

WORK SESSION MEETING OF THE VILLAGE OF DEPOSIT BOARD  
TRUSTEES HELD ON OCTOBER 28, 2003 AT 7:00 P.M. AT MEADOWPARK  
COMMUNITY CENTER.

PRESENT: President Hayes, Trustees Maasch, Edwards, Place and Smith. DCT Decker, COE Barry Conklin, Village Attorney Cathy Schaewe, William Stewart, Regional Director of the NYS Code Division, Brad Hubbard, PW Administrator, Jeanne Fowler, Nora Snopek, Debbie Stever, David McKee, Bertha Jenson, Irene Bilow, Emily Conrad, Terry Howe, John O'Connor, Harold Hubbel, Richard Axtell, OIC Dawson, Jim Conklin, Terry Whiting, Tracey Axtell, Sharon Wright, Sue Shields, Mike D'Agaiti, Frannie Carver, Dean Price, Peder and Kendra Hanson

President Hayes opened the meeting to order at 7:00 p.m. with the pledge of allegiance.

**PUBLIC HEARING**

President Hayes opened the Public Hearing on the Proceedings to Remove Unsafe Buildings and collapsing structures on premises owned by Magdy O'Kelly at 42 Elm St. President Hayes informed the public that the Code Enforcement Officer stated in his opinion the structure is unsafe and should be immediately demolished.

There were several questions from concerned residents regarding the process and legality of the proceedings. Attorney Schaewe informed the public that the process is legal and the owner has been duly notified regarding proceedings and had time to respond. She continued that the building has been condemned and the cost of demolition could be levied against the property in the taxes.

CEO Barry Conklin explained that the property has been auctioned at the county twice before and the intend is to make the property a desirable building lot instead of a condemned building in the village.

A motion was made by Trustee Smith seconded by Trustee Maasch to declare the property at 42 Elm St. unsafe. The motion carried unanimously.

**RESOLUTION**

**WHEREAS**, on September 27, 2003, the Village of Deposit did cause a Notice of Remedy to be served upon Magdy O'Kelly (the "owner"), as owner of the property located at 42 Elm St. within the Village of Deposit. Said notice indicated that the Village of Deposit determined that the structure located at 42 Elm St. is unsafe and dangerous, and in capable of being safety repaired, and ordered that it be removed from the premises,

**WHEREAS**, On October 28, 2003, the Village Board of Trustees of the Village of Deposit held a public hearing enabling any person, including the Owner, an opportunity to speak on the matter,

**NOW, THEREFORE BE IT RESOLVED**, that the Village Board hereby orders the Owner to complete the removal of the unsafe and dangerous structure located at 42 Elm Street, Deposit, by November 26, 2003 (sixty (60) days) after the service of the Notice to Remedy upon the Owner. The Owner is also ordered to secure the building and ensure the safety of said structure during all the stages of the removal process.

In the event of the Owner's refusal to comply with this order, the Village shall provide for the demolition and removal of the building. All costs and expenses, including legal fees, shall be assessed against the premises at 42 Elm St., and/or the Village may commence an action against the Owner to recover costs and expenses as well.

### **MOTION #331/03-04**

A motion was made by Trustee Smith seconded by Trustee Maasch to declare the property at 42 Elm St. unsafe. The motion carried unanimously.

The President called the Public Hearing closed.

President Hayes then asked for comments on the fire inspections before the next public hearing.

Attorney Schaewe stressed that the fire chief and the firemen were not qualified to do the inspections. Bill Stewart, a regional engineer with the Department of State also indicated that the fire department and assessors and other code enforcement officers has not completed the necessary classes required to do the inspections.

President Hayes explained that the Village is trying to move to more of a "fee based" structure rather than a "tax based" structure. Some residents agreed with this point, while others felt the cost should be spread out over the entire tax base.

The residents in attendance were quite surprised and commented on the conflicting information they were given by the fire department. Attorney Schaewe informed the public that a letter from Jonathon Landsman had been received and that this letter was somewhat misleading. He talks of performing warrantless searches. The Village is not performing warrantless searches and therefore can enforce things dealing with public health and safety including setting fines. She continued NYS law states that it is up to the Village board to determine the frequency of these inspections and is liable if they are not done. She stated that it was perfectly legal to charge for inspections and to assess a fine for non-compliance.

Many residents spoke of not being against the inspections, but the \$75.00 fee attached. Most felt it should be a part of the code enforcement officer's job. Many questioned why inspections were being done now when they have not been done since 1980. Mr. Stewart assured the group that this is a statewide law that is enforced at the municipal level with some areas having greater enforcement than others.

Mr. Stewart indicated that places of assembly are required by law to be inspected annually because of the greater loss of life in assembly areas. Commercial and multi residential dwellings could be done on a periodic basis according to the Village. Mr. Stewart also explained that the training for code enforcement changed when the State adopted the international building codes this past January.

Another speaker stated that he felt Deposit was governed by three courts, three municipalities, three highway departments, Village Police, NYS Police and felt consolidation should be considered.

Speaker Jim Conklin spoke of not being against fire inspections, but against the Village's approach to implementing the law of having them done. Mr. Conklin felt that charging the organizations that are the very backbone of the community, such as churches, was a mistake. He stated non-profit organizations do many things for the community and are also volunteers. He also stated that the Village should reconsider the whole fire inspection process to better accommodate the entire community.

After the lengthy discussion President Hayes opened the Public Hearing at 8:30 p.m.

### **PUBLIC HEARING**

**Local Law Amending Chapter 65 "Building Construction and Fire Prevention" of the Village Code to create Chapter 65-6**

After much discussion on the fees, the penalties, board representation, and the process to implement the law, the consensus of the residents was that the proposed law should be dropped.

