

REGULAR SESSION OF THE VILLAGE BOARD OF TRUSTEES HELD ON  
SEPTEMBER 8, 2009, AT THE DEPOSIT THEATER AT 7:00 P.M.

PRESENT: President O'Connor, Trustees O'Connell, Warner, McKee, and Sollecito, CT Decker, DCT Budine, Chief Cantwell, EMS Captain Couse, Kim Dermit, Paul & Lucy Lantz, Jim Conklin, Dean Price, Franny Carver, Debbie Stever, Amy Kenyon, Carolyn and Sonny DeNys, Mr. & Mrs. Joe McQuade, Lynn O'Connor, Beverly Shirkey, Ann Schambach, Mary O'Connell, Mr. Musante, Nancy Stanton, Sharon Wright, Father Nick, Ellen Jogo, Lee Conklin, Sam & Elly McNett, Bradley Hubbard, Georgianna Carson, Eddy Joe Pavlov

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

O'Connor stated that the annual Local Government Day in Margaretville was on October 15, 2009 at \$10.00 per person – those trustees wishing to attend please let the front office know and get signed up.

O'Connor announced that the Village was not successful in the \$400,000 housing grant this year.

President O'Connor opened the bids of the Front St. Reconstruction Project as follows:

Albert Torto Construction Group	
Binghamton, NY	\$63,085.00
Bolands Excavating	
Binghamton, NY	\$61,219.00
Allis Development	
Vestal NY	\$53,271.00

The bids will be forwarded to the engineer for a recommendation.

President O'Connor opened bids for the Fire Hall Roof as follows:

Standard Insulating Co.	
Marcy NY	\$89,200
The Insulation Man	
Windsor, NY	\$112,500

The board instructed Hubbard to request a better description of the work to be performed by the low bidder and, if satisfied, the board can award the bid through a roll call vote by phone.

Next Lee Conklin of the Baptist Church wanted an update on the Senior Center. He said he had heard that there was a plan for the Presbyterian Church to be used for the Senior Center and he wanted all to know that no one had contacted the Baptist Church on the parking lot that joins both churches. He said liability and snow removal is a huge concern for the Baptists and he felt they should have been contacted. Ms Kenyon gave a brief history of looking for adequate room for a center as opposed to a 1.3 million dollar new center – she further stated that all discussion was in the very preliminary stages and that of course the Baptist Church would be contacted. At this point Father Nick pointed out that the Episcopal Church knew nothing of the seniors wishing to move. Kenyon responded by saying that she felt the seniors were looking for more room in the future and were simply weighing their options. Mr. Conklin said he was very discouraged by the handling of the parking lot issue. Georgiana Carson stated that there was going to be a monthly soup kitchen at the Presbyterian Church and all were welcome to attend.

RESOLUTION

WHEREAS; the Mayor John O'Connor of the Village of Deposit wishes to file an application for funds from the NYS Office of Parks, Recreations and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$40,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Village of Deposit for planning, environmental review, and design services for the Deposit River Park, river walking trail, and river access points along the West Branch of the Delaware River. Also, a preservation covenant will be included in the deed of the planned River Park property which is being deeded to the Village by Delaware County.

THEREFORE; be it resolved that the Village of Deposit is authorized and directed to file an application for funds from the NYS Office of Parks and Recreation and Historic Preservation for planning and design for a Deposit River Park.

Trustee Sollecito	aye
Trustee Warner	aye
Trustee McKee	aye
Trustee O'Connell	aye
Mayor John O'Connor	aye

RESOLUTION

WHEREAS, the Village of Deposit has completed a Downtown Revitalization Strategy and Waterfront Access Plan, and

WHEREAS, both documents recommended improving the pedestrian experience in the downtown business district, and linking this downtown to the river for pedestrians, and

WHEREAS, the Village has funding in place and is undertaking a pilot project to improve the streetscape in front of the Village Hall and the Theater in the downtown business district, and wishes to develop the design plans and environmental reviews necessary to extend these streetscape improvements along the entire length of Front Street in the downtown business district, down to the riverfront park, and

WHEREAS, as a notice of funding availability for an Environmental Protection Fund grant for planning and streetscape improvements has been made by the Department of State Division of Coastal Resources,

THEREFORE, be it resolved that John O'Connor, as Mayor of the Village of Deposit, is hereby authorized and directed to file an application for funds to the NYS Department of State Division of Coastal Resources for grant moneys to advance the Village's revitalization and waterfront access efforts through developing the streetscape design plan and completing the environmental and historic review process for the streetscape along the downtown business district, from Allen Street to the riverfront park.

