

REGULAR SESSION OF THE VILLAGE BOARD OF TRUSTEES HELD ON
NOVEMBER 10, 2009 AT 7:00 P.M. AT THE DEPOSIT THEATER

PRESENT: President O'Connor, Trustees O'Connell, Sollecito, McKee, and Warner, DCT Budine, CT Decker, PWA Hubbard, Chief Cantwell, Assistant Fire Chief Rynearson, EMS Squad Captain Couse, Lucy and Paul Lantz, Debbie Stever, Barbara Spillane, Georgiana Carson, Jim Conklin, Mary O'Connell, Frank Dunshee, Kim Dermit, Barry Conklin, Sharon Wright, Eddy Joe Pavlov, Mr. & Mrs. Salthe, Joann Raymond,

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

MOTION#239/09-10

A motion was made by Trustee Sollecito seconded by Trustee Warner to waive the reading of the October 13 Regular, October 19th Special and the October 27th Work Session minutes. The motion carried unanimously.

MOTION#240/0910

A motion was made by Trustee Sollecito seconded by Trustee Warner to accept for filing the reading of the October 13 Regular, October 19th Special and the October 27th Work Session minutes. The motion carried unanimously.

MOTION#241/09-10

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

MOTION#242/09-10

A motion was made by Trustee O'Connell seconded by Trustee Sollecito to accept for filing the monthly EMS and Fire Dept. Report. The motion carried unanimously.

MOTION#243/09-10

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

MOTION#244/09-10

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

OLD BUSINESS

President:

Trustee O'Connell and McKee are liaisons for the Fire and EMS dept. – the driver training classes for FD was excellent as was the CPR training for the EMS.

Trustees:

Trustee Sollecito stated that she had spoken to John Barsch and the Village Website should be up next week.

NEW BUSINESS

Resolution Abandoning and Discontinuing a Portion of Sidewalk

WHEREAS, a portion of the sidewalk crossing the premises located at 14 Myrtle Ave. owned by Joe Santamaria, tax map parcel 367.5-1-10 has not been used by the public or maintained or repaired for at least the past six (6) years and is no longer used as a Village sidewalk; and

WHEREAS, there is no continuing sidewalk on either side of the subject property and the property owner has requested that the Village abandon and discontinue that portion of the sidewalk and the property owner has consented thereto; and

WHEREAS, the Village Administrator of Public Services has prepared and filed a Certificate of Abandonment of that portion of the sidewalk; and

WHEREAS, the Board of Trustees of the Village of Deposit has determined that the portion of the sidewalk has been abandoned by the public and is not necessary for public use;

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to §205 of the New York State Highway Law, the Board of Trustees of the Village of Deposit, after due deliberation, hereby declares that portion of sidewalk abandoned and authorizes its discontinuance;

AND, BE IT FURTHER RESOLVED, that the Board of Trustees directs the Department of Public Works to remove that portion of the sidewalk and directs the Village Clerk to file the Certificate of Abandonment in the Village Clerk's Office.

Motion made by Trustee: Warner

Motion seconded by Trustee: Sollecito

Trustees voted as follows:

Trustee Sollecito : aye

Trustee McKee : aye

Trustee Warner : aye

Trustee O'Connell : aye

Mayor O'Connor: aye

The resolution was thereupon adopted.

EMS:

Captain Couse informed the board that she had received an ALS intercept agreement but wanted to change the wording to reflect that the first available EMS would respond – when she had this changed she would bring to the board for signature.

Police:

Chief Cantwell informed the board that the next Police Consolidation meeting will be December 2, 2009 at 4:00 p.m. The Mayor and the Chief are invited.

Old and New Business:

Streets:

Hubbard informed the board that the crew had completed 91 work orders for the Village and 30 for the OLWWTP.

Hubbard stated he had talked with Mike Restino of Broome County and he stated they would help with the trucking of the blacktop, money to rent the paver and possibly with surveying the road should the Village take over Firemen's Park Rd. President O'Connor stated that the Fire Dept had not made a decision on the road yet.

Hubbard stated that he had filled out and returned the survey for selling water to the gas companies from well #5 to Moody pumps. He also had received a call from DRBC stating that we would have to have a permit to sell the water over 100,000 gallons.

Hubbard informed the board that the Standard Insulating Company had applied the fire retardant to the fire hall roof and now there was just clean up to be done.

Hubbard informed the board that he and the Village attorney both had discussed with Glen Nealis of Delaware County taking over the IDA water line in the Town of Deposit. Nealis was sending the easements to the Village Attorney for review.

MOTION#245/09-10

A motion was made by Trustee Warner seconded by Trustee McKee to authorize the Mayor's signature on the Abstract of Audited Vouchers as follows:

General Fund	\$ 54,390.88
Water Fund	\$ 33,477.28
Sewer Fund	\$ 30,320.02
T&A	\$ 2,284.72
WWTP	\$ 3,676.92

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

November 10, 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 November 10, 2009.

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

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

There were absent:

Also present: Cheryl R. Decker, Village Clerk

* * *

Trustee Sollecito offered the following amended 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 fifteen (15) 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:

EXTRACT OF MINUTES

Meeting of the Board of Trustees of the

Village of Deposit, in the

County of Broome, New York

November 10, 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 November 10, 2009.

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

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

There were absent:

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 NOVEMBER 10, 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 fifteen (15) 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 November 10, 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 November 10, 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 fifteen (15) 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: November 10, 2009

Cheryl R. Decker
Village Clerk

MOTION#246/09-10

A motion was made by Trustee O'Connell seconded by Trustee Sollecito to authorize CT Decker to relevy all unpaid Broome County taxes as of November 15, 2009. The motion carried unanimously.

A General Fund budget meeting has been scheduled for Monday, November 16th, 2009 at 6:00 p.m. at the Village Hall.

GUESTS:

Frank Dunshee had several issues to discuss with the Village Board; parking on Court St. on either side during a funeral – this the mayor informed Mr. Dunshee would go to the Planning Board; cats in the neighborhood – this the Mayor said we have no authority or laws on the books to prevent cats in the neighborhoods; was there a curfew law in effect and was it being use – this the Mayor informed him we do have a law on the books (which is in the process of being updated) and yes we use it, and lastly; he wanted to discuss curbing on his side of Third St. –Hubbard informed him curbing had been taken out of the budget last year.

Mr. Stanley Salthe wanted to present the board with a request that no gas drilling or gas transportation of infrastructure be allowed in the Village limits; no withdrawal of water in the Village limits; no trucking of water on village streets. He stated these are very important issues for the village board to address. He gave a website if anyone wanted more information.

MOTION#247/09-10

A motion was made by Trustee Warner to enter into and out of Executive Session to discuss property transfers and pending litigation. The motion carried unanimously.

The meeting was adjourned at 9:05 p.m.

Respectfully Submitted