

WORK SESSION OF THE VILLAGE BOARD OF TRUSTEES HELD ON SEPTEMBER 28, 2010 AT 7:00 P.M. AT THE DEPOSIT THEATRE

PRESENT: President O'Connor, Trustees McKee, Sollecito and O'Connell, CT Decker, DCT Budine, Chief Cantwell, EMS Captain Couse, Assistant Fire Chief Rynearson, Jeffery Mauro, Howie Couse, Sharon Wright, Debbie Stever, Nancy Stanton, Paul and Lucy Lantz, WWTP Operator Wayne Raymond and CEO Barry Conklin

ABSENT: Trustee Warner and PWA Hubbard

There was a Court Audit performed by the Village Board at 6:00 p.m. in the Village Court Room as required by the Unified Court System. The result of that audit is available at the Village Clerks office for review. The following motion was made:

MOTION#167/10-11

A motion was made by Trustee McKee seconded by Trustee O'Connell to authorize the Court Audit be forwarded to the Office of Court Administration. The motion carried unanimously.

A six month budget review began immediately following the Court Audit at Village Hall. Water and Sewer six month status was completed and the General fund review was tabled at the Transportation portion of the budget – to be completed at the next board meeting.

President O'Connor opened the meeting at 7:05 p.m.

PUBLIC HEARING  
UNSAFE BUILDING VILLAGE CODE CXHAPTER 123  
7:05 P.M.

President O'Connor opened the Public Hearing with an explanation of the Unsafe Building Local Law. The property of Kevin Gomez, Tax Map # 349.17-8-7.21, 20 Division St. has been deemed dangerous or unsafe to the public. Mr. Gomez was not present at this hearing. O'Connor turned the hearing over to CEO Conklin. Conklin stated that the foundation is rotting, the windows are broken and the building is leaning toward the next property, the upstairs had been broken into, the outside stairway is pulling away from the building. He also stated that he has had no response to communication with the owner since June 2010.

O'Connor opened the PH to the public. Sharon Wright asked Conklin if he had been inside the building and if not how could he base the building unsafe when he had not been inside? Conklin replied that he had not been inside the building and made his determination from observation on the outside of the building. Wright asked if he thought the flood of 2006 had anything to do with the condition of the building? Conklin replied that of course the flood had impacted the building. Wright also asked if the construction of 16 Division St. had any influence on the determination of 20 Division St. Conklin said one had nothing to do with the other. Wright explained to the board that Mr. Merich had made a comment to her that when the "green" house on River St. is gone he will have a clear view to the river. Wright wanted to know if this was the beginning of homes that were flood damaged being condemned with Village's unsafe building law. Conklin stated that if her home on River St. ever becomes in the same disrepair as 20 Division street than yes – otherwise no – her house was not a target for unsafe building. Wright then asked about a house on River St. that was abandoned that the CEO should look at. President O'Connor stated that the PH was for 20 Division St. – not other properties.

President O'Connor then asked for Board comments. There were none and the following resolution was adopted:

**RESOLUTION ORDERING REPAIR OR REMOVAL OF UNSAFE STRUCTURE**

WHEREAS, the Code Enforcement Officer of the Village of Deposit has filed his report in writing with the Board of Trustees of the Village of Deposit containing his findings and recommendations regarding a certain structure situate on premises on 20 Division Street, designated by Tax Map No. 349.17-8-7.21, in which report said Enforcement Officer states his opinion that said structure is unsafe and dangerous to the public and recommends its immediate securing or removal; and

WHEREAS, the Board of Trustees of the Village of Deposit after reviewing said report and after hearing said Code Enforcement Officer in regard thereto and after having duly deliberated upon the same, having determined that said report warrants the securing of said structure or its removal and having adopted a Notice of Unsafe Structure at its meeting on August 24, 2010; and

WHEREAS, a copy of the Notice of Unsafe Structure notice having been served upon Kevin Gomez, reputed owner(s) of this structure situate on premises at 20 Division Street, in accordance with Chapter 123 of the Village Code; and

