

REGULAR SESSION OF THE VILLAGE BOARD OF TRUSTEES HELD ON JULY 9, 2013 AT 7:00 P.M. AT THE DEPOSIT THEATER

PRESENT: Mayor John O'Connor, Trustees O'Connell, Hathaway, Strauss, CT Decker, DCT Budine, Chief Cantwell, Bradley Hubbard, Melissa Bishop, Jim Conklin, Joe McQuade, Lynn O'Connor, Paul and Lucy Lantz, Wilber Dennis, Sharon Wright, Ann Schambach and Mary O'Connell and Broome County Legislature Scott Baker

ABSENT: Fire Chief Rynearson; EMS Captain Couse and Trustee Mott

Mayor O'Connor opened the meeting with the Pledge of Allegiance at 7:00 p.m. He then introduced our Broome County Legislature Mr. Scott Baker. Mr. Baker apologized for not attending one of our meetings sooner. Further he said there have been many developments at the County level, one being a ban on bath salts. He stated he works with Elaine Miller on the Rural Ag Protection Board and realized she has been very helpful to our Village. Mayor O'Connor stated there have been serious issues with prosecution of criminals in the Village Court from the DA's office. O'Connor asked that he talk with the court clerk in regards to these issues. Mr. Baker said he certainly would and further would have a conversation with Jerry Mollen's office.

MOTION#134/13-14

A motion was made by Trustee O'Connell seconded by Trustee Hathaway to waive the reading of the minutes from June 11<sup>th</sup> Regular Session and the June 25<sup>th</sup> Work Session. The motion carried unanimously.

MOTION#135/13-14

A motion was made by Trustee Strauss seconded by Trustee Hathaway to accept for filing the minutes from June 11, 2013 Regular Session and the June 25 Work Session. The motion carried unanimously.

MOTION#136/13-14

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

MOTION#137/13-14

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

There was no Fire Department Report.

MOTION#138/13-14

A motion was made by Trustee Hathaway seconded by Trustee Strauss to accept for filing the monthly Treasurer Report. The motion carried unanimously.

MOTION#139/13-14

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

MOTION#140/13-14

A motion was made by Trustee Hathaway seconded by Trustee Strauss to accept for filing the monthly ZBA Report. The motion carried unanimously.

OLD BUSINESS

STREETS

DPW Hubbard stated that they crew had been repairing and replacing street signs; they had attended a NY Rural Water Conference; had painted some walkways; cleaned the fire dept gutter system.

WATER

Mr. Hubbard stated that there were three houses left to hook up to the new water main.

## SEWER

Hubbard stated that there had been a mud slide by the WWTP and that Simpson Construction had been hired at an estimated cost of \$4700 for cleanup to be taken from G8130.4. Hubbard gave a brief history of the spiral screen at the WWTP – the spiral screen is supposed to collect items that should not go thru the system they then go into the drying beds for removal. The screen has not been working correctly and let's items bypass and clogs up the works. Hubbard stated that in order to fix the screen has to be pulled up and out; Koester Assoc. will come and look and at the spiral screen and give us some suggestions.

## BUILDINGS

Hubbard stated that since the power outage recently the Fire Dept one door does not work properly and someone was coming to look at them.

Mayor O'Connor then stated that the grease problem at the Main St. pump is mostly from Meadowpark Apts and he would like Hubbard to tell them they will be billed any overtime the Village has for cleaning the grease. O'Connor also wants Hubbard to put No Trespassing Signs at the WWTP. Hubbard then asked Mr. Baker of the Broome County Legislature if he could promote/inquire if the Second St. Drain project could be continued up Second St. Mr. Baker said he would be glad to look into it.

## FIRE DEPARTMENT

The pumper tanker is back in service.

## EMERGENCY SQUAD

No old business

## POLICE DEPARTMENT

The Police Chief informed the board that the special legislation to allow Jay Vandermark to become a PT patrolman for the Village has passed in the Senate but never made it to the Assembly. The legislation has been held over until next year.

## PRESIDENT

Mayor O'Connor asked Melissa Bishop to give an update on the Eagle River Valley marketing – Melissa stated the mailing had gone out a little later than anticipated but had already had some responses. O'Connor stated that Hancock was having concerts in its new Village green and encouraged people to attend if they could. O'Connor also stated he had data from the speed trailer on upper Front St. by Hinmans and informed us that most people do not speed. There was very heavy traffic though – way more than anyone would think – approximately 700 vehicles a day.

## MOTION#141/13-14

A motion was made by Trustee Strauss seconded by Trustee Hathaway to authorize Simpson Construction to remove the debris from the mud slide at the WWTP in the amount of \$3,200 to be taken from G8130.4. The motion carried unanimously.

