

THE REGULAR WORK SESSION OF THE VILLAGE OF DEPOSIT BOARD OF TRUSTEES AT DEPOSIT COMMUNITY THEATRE WAS HELD ON APRIL 22, 2008.

Present: Mayor Smith, Trustees O'Connor and Warner, CT Cheryl Decker, DCT Karen Leonard, PWA Brad Hubbard, CEO Barry Conklin, Chief Cantwell, 1<sup>st</sup> Assistant Shawn Rynearson, Sharon Wright, Georgiana Carson, Peder Hansen, Stacey Axtell-Whiting, Terry Whiting and Debbie Stever.

ABSENT- Trustees Solliceto and O'Connell

#### MOTION #74/08-09

CEO Conklin presented the board with his monthly report. Mr. Conklin discussed the practice of demolishing a building and burying the debris on site. Mr. Conklin asked the boards' permission to contact Attorney Westfall in an attempt to make this illegal. Motion was made by Trustee O'Connor and seconded by Trustee Warner.

### OLD BUSINESS

#### STREETS

PWA Hubbard informed the board he has had discussions with Vern Meyers and Ammon Bush concerning the sewer lines on Front Street. The thought was that the lines were in very good shape and it might be more appropriate just to do annual inspections of them, instead of moving them, which would be very costly.

#### MOTION #75/08-09

Mr. Hubbard stated reported that with the rising cost of fuel paving estimates for the streets he wanted to do this year were way up. Broome Bituminous was \$58,825.25 and Contour Construction was \$56,720.88. Mr. Hubbard stated that we had \$36,646.00 of CHIPs money; the balance \$20,074.88, would have to come from fund balance. Brad stated that when paving started they would close off Front Street from 6 am to approximately 10 am. Motion was made by Trustee O'Connor and seconded by Trustee Warner to accept Contour Constructions' bid. Motion passed unanimously.

#### WATER

#### BUILDINGS

PWA Hubbard stated that he had to bring Trustee Warner up to speed on the roof bids, before it would be awarded.

#### SEWER

#### FD

#### EMS

#### PD

Chief Cantwell informed the board that we had a drug bust this past month.

### PRESIDENT

Planning Board Chair Peder Hansen brought the board up to date on the Flood map project. Mr. Hansen stated that there seems to be a problem locating the paper work showing the project was officially completed, but he was following down leads to get this filed. Mr. Hansen wanted to warn the board that there could be a fee to create the new map.

## TRUSTEES

### FINANCE

### NEW BUSINESS STREETS

### WATER

Mr. Hubbard stated that Economy Paving wants to buy water from the Village, at the estimated rate of 30,000 gallons for 8 days. CT Decker stated that the cost would be \$1003.00. Mayor Smith wanted PWA Hubbard to have Vern Meyers check and see if the well could handle it.

### SEWER

### BUILDINGS

### FD

1st Assistant Rynearson stated that the utility truck is getting the skid tank installed and lettering done. Mr. Rynearson also asked Brad if the flags on the fire hydrants could be moved as it made it hard to access the hydrants.

DCT Leonard presented the board with a draft of the Emergency Response Plan. Ms. Leonard stated that the plan was the result of many hours of work by Chief, Mauro, Chief Cantwell, PWA Hubbard and herself. The board was asked to look it over and make comment. Mayor Smith stated that he and the board would like to get together with everyone and go over it.

### EMERGENCY

### PD

Chief Cantwell wanted everyone to know that the curfew laws would be enforced. Mr. Cantwell cited section 260-10 of the NYS Penal Law, endangering the welfare of a child meant that the parents of unattended children could be charged with a class A misdemeanor.

### PRESIDENT

#### MOTION#76/08-09

A motion was made by Trustee O'Connor and seconded by Trustee Warner to accept the change order from Stearns & Wheler for Contract #3 – General, for the new process air piping, estimated increase of \$20,000 for general construction cost. Motion passed unanimously.

#### MOTION#77/08-09

A motion was made by Trustee O'Connor and seconded by Trustee Warner to accept Stearns & Wheler's change order on Contract # 3, air piping, to authorize \$3,000.00 estimated increase in engineering cost. Motion passed unanimously.

#### MOTION#78/08-09

A motion was made by Trustee O'Connor and seconded by Trustee Warner to accept the change order from Stearns & Wheler for Contract #4-Electrical, to replace the temporary direct-buried cable at the price of \$2,889.32 in increased construction cost and \$300.00 in increased engineering cost. Motion passed unanimously.

#### MOTION#79/08-09

A motion was made by Trustee Warner and seconded by Trustee O'Connor to accept the change order from Stearns & Wheler for Contract #4-Electrical, to modify the design for new electric utility service entrance in the amount of \$6,969.03 in increased general construction cost and \$1,100.00 in increased engineering cost. Motion passed unanimously. Mayor Smith stated that he would like to contest the increased engineering cost, as he feels Stearns & Wheler, should have foreseen the need for this, before hand.

Mayor Smith informed everyone that Barbara Fiala has declared a State of Emergency, and that no opening burning would be allowed until further notice.

#### MOTION#80/08-09

A motion was made by Trustee O'Connor and seconded by Trustee Warner to go ahead with the Highway Department Consolidation Study. Motion passed unanimously.

