

REGULAR SESSION OF THE VILLAGE BOARD OF TRUSTEES HELD ON AUGUST 14, 2012 AT 7:00 P.M. AT THE DEPOSIT THEATER

PRESENT: Mayor John O'Connor, Trustees O'Connell, Strauss and Hathaway, C/T Decker, DCT Budine, Debbie Stever, Helen Cox, Melissa Bishop, Sarah Stanco, Wilber Dennis, Eddie Joe Pavlov, Ann Schambach, Mary O'Connell, Lucy and Paul Lantz, Nancy Stanton, Fire Chief Rynearson

ABSENT: EMS Captain Couse, Trustee Mott and Chief Cantwell

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

MOTION#135/12-13

A motion was made by Trustee O'Connell seconded by Trustee Hathaway to approve for filing the July Code Enforcement Report as submitted. The motion carried unanimously.

MOTION#136/12-13

A motion was made by Trustee Hathaway seconded by Trustee Strauss to waive the reading of the July 10, 2012 Regular Session minutes. The motion carried unanimously.

MOTION#137/12-13

A motion was made by Trustee O'Connell seconded by Trustee Hathaway to accept for filing the July 10, 2012 Regular Session minutes. The motion carried unanimously.

MOTION#138/12-13

A motion was made by Trustee Hathaway seconded by Trustee O'Connell to accept for filing the monthly report from the Police Dept. The motion carried unanimously.

MOTION#139/12-13

A motion was made by Trustee Strauss seconded by Trustee O'Connell to accept for filing the monthly report from the EMS Captain. The motion carried unanimously.

MOTION#140/12-13

A motion was made by Trustee Hathaway seconded by Trustee Strauss to accept for filing the monthly Treasurer's report. The motion carried unanimously.

MOTION#141/12-13

A motion was made by Trustee Hathaway seconded by Trustee Strauss to accept for filing the monthly court report. The motion carried unanimously.

There was no monthly Fire dept report.

### OLD BUSINESS

#### STREETS

Superintendent Hubbard stated that the crew had been working on putting in all new water meters, a water main on Wheeler and one on Second St had been repaired, a shut off at 46 Second St. had been repaired. He stated all paving was done on Leonard Way, Upper Court St. and Fourth St. NY Leak Detector was in and found eight water leaks that need to be repaired. The Village hasn't had NY Leak Detector in three years.

It was time. Hubbard stated he is meeting with Gene Hulbert of Hulbert Engineering on Monday August 20<sup>th</sup> at 1 p.m. to go over the Wheeler St. project.

WATER

No old business

SEWER

No old business

BUILDINGS

No old business

FIRE DEPARTMENT

No old business

EMS

No old business

POLICE DEPARTMENT

No old business

PRESIDENT

No old business

TRUSTEES

No old business

FINANACE

No old business

NEW BUSINESS

STREETS

MOTION#142/12-13

A motion was made by Trustee Hathaway seconded by Trustee O'Connell to close Front St. from the Big M to NBT Parking lot for the Octoberfest on October 7, 2012 from 7 a.m. until 6 PM, with a beer tent across from the theater - pending hold harmless and insurance verification if on Village property. The motion carried unanimously.

WATER

No new business

SEWER

No new business

BUILDINGS

FIRE DEPARTMENT

MOTION#143/12-13

A motion was made by Trustee Strauss seconded by Trustee O'Connell for the Wrestling Club to have a chicken BBQ on Sept 22, 2012 between 8 a.m. and 4 p.m. at the dead end of Second St. by the NYSEG building pending hold harmless and

insurance verification and that the turn-around is not blocked. The motion carried unanimously.

EMS

No new business

POLICE DEPARTMENT

No new business

PRESIDENT

President O'Connor addressed Melissa Bishop of the Deposit Partners – he stated that the task of looking into Rotary Park is rescinded for this season. He would rather have the marketing committee look into the RR property (?) from Little Italy to the Broome County drainage for a possible lease for parking from the RR or the County – whoever may actually own this property.

President O'Connor stated that the Village received a nice thank you letter from the Lumberjack Committee for the Village's participation.

MOTION#144/12-13

A motion was made by Trustee O'Connell seconded by Trustee Hathaway to schedule a public hearing on Local Law #3 of 2012 entitled Parking Fines on September 11<sup>th</sup>, 2012 Regular Session at 7:00 p.m. The motion carried unanimously.

**BOND RESOLUTION OF THE VILLAGE OF DEPOSIT, NEW YORK, ADOPTED AUGUST 13, 2012, APPROPRIATING \$72,500 FOR THE PURCHASE OF A 2012 CATERPILLAR 914G2 WHEEL LOADER FOR THE DEPARTMENT OF PUBLIC WORKS AND AUTHORIZING THE ISSUANCE OF \$72,500 SERIAL BONDS TO FINANCE THE APPROPRIATION**

WHEREAS, the Village Board of Trustees of the Village of Deposit has heretofore determined that the objects or purposes authorized pursuant to this resolution constitutes a Type II Action pursuant to Section 617.5(c)(2) of the State Environmental Quality Review Act and, therefore, no further environmental review is necessary.

NOW, THEREFORE, THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPOSIT, IN THE COUNTIES OF BROOME AND DELAWARE, NEW YORK, HEREBY RESOLVES (by favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Village of Deposit, in the Counties of Broome and Delaware, New York (herein called "Village"), is hereby authorized to purchase a 2012 Caterpillar 914G2 Wheel Loader for the Department of Public Works. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$95,000 and said amount is hereby appropriated therefore. The plan of

financing includes the trade-in of a 2000 Caterpillar 914G Loader with a trade-in value of \$22,500 and the issuance of serial bonds not exceeding \$72,500 to finance the balance of the 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, which shall be deemed to include Statutory Installment Bonds pursuant to Section 61.10 of the Law, of the Village in the principal amount of \$72,500 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 "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

- (a) The period of probable usefulness applicable to the specific object or purpose for which serial bonds are authorized to be issued, within the limitations of Section 11.00 a.1 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. 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 not exceed five (5) years and the bonds will not be callable prior to maturity.

(d)

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 provision of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance 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 of section 50.00, Section 56.00 to 60.00 and Section 62.10 of the Law, the powers and duties of the Village Board of Trustees relative to authorizing bond anticipation notes, statutory installment bonds, 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 renewal of said bond anticipation notes, 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 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 resolution shall take effect immediately and the Village Clerk/Treasurer is hereby authorized and directed to publish the foregoing bond resolution, in summary, in "DEPOSIT COURIER," a newspaper having a general circulation in said Village, which newspaper is hereby designated as the official newspaper of the Village for such publication, together with the Village Clerk/Treasurer's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

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

Mayor John J. O'Connor voting	aye
Trustee Hathaway voting	aye
Trustee Mott voting	nay
Trustee O'Connell voting	aye

Trustee Strauss voting aye

The Resolution was declared adopted.

President O'Connor informed the board that the Village was going to participate in the Broome County comprehensive plan questionnaire.

### TRUSTEES

Trustee Strauss said if we were not going to pursue anything at Rotary Park this year we should have the electric shut off. All agreed.

### FINANCE

#### MOTION#145/12-13

A motion was made by Trustee Strauss seconded by Trustee O'Connell to pay Shumaker Engineers \$25,900 for the work performed to date on the LWRP Grant. C/T Decker will then submit a pay request to the Dept of State for reimbursement. The motion carried unanimously.

#### MOTION#146/12-13

A motion was made by Trustee Strauss seconded by Trustee Hathaway to pay the Abstract of Audited Vouchers as follows:

General Fund:	\$ 86,178.05
Water Fund:	\$ 13,220.90
Sewer Fund:	\$107,768.18
T&A:	\$ 2,015.72

The motion carried unanimously.

Trustee Strauss asked that the Hahn contract be for five years rather than one thereby saving some money.

### GUESTS

Sarah Stanco spoke of having her house changed to two units for sewer billing rather than one – she states her house is one unit no one can live upstairs. Decker asked if the Code Officer had been to her house and she said yes but he was wrong her house is one unit. President O'Connor said he would have to talk to the Code Enforcement Officer.

Helen Cox asked the board if they would put fracking/anti fracking as a referendum at the next election. President O'Connor told Mrs. Cox that the Village had nothing to do with the fracking regulations for or against. O'Connor stated the two towns should do a referendum. Mrs. Cox then asked if there was going to be road regulations. O'Connor

informed her that yes there would be road regulations in place. He further stated that he and Hubbard had attended a meeting with the County on that subject. O'Connor further stated that he is most concerned with Fire and EMS volunteer services when and if fracking begins. We are not equipped to handle what may happen. We are a basic fire department and EMS squad.

Melissa Bishop stated she had sat in the Village court for both Broome and Delaware Counties. She stated KUDO's to the judge and his court clerk.

Wilber Dennis stated that he had a very high curb entering his driveway and he has broken a spring on his car. Could the Village do something about the high curb? Further if a catch basin was installed on the north end of the driveway this would prevent the puddle of ice in the winter. Dennis stated he had talked with Hubbard about this already.

#### MOTION#147/12-13

A motion was made by Trustee Strauss seconded by Trustee O'Connell to enter into and out of executive session to discuss specific personnel. The motion carried unanimously.

#### MOTION#148/12-13

A motion was made by Trustee Hathaway seconded by Trustee O'Connell to adjourn the meeting at 8:00 p.m. The motion carried unanimously.

Respectfully Submitted: