

REGULAR SESSION OF THE VILLAGE BOARD OF TRUSTEES HELD ON JUNE 14,
2011 AT 7:00 P.M. AT THE DEPOSIT THEATRE

PRESENT: President O'Connor, Trustees McKee, Straus, and Warner, DCT Budine, CT Decker, EMS Captain Couse, Fire Chief Ryneerson, Debbie Stever, Dave Nolan, Tom Walsh, Georgianna Carson, Mrs. Rought, Lucy and Paul Lantz, Sharon Wright, Ann Schambach, Mary O'Connell, Wilber Dennis, Lynn O'Connor, Eddie Joe Pavlov, Jim Conklin and Frank Dunshee

ABSENT: SPW Hubbard and Trustee O'Connell

The Mayor opened the meeting at 7:00 p.m. with the pledge of Allegiance.

MOTION#82/11-12

A motion was made by Trustee Straus seconded by Trustee Warner to waive the reading of the May 10, 2011 Regular Session Minutes. The motion carried.

MOTION#83/11-12

A motion was made by Trustee McKee seconded by Trustee Warner to accept for filing the May 10, 2011 Regular Session Minutes. The motion carried.

MOTION#84/11-12

A motion was made by Trustee McKee seconded by Trustee Straus to accept for filing the monthly Fire Department report. The motion carried.

There was no EMS report.

MOTION#85/11-12

A motion was made by Trustee Warner seconded by Trustee Straus to accept for filing the monthly Treasurer's Report. The motion carried.

MOTION#86/11-12

A motion was made by Trustee Warner seconded by Trustee Straus to accept for filing the monthly Court report. The motion carried.

OLD BUSINESS

STREETS

President O'Connor informed the board that the County had paved Second St. and the Village had completed Fourth and Mill St. with our Chips money. Further Pine St. extension would be completed by the end of next week.

WATER

SEWER

MOTION#87/11-12

A motion was made by Trustee McKee seconded by Trustee Straus to authorize Vacri Construction to install a new air line that runs off the existing air line from the aeration tanks to the sludge holding tanks as a main air supply for the tanks after October 1, 2011 at a cost of \$9875.00 to be taken from the Sewer Fund Fund Balance. The motion carried. JR Wilkins was the second quote for a cost of \$14826.00.

BUILDINGS

FIRE DEPARTMENT

MOTION#88/11-12

A motion was made by McKee seconded by Trustee Straus to approve the repairs of the springs to the rescue vehicle at a cost of \$3600 and tires installed from Tallmadge Tire at a cost of \$1519.00. There was a roll call vote of the board by the CT on May 24, 2011 to speed up the repairs. The motion carried.

EMERGENCY SQUAD

Captain Couse stated she had the final drawings for the ambulance and they had been approved by the committee – it would be three months before the ambulance was ready.

POLICE DEPARTMENT

Data 911 System is in and very shortly will be installed.

PRESIDENT

President O'Connor addressed Mrs. Rought by telling her that the squad had conducted an inquiry into the dropped ambulance call of her husband. O'Connor stated that unfortunately the squad members on call that day had just returned from out of the country and did not have their pagers/phones on at the time. President O'Connor apologized again for the unanswered call.

TRUSTEES

FINANCE

NEW BUSINESS

STREETS

WATER

SEWER

BUILDINGS

FIRE DEPARTMENT

MOTION#89/11-12

A motion was made by Trustee McKee seconded by Trustee Straus to authorize the purchase of four tires for the squad 22 from Tallmadge for \$1640.32 to come from A3410.22. The motion carried.

Fire Chief Rynearson informed the board that there will be a Lifenet LZ training on Monday night – June 20th at 6:30 p.m. Further, Howie Couse and Chris Zacharias had completed water rescue training in Harpursville. On June 25, 2011 Farm Medic training class is 8:00 p.m. in Harpursville. Rynearson stated that the peak of the roof in the fire hall is beginning to fall down again. Rynearson asked that Hubbard contact the contractor.

EMERGENCY SQUAD

Captain Couse requested time in executive session for specific personnel.

POLICE DEPARTMENT

Chief Cantwell informed the Board of a training seminar in July 17-20th that he is going to attend at a cost of \$746.00.

PRESIDENT

President O'Connor introduced a Public Hearing on Local Law #5 of 2011 amending chapter 140 of the ZBA on June 28th from five members to three. Then O'Connor introduced a second PH for July 14th 2011 on a handicapped parking space on Front St. There was some discussion as to where the handicapped parking space should be. It was decided that there would be a handicapped parking spot on Front St. west of the intersection of Church and Front. This is located in front of the no parking from here to corner sign in front of the A to Z Shop.

See attached Broome County Resolution: Roll Call Vote as follows:

Trustee Warner	Aye
Trustee McKee	Aye
Trustee O'Connell	Nay
Trustee Straus	Aye
Mayor O'Connor	Aye

REFUNDING RESOLUTION

EXTRACT OF MINUTES

Meeting of the Board of Trustees

of the Village of Deposit, in the

County of Broome, New York

June 14, 2011

* * *

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 June 14, 2011.