Trustee Sollecito	Aye
Trustee Warner	Aye
Trustee McKee	Aye
Trustee O'Connell	Aye
Mayor John O'Connor	Aye

MOTION#182/09-10

A motion was made by Trustee O'Connell seconded by Trustee Warner to waive the reading of the minutes from August 11 Regular and August 25 Work Session and August 17<sup>th</sup> and 24<sup>th</sup> Oversight minutes. The motion carried unanimously.

MOTION#183/09-10

A motion was made by Trustee Sollecito seconded by Trustee O'Connell to accept for filing the minutes from August 11 Regular and August 25 Work Session and August 17<sup>th</sup> and 24<sup>th</sup> Oversight minutes. The motion carried unanimously.

There was no PD Report.

MOTION#184/09-10

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

MOTION#185/09-10

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

MOTION#186/09-10

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.

MOTION#187/09-10

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

MOTION#188/09-10

A motion was made by Trustee Sollecito seconded by Trustee Warner to accept for filing the monthly Planning Board Report. The motion carried unanimously.

OLD BUSINESS

Streets

PWA Hubbard explained that the DPW completed 96 work orders for the Village and 44 for Oquaga Lake WWTP. Included are milling put down behind the Village hall, clean out catch basins, removed a tree from Butler Brook, chipped brush, etc. He further stated that the inspection at the WWTP went well – the parking lot is ready to be paved and should be done sometime in September. Also, the plant operators received a two day training on the Scada System (this computer system runs the plant). Hubbard informed the board that the spiral screen at the plant was designed wrong and installed wrong and he has been told by the engineers not to accept his piece of machinery as complete. The spiral screen has become plugged twice and plant operators cannot change the brushes as instructed by the manufacturer. The engineers have contacted the manufacturers to see what can be done. Hubbard also stated that the Village crew could install the box rails they have at the garage in place of the bollards on the specs – both the spiral screen and the bollards should go through the engineers first before anything is done as these are items on the General Contractors Specs.

Steve Herz, Broome County Legislator, spoke to the board about other projects throughout the county coming back as very high bids. HE wanted the board to be aware of this and possibly have a backup source of revenue for the Second St. project should those bids be much higher than anticipated. There is a 400,000 CDBG grant in place for this project and \$250,000 from the county as well.

President O'Connor asked court clerk Lucy Lantz to make sure that the board members also received a copy of the monthly court report – he also asked her to please specify the disposition of each case and whether it was a DA's plea or a judge decision.

Trustee Sollecito and Hubbard have discussed using the balance of this year's CHIPS money (about \$9,000) on other smaller projects throughout the Village in case there is no chips money next year. Mention was made of the small bridge on Main St and Spruce Drive. All agreed this was a good idea.

## NEW BUSINESS

### Streets

Hubbard informed the board that the residents involved in the replacement of the Second St. Drain project urged the Village to have something in writing to assure them that Butler Brook would be maintained at the entrance to the river. Hubbard stated that this maintenance had been incorporated into the Village's Emergency Response Plan – he hoped this was satisfactory to show our commitment to keeping the brook clean.

Hubbard then discussed the class 3A license that the DEC is requiring for one operator at the plant. Hubbard stated that he had contacted Jim Burke of the DEC with his concerns. The plant was designed with increased flow capacity to incorporate Norbord from 400,000 to 700,000 gpm and now Norbord is gone. Normal flow is between 300,000 and 325,000 gpm – which makes our plant a class 2A plant. The 3A DEC is requiring would run a plant like the JC one. Hubbard has not heard back from Mr. Burke. If no reply is forthcoming the mayor will draft a letter to the DEC.

