

WORK SESSION OF THE VILLAGE OF DEPOSIT HELD ON MAY 25, 2010 AT THE DEPOSIT THEATER AT 7:00 P.M.

PRESENT: President O'Connor, Trustees Sollecito, McKee and O'Connell, DCT Budine, Debbie Stever, Sharon Wright and Jim Conklin.

ABSENT- Trustee Warner, PWA Hubbard, CT Decker, CEO Barry Conklin, and Chief Cantwell.

MOTION#78/10-11

Trustee Sollecito made a motion to accept the CEO report, Trustee O'Connell seconded. Motion passed.

MOTION#79/10-11

Motion was made by Trustee O'Connell and seconded by Trustee Sollecito to accept the March and April EMS report. Motion passed.

OLD BUSINESS

STREETS

None

WATER

None

SEWER

None

BUILDINGS

None

FIRE DEPARTMENT

None

EMS

None

POLICE DEPARTMENT

Mayor O'Connor informed the board that the Durango was delivered to the Dodge dealer and will be completely checked out.

PRESIDENT

None

TRUSTEES

Trustee Sollecito informed the board that the movie "Gas Odyssey" will be airing in the theatre on June 3 at 7 PM. This movie covers the "pros" and "cons" of the development of gas in the Marcellus Shale formation.

FINANCE

None

NEW BUSINESS

STREETS

None

WATER

None

SEWER

None

BUILDINGS

None

FIRE DEPARTMENT

None

EMS

None

POLICE DEPARTMENT

None

PRESIDENT

MOTION#80/10-11

A motion was made by Trustee Sollecito and seconded by Trustee O'Connell to approve the following resolution. Motion passed.

A RESOLUTION AUTHORIZING ATTORNEYS FOR THE VILLAGE OF DEPOSIT, LAW FIRM OF FRANK W. MILLER, TO COMMENCE A CIVIL ACTION IN NEW YORK STATE SUPREME COURT, ON BEHALF OF THE VILLAGE OF DEPOSIT AGAINST THE OWNER(S) OF PROPERTY LOCATED AT 10 CENTER STREET / 121 SECOND STREET IN REGARD TO THE ABATEMENT OF A NUISANCE AT SAID LOCATION AND TO TAKE SUCH OTHER AND FURTHER STEPS AS ARE NECESSARY AND APPROPRIATE TO REMEDY A NUISANCE AND PUBLIC HEALTH HAZARD THEREAT.

SECTION 1. The Board of Trustees of the Village of Deposit hereby authorizes the Law Firm of Frank W. Miller, attorneys for the Village of Deposit, to commence a civil action in New York State Supreme Court on behalf of the Village of Deposit and to appear as the attorneys for the Village of Deposit as Plaintiff against the owner(s) of the property located at 10 Center Street / 121 Second Street in the Village of Deposit as Defendant(s).

In said civil action, the Village of Deposit, as the Plaintiff, shall, among other things, ask the Court: (a) to enjoin and restrain the Defendant(s) from violating the New York State Property Maintenance Code, New York State Fire Prevention Code, and any other sections of the Local Law and/or common law which are being violated with respect to the premises at 10 Center Street / 121 Second Street in the Village of Deposit; (b) to permanently enjoin the alleged violations of the aforementioned laws; (c) to direct the Defendant(s) to permanently cease and desist the alleged violations of the aforementioned laws; (d) to direct that the Defendant(s) take corrective action to abate said nuisance and to comply with the aforementioned laws; (e) to permanently prohibit Defendant(s) and all other persons from using the subject premises as a nuisance and in violation of the aforementioned laws; (f) to enjoin and restrain the Defendant(s) from creating and maintaining a public nuisance; (g) to grant the Plaintiff, Village of Deposit, reimbursement attorneys' fees, costs and expenses associated with commencing and prosecuting said action and in taking such other and further actions and steps as are necessary and appropriate in the commencement and prosecution of said action; and (h) to grant the Plaintiff, Village of Deposit, such other and further relief as to the Court may seem just and proper, together with the costs and disbursements of the action.

SECTION 2. For its services hereunder, the Law Firm of Frank W. Miller shall be compensated at the rate previously agreed upon in the retainer pertaining to the property owned by the Center of Deposit, Inc., and shall also be reimbursed for any costs and disbursements it incurs on behalf of the Village of Deposit in connection with said action. Any requests for payments pursuant to this resolution shall be set forth in a signed, itemized voucher to be submitted to the Village of Deposit for its review, audit and approval, and the content of any such retainer, voucher and correspondence shall remain protected by the Attorney-Client Privilege.

SECTION 3. This Resolution shall take effect immediately

TRUSTEES

None

FINANCE

MOTION#81/10-11

Motion was made by Trustee O'Connell and seconded by Trustee Sollecito to hire:

Breanna Carson, Brian Card, Brandy Warner, Jordan Hathaway, Corey Andresen and Janelle Wingerter as full time life guards, and Ryan Raker and Jonah Williams as part-time lifeguards, pending proof of certification. Motion passed.

MOTION#82/10-11

Trustee Sollecito made a motion, and Trustee O'Connell seconded, to go into and out of Executive Session.

MOTION#83/10-11

Motion was made by Trustee McKee and seconded by Trustee O'Connell to adjourn at 7:20 PM. Motion passed

Respectfully Submitted,