There were present: Hon. John O'Connor, Mayor; and

Trustees: Warner, McKee and Straus

There were absent: Trustee O'Connell

Also present: Cheryl R. Decker, Village Clerk

* * *

Trustee Warner offered the following resolution and moved its adoption:

REFUNDING BOND RESOLUTION OF THE VILLAGE OF DEPOSIT, NEW YORK, ADOPTED JUNE 14, 2011, 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"), has issued its \$100,000 Wastewater System Improvements Bond-2011 (the "USDA Bond"), which bond was sold to the United States of America, acting through the Rural Utilities Service, United States Department of Agriculture ("USDA"); and

WHEREAS, the USDA Bond matures in annual installments on May 25 in each year in the principal amounts set forth in Schedule I attached hereto and made a part hereof, and bears interest at the rate of 4-3/8% per annum, payable on November 25, 2011, and semiannually thereafter on May 15 and November 15 in each year to maturity; and

WHEREAS, the USDA Bond is sometimes referred to herein as the "Refunded Bond" or 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 bond by the issuance of a new bond or 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 Bond-2011 of the Village.
- b. “Redemption Date” means the date on which the Refunded Bond 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-2011 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 outstanding principal amount of the Bond To Be Refunded plus the aggregate amount of unmatured interest payable on such Bond To Be Refunded to and including the applicable Redemption Date, 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 Bond To Be Refunded, 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-2011,” 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 Bond To Be Refunded becoming due and payable on and prior to the Redemption Date and (b) the principal of and premium, if any, on the Bond To Be Refunded to be called for redemption prior to maturity on the Redemption Date.

Section 3. The Bond To Be Refunded referred to in Section 1 hereof is the unmatured, unpaid outstanding balance of the bond 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 principal amount 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 Bond 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 Bond 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 the Bond To Be Refunded pursuant to the terms of the Bond 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 Bond 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 Trustee McKee and duly put to a vote on roll call, which resulted as follows:

AYES: 4

NOES: 1

The resolution was declared adopted.

President O'Connor informed the board that Laurie Briggs-Cantella has donated \$3,000 to the Village of Deposit to complete the Deposit Memorial Park. O'Connor stated that Laurie will also donate bluestone benches in the future. An official thank you in order.

TRUSTEES

MOTION#90/11-12

A motion was made by Trustee McKee seconded by Trustee Straus to use DPW equipment and manpower to complete the pocket park across from Village Hall. The motion carried.

FINANCE

MOTION#91/11-12

A motion was made by Trustee McKee seconded by Trustee Straus to authorize the mayor's signature on the audited vouchers as follows:

General fund:	\$ 87,922.43
Water fund	\$ 28,836.88
Sewer fund	\$ 22,935.00
T&A	\$ 1,775.83

The motion carried.

MOTION#92/11-12

A motion was made by Trustee McKee seconded by Trustee Warner to move \$26,128 from General fund fund balance for the following: \$2,278.00 to Northern Scapes for alternate #1, \$11,900 to Northern Scapes for memorial park project; \$10,500 to Schaefer Enterprises for the Pine St. Ext Project; and \$1,450.00 to Broome Bituminous for the shim on Fourth St. The \$11,900 to Northern Scapes and the \$10,500 to Schaefer Enterprises are reimbursable projects. The motion carried.

MOTION#93/11-12

A motion was made by Trustee Straus seconded by Trustee Warner to move \$2,296.40 from sewer fund fund balance to pay Hawkins Delafield and Wood for legal fees for the \$100,000 USDA closing and \$2,931.00 to Shumaker Engineers for SCADA System analysis; and \$1,750 to Deposit Well Drilling for the new valve at well #2 from water fund, fund balance. The motion carried.

GUESTS

Ann Schambach informed the board that there is a little hole in the blacktop by the flower garden. CT Decker stated they knew the hole was there. Mary O'Connell stated that a board member had made the comment that people can pay to have their lawn debris hauled away. She stated this was highly inappropriate. The village can haul away and chip for the residents. Wilber Dennis asked if the residents could take lawn debris to the sewer plant – John O'Connor stated that he wanted Hubbard to answer that question. David Nolan asked if the County was done with Second St. – he asked the Mayor to make sure they complete the jog correctly. Apparently there is a problem

with the manholes. Wilber Dennis asked if the Village was still going to sell water – O'Connor stated that we were.

MOTION#94/11-12

A motion was made by Trustee McKee seconded by Trustee Straus to enter into and out of executive session to discuss specific personnel. The motion carried.

MOTION#95/11-12

A motion was made by Trustee McKee seconded by Trustee Straus to accept the application of Keith Benjamin to the EMS Squad. The motion carried.

The meeting was adjourned at 9:10 p.m.

Respectfully Submitted: