

REGULAR SESSION OF THE VILLAGE BOARD OF TRUSTEES ON  
NOVEMBER 9, 2004, 7:00 P.M. AT MEADOWPARK COMMUNITY CENTER

PRESENT: President Smith, Trustees Nolan, O'Connor, Bruce Munn from Stearns & Wheeler, Pastor Joe Axtell, Shirley Wormuth, Tiffany Miller, Pay O'Dell, Bertha Jenson, Debbie Stever, Mike D'Agati, Dan Rychlicki, Terry Whiting, Stacey Axtell, Ray Swartwout, John Lanner, Jim Conklin, Karen Leonard, PWA Hubbard, Chief Roberts

ABSENT: Trustee Edwards

The meeting opened at 7:00 p.m. with President Smith leading the Pledge of Allegiance and Invocation from Pastor Joe Axtell.

GUESTS:

Dan Rychlicki of 202 Front St. discussed the five week business of cutting up deer at his home. His permit to cut up and package deer was denied by the previous CEO because he did not meet the stipulations of the Home Occupancy Rule in the code book. He canvassed his neighbors, and all were in favor of his endeavor. Last year he moved his business out of the Village limits. This year he would like to provide the service at 202 Front St. The board told Mr. Rychlicki that he needed to apply to the Zoning Board of Appeals for a use variance.

Tiffany Miller questioned the status FEMA Flood Maps for the Village. President Smith stated he had attended a workshop in Albany and felt that we had been bumped up closer to the top of the list.

Mr. John Lanner of Elm St. stated that he was very disappointed in the Elm St. project. He said the street was very narrow, the sidewalks were too high; there were no notices of closing driveways. All in all he thought the engineers had done a poor job. Trustee O'Connor and Nolan both expressed their apologies to all the residents on Elm St. on behalf of the Village Board. They also were disappointed in the project.

PUBLIC HEARING

7:30 p.m.

Amending 130-21, Charges for Services & 130-24, Billing  
Of Chapter 130 of Village Code

President Smith read the amendment to Chapter 130 of the Code which included the fee of \$50.00 when water has been shut off for non-payment. He then asked for comment from the audience. Jim Conklin stated that he felt it was a good amendment as we should have repeated extra expenses for those few that did not pay their bills on time. The Public Hearing Closed at 7:40 p.m.

MOTION #283/04-05

A motion was made by Trustee O'Connor seconded by Trustee Nolan to adopt the Local Law amending 130-21 of the Village Code entitled Charges for Services, and 130-24 Billing of Chapter 130, Water of the Village Code. The motion passed unanimously.

RESOLUTION - 2004-

**RESOLUTION ADOPTING LOCAL LAW NO. 9-2004 AMENDING  
§130-21, "CHARGES FOR SERVICE", AND §130-24, "BILLING", OF CHAPTER  
130, "WATER", OF THE CODE OF THE VILLAGE OF DEPOSIT  
Offered by Trustee O'Connor**

**Seconded by Trustee Nolan**

WHEREAS, a resolution was duly adopted by the Village Board of Trustees of the Village of

Deposit for a public hearing to be held by said Board at the Meadowpark Community Center, 85 Fair Street, Deposit, NY, on November 9, 2004 at 7:15 p.m. to hear all interested parties and a proposed Local Law entitled "A Local Law Amending §130-21, "Charges for Service", and §130-24, "Billing", of Chapter 130, "Water", of the Code of the Village of Deposit, New York". In the event that a property owner fails to pay the water bill and the water is turned off, the offense would be punishable by a fine of \$50.00. Further, in the default of payment of any bill for water service 30 days after date of rendering of such bill, there shall be added to such bill 10% of its amount, and

WHEREAS, notice of said public hearing was duly advertised in the Deposit Courier, the official newspaper of the Village, on November 3, 2004 and posted on the Village Clerk's Sign Board on November , 2004, and

WHEREAS, said public hearing was duly held at the Meadowpark Community Center, 85 Fair Street, Deposit, NY at 7:15 p.m. on November 9, 2004 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Village Board of Trustees of the Village of Deposit, after due deliberation, finds it in the best interest of the Village to adopt said Local Law,

NOW, THEREFORE, the Village Board of Trustees of the Village of Deposit hereby adopts said Local Law as Local Law No. 9-2004 entitled "A Local Law Amending §130-21, "Charges for Service", and §130-24, "Billing", of Chapter 130, "Water", of the Code of the Village of Deposit, New York", a copy of which is attached hereto and made a part hereof, and the Village Clerk be and she is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Deposit, and to give due notice of the adoption of said Local Law to the Secretary of State.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Ayes: 3 Nays:2

Trustee David Nolan voting aye

Trustee Fred Edwards voting nay

Trustee John O'Connor voting aye

Acting President Willis Smith voting aye

Dated: November 9, 2004

#### MOTION #284/04-05

A motion was made by Trustee O'Connor seconded by Trustee Nolan declaring Charges for Services and Billing to be a Type II SEQR. The motion carried unanimously.

#### RESOLUTION - 2004-

#### VILLAGE OF DEPOSIT

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In the Matter of the Application of the  
Village of Deposit for an Environmental  
Assessment Pursuant to the State  
Environmental Quality Review Act (SEQR)

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1. The Village of Deposit, on or about November 9, 2004, filed an Environmental Assessment Form (EAF) with the Village Board of Trustees of the Village of Deposit, a

copy of which is attached hereto and made a part hereof relating to the proposed application of the Village of Deposit to amend §130-21, "Charges for service", and §130-24, "Billing", of Chapter 130, "Water", of the Code of the Village of Deposit as follows:

§130-21, "Charges for Service", shall be amended as follows:

C. The Water Department may enforce the collection of water charges by cutting off the water supply when the bill for such charges is one month or more in arrears. If the water supply is cut off, a fine shall be imposed. Said fine and charges in arrears shall be paid prior to the water being turned back on. The fine amount shall be set forth in Appendix IV of the Code of the Village of Deposit containing the list of fines for the Village.

§130-24, "Billing", shall be amended as follows:

D. All bills for water service, repairs to meters or other charges are due when rendered. In default of payment of any bill for water service 30 days after date of rendering of such bill, there shall be added to such bill 10% of its amount. Further, the water may be shut off and the meter removed, and a fine imposed pursuant to §130-21.

2. Pursuant to 6 NYCRR section 617.5 (c) (20) of the SEQR regulations, it is hereby determined that the action proposed in said application constitutes a Type II action as defined under said regulation and does not require an environmental impact statement or any other determination or procedure.

Date: November 9, 2004

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Willis Smith, Acting President  
Village Board of Trustees  
Village of Deposit

PUBLIC HEARING  
7:43 p.m.  
Creating Local Law Appendix IV Listing of Fines

President Smith explained this Local Law would be no more than a listing of all fines throughout the Code book in an appendix making them easier to access. The Public Hearing closed at 7:46 p.m.

RESOLUTION - 2004-

***RESOLUTION ADOPTING LOCAL LAW NO. 10-2004 CREATING APPENDIX IV, "LISTING OF FINES", TO THE CODE OF THE VILLAGE OF DEPOSIT***

***Offered by Trustee Nolan***

***Seconded by Trustee O'Connor***

WHEREAS, a resolution was duly adopted by the Village Board of Trustees of the Village of Deposit for a public hearing to be held by said Board at the Meadowpark Community Center, 85 Fair Street, Deposit, NY, on November 9, 2004 at 7:30 p.m. to hear all interested parties and a proposed Local Law entitled "A Local Law Creating Appendix IV, "Listing of Fines", to the Code of the Village of Deposit, New York". Said Local Law would create a comprehensive list of the specific fine amounts found in the various chapters of the Village Code, and

WHEREAS, notice of said public hearing was duly advertised in the Deposit Courier, the official newspaper of the Village, on November 3, 2004 and posted on the Village Clerk's Sign Board on November 3, 2004, and

WHEREAS, said public hearing was duly held at the Meadowpark Community Center, 85 Fair Street, Deposit, NY at 7:30 p.m. on November 9, 2004 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Village Board of Trustees of the Village of Deposit, after due deliberation, finds it in the best interest of the Village to adopt said Local Law,

NOW, THEREFORE, the Village Board of Trustees of the Village of Deposit hereby adopts said Local Law as Local Law No. 10-2004 entitled "A Local Law Creating Appendix IV, "Listing of Fines", to the Code of the Village of Deposit, New York", a copy of which is attached hereto and made a part hereof, and the Village Clerk be and she is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Deposit, and to give due notice of the adoption of said Local Law to the Secretary of State.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Ayes:3 Nays:2

Trustee David Nolan voting Aye

Trustee Fred Edwards voting Nay

Trustee John O'Connor voting Aye

Acting President Willis Smith voting Aye

Dated: November 9, 2004

#### MOTION#285/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to adopt the Local Law creating an appendix of a Listing of Fines in the Village Code book. The motion passed unanimously.

#### MOTION#286/04-05

A motion was made by Trustee Nolan, seconded by Trustee O'Connor declaring creating an appendix listing fines local law a Type II SEQR. The motion carried unanimously.

#### RESOLUTION - 2004-

#### VILLAGE OF DEPOSIT

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In the Matter of the Application of the  
Village of Deposit for an Environmental  
Assessment Pursuant to the State  
Environmental Quality Review Act (SEQR)

---

1. The Village of Deposit, on or about November 9, 2004, filed an Environmental Assessment Form (EAF) with the Village Board of Trustees of the Village of Deposit, a copy of which is attached hereto and made a part hereof relating to the proposed application of the Village of Deposit to create Appendix IV, "Listing of Fines", to the Code of the Village of Deposit in order to maintain a comprehensive list of the specific

fine and penalty amounts found in the various chapters of the Village Code.

2. Pursuant to 6 NYCRR section 617.5 (c) (20) of the SEQR regulations, it is hereby determined that the action proposed in said application constitutes a Type II action as defined under said regulation and does not require an environmental impact statement or any other determination or procedure.

Date: November 9, 2004

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Willis Smith, Acting President  
Village Board of Trustees  
Village of Deposit

Bertha Jenson remarked that the no winter parking law was in effect and those parked on the street should be receiving tickets.

MOTION #287/04-05

A motion was made by Trustee O'Connor seconded by Trustee Nolan to waive the reading of the minutes from Oct 12 and Oct 26/2004. The motion passed unanimously.

MOTION #288/04-05

A motion was made by Trustee O'Connor seconded by Trustee Nolan to accept the minutes from Oct 12 and Oct 26/04. The motion carried unanimously.

MOTION#289/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to accept for filing the monthly Treasurers Report. The motion carried unanimously.

MOTION#290/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to accept for filing the monthly report from the Deposit Emergency Squad. The motion carried unanimously.

MOTION #291/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to accept for filing the monthly Economic Development Activity Report from Susan Payne. The motion carried unanimously.

MOTION#292/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to accept for filing the monthly report from the Police Department. The motion carried unanimously.

At this time PWA Hubbard personally apologized to the Village taxpayers about the Elm St. Project. He stated he was very unhappy with the project and could understand the home owner's frustration. Certain items were removed from the contract that he was unaware of residents were not notified of upcoming work by the contractor or the engineer, the contractor at one point was using two sets of plans from the engineer. Trustee Nolan commented this should be a learning experience for the Village.

PWA Hubbard informed the board that he had received two bids for the 49 Front St. retaining wall repair. One was from Hillside Gardens for \$11,900 and Northern Scapes Ins. for \$9,240.

MOTION #293/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to retain Northern Scapes Ins in the amount of \$9,240.00 to do the retaining wall at 49 Front St. The motion carried unanimously.

MOTION #294/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to allow PWA Hubbard and Crew Chief Rynearson to attend a breakfast given by Vestal Asphalt at the Spot Restaurant on November 16, 2004 at 9:00 a.m. The motion carried unanimously.

PWA Hubbard informed the board that well house #4 will be acid cleaned on November 15 2004.

A motion was made by Trustee Nolan, seconded by Trustee O'Connor to have Stearns & Wheler Engineers do a spec sheet for the slip lining of certain pipes throughout the Village. The motion carried unanimously.

President Smith asked that the Fire Department application be approved by the Village Attorney as it seems to be incorrect.

MOTION #295/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to allow Police Chief Roberts and Officer Palmer to attend Dave Moyer's graduation from the Police Academy on November 23, 2004 at IBM in Endicott. The motion carried unanimously.

MOTION#296/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to accept a Police Department grant in the amount of \$3,000 from the Empire State Development Corp. with the stipulation that the board approve the purchases. The motion carried unanimously.

MOTION#297/04-05

A motion was made by Trustee O'Connor seconded by Trustee Nolan authorizing Police Chief Roberts to apply for a police car camera grant from State Farm Insurance in the amount of \$2,500 - \$4,500 with the stipulation of spending approval from the board. The motion carried unanimously.

MOTION #298/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to allow the Police Department to charge \$10.00 for accident reports that are requested. The motion carried unanimously.

MOTION #299/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to allow Sheriff Harder and Sheriff Mills to deputize the Village of Deposit Police Officers so they may respond outside Village limits if needed. The motion carried unanimously.

MOTION #300/04-05

A motion was made by Trustee O'Connor seconded by Trustee Nolan to accept Ronald W. Hayes's resignation as Mayor of the Village of Deposit. The motion carried unanimously.

Trustee O'Connor asked for clarification regarding the Chief's feelings regarding the fire police and the state police assistance. Chief Roberts assured Trustee O'Connor that he welcomed the fire police assistance and appreciated the SP as well.

Mrs. Wormuth at 202 Front St. asked the Village crew to check the drain that runs through her property. The board discussed the issue and referred her to

Broome County. President Smith asked PWA Hubbard to check the sidewalk in front of her house as well.

MOTION #301/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to approve the Stearns & Wheler proposal tasks 1 – 6. The motion carried unanimously. The proposal is to render certain engineering services related to possible acceptance of Norbord's effluent, and participation in reimbursement from Norbord.