WHEREAS, a public hearing having been duly advertised and held on September 28, 2010, at 7 p.m. at the State Theatre, 148 Front Street, Deposit, New York, in relation to such dangerous or unsafe structure, and the Code Enforcement Officer having presented his report to the Board and the reputed owner or his representative having failed to appear; and

WHEREAS, the Board, after due deliberation, having made the following findings of fact:

1. The structure at 20 Division Street is unsafe because its condition is so deteriorated that it could fall and injure members of the public.
2. The condition of the structure is so dilapidated that it is unsafe and dangerous to the health, safety and welfare of the people of the Village.

NOW, THEREFORE, BE IT RESOLVED THAT:

(1) The Board hereby determines the structure at 20 Division to be unsafe and dangerous to the health, safety and welfare of the people of the Village of Deposit, pursuant to Sections 123-2.B3, 123-2.B5, 123-2.B8 and 123-2.B10 of the Village Code; and

(2) The Board hereby orders Kevin Gomez, the reputed owner, to immediately repair and secure the unsafe structure OR demolish the unsafe structure and remove the demolition debris, in the following manner: Owner shall commence repairs or demolition of the unsafe structure by November 1, 2010 and complete repairs and securing of the unsafe structure or demolition and removal of demolition debris by January 3, 2011; and

(3) In the event the reputed owner fails to commence repairs or removal of the unsafe structure from the premises by November 1, 2010, or fails to complete said repairs or demolition by January 3, 2011 as directed above, then the Village Board hereby authorizes the immediate repair or removal of the unsafe structure by the Village or a contractor hired by the Village and the assessment of all costs and expenses of said repair or removal against the land on which the unsafe structure is located; and

(4) In the event it is necessary for the Village to complete the repair or demolition of the unsafe structure, the Village Attorney is hereby authorized to institute a special proceeding to collect the costs and expenses of repair or demolition, including legal expenses.

Trustee Sollecito

Aye

Trustee McKee	Aye
Trustee O'Connell	Aye
Trustee Warner	Nay
Mayor John O'Connor	Aye

Resolution adopted by vote of 4 to 1 on September 28, 2010.

Next, President O'Connor asked the Fire Department to give a demonstration of the new air packs that the FEMA grant purchased.

MOTION#168/10-11

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

CEO Conklin said he had talked with a flood insurance representative and wondered if our flood insurance was a community rating policy. C/T Decker said she would have to check.

OLD BUSINESS

WATER

MOTION#168/10-11

A motion was made by Trustee McKee seconded by Trustee O'Connell to approve the draft water agreement from the Village Attorney pending approval by DRBC with the changes Trustee McKee asked for. The motion carried unanimously. This water agreement is on file at the Village Hall if anyone is interested in looking at it.

SEWER

None

BUILDINGS

None

FIRE DEPARTMENT

Next Wayne Raymond informed the board that the fire retardant covering the insulation on the fire hall roof has cracked in spots. The company that installed the insulation has looked it over and recommended waiting another two weeks to see if it cracks any further. The roof is under warranty and repair plan is underway.

Also Mr. Raymond stated the leaf pick up will begin Tuesday October 5, 2010.

EMS

Captain Couse then informed the board that the new ambulance was at Royal Auto and they think the engine problem might be an injection problem. She further stated that the old ambulance had the siren quit and she purchased a used one and had Mike Chelsan install. Couse informed the board that there will be a flue shit clinic on November 9, 2010 and the most recent CPR class had 13 people attend.

POLICE DEPARTMENT

MOTION#169/10-11

A motion was made by Trustee O'Connell seconded by Trustee Sollecito to approve the police department purchase of a 2011 Impala from State Bid at a cost of \$25,853.85 to be paid from the police dept reserve (\$12,926.25) and a two year BAN for the remaining \$12,926.25. This includes the paint job and lights etc.