### MOTION#189/09-10

A motion was made by Trustee Sollecito seconded by Trustee Warner to close Front St. for the October 11, 2009 Octoberfest from 7 a.m. until 6:00 p.m. The motion carried unanimously.

### MOTION#190/09-10

A motion was made by Trustee Sollecito seconded by Trustee McKee to allow the VFW to have its annual beer tent on the Village property for the October 11, 2009 Octoberfest. The VFW will be required to fill out a hold harmless agreement and provide insurance papers. The motion carried unanimously.

### MOTION#191/09-10

A motion was made by Trustee Warner seconded by Trustee Sollecito to award the proposal for the Updated Water Distribution Plan to Shumaker Engineers in the amount of \$15,000 provided from CDBG funds for a water loop study. The motion carried unanimously.

### MOTION#192/09-10

A motion was made by Trustee O'Connell seconded by Trustee McKee to approve the EMS 2010-2011 budget at \$ 85,553.00 and the Fire Dept 2010-2011 budget at \$ 124,425.00. The motion carried unanimously. These budgets were previously adopted by the two towns.

### MOTION#193/09-10

A motion was made by Trustee O'Connell seconded by Trustee Sollecito to reimburse Tiffany Rynearson for the Vital Sign class she paid for herself in advance in the amount of \$150.00. The board specified that this practice will not be reimbursed again – that there is a procedure in place for signing up for classes and should be used. The motion carried unanimously.

MOTION#194/09-10

A roll call vote as follows was taken to begin the Unsafe Building Law Chapter 123 of the Village Code on 125 Second St., Tax Map # 187.19-2-12 as it is a danger to health, safety and general welfare of the people of the Village of Deposit:

Trustee Sollecito	Aye
Trustee Warner	Aye
Trustee McKee	Aye
Trustee O'Connell	Aye
Mayor John O'Connor	Aye

The motion carried unanimously.

MOTION#195/09-10

A motion was made by Trustee Sollecito seconded by Trustee Warner to authorize the mayor's signature on the abstract of audited vouchers as follows:

General Fund:	\$ 37,219.25
Water Fund:	\$ 5,224.51
Sewer Fund:	\$3,121,033.36
T&A Fund:	\$ 2,107.88
WWTP:	\$ 215,972.84

The motion carried unanimously.

MOTION#196/09-10

A motion was made by Trustee O'Connell seconded by Trustee Sollecito to authorize the Mayor's signature on the amended 01/05/09 annual agreement with Broome County Office for the Aging to include payment of the cleaning service. The contract went from \$200 a month to \$287.00. The motion carried unanimously.

MOTION#197/09-10

A motion was made by Trustee Sollecito seconded by Trustee O'Connell to authorize the Clerk Treasurer to take \$15,000 from General Fund Balance to pay the insurance deductible on pending litigation. The motion carried unanimously.

EXTRACT OF MINUTES

Meeting of the Board of Trustees of the  
 Village of Deposit, in the  
 County of Broome, New York

September 8, 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 September 8, 2009.

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

Trustees: Kevin McKee  
 Dee Sollecito  
 Harry Warner  
 Ronald O'Connell

There were absent:

None

Also present: Cheryl R. Decker, Village Clerk

\* \* \*

Trustee Sollecito offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE VILLAGE OF DEPOSIT,  
NEW YORK, ADOPTED SEPTEMBER 8, 2009,  
AUTHORIZING THE ACQUISITION OF A TANKER TRUCK  
FOR USE BY THE FIRE DEPARTMENT, STATING THE  
ESTIMATED MAXIMUM COST THEREOF IS \$224,500,  
APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE,  
INCLUDING THE EXPENDITURE OF APPROXIMATELY  
\$127,000 EXPECTED TO BE RECEIVED FROM OTHER  
SOURCES TO PAY A PART OF SAID APPROPRIATION,  
AND AUTHORIZING THE ISSUANCE OF \$97,500.00  
SERIAL BONDS OF SAID VILLAGE TO FINANCE THE  
BALANCE OF SAID APPROPRIATION