## TRUSTEES

No old business

## FINANCE

No old business

## NEW BUSINESS

### STREETS

No new business

### WATER

No new business

### SEWER

No new business

### BUILDINGS

No new business

FIRE DEPARTMENT

No new business

EMERGENCY SQUAD

No new business

POLICE DEPARTMENT

No new business

PRESIDENT

**RESOLUTION AUTHORIZING THE FILING OF A CERTIFICATE WITH  
THE SECRETARY OF STATE, DESIGNATING THE SECRETARY OF  
STATE**

**AS AGENT FOR SERVICE OF A NOTICE OF CLAIM**

Offered by Trustee Strauss, Seconded by Trustee O'Connell

The Board of Trustees of the Village of Deposit located in Delaware and Broome Counties, New York, duly convened in regular session, does hereby resolve as follows:

**WHEREAS**, the New York State Senate has passed, and the New York State Governor has signed into effect, the Uniform Notice of Claim Act (hereinafter the "Act").

**WHEREAS**, §6 of the Act amends the General Municipal Law by adding a new §53, effective June 15, 2013.

**WHEREAS**, New York General Municipal Law §53(2) requires that all public corporations, who are entitled to service of notice of claim as a condition precedent to commencement of an action or proceeding shall file a certificate with the Secretary of State, designating the Secretary as agent for service of a notice of claim.

**WHEREAS**, the Village of Deposit must file such certificate with the Secretary of State no later than thirty (30) days after the date upon which General Municipal Law §53 took effect.

**NOW, THEREFORE**, the Board of Trustees of the Village of Deposit does hereby resolve as follows:

Section 1. The Village Clerk of the Village of Deposit be and she hereby is directed and empowered to forward to the New York State Secretary of State a Certificate, pursuant to General Municipal Law §53, designating the Secretary of State as agent for service of a notice of claim where a notice of claim is required by law as a condition precedent to the commencement of an action or special proceeding against the Village of Deposit, or any officer, appointee or employee.

Section 2. This Resolution shall take effect immediately.

Roll call vote as follows:

Trustee O'Connell	Aye
Trustee Strauss	Aye
Trustee Hathaway	Aye
Trustee Mott	Absent
Mayor O'Connor	Aye

RESOLUTION ADOPTED ON JULY 9, 2013

## RESOLUTION INTRODUCED BY THE VILLAGE OF DEPOSIT

**RESOLUTION TO AUTHORIZE THE VILLAGE MAYOR TO PARTICIPATE IN A CONSOLIDATED FUNDING APPLICATION PROGRAM IN ORDER TO PURSUE CDBG AND LWRP FUNDING AS A PROJECT SPONSOR/APPLICANT FOR STREETScape AND INFRASTRUCTURE IMPROVEMENTS ALONG FRONT STREET [FROM ALLEN STREET TO DEAN STREET].**

**WHEREAS**, the Village's Needs Assessment in 2001 and Downtown Revitalization Strategy Study in 2006 identified the need to address the appearance and "streetscape" of Front Street as part of an integrated strategy to revitalize and redevelop the Village of Deposit; and

**WHEREAS**, the Village of Deposit secured funding through the NYSDOS to create an Local Waterfront Revitalization Plan (LWRP) *Design Report* for Streetscape Improvements along Front Street [from Allen Street to Dean Street]; and

**WHEREAS**, the Village of Deposit completed the *LWRP Design Report* for Streetscape Improvements along Front Street [from Allen Street to Dean Street], which was approved by the NYSDOS in June of 2013; and

**WHEREAS**, the Village of Deposit has participated in the New York Main Street program and has completed façade renovations within the Downtown Business District; and

**WHEREAS**, the Front Street [from Allen Street to Dean Street] LWRP Design Report provides the needed design documents and cost estimates to allow the Village of Deposit to pursue Federal and State funding to complete needed "Streetscape" enhancements and infrastructure improvements; and

**WHEREAS**, the proposed pedestrian system enhancements will improve public safety and ADA accessibility, improve pedestrian convenience and safety, make the downtown more attractive to investors, and

**WHEREAS**, the proposed Sewer Line relocations and drainage improvements would make the downtown business district more *resilient* during flooding events by relocating of a sewer line [which presently runs through the basement of waterfront buildings] along Front Street; and

**WHEREAS**, the proposed Streetscape Enhancements identified in the NYSDOS-approved LWRP Design Report for Front Street are eligible for funding through the CFA LWRP, which is a 50:50 matching grant programs; and

**WHEREAS**, the proposed Public Infrastructure Improvements including the sewer line relocation, drainage improvement and related activities identified in the NYSDOS-approved LWRP Design Report for Front Street are eligible for funding through the CFA CDBG Program, which can fund eligible public infrastructure (water/sewer/storm sewer only) activities up to \$750,000; and

**WHEREAS**, the Village Board understands the CFA Program may require the Village of Deposit to incur costs upfront while periodically seeking reimbursement for the federal or State share of Project Cost; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board of Deposit does hereby authorize the Village Mayor to sign CFA Program Applications to pursue CDBG and LWRP funding as a Project Sponsor/Applicant for the project described herein, and

**FURTHERMORE BE IT RESOLVED**, the Village of Deposit shall enter into a formal agreement with NYSDOS and/or the NYS Office of Community Renewal, and adhere to the timeframes and scope of work outlined in such agreements; and

**FURTHERMORE BE IT RESOLVED**, that the Village will accept responsibility for the project development in accordance with federal and State requirements.

Motion by: Trustee O'Connell

Seconded by, Trustee Hathaway

With a roll call vote as follows:

Trustee Hathaway	Aye
Trustee Strauss	Aye
Trustee O'Connell	Aye
Trustee Mott	Absent
Mayor O'Connor	Aye

RESOLUTION ADOPTED ON JULY 9, 2013

#### **RESOLUTION INTRODUCED BY THE VILLAGE OF DEPOSIT**

**RESOLUTION TO AUTHORIZE THE VILLAGE MAYOR TO PARTICIPATE IN A TRANSPORTATION ENHANCEMENTS PROGRAM FUNDING APPLICATION AS A PROJECT SPONSOR/APPLICANT FOR STREETScape IMPROVEMENTS ALONG FRONT STREET [FROM ALLEN STREET TO DEAN STREET].**

**WHEREAS**, the Village's Needs Assessment in 2001 and Downtown Revitalization Strategy Study in 2006 identified the need to address the appearance and "streetscape" of Front Street as part of an integrated strategy to revitalize and redevelop the Village of Deposit; and

**WHEREAS**, the Village of Deposit secured funding through the NYSDOS to create an Local Waterfront Revitalization Plan (LWRP) *Design Report* for Streetscape Improvements along Front Street [from Allen Street to Dean Street]; and

**WHEREAS**, the Village of Deposit completed the *LWRP Design Report* for Streetscape Improvements along Front Street [from Allen Street to Dean Street], which was approved by the NYSDOS in June of 2013; and

**WHEREAS**, the Village of Deposit has participated in the New York Main Street program and has completed façade renovations within the Downtown Business District; and

**WHEREAS**, the Front Street [from Allen Street to Dean Street] LWRP Design Report provides the needed design documents and cost estimates to allow the Village of Deposit to pursue Federal and State funding to complete "Streetscape" enhancements; and

**WHEREAS**, the proposed pedestrian system enhancements will improve public safety and ADA accessibility, improve pedestrian convenience and safety, make the downtown more attractive to investors, and make the downtown business district more *resilient* during flooding events by relocating of a sewer line [which presently runs through the basement of waterfront buildings] along Front Street; and

**WHEREAS**, there is a need for surface transportation alternatives for bicyclist, commuters, pedestrians and visitors that would be served the streetscape and infrastructure improvements proposed along Front Street.

**WHEREAS**, the Village Board understands the TEP Program is a reimbursement program, which will require the Village of Deposit to incur costs upfront while periodically seeking reimbursement for the federal share; and

**WHEREAS**, the Village Board understands the federal share for the Project is capped at a maximum 80% federal share, which must be matched by a 20% local share.

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board of Deposit does hereby Authorize the Village Mayor to sign the Transportation Enhancements Program Application as a Project Sponsor/Applicant for the project described herein, and

**FURTHERMORE BE IT RESOLVED**, the Village of Deposit shall enter into a formal agreement with NYSDOT, which will require the Village to pay project costs upfront, then request reimbursement of eligible costs from NYSDOT; and

**FURTHERMORE BE IT RESOLVED**, that the Village will accept responsibility for the project development in accordance with federal requirements.

