

THE REGULAR WORK SESSION OF THE VILLAGE OF DEPOSIT BOARD OF TRUSTEES WAS HELD AT THE VILLAGE HALL ON JULY 26, 2005.

Present: Mayor Smith, Trustees Edwards, Nolan, O'Connor and Axtell, Clerk Treasurer Decker, Karen Leonard, PWA Brad Hubbard, Chief Roberts, Julie Sweet, Jim Conklin and Debbie Stever.

Mayor Smith opened the meeting at 7:08 PM.

CODE ENFORCEMENT

Code Enforcement Officer, Barry Conklin, spoke to the board on various topics. Mr. Conklin stated that for snow violations, no notice was necessary. Trustee O'Connor asked how the procedure worked. Mr. Conklin stated that he checked after the storms and then issued violations, then he went and checked 24 hours later and gave Brad a list of those properties that needed to be shoveled. Mr. Conklin then proceeded to explain the open burning law. Campfires are allowed by the state. The board asked Mr. Conklin about the ability to inspect apartments before they are rented again. Barry stated that there is legal precedent that says we cannot do this. The Village of Freeport, was sued for unreasonable searches. Mr. Conklin feels that a lock down law would be better. Discussion followed about the zoning map. Trustee Axtell asked about zoning book changes, CT Decker stated that we were waiting on some changes to be made. Mr. Conklin stated that the railroad had no designation on the map. He would like to see it commercial highway. Trustee Axtell stated that we should get Dawn Mauro and Tony Smith to look at the map and finish it.

MOTION

Trustee Nolan made a motion to accept the Code Enforcement Officer's report, Trustee O'Connor seconded. Motion passed unanimously.

Julie Sweet spoke to the board about the resolutions needed to hire Dadras, for downtown revitalization study.

MOTION

Village of Deposit, New York  
Board of Trustees Resolution

**A Resolution Authorizing the Village to Enter into an Agreement with Dadras Architects to Develop a Downtown Revitalization Plan**

**July 26, 2005**

Whereas the Village of Deposit has received a grant of \$25,000 from the New York State Governor's Office for Small Cities Community Development Block Grant Technical Assistance Program for the purposes of preparing a Downtown Revitalization Plan; and

Whereas the Village issued a Request for Proposals and received three proposals; and

Whereas the Project Advisory Committee established by the Village of Deposit Board of Trustees reviewed all proposals and interviewed each candidate consultant; and

Whereas the Project Advisory Committee has recommended that the Village hire Dadras Architects, 231 West 29<sup>th</sup> Street, New York, NY 10001;

Therefore, the Village of Deposit Board of Trustees authorizes an agreement with Dadras Architects in an amount not to exceed \$25,000 for the provision of professional consulting services to prepare the Downtown Revitalization Plan. Further, the Village Board authorizes Mayor Willis Smith to sign all appropriate contract documents.

Motion was made by John O'Connor and seconded by Trustee Axtell, to hire Dadras. Motion passed unanimously.

#### MOTION

Village of Deposit, New York  
Board of Trustees Resolution

#### **A Resolution Certifying the Village of Deposit's Commitment to the Continued Operation and Maintenance of its Wastewater Treatment Facility Following Completion of Pending Upgrades**

**July 26, 2005**

Whereas the Village of Deposit has applied for funding from several state and federal agencies, including the Appalachian Regional Commission (ARC), for funds to be used for upgrades to its wastewater treatment facility; and

Whereas said funding agencies require certification by the Village that it is committed to the continued operation and maintenance of the facility upon completion of the upgrades using such funding;

Therefore, the Village of Deposit Board of Trustees hereby certifies that it is committed to the on-going operation and maintenance of its wastewater treatment plant following the completion of the scheduled upgrades using ARC and any other funding sources.

Motion was made by Trustee Nolan to accept commitment resolution, Trustee O'Connor seconded. Motion passed unanimously.

#### OLD BUSINESS

#### STREETS

Brad stated that he was getting estimates on two hydrants, one for in front of the Panda restaurant and one by the A-Z store. Vern is helping to get estimates.

### SEWER

Mr. Hubbard stated that the Village officially took over Oquaga Lake Sewer Treatment plant on July 1. Brad explained that things are going well, although a lot of the time up there is overtime, because there is too much going on in the Village, to spare regular time. The guys have weeded the drying beds, painted floors, and general maintenance. Mr. Hubbard stated that he is taking one cell offline per week so it can be weeded. Mr. Hubbard stated that this Friday July 29<sup>th</sup>, is open house, and told the board they would be welcome to visit the plant. Brad is having Hartz' work up a service agreement for the Oquaga plant. Many things have been left undone and he would like to have a maintenance plan with Hartz', as a preventative measure. Mr. Hubbard stated that he was going to write a letter to the Oquaga Lake residents, who have not had their septic tanks pumped with in the last five years, so that they can schedule to have this done.