NEW BUSINESS

STREETS

Wayne Raymond informed the board that the DPW roof is almost complete.

WATER

None

SEWER

None

### BUILDINGS

None

### FIRE DEPARTMENT

None

### EMS

Captain Couse informed the board that EMS would be offering CPR classes on October 11 and October 14 at 6:30 p.m. at the Fire Hall.

### POLICE DEPARTMENT

None

### PRESIDENT

President O'Connor informed the public that the board had performed its required court audit this evening and all was in order.

O'Connor also notified everyone that it was the 55<sup>th</sup> Anniversary of the Lions Club and the public was invited to celebrate on October 23<sup>rd</sup> at the Masonic Hall.

#### MOTION#170/10-11

A motion was made by Trustee McKee to adopt the EMS 2010-2011 budget as submitted in the amount of \$85,594.00. The motion carried unanimously.

#### MOTION#171/10-11

A motion was made by Trustee McKee seconded by Trustee O'Connell to adopt the 2010-2011 Fire Dept budget as submitted in the amount of \$124,166.00. The motion carried unanimously.

O'Connor informed the public that the annual Christmas parade was on November 26, 2010 and also was the 25<sup>th</sup> anniversary of the parade. O'Connor urged organizations, churches, clubs, sports teams to participate.

O'Connor acknowledged a memo from Georganna Carson asking for assistance with the trees and benches on Front St. O'Connor suggested that Hubbard take a look at the benches and remove if he thought they were hazardous. Trustee O'Connell suggested that Pete VanSlyke trim the trees – he had expressed a desire to take care of the trees in the past.

### TRUSTEES

None

### FINANCE

#### MOTION#172/10-11

A motion was made by Trustee McKee seconded by Trustee Sollecito to authorize a block of 30 hours be purchased from Computer Emergency Room at a cost of \$2100. To be taken from fund balance as our budgeted block of time had been used. The motion carried unanimously.

#### MOTION#173/10-11

A motion was made to pay the WebMaster for the Village's new web site in the amount of \$400 to be taken from fund balance. The motion carried unanimously.

#### MOTION#174/10-11

A motion was made by Trustee Sollecito seconded by Trustee O'Connell to schedule a PH for Local Law #5 for a \$50.00 public works administration fee for Tuesday October 12<sup>th</sup> at 7:00 p.m. The motion carried unanimously.

MOTION#175/10-11

A motion was made by Trustee McKee seconded by Trustee O'Connell to schedule a PH for Local Law #6 for amending traffic regulations for speed limits in the Village on October 12 at 7:15 p.m. The motion carried unanimously.

MOTION#176/10-11

A motion was made by Trustee O'Connell seconded by Trustee Sollecito to schedule a PH on Local Law #7 on changing site plan requirements for October 26, at 7:00 p.m. The motion carried unanimously.

MOTION#177/10-11

A motion was made by Trustee McKee seconded by Trustee Sollecito to authorize the Mayor's signature on the third and final pay request from Procon in the amount of \$191,866.58. The motion carried unanimously.

MOTION#178/10-11

A motion was made by Trustee Sollecito seconded by Trustee O'Connell to authorize \$4627.00 to be moved from the Fire Dept reserve to the General Fund to cover the 5% match required by the Village for the FEAM SCBA grant. The motion carried unanimously.

MOTION#179/10-11

A motion was made by Trustee O'Connell to enter into and out of executive session to discuss specific personnel, pending litigation and property transfers. The motion carried unanimously.

MOTION#180/10-11

A motion was made by Trustee Sollecito seconded by Trustee O'Connell to grant the request of WWTP Operator Wayne Raymond to move to Sherman Pa. His move to PA does not affect Mr. Raymond's NYS DEC License nor his NYSDOH Water license. Further, Mr. Raymond will resign from any elected position in the Fire Dept in keeping with the NYS Law. The motion carried unanimously.

The meeting was adjourned at 8:40 p.m.