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 of Trustees) AS FOLLOWS:

Section 1. The Village of Deposit, in the County of Broome, New York  
(herein called the "Village"), is hereby authorized to acquire a tanker truck for use by the  
Fire Department. The estimated maximum cost thereof, including preliminary costs and  
costs incidental thereto and the financing thereof, is \$224,500 and said amount is  
hereby appropriated for such purpose. The plan of financing includes the expenditure  
of \$50,000 grant funds expected to be received from the United States Department of  
Agriculture, Rural Development; \$75,000 expected to be expended from Village Fire  
Department funds; and approximately \$2,000 expected to be received from the trade-in  
of a Village-owned pumper truck. The plan of financing also includes the issuance of  
\$97,500.00 serial bonds of the Village to finance the balance of said appropriation, and  
the levy and collection of taxes on all the taxable real property in the Village to pay the

principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Village in the principal amount of \$97,500.00 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance a part of said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 27 of the Law, is twenty (20) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made on or prior to the effective date hereof if a prior declaration of intent to issue bonds has been made. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village without limitation of 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 said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in

anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing agreements for credit enhancement, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, 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 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the "*Deposit Courier*," a newspaper having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF DEPOSIT, NEW YORK

PLEASE TAKE NOTICE that on September 8, 2009, the Board of Trustees of the Village of Deposit, in the County of Broome, New York, adopted a bond resolution entitled:

“Bond Resolution of the Village of Deposit, New York, adopted September 8, 2009, authorizing the acquisition of a tanker truck for use by the Fire Department, stating the estimated maximum cost thereof is \$224,500. appropriating said amount for such purpose, including the expenditure of approximately \$127,000 expected to be received from other sources to pay a part of said appropriation, and authorizing the issuance of \$97,500.00 serial bonds of said Village to finance the balance of said appropriation,”

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Village to acquire a tanker truck for use by the Fire Department; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$224,500. APPROPRIATING said amount for such purpose; STATING the plan of financing includes the expenditure of approximately \$50,000 grant funds expected to be received from the United States Department of Agriculture, Rural Development, approximately \$75,000 expected to be expended from Village Fire Department funds and approximately \$2,000 expected to be received from the trade-in of a Village-owned pumper truck; and STATING that the plan of financing also includes the issuance of \$97,500.00 serial bonds of the Village to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$97,500.00 serial bonds of the Village pursuant to the Local Finance Law of the State of New York (the “Law”) to finance a part of said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is twenty (20) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Village for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds, and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: September 8, 2009

Cheryl R. Decker  
Village Clerk

GUESTS:

Joseph MaQuad of 211 Front St. was present to provide the board with a petition to make provisions in our local laws for stray cats. The board informed the McQuads that they must first go to the two towns that actually pay the Animal Control Officer. It was determined that the animal control officers use the AG and Markets Law to enforce their duties. Our board also directed them to the two town's health officers and the Delaware County Health Officers for a possible solution. After much discussion on cats they thanked the board for their time.

Wilber Dennis asked why the crosswalks had not been painted on Second St. O'Connor stated that Second St. was owned by the County.

Georgianna Carson informed the board that the Presbyterian Church was having a soup kitchen on September 24<sup>th</sup>, 2009 from 4:30 to 6:30 p.m. All are invited to attend for a hot bowl of soup and some conversation.

Steve Herz informed the board that the Delaware River Basin Commission was making changes on the regulations in place. He would like to forward a letter to the Clerk Treasurer and have her distribute to the mayor and the trustees. He then would like to hear from them before he drafts a letter.

MOTION#198/09-10

A motion was made by Trustee Warner seconded by Trustee Sollecito to enter into and out of executive session to discuss specific personnel and property transfers. The motion carried unanimously.

MOTION#199/09-10

A motion was made by Trustee Warner seconded by Trustee Sollecito to approve the fire department application of Kevin Gormley pending the complete application. The motion carried unanimously.

The meeting adjourned at 9:15 p.m.