The residents also felt that the law includes unrealistic fining and jail terms for non-compliance. One speaker made a plea for the board to table the law, suggesting that they should work on other more pressing issues facing the taxpayers.

The board thanked all for their comments and their input promising to take them into consideration. President Hayes closed the Public Hearing at 8:55 p.m.

Guest David McKee requested permission to use the alley behind the Village Hall for his PeeWee Wrestlers as a pick up and drop off point for the length of the wrestling season – 1st week of Nov. through last week of March. He indicated that the space behind the old Courier Building has been widened. The Board indicated they would get back to Mr. McKee on the use of the alley. Mr. McKee also requested and received permission to repair the storm drain behind the building.

#### OLD BUSINESS:

Streets: PWA Hubbard stated that the leaf pickup is continuing, but that the brush pick up is done for the year.

Sewer: PWA Hubbard informed the board that Pump Service and Supply has installed the Main St. pump and all is in good working order.

Fire Dept: DCT Decker asked for permission to pay Rotella Construction for the finished portion of the demolition of the Fire Hall, payment #4.

#### **MOTION 332/03-04**

A motion was made by Trustee Smith, seconded by Trustee Place to pay \$82,195.20 to Rotella Construction. The motion carried unanimously.

Finance: DCT Decker informed the board that no bids had been received for the Village owned property at 24 Allen St. Request for bids had been advertised in the Daily Star, The Binghamton Press and the Courier.

#### **MOTION 333/03-04**

A motion was made by Trustee Smith seconded by Trustee Place to have DCT Decker list the property with the local realtors.

#### New Business:

Streets:

#### **MOTION 334/03-04**

A motion was made by Trustee Maasch seconded by Trustee Edwards to have PWA Hubbard purchase a cutting edge for the bucket loader from Seneca Supply in the amount of \$198.45. The motion carried unanimously. This was the second of two quotes, the first being from Fleet for \$175.00 The board felt the second quote was the better cutting edge.

PWA Hubbard wanted to publicly thank the Town of Deposit and Town of Sanford for the use of their trucks and personnel to haul gravel to the fire hall project. The board instructed the Clerks office to send thank you notes to both towns.

Next, PWA Hubbard discussed the problem with the parking on Church St. from Second to Fourth. Mr. Hubbard stated that an illegal no parking sign had been removed and now parking is on both sides of the street causing much congestion for the people using Church St. as well as the emergency vehicles. President

Hayes stated he would contact Dawn Mauro of the Planning Board to review a proposal to only allow parking on one side of the street.

Sewer:

PWA Hubbard informed the board that the DEC has recommended that Scott Conklin attend a seminar on Friday October 31, 2003 in Syracuse. He listed several important issues that would be discussed. The class is \$30.00.

President Hayes requested again a list of all classes taken by the Village Crew for last year.

#### **MOTION #335/03-04**

A motion was made by Trustee Place seconded by Trustee Smith to send Scott Conklin to the DEC class in Syracuse on Oct. 31, 2003. The motion carried unanimously.

Buildings: Trustee Maasch informed the board that he had stopped at the Village garage and was very pleased to see the garage in tiptop shape. He also wanted to commend the Village crew for their hard work picking up leaves in the rain.

Fire Dept.: Trustee Smith informed the board that the all the Fire trucks had been moved from the Town of Sanford garage to the new temporary location at the old Indian Country Building. President Hayes publicly thanked Bob Macumber, TOS Highway Superintendent for the use of their garage.

Police Dept: OIC Dawson informed the board that the Police Department had received from the Division of Criminal Justice Service a \$25,000 grant sponsored by Senator Libous. The grant is to be used for computer systems, digital camcorder and camera, portable radios and a base station for those radios. OIC Dawson also informed the board that the PD had also received 300 free gun locks from the US Dept. of Justice in the Project Child Safe program.

#### **MOTION #336/03-04**

A motion was made by Trustee Smith seconded by Trustee Place to authorize President Hayes to sign all five grant documents from the Division of Criminal Justice Service in the amount of \$25,000. The motion carried unanimously.

President Hayes updated the board on the current NYSEG claim against the state. He indicated that the towns are being asked to contribute to the states legal defense fund. He said most of the towns are protesting and wanted the Village to be aware that at some point the Village could be involved.

Trustee Edwards informed the board that the Senior Citizens are still concerned about a senior center. They also want to congratulate PWA Hubbard on a job well done so far. Trustee Edwards also mentioned the seniors still complains of the lack of response by the Police Dept.

Trustee Maasch informed the board that as Library liaison he has not had time to attend the monthly meeting but all seems to be going well.

President Hayes informed the Board that the Neighborhood Watch had received an award of excellence from the State Attorney General's office.

#### **MOTION #337/03-04**

A motion was made by Trustee Smith seconded by Trustee Maasch to authorize the board's signatures on the Village of Deposit, Town of Sanford, Broome County Return Tax list. The motion carried unanimously.

#### **MOTION #338/03-04**

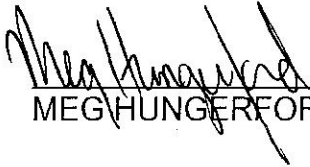
A motion was made by Trustee Maasch seconded by Trustee Edwards to go into and out of Executive Session to discuss property transfers and specific personnel. The motion carried unanimously.

**MOTION #339/03-04**

A motion was made by Trustee Smith seconded by Trustee Place to hire Jonathon Nichols as a part time police officer to work no more than one day a week effective immediately. The one-day a week is to be flexible and fill in those hours that are needed. The motion carried unanimously.

The meeting was adjourned at 11:00 p.m.

Respectfully Submitted



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MEG HUNGERFORD, CLERK TREASURER