Moved by, Trustee Strauss

Seconded by, Trustee O'Connell

RESOLUTION ADOPTED ON JULY 9, 2013

#### **RESOLUTION INTRODUCED BY THE VILLAGE OF DEPOSIT**

#### **RESOLUTION TO AUTHORIZE THE VILLAGE MAYOR TO PARTICIPATE IN A CONSOLIDATED FUNDING APPLICATION PROGRAM IN ORDER TO PURSUE NYSERDA FUNDING AS AN PROJECT SPONSOR/APPLICANT FOR THE DEVELOPMENT OF A NEW VILLAGE OF DEPOSIT COMPREHENSIVE PLAN.**

**WHEREAS**, the Village of Deposit does not have a Village-wide Comprehensive Land Use Plan; and

**WHEREAS**, the development of a Comprehensive Plan is necessary to guide growth and infill development in a manner that respects community character and protects public safety by ensuring new structures don't create hazards during periodic flooding events and

**WHEREAS**, it is envisioned that the creation of the *Comprehensive Plan* will include a strong public participation component, which is necessary to build the broad-based community support needed to implement the Plan; and

**WHEREAS**, The Village of Deposit and Deposit Partners Inc. (a local not-for-profit organization) will coordinate with local business leaders and civic leaders to be involved in the process of developing the Comprehensive Plan so that broad consensus can be reached in creating a shared vision for the future of the Village of Deposit; and

**WHEREAS**, in response to recent flooding events, which have devastated the community – the new Comprehensive Plan will have a strong focus on community sustainability and resiliency; and

**WHEREAS**, funding through the NYSEDA Cleaner, Greener Communities Category 2 Program is necessary to enable the Village of Deposit to pursue the development of a new Comprehensive Plan; and

**NOW, THEREFORE, BE IT RESOLVED**, the Village Board of Deposit does hereby authorize the Village Mayor to sign CFA a Program Application to pursue NYSEDA funding as a Project Sponsor/Applicant for the project described herein, and

**FURTHERMORE BE IT RESOLVED**, the Village of Deposit shall enter into a formal agreement with NYSEDA and adhere to the timeframes and scope of work outlined in such agreements; and

**FURTHERMORE BE IT RESOLVED**, that the Village will accept responsibility for the project development in accordance with State requirements.

Moved by, Trustee Hathaway

Seconded by, Trustee Strauss

RESOLUTION ADOTPED ON JULY 9, 2013

MOTION#142/13-14

A motion was made by Trustee Strauss seconded by Trustee Hathaway to pursue off street village parking on the west end of Front St. at the Susquehanna Western RR property and to provide the RR with an application and map of the parcel. The motion carried unanimously. The RR will require some sort of barrier on the property to discourage people from crossing or entering the railroad tracks. Discussions will take place in the future as to what type of barrier.

Mayor O'Connor informed the public that the Village had won the Article 78 Claim filed against the Village and the Planning Board. This decision from the Third Department indicates the Planning Board has performed their job correctly in the application for a sub-division. This decision will hopefully cause other pending litigation to move along.

TRUSTEES

No new business

FINANCE

MOTION#143/13-14

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

General Fund:	\$ 35,125.18
Water Fund	\$ 8,684.74
Sewer Fund	\$ 19,706.70
T&A:	\$ 2,929.58

The motion carried unanimously.

MOTION#144/13-14

A motion was made by Trustee Hathaway seconded by Trustee Strauss to authorize the Mayor's signature on the CDBG Water Main Abstract #4 as follows:

Village of Deposit	\$ 3,135.21
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The motion carried unanimously.

MOTION#145/13-14

A motion was made by Trustee O'Connell seconded by Trustee Hathaway to allow the budget amendment in the amount of \$1,666 to come from General Fund Fund balance

for unbudgeted legal fees for the CEO and the Charter Revisions. The motion carried unanimously.

MOTION#146/13-14

A motion was made by Trustee Hathaway seconded by Trustee O'Connell to purchase the Williamson Law Program TaxGlance at a cost of \$250 with an annual maintenance fee of \$120. The program will provide the tax payer the ability to look up tax information from the village web site. The motion carried unanimously.

GUESTS

Wilber Dennis wanted to bring to the board's attention two things – the congestion on Clark St. from the parked cars on both sides of the street, all the time and the possibility of an auto repair shop at the same location as all the cars. Mayor O'Connor said he would bring it to the attention of the code officer of the possible business in the home. Chief Cantwell stated parking tickets had been issued as well. Mr. Dennis also brought up the age old complaint of the slow response of our ambulance.

MOTION#147/13-14

A motion was made by Trustee O'Connell seconded by Trustee Hathaway to enter into and out of executive session to discuss specific personnel. The motion carried unanimously.

MOTION#148/13-14

A motion was made by Trustee Hathaway seconded by Trustee Strauss to hire Cloe Bergman as a PT Lifeguard at \$7.75 effective immediately. The motion carried unanimously.

MOTION#149/13-14

A motion was made by Trustee O'Connell seconded by Trustee Strauss to adjourn at 8:05 p.m. The motion carried unanimously.

Respectfully Submitted