### FD

Mayor Smith stated that we have received a proposal from Shumaker to tear down the assembly hall and for asbestos removal. Mr. Smith stated that they should look this over and then call an oversight committee meeting to discuss the issue.

### EMS

Trustee Nolan recommended that the bid go out again for the ambulance. After investigation, International Marketing, is only interested in making sure that other bidders use their product. We have had zero bids, with one bidder calling the day after the deadline, asking if theirs would be accepted. Mr. Nolan stated that he had gone online to obtain some sources, he didn't think that was his job but however he would do it. Trustee O'Connor stated that even though it was not David's job, he was glad he was doing it. Trustees express concern that maybe we weren't getting enough spec out or possibly 3 weeks was not enough time to leave out to bid. Mayor Smith stated that time was not an issue and that we should go slowly with this and have further discussions with the EMS Captain.

### PD

Chief Roberts stated that Kurt Palmer expressed an interest in coming back part-time. Mr. Robert's stated that there has been a landmark change in implementation in the Civil service list for promotions. It seems to indicate that a municipality is not bound strictly to the list or certainly not to the top person on the list. We may have some flexibility to choose from within the ranks. It was suggested that we speak to Cathy Schaeewe on the matter.

Trustee O'Connor asked if there was room to park the jeep down to the sewer plant? Mr. Hubbard stated the both bays in the garage were already being used, and that there wouldn't be any room in the garage either.

### NEW BUSINESS

## STREETS

### MOTION 05/06

Trustee O'Connor made a motion to accept the following resolution, Trustee Nolan seconded. Motion passed unanimously.

**A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$45,000 OF  
SERIAL BONDS FOR THE PURCHASE OF A 2006 FORD F550 FOR USE BY THE  
HIGHWAY DEPARTMENT OF THE VILLAGE OF DEPOSIT FOR STREET  
MAINTANCE AND SNOW PLOWING**

WHEREAS, this board, by resolution, has authorized the purchase of a 2006 Ford F550 for use by the Highway Department of the Village of Deposit (the "Item") for street maintenance and snow plowing;

NOW, THEREFORE, BE IT RESOLVED by the Village Board of Trustees of the Village of Deposit (the "Village"), Broome and Delaware Counties, New York, as follows:

Section 1. For the object or purpose of purchasing said item, and to provide funds to defray the cost thereof, Forty-five Thousand, Five Hundred Dollars of the General Obligation Serial Bonds of the Village, shall be issued pursuant to the provisions of New York Local Finance Law.

Section 2. Forty-five Thousand, Five Hundred Dollars is estimated as the maximum cost of said Item.

Section 3. The plan or the financing of the purchase of said Item consists of the issuance of General Obligation Serial Bonds of the Village in the principal sum of Forty-five Thousand, Five Hundred Dollars, to be issued pursuant to Local Finance Law.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid object or purpose is 15 years, pursuant to subdivision 28 of paragraph a of section 11.00 of Local Finance Law. It is further determined that the maximum maturity of the Serial Bonds herein authorized will not exceed 15 years.

Section 5. The faith and credit of said Village are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same, respectively, become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due any payable in such year. There shall annually be levied on all the taxable real property in said Village a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6: Subject to the provisions of Local Finance Law, the power to authorize the issuance of and to sell Bond Anticipation Notes in anticipation of the issuance and sale of the Serial Bonds herein authorized, including renewals of such notes, is hereby delegated to the President of the Village Board of Trustees, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner as may be prescribed by said President of the Village board of Trustees, consistent with the provisions of Local Finance Law.

Section 7: The validity of such bonds may be contested only if:

- a. Such bonds are authorized for an object or purpose for which said village is not authorized to expend money, or
- b. The provisions of law, which should be complied with at the date of publication of this resolution, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication, or
- c. Such bonds are authorized in violation of the provisions of the Constitution.

Section 8: This resolution shall take effect immediately.

#### MOTION

Mr. Hubbard explained to the board, the need to have the 24" bucket on the backhoe. Brad has two quotes, one from New Holland for \$1230, and the other from Tracey Rhode for \$890. Trustee Edwards made a motion to purchase the lowest priced bucket, Trustee O'Connor seconded. Motion passed unanimously.

#### WATER

PWA Hubbard stated that he would like to purchase a new chlorine pump, as a spare. The two quotes were Jones for \$766 and the other was JEM Enterprise for \$750. Motion was made by Trustee Edwards to purchase the pump from JEM, Trustee Axtell seconded. Motion carried unanimously.

