," a newspaper having a general circulation in the Village and hereby designated the official newspaper of the Village for such publication. Such summary of the bond resolution and statutory notice shall be in substantially the form appearing in Exhibit "B" attached hereto and hereby made a part hereof.

The adoption of the foregoing resolution was seconded by O'Connell and duly put to a vote on roll call, which resulted as follows:

AYES:	
Trustee Sollecito	Aye
Trustee Warner	Absent
Trustee O'Connell	Aye
Trustee Smith	Aye

Mayor Smith Aye
NOES: none

The resolution was declared adopted.

**Resolution
Rejecting Offer**

At a regular meeting of the Village Board of Trustees of the Village of Deposit, Broome and Delaware Counties, New York, held at the Deposit Theater on the 12th day of May, 2009, the following resolution was offered by Trustee Sollecito, who moved for its adoption, seconded by Trustee O'Connell,

WHEREAS, the Center of Deposit, Inc., by Jonathan Landsman, previously offered to sell its real property located on Second Street (the former school property) to the Village and the offer expired by its terms on December 18, 2008; and

WHEREAS, the Village Board of Trustees previously declined to accept the offer from the Center of Deposit, Inc.; and

WHEREAS, Jonathan Landsman verbally renewed his offer to sell on May 11, 2009; and

WHEREAS, the renewed offer was relayed to the Village Board of Trustees by its counsel on May 12, 2009; and

WHEREAS, the Village Board of Trustees has again considered the renewed offer and all of its variations and upon due deliberation deems it in the best interest of the citizens of the Village to reject the offer and all of its variations,

NOW, THEREFORE, this 12th day of May, 2009, **BE IT RESOLVED** by the Village Board of Trustees of the Village of Deposit, Broome and Delaware Counties, New York, as follows:

RESOLVED, that the Village rejects the renewed offer made by the Center of Deposit, Inc. via Jonathan Landsman because the Village Board of Trustees is not interested in purchasing the Center of Deposit property.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Trustee Sollecito	Voting aye
Trustee Warner	Absent
Trustee O'Connell	Voting Aye
Trustee Smith	Voting aye
Mayor O'Connor	Voting aye

The resolution was thereupon declared duly adopted.

President O'Connor announced there will be a public hearing on May 26, 2009 at 7:00 p.m. for Local Law #2 of 2009 – no parking on Second St. by the Country Store.

O'Connor asked if either Trustee O'Connell or Smith could attend the May 27th, 2009 Lions Club meeting to speak on Village affairs.

O'Connor announced that Kendra Hansen will be resigning as of June 2009 as ZBA Chair.

There is Drug Meeting on June 16, 2009

President O'Connor tabled the Rural Three Tobacco Free Communities resolution until the work session.

Trustees:

President O'Connor and Trustee Sollecito met with the Town of Hancock's new mayor and partnering for various purchases to receive better discounts was discussed as well as other municipal issues.

Finance:

MOTION#84/09-10

A motion was made to authorize the mayor's signature on the abstract of audited vouchers as follows:

General Fund:	\$ 74,634.48
Water Fund:	\$ 8,581.12
Sewer Fund:	\$ 13,085.04
T&A	\$ 2,417.53
WWTP	\$ 51,157.97

The motion carried unanimously.

GUESTS:

Hubbard asked Steve Herz about the consolidation plans for sewer treatment plants throughout Broome County. Mr. Herz explained that the Village of Deposit had been excluded from those meetings and he has requested the consolidation plan be done over to include Deposit. Mary O'Connell asked that the lot where the DCS band is going to play be cleaned PWA Hubbard said they would get that done. Georgiana Carson stated that the Village needed to be included in the Chamber's Directory – Trustee Smith said to have them contact the Village. Sharon Wright stated there were no Village Parking lot signs in the parking lot owned by the Village – Trustee Smith stated that could be part of the Senator Libous grant.

MOTION#85/09-10

A motion was made by Trustee Smith seconded by Trustee Sollecito to enter into and out of executive session to discuss specific personnel and pending litigation. The motion carried unanimously.

MOTION#86/09-10

A motion was made by Trustee Sollecito seconded by Trustee O'Connell to hire Jeff Clark as a Part Time Police Officer at \$13.00 an hour effective immediately. The motion carried unanimously.

MOTION#87/09-10

A motion was made by Trustee O'Connell seconded by Trustee Smith to accept the Fire Dept application of Ryan Tiffany and Kevin Broad. The motion carried unanimously.

MOTION#88/09-10

A motion was made by Trustee O'Connell seconded by Trustee Sollecito to authorize Jay Vandermark to use a Village truck to haul blacktop to make repairs to the Fire Department's basketball court at Firemen's Park. The motion carried unanimously.

The meeting adjourned at 9:35 p.m.