#### TRUSTEES

Trustee O'Connor stated that there has been no response from either of the two towns in regards to this years pool program. Mr. O'Connor stated that we don't know if either of the two Towns will contribute at all. Mayor Smith stated that he felt we should write a letter to the two Towns, asking their intent.

Trustee O'Connor asked if we might also write a letter asking if we could use either of the Towns facilities for public hearings.

#### FINANCE

#### MOTION#81/08-09

##### **Resolution**

##### **Accepting Dadras Report and Needs Assessment Report**

At a regular work session of the Village Board of Trustees of the Village of Deposit, Broome and Delaware Counties, New York, held at the Deposit Theater on the 22<sup>nd</sup> day of April, 2008, the following resolution was offered by Trustee O'Connor, who moved for its adoption, seconded by Trustee Warner,

**WHEREAS**, the Village of Deposit commissioned a report to promote the orderly redevelopment of the Front Street business area of the Village; and

**WHEREAS**, the Village Board of Trustees has received and reviewed the Comprehensive Capital Investment Plan ("the Dadras Report") and the Needs Assessment Report and agrees with the contents of those reports; and

**WHEREAS**, the Board of Trustees deems it in the best interest of the citizens of the Village of Deposit to accept and adopt the Dadras Report and the Needs Assessment Report and to incorporate the Reports in the development of the updated comprehensive plan for the Village; and

**WHEREAS**, the Board of Trustees has reviewed a short-form Environmental Assessment Form (EAF) and has determined that the acceptance and adoption of the Dadras Report and the Needs Assessment Report is an unlisted action for the purposes of the New York State Environmental Quality Review Act (SEQR) and that the action will not result in any adverse impacts to the environment;

**NOW, THEREFORE**, this 22<sup>nd</sup> day of April, 2008, **BE IT RESOLVED** by the Village Board of Trustees of the Village of Deposit, Broome and Delaware Counties, New York, as follows:

**RESOLVED**, that the Village Board of Trustees accepts and adopts the contents of the Dadras Report and the Needs Assessment Report and agrees to incorporate the Reports in the development of the Village's updated comprehensive plan; and

**IT IS FURTHER RESOLVED**, that the Board of Trustees hereby issues a negative declaration pursuant to SEQR for this action.

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

Trustee O'Connell	Voting <u>Nay</u>
Trustee O'Connor	Voting <u>Aye</u>
Trustee Solliceto	Voting <u>Nay</u>
Trustee Warner	Voting <u>Aye</u>
Mayor Smith	Voting <u>Aye</u>

The resolution was thereupon declared duly adopted.

## GUESTS

Guest Stacey Axtell-Whiting asked how long a building permit was good for. CEO Conklin stated 3 years. Ms. Axtell-Whiting also asked if fencing was required around swimming pools, and Mr. Conklin stated that yes it was.

Ms. Axtell-Whiting also asked about speeding in the Village in the early hours of the morning. Chief Cantwell stated that he had officers coming in earlier to handle this problem.

Mr. Hansen suggested that someone other than a board member take minutes at the meetings. Mr. Hansen asked if the board might approve hiring someone, the approximate cost would be \$198.00 per year.

### MOTION#82/08-09

Motion was made by Trustee O'Connor and seconded by Trustee Warner to enter into and out of Executive session. Motion passed unanimously.

### MOTION#83/08-09

#### **Resolution**

#### **Authorizing Defense of Action**

At a regular work session of the Village Board of Trustees of the Village of Deposit, Broome and Delaware Counties, New York, held at the Deposit Theater on the 22<sup>nd</sup> day of April, 2008, the following resolution was offered by Trustee O'Connor, who moved for its adoption, seconded by Trustee Warner,

**WHEREAS**, the Village was served with a Notice of Claim by Larry A. Schaefer, Exit 84, LLC and Schaefer Enterprises of Deposit, Inc. on or about April 3, 2008; and

**WHEREAS**, a copy of the Notice of Claim was referred to the Village's insurance carrier, which has declined coverage of the action;

**WHEREAS**, the Board of Trustees deems it necessary to provide for legal defense of the action;

**NOW, THEREFORE**, this 22<sup>nd</sup> day of April, 2008, **BE IT RESOLVED** by the Village Board of Trustees of the Village of Deposit, Broome and Delaware Counties, New York, as follows:

**RESOLVED**, that the Village general counsel, Coughlin & Gerhart, LLP, is hereby authorized to handle the legal defense of this action.

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

Trustee O'Connell	Voting <u>Nay</u>
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Trustee O'Connor	Voting <u>Aye</u>
Trustee Sollecito	Voting <u>Nay</u>
Trustee Warner	Voting <u>Aye</u>
Mayor Smith	Voting <u>Aye</u>

The resolution was thereupon declared duly adopted.

MOTION#84/08-09

Motion was made by Trustee O'Connor and seconded by Trustee Warner to hire Lydia Krembs at \$8.00/hr, Jordan Hathaway \$8.50/hr, Brian Card at \$8.00/hr and Brandy Warner at \$8.00/hr, as lifeguards. Motion passed unanimously.

MOTION#85/08-09

Motion was made by Trustee O'Connor and seconded by Trustee Warner to accept the change order #3 from Stearns & Wheler for an automatic bagger attachment for the spiral screening unit, in the amount of \$2,737.00. Motion passed unanimously.

Mayor Smith adjourned the meeting at 8:45 PM