MOTION #302/04-05

A motion was made by Trustee O'Connor seconded by Trustee Nolan to pass a resolution authorizing the transfer of the property of 24 Allen St. to Wayne Ossenfort in the amount of \$5,000.

RESOLUTION

A RESOLUTION AUTHORIZING THE VILLAGE OF DEPOSIT TO TRNSFER SURPLUS PROPERTY LOCATED AT 24 ALLEN STREET, IN THE VILLAGE, TO WAYNE OSSENFORT IN THE AMOUNT OF \$5,000. PLUS ASSOCIATED CLOSING EXPENSES.

WHEREAS, the Village of Deposit owns surplus property at 24 Allen St. in the Village;

WHEREAS; it is no longer necessary for the Village to retain said property; and

WHEREAS; Wayne Ossenfort has requested that the Village transfer the property to him,

WHEREAS; pursuant to 6 NYCRR part 617.2 of the SEQR regulations, it is hereby determined that this proposed action constitutes an Unlisted action as defined under said regulation and does not require an environmental impact statement or any other determination or procedure, and

NOW THEREFORE, BE IT RESOLVED, by the Village Board of Trustees of the Village of Deposit, in regular session duly convened, that it is no longer necessary for the Village to retain said property and the Board does hereby authorize and direct Willis Smith, as Acting President of the Village Board of Trustees of said Village, to execute and deliver to Wayne Ossenfort any and all documents necessary to transfer title to the property owned by the Village, and located at 24 Allen Street in the Village. Consideration shall be in the amount of \$5,000.00 plus the associated closing expenses (i.e. recording costs).

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Ayes – 3 Nays 2

Trustee David Nolan voting aye

Trustee Fred Edwards voting nay

Trustee John O'Connor voting aye

President Willis Smith voting aye

Dated November 9, 2004

MOTION #303/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to hold a Public Hearing on December 14, 2004 at 7:30 p.m. on the Change of Charter. The motion carried unanimously.

MOTION #304/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to hold a Fire and Ambulance Public Hearing on December 14, 2004 at 7:45 p.m. the motion carried unanimously.

MOTION #305/04-05

A motion was made by Trustee O'Connor seconded by Trustee Nolan to support the resolution passed by the Town of Vestal to put the county sales tax split back to 50/50 rather than 45/55. The motion carried unanimously.

President Smith stated that it was that time of year again and would like to give the full time employees turkeys. It was decided there is 10 full time employees. All agreed.

Trustee O'Connor initiated a discussion on the practice of the village crew helping with various festivals. He suggested that any time spent by the Village crew should be done on regular time and not overtime. He also stated he would like to see more help from the two towns in the future.

MOTION#306/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to transfer \$7,000 from the water fund to the General Fund. The motion carried unanimously.

MOTION #307/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to transfer \$24,688.48 from the sewer fund to the general fund. The motion carried unanimously.

MOTION#308/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to put the \$1,000 from the Youth Marsite Budget into the reserve fund. The motion carried unanimously.

MOTION #309/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to authorize the Mayor's signature on the Broome County Return taxes for 2004. The motion carried unanimously.

A request to remove penalties and interest from the Village 2004 taxes for 21 Pine St. was denied. After research the problem was with Broome County not the Village Clerks Office.

MOTION #310/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to authorize the mayor's signature on the abstracts of audited vouchers as follows:

General Fund:	\$49,868.18
General Also	\$31,255.00
Water Fund	\$ 2,612.19
Water Also	\$ 8,198.42
Sewer Fund	\$10,506.09
Sewer also	\$12,165.34
T&A	\$ 2,303.98

The motion carried unanimously.

MOTION #311/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to schedule a public hearing on December 28th at 7:15 to amend the village code to create Section 140: Zoning. The motion carried unanimously.

President Smith appointed Anthony Smith to the vacant Broome County trustee seat to fill out the remaining term effective immediately.

MOTION #312/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to enter into and out of executive session. The motion carried unanimously.

MOTION #313/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to allow Mike D'Agait and Scott Conklin to work on Veterans Day and take another day off at another time. The motion carried unanimously.

MOTION #314/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to allow Police Chief Roberts to attend a Taser Training class in the amount of \$195.00. The motion carried unanimously.

MOTION #315/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to promote Officer Kurt Palmer provisionally to Sergeant with no increase in wage until the civil service test is passed in June. The motion carried unanimously.

MOTION #316/04-05

A motion was made by Trustee Nolan seconded by Trustee O'Connor to pay for Chief Roberts's cell phone not to exceed 800 minutes monthly. The motion carried unanimously.

MOTION #317/04-05

A motion was made by Trustee O'Connor seconded by Trustee Nolan to pay for one tank of gas per week for Chief Roberts. The motion carried unanimously.

The meeting adjourned at 10:10 p.m.

Respectfully submitted:

Cheryl Decker  
Acting Clerk Treasurer