#### SEWER

#### MOTION

Brad spoke to the board about the two quotes he has received for optic line inspection in manhole 2 and 3. Mr. Hubbard stated there is a significant difference in flow and that he knows we have a good size leak. PWA Hubbard has two quotes, one from DrainBrain for \$3,150, and the other is from Shamrock for \$3,200. PWA Hubbard asked Bruce Munn his opinion of the two, and Bruce liked Shamrock the best. Motion was made by Trustee Axtell and seconded by Trustee Edwards, to hire Shamrock. Motion passed unanimously.

PWA Hubbard stated that wellhouse # 1 is up and running, and that the pump from wellhouse #2 has gone to KJ Electronics to have the motor fixed.

PRESIDENT

RESOLUTION 2005

RESOLUTION AUTHORIZING THE PRESIDENT OF THE DEPOSIT VILLAGE BOARD OF TRUSTEES TO EXECUTE A LANDLORD ESTOPPEL CERTIFICATE AND CONSENT TO ASSIGNMENT OF LEASE RELATIVE TO THE CELL TOWER LOCATED ON VILLAGE STREET, WHICH IS BEING ASSIGNED TO OPTASITE, INC.

WHEREAS, Nextel WIP Lease Corp., d/b/a Nextel Partners (hereinafter, "Nextel"), entered into an Option and Ground Lease Agreement with the Village of Deposit on April 25, 2003 to place a cell tower on Village-owned property located on Village Street;

WHEREAS, Nextel assigned its rights in said Option and Ground Lease Agreement to Independent Towers, LLC by Assignment of Lease Agreement dated December 28, 2004;

WHEREAS, Independent Towers, LLC seeks to assign its rights pursuant to said Assignment of Lease Agreement to optasite, Inc. (hereinafter "Optasite");

WHEREAS, Optasite has requested that the Village execute a Landlord Estoppel Certificate and Consent to Assignment of Lease;

NOW, THEREFORE, BE IT RESOLVED, THAT THE Village Board of Trustees of the Village of Deposit hereby authorizes the President of the Village Board of Trustees to execute the Landlord Estoppel Certificate and Consent to Assignment of lease referenced herein, subject to review and approval by the Village Attorney.

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

Ayes\_\_\_\_\_ Nays\_\_\_\_\_

Trustee David Nolan voting	<u>Aye</u>
Trustee Fred Edwards voting	<u>Aye</u>
Trustee John O'Connor voting	<u>Aye</u>
Trustee Stacey Axtell voting	<u>Aye</u>
President Willis Smith voting	<u>Aye</u>

Dated: July 26, 2005

#### MOTION

Trustee O'Connor made a motion to have a public hearing on the Lockdown Law, on August 23, 2005. Trustee Nolan seconded, motion passed unanimously.

#### MOTION

Trustee Nolan made a motion to allow the Ice Cream Run people to use the Village property at 147 Front Street for the weekend of 7/30 & 31. Trustee Edwards seconded, motion passed unanimously.

#### MOTION

Mayor Smith asked the board to accept Acting Justice Proffitt's resignation effective July 31, 2005. Trustee Nolan made a motion to accept, with regret, Trustee O'Connor seconded. Motion passed unanimously.

Mayor Smith told the board that the office of Cliff Crouch has secured \$2,000 for the community summer pool program.

#### FINANCE

CT Decker asked the board what they wanted to do with Norfolk Southern's offer of a lump sum payment. It was decided that the board would not accept the offer, but thanks would be sent to Norfolk Southern.

#### MOTION

Trustee Nolan made a motion to donate the bleachers, given to us by Deposit Central School, to the Deposit Midget League. Trustee Edwards seconded, motion passed unanimously.

CT Decker presented the board with a request from the purchaser of 42 Elm Street to remove the relevy of \$11,377. It was decided to not remove the relevy.

CT Decker discussed with the board Fire Department budgets. Trustee Nolan asked about the procedure. Trustee Nolan mentioned that he didn't feel it was appropriate to

charge the taxpayer for \$1500 worth of inspection dinners; he felt it more appropriate to come out of FD Inc. It was decided that the budget should be reviewed, then a meeting should be scheduled with the oversight committee. This should all be taken care of by September 1, 2005.

President Smith just wanted to inform the board of some things he found out about the community pool. Nancy Zacharias stated that the school owned the pool. Mr. Smith asked how much was in the Marsite account. This needs to be redone every 10 years. Mr. Smith suggested a letter to each of the municipalities to see if they put aside any money for this account. Ms. Thomas reported to Mr. Smith that they had a surprise inspection from the Department of Health. The inspector stated that the port-a-potties were not acceptable and that access to showers must be made. Also, there were cracks in the concrete and the diving board should be fixed. Mr. Pritts wanted to know if the Village would take over the pool. Much discussion ensued and it was felt that the school should take over the pool with possibly a contribution from the Village.

Trustee O'Connor made a motion to enter into and out of Executive Session, Trustee Edwards seconded. Motion